

CELTIC HEALTHCARE

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DEPARTMENT OF HEALTH

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August 29, 2007

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

**RE: DEPARTMENT OF HEALTH PROPOSED REGULATION NO. 10-184
28 PA CODE CHAPTER 611
HOME CARE AGENCIES AND HOME CARE REGISTRIES**

Dear Ms. Staloski:

On behalf of Celtic Healthcare, Inc., I would like to submit the following comments on the Department of Health Proposed Regulation No. 10-184 amending the Health Care Facilities Act and providing for the licensure of home care agencies and home care registries.

I would first like to say that we applaud and support the Department in the development of these regulations and we appreciate the opportunity to provide feedback. We would like to offer the following comments for your consideration:

1. **Section 611.4 Definitions.**
 - a. In the definition for Home care agency what does the term "specialized care" mean? Would this apply to Geriatric Care Management services performed by registered nurses or medical social workers?
2. **Section 611.5. License required.**
 - a. Can an entity hold more than one license under its corporate name? Would each office need to pay the licensing fee?
 - b. Under home health an agency is allowed to have a central office and branch locations connected to that central office. Will this be allowed under the homecare agency/registry regulations?
 - c. How will the Dept determine geographic limits for each home care agency?
3. **Section 611.12 (d). Change in ownership or management.**
 - a. Must an agency notify the department within 30 days upon the hire of an individual or 30 days after their start date?
 - b. We recommend changing the notice to 90 days to allow for the employee to complete a probationary period with the employer.

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 Celtic Hospice & Palliative Care Services
 Celtic Charities
 Celtic Support Services
 Celtic Integrated Business System

4. **Section 611.15. Retention of records.**
 - a) If any electronic documentation is Internet based but accessible from the office computers is that considered "reasonable accessible" or "onsite"?
5. **Section 611.18 (a)(9). Reasons for sanctions.**
 - a. How does Medicare reimbursement apply to private duty home care agencies?
6. **Section 611.22 (a)(2). Hiring or rostering of direct care workers.**
 - a. What constitutes a satisfactory reference? Does it have to be a prior employer? Do dates of employment from a previous employer satisfy the requirement? What if someone has not had a previous employer? Do personal references i.e. family, friends suffice? For current employees that do not have references in their file can coworkers or other agency staff serve as references?
7. **Section 611.23. Criminal background checks.**
 - a. For workers with less than two (2) years as a Pennsylvania resident, are both the Federal criminal history record and Department of Aging letter of determination required, or does the latter include the Federal criminal history record?
8. **Section 611.25 (4). Provisional hiring.**
 - a. Subsection (4) should have the following statement added to the end of the sentence: "prior to assigning or referring a direct care worker to provide services to a consumer." Adding this language would allow agencies/registries to provisionally hire individuals and allow them to take training courses while provisionally hired. The current language prohibits provisionally hiring someone unless they have already received all the appropriate training.
9. **Section 611.26 (e). Training requirements.**
 - a. What constitutes "documentation of satisfactory completion of training requirements from one home health agency to another"? It may be difficult to obtain this information from a prior employer and competitor.
10. **Section 611.27 (a). Health evaluations.**
 - a. We recommend that employees be able to provide evidence of a screening assessment within one (1) year prior to the person's start date as was originally proposed.
 - b. What constitutes "screened" in reference to the additional communicable diseases or conditions listed as 1-5? Can a questionnaire be administered or can a registered nurse of the home care agency perform the assessment?
11. **Section 611.28. Consumer protections.**
 - a. Subsection (b) references that "no individual as a result of the individual's affiliation with a home care agency may assume power of attorney or guardianship over a consumer utilizing the services of that home care agency." Often times a Geriatric Care Manager is asked to become power of attorney for a client who has no one else. If these regulations apply to Geriatric Care Management services this may pose a hardship for clients in need of this service.
 - b. In subsection (c) it notes the information needed to be provided prior to the commencement of services. May an agency provide this information verbally over the phone to a consumer's legal representative or responsible family member while allowing for a 3-5 day span to submit all the information in a packet to the consumer's legal representative or responsible family member? Many times consumers may be discharged

on a Friday afternoon and need services that evening or weekend and/or family members may order the services over the phone and they are not available in person to receive a physical packet. Agencies would need time to mail individuals the appropriate information without putting the patient in jeopardy by not providing services.

In conclusion, we thank you for the opportunity to comment on Proposed Regulation No. 10-184 and look forward to further refinements as outlined in our comments above. If you have any questions regarding our comments, please contact me at (724) 625-4280 or email to baumgartelk@celtichealthcare.com.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kurt Baumgartel".

Kurt Baumgartel, MPT
Chief Operating Officer
Celtic Healthcare, Inc.

