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Majority Policy Chairman



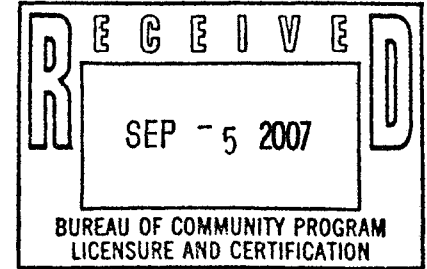
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Senate of Pennsylvania

August 29, 2007

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BUREAU OF COMMUNITY PROGRAM
LICENSURE AND CERTIFICATION

Ms. Janice Staloski
Bureau of Community Program Licensure & Certification
132 Kline Plaza, Suite A
Harrisburg, PA 17104-1579



Dear Ms. Staloski:

I appreciate the opportunity to comment on the proposed Home Care Agencies and Home Care Registries regulations. Passage of Act 69 along with these proposed regulations will provide for uniform standards of operating both the home care agencies and registries that care for our vulnerable populations.

While overall I am pleased with these proposed regulations, there are a few issues that I feel may require additional clarification.

Each home care agency and registry must apply for licensure with the Department of Health and pay a \$100 annual licensing fee. While \$100 may seem like a reasonable fee, it could quickly turn into a large sum of money depending on a company's circumstances. For instance, if a company served as both an agency and a registry and also had a satellite office in a neighboring town, the company would be required to pay \$400 yearly to license both offices as agencies and registries. This amount would continue to escalate if a satellite office would relocate to another site. In order to relieve this potentially burdensome fee schedule especially for our small rural communities, perhaps a more standardized fee schedule could be implemented.

Unfortunately, there may be instances where an agency or registry is considered deficient during an inspection. Certainly, the agency or registry must be held to an appropriate standard, be accountable for their actions or inactions and be subject to consequences. As a detailed deficiency and penalty list is not included in the regulations, I am concerned about how civil monetary penalties will be applied. Obviously, instances of gross negligence should be subject to the maximum penalties, but the regulations to not distinguish the difference between a missing document in a personnel file and fraud, neglect and mistreatment of consumers. I believe there should be a clearer delineation of these penalties.

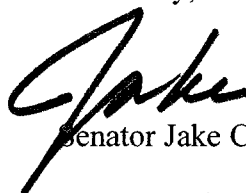
Further, as these regulations will place additional documentation requirements on the agencies, registries and their employees, I ask that ample time for compliance is given to these entities. I certainly believe these provisions are necessary, but do not want to penalize long standing agencies that are making their best efforts toward compliance. If the agency can show that they are making a substantive effort to obtain the necessary health screenings, background checks, etc., they should not be penalized should any of this paperwork be delayed based on an outside administrative agency.

Page 2
August 29, 2007

In order to assist these agencies in meeting the compliance requirements, it would be helpful if the department could further address the following points. In meeting the health evaluation component, the regulations do not specify the meaning of "screenings" for communicable diseases. It is not clear if the department would require extensive laboratory tests or simply a physician's note stating that a physical exam was performed. In addition, for an employee or contractor to meet the training requirements, they must, at a minimum, take a competency exam. While the regulations require department approval of the test and list items detailing competency, it is not clear if there will be a statewide test, how it will be graded or if it can be administered in a timely fashion so that new employees or contractors may begin employment. Further clarification of these points would be extremely helpful for the entities seeking licensure.

Overall, I believe these regulations provide the uniform standards that both clients and their families would expect from the home care agencies, registries and providers that will be caring for clients. I hope that further improvements can be made as we work through the regulatory process.

Sincerely,



Senator Jake Corman

JDC/jh

CC: Senator Erickson, Chairman, Senate Public Health and Welfare Committee