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2623



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMAN,
AGING AND OLDER ADULT SERVICES

COMMITTEES

HEALTH AND HUMAN SERVICES
CHILDREN AND YOUTH
DEMOCRATIC POLICY
MEMBER, SPEAKER'S COMMISSION
ON LEGISLATIVE REFORM
RULES

September 14, 2007

Janice Staloski, Director
Bureau of Community Program Licensure and Certification
Pennsylvania Department of Health
132 Kline Plaza, Suite A
Harrisburg, PA 17104-1579

Dear Ms. Staloski:

Enclosed are public comments on the proposed home care regulations (No. 10-184) that Representative Mauree Gingrich would like submitted on behalf of her constituents.

I respectfully request that you consider these remarks as you begin the process of drafting final-form regulations.

Thank you for your attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Mundy".

Rep. Phyllis Mundy, Chairman
House Aging & Older Adult Services Committee

Enclosures

cc: Representative Mauree Gingrich
Arthur Coccodrilli, Chairman, Independent Regulatory Review Commission
Karin Simpson, Senior counsel, Department of Health

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From: "Orla Nugent" <orlanugentcc@hotmail.com>
To: <mgingric@pahousegop.com>
Date: 8/22/2007 6:47 PM
Subject: proposed home care agencies registration

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Mauree
great catching up with you also!

A few pointers:

re qualifications - I believe that just like the A/L regulations direct care workers in home care should be required to have their GED or CNA.

re training: - While these regulations will "outline 16 specific subject areas....." no where does it mention the specific hours of training that must be accomplished. In A/L our direct care workers do 40hrs orientation and have 12 hours required training per year.

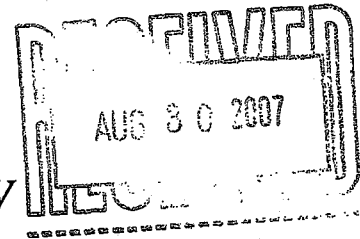
I do not see the training or qualifications required for the owners/directors of these home health agencies - this is very important

Any questions just call
Orla

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Just Like Family
Home Health Care Services



August 28, 2007

Mauree Gingrich
State Representative, 101st District
445 West Penn Avenue
Cleona Square Mall
Cleona, PA 17042

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REVIEW COMMISSION

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Dear Mauree:

I am writing to express my concern about the impact on Home Care Agencies with regard to 28 PA CODE CH. 611 Home Care Agencies and Home Care Regulations.

As a Home Care Agency that will now be affected by these regulations there are many concerns. Areas of concern are:

1. Section 611.4 – Definitions
Please clarify the definition of “Specialized Care”
2. Section 611.18 – Change in Ownership or management
Who qualifies as management, i.e.: HR Directors, Nurse Managers, etc.
3. Section 611.8 – Change in Ownership or management
We feel 30 days notice is not sufficient time to evaluate performance and feel 90 days would be more appropriate for an accurate assessment of their qualifications for their position.
4. Section 611.31 – Inspections
We recommend adding subsection (f) “on-site inspections may be scheduled in advance or unannounced.” Many home care agencies and registries operate out of their homes or small offices and the manager and/or owners are also caregivers that may be out of the office providing care to clients and are unable to be accessible to surveyors on short notice.
5. Section 611.51 – Hiring or rostering of direct care workers
Item #2 Obtain at least two satisfactory references for the individual.
What constitutes a satisfactory reference?
With legal concerns many employers have adopted policies to only confirm employment dates. How will this affect a “satisfactory reference?”

“Caring Professionals You Can Count On”

6. Section 611.55 – Training Requirements

This is where a lot of financial burden will affect the smaller agencies. We recommend that subsection (d) revert back to the prior draft version which only required subsection 1-9 to be part of any competency exam or training program.

We recommend that following subsection (9) “The training program and competency examinations, to be approved by the Department, also must include options for additional training or testing to ensure competency in the following subject areas.”

Employees performing only IADLs do not need training in these areas as they do not have hands on contact with consumers.

7. Section 611.56 – Health Evaluations

Another area of financial burden, this time to the employee is Health Screening Assessments.

Most health insurance carriers will only pay for one health screen per year. We recommend that employees be able to provide evidence of a screening assessment within (1) one year prior to the start date as was originally proposed.

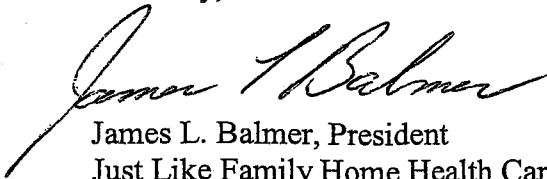
Also, we need clarification on ‘screened’ in reference to the additional communicable diseases or conditions listed as 1-5.

8. Section 611.57 – Consumer protections

- C. Prior to commencement of services could case a burden for the client. Many times consumers may be discharged on a Friday afternoon and need services that evening or weekend. What provisions will this regulation make for these instances to avoid putting the patient in jeopardy?

I wish to thank you in advance for your attention to these items that require in depth discussion before a final draft of the regulations is completed. As an owner/manager of an agency we want the best for our clients and our employees without causing financial burden. We understand the need for regulations and appreciate having had a voice in their preparation; however your attention to the above comments is extremely important when preparing the final draft.

Sincerely,



James L. Balmer, President
Just Like Family Home Health Care Services