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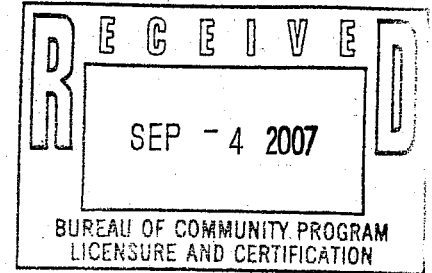


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August 28, 2007

Janice Staloski  
Director, Bureau of Community Program Licensure and Certification  
132 Kline Plaza, Suite A  
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INDEPENDENT REGULATORY  
REVIEW COMMISSION



RE: Suggestions In Regards To Pennsylvania Homecare Licensure

Dear Janice Staloski:

Home Instead Senior Care is an international franchised home care organization. Home Instead Senior Care, the nations largest provider of in-home care, currently has 31 independently owned and operated franchise offices providing services within the Commonwealth of Pennsylvania.

This letter is in regards to the PA Homecare Licensure Regulations. Included are suggestions that we have collectively prepared, in regards to licensure regulations.

#### **FULL DISCLOSURE OF RESPONSIBILITIES**

We strongly suggest that a disclosure statement acknowledging the responsibilities of a home care consumer and home care agency or registry be provided before starting services. It is also critical that the statement require the home care consumer's signature on the disclosure statement to acknowledge that the consumer has received, read and understood the notice, and that a copy of the signed disclosure be retained by the home care agency or home care registry.

The disclosure statement should include the following:

The employment status of the direct care worker, specifically, a description of the employment status, duties, responsibilities, and liabilities including:

Which party is responsible for paying the wages or salary of the direct care worker, paying federal social security taxes and state and federal unemployment contributions or taxes with respect to the direct care worker, and procuring worker's compensation or liability insurance covering injury to the direct care worker.

A declaration identifying which party is responsible for the day-to-day supervision of the direct care worker, assigning duties to the direct care worker, hiring, firing, and discipline of the direct care worker.

Which party is responsible and liable if a direct care worker is hurt on the job.

*\*Parts of the full disclosure and responsibilities provided above are taken from Act 197 which the State of Wisconsin passed in 2006. (<http://www.legis.state.wi.us/2005/data/acts/05Act197.pdf>)*

Each Home Instead Senior Care franchise office is independently owned and operated.

## **PROVISIONAL HIRE / CRIMINAL BACKGROUND CHECKS**

We believe that the current provisional hire time of 120 days provides tremendous risk to both a consumer and an agency or registry. We agree that provisional hiring is important to provide timely access to services for consumers, however 30 days is adequate time to complete a state check. If an applicant has not been a resident of the state of Pennsylvania for 2 years preceding the date of the application, an agency or registry should be required to submit a request for a letter of determination, to the department of aging, within 30 days of application.

We also believe that a child abuse clearance only be required for each direct care worker providing services for consumers under the age of 18.

## **FINANCIAL MANAGEMENT SERVICES GROUP / FISCAL AGENTS**

We believe that if a financial management services group or fiscal agent directly or indirectly refers, employs, manages, or trains any direct care worker then they would be a covered entity for licensure purposes.

## **COMMUNICABLE DISEASES**

We recommend that the communicable disease screening be a questionnaire that is completed by a qualified healthcare professional.

## **MANTOUX TESTING (TB)**

We agree that a 2 Step Mantoux test provides the best protection for the consumers that we serve. However, after an initial test each direct care worker should not be required to have a recurring annual test. Instead each direct care worker should be screened each year, along with other communicable diseases, to determine if a direct care worker has been exposed or has any signs of risk factors. If a direct care worker has been exposed or has any signs of risk factors, at that time another test should be required. We further feel that this would be consistent with the Federal Centers for Disease Control and Prevention guidelines.

## **TRAINING REQUIREMENTS**

We feel that all direct care workers that are referred by a registry or employed by an agency meet all training requirements within 30 days of their effective hire date.

We suggest the regulations be changed to include wording that specifically states that an agency or registry can administer a competency examination internally, while maintaining the required documentation that the direct care worker has successfully passed the competency exam.

## TRAINING REQUIREMENTS (CONT)

We also suggest the regulations be adjusted to reflect two levels of care and concomitantly two separate training / competency exams. The two levels of care and training / competency exams should include:

### Level 1 Activities - Companion / Homemaker

Recommended activities for Level 1 Direct Care Workers. Level 1 care should be provided by a Companion Caregiver or Homemaker.

This level does not require "hands on" services.

The Level 1 training & competency exam should relate to items 611.55 (d) 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16.

### Level 2 Activities - Personal Care Aide / Personal Care Attendant

Recommended activities for Level 2 Direct Care Workers. Level 2 should be provided by a Personal Care Aide / Personal Care Attendant with demonstrated competencies in all assigned duties or a Certified Nurse Aide, or Home Health Aide.

This level allows for "hands on" care of a client. All Level 1 activities can also be performed in Level 2.

The Level 2 training & competency exam should relate to items 611.55 (d) 10, 11, 13, 14.

*\*Parts of the training requirements provided above are taken from the National Private Duty Association's (NPDA) "Levels of Care Guidelines for Private Duty Agencies." (<http://www.privatedutyhomecare.org>)*

