



Central Penn Nursing Care, Inc.

September 6, 2007

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

RE: Final draft providing for the licensure of home care agencies and home registries.

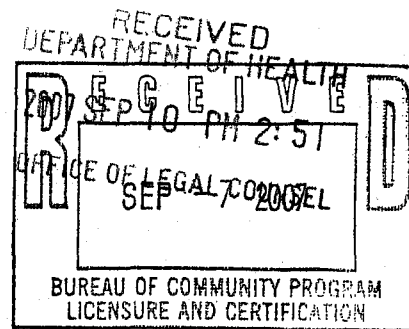
Dear Ms. Staloski,

Central Penn Nursing Care, Inc. is the largest independently owned home care agency in the Lancaster area and has almost 25 years experience in providing dependable, quality home care. As the owner of CPNC and a member of the Pennsylvania Home Care Association, I am naturally concerned about the impact of the proposed regulations not only on the business but also on the clients for whom we provide services.

There are three major areas that I would like to address.

- #611.53. Child Abuse Clearance** - I am totally supportive of the requirement that all direct care workers who come in contact with children have child abuse clearances. I do not agree that **every** applicant for employment and **all** office personnel should also have these clearances. Only a small number of our employees are involved with childcare. While these employees should definitely have a clearance, requiring **all** our employees - and the office personnel - to have them would put an enormous financial burden on the company.

Another issue is that our office cannot apply for the employee clearance. That application must come from the employee who completes a lengthy list of questions about past employment and places lived and send in the money to process the application. The results are sent to the employee. Central Penn reimburses the employee for the application once we receive the results. However, we have employees who simply cannot afford the initial cost of the application, and if CPNC pays for it, we have no assurance that we will ever receive the results. The amount of follow-up if all employees were required to have a child clearance would serve to make the procedure prohibitive. The end



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result would be that we would no longer accept childcare cases, which, of course, would impact those people who are in need of our services.

2. **#611.55. Training Requirements.** I agree that subsections 1-9 should be required to be a part of any competency exam or training program. However, we employ a great many individuals who come to us with the skills acquired in raising and attending to their own families. They meet a definite need for many of our clients, who wish to have companion and homemaker services, but these individuals are not certified nurse aides nor do they wish to be. Denying them employment because of a need to be trained in subsections 10 – 16 would eliminate many of our most caring and respected caregivers.

The final draft regulations on page 7 under "regulated entity" states that "establishing competency of a direct care worker through a competency examination ... might cost less than establishing competency through a training program." Under #611.55 ("Training requirements") the statement is made that the home care agency shall ensure that the direct care worker has "demonstrated competency" in accordance with subsection (b). Subsection (b) states that the direct care worker may "demonstrate competency by successfully completing a competency examination approved by the Department." My questions are:

What is the "competency examination" approved by the Department?

Can the competency examination be a written exam?

Is there a written competency examination approved by the Department?

Other areas of concern are:

3. **#611.11. License Required.** Central Penn Nursing Care, Inc. has two offices – a central office in Lancaster and a branch office in Elizabethtown. The managers of both offices are in Lancaster, payroll originates in Lancaster and office personnel files are located in Lancaster. I recommend that the statement, "Each physical location of the home care agency or home care registry must be separately licensed" be eliminated. The central office must be licensed and that should include all branch offices.
4. **#611.18. Change in ownership or management.** Central Penn Nursing Care, Inc. has several managers including nursing, payroll, scheduling and employee services. They are responsible for the day-to-day operations **within their own department** – not the entire agency. While I do understand the need to report a change in **ownership**, I do not understand the need to report a change in my **management staff**. I recommend that you eliminate the word "management".

Central Penn Nursing Care, Inc and all other agencies affected by this bill are not **facilities**. We are home care agencies. Section (d) states, "Management includes any individual responsible for oversight of day-to-day operations in the **facility**." I recommend clarifying this statement regarding "facility" and also regarding **department** managers.

5. **#611.31. Inspections.** On-site inspections that are unannounced place a burden on our office staff. We pride ourselves on providing outstanding care to our clients and we have situations where most of our staff is working on a particularly difficult case or a request for services that requires immediate attention. I am often out of the office with marketing calls or seeing clients and would be unavailable to meet with the inspector. I recommend that all visits be scheduled in advance to ensure that someone is on-site to greet and help with the inspection.
6. **#611.32. Retention of Records.** As we expand our services and our office staff, we find that our space to store necessary documents is becoming limited. Older files must be sent "off-site" to be stored and although they are readily available, they are not in the office. I recommend that you change the requirements from being "**on-site**" to being "**readily accessible**".

Also, "**documentation**" should include all electronic files.

7. **#611.51. Hiring or rostering of direct care workers.** I recommend clarifying that a satisfactory reference can be personal references, documentation of two years of continuous employment at an agency, verbal if documented by the agency and/or dates of employment from a previous employer.

Hiring only those employees who meet all the requirements of #611.55 (relating to training requirements) would eliminate an important and needed segment of our employee base. Many of our employees do not choose to do "hands-on-care". They often are caring and committed individuals who want to be companions to our clients, and we have great needs for these people. Demanding that they be trained in subsections 10 – 16 reduces our employee base and would ultimately mean that many of our clients would not receive services. **I recommend that you include subsections 1 – 9 as pre-assignment requirements, not pre-hiring requirements, for all employees.** This change would allow us to continue to screen for caring individuals who have developed good skills from their life experiences and then prepare them to care for our clients. This would keep the door open to many deserving applicants. **I think that subsection 10 – 16 should revert back to the language that reflected competencies be completed for all**

hands-on care of special skills required by the client to whom an employee is assigned. I strongly support that an employee should have the necessary skills to provide appropriate and quality care for their clients. Training that is not utilized is not beneficial for either the client or the employee – but it is costly.

8. #611.54. Provisional hiring. The term “provisional hire” is not clear to me. My interpretation of the term as it appears in the final draft is:

- An agency can hire an employee **without** a criminal history report or child abuse clearance, if applicable.
- That employee then has **120 days** to provide the criminal background check and the child abuse clearance, if applicable.
- However, the employees **must** meet the requirements of #611.55 relating to training – specifically subsections 1 –16.
- There is no provisional hiring allowed for those applicants who have not met the requirements of #611.55 (relating to training).

Is my interpretation correct?

If it is correct, as I discussed in section 8, requiring all employees to have training in subsections 10 – 16 would greatly reduce our employee base. **We could not hire people unless they were certified nurse aides or licensed personnel.** We would not have the ability to train employees – they would have to be trained **before** we hired them. Our employees are often women who have raised families and are looking to get back into the work force, women who choose to work only a few hours a week and individuals who have full-time jobs and choose to supplement their salaries. Many of these would-be employees have neither the time nor the desire to go through extensive training. However, there is much need for the services of **companions and homemakers.** Forcing the company to train all prospective employees – **before they are hired** - would most certainly decrease our employee base. I recommend that you include sections 1 – 9 as requirements for all employees and allow us to institute a training program for 10 – 16 for those individuals who want the training.

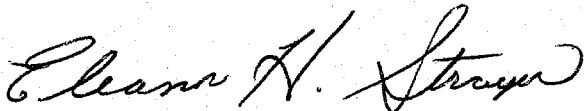
It is my understanding that according to the procedures in 6 Pa. Code 15.144(b) (relating to procedure) to obtain a Federal criminal history record and a letter of determination from the Department of Aging, based on the individual's Federal criminal history record, regarding the individual's eligibility for hire or roster, **employees may work 90 days until criminal checks are completed.** **Why do you state 120 days in 611.54 of Provisional Hire?**

9. #611.57. **Consumer protections.** Central Penn Nursing Care, Inc. is very proud of our efforts to start services on a timely basis. Often this means starting services on weekends, in the evenings and on very short notice. It is sometimes impossible to present a family member, the client or the legal representative with a packet of the 7 documents required before services can begin. Requiring this means that families who are frantically looking for services due to emergencies will be denied care. I recommend that you change this to read that the information may be supplied verbally over the phone and that the written information will be supplied within 3 – 5 days.

My staff and I are committed to providing services that exceed the expectations of our clients. We all work very hard to keep down costs for clients while at the same time administering quality care. My concern is that complying with all the requirements within the present draft will not only **raise the cost of hiring to shocking proportions** but also cut down on the number of good, hard-working candidates who would like to be in home care. The additional costs of the hiring, training and compliance will, of course, have to be passed on to the consumer, and after working so hard to keep home care affordable, I am distressed to think it will certainly increase if this draft is passed as it is now written. I am also concerned about our ability to continue hiring employees. There is certainly a great need for companions and this draft - as it is written - would effectively eliminate all companions and homemakers from hire.

I appreciate your taking the time to read this and hope that you will consider the issues discussed.

Sincerely,



Eleanor H. Strayer, President
Central Penn Nursing Care, Inc.

