

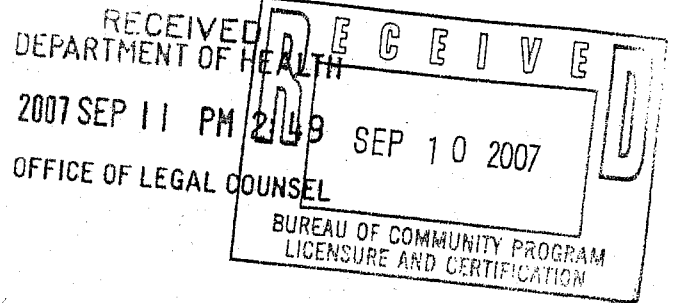
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INDEPENDENT REGULATORY
REVIEW COMMISSION

September 6, 2007

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



RE: Propose Rulemaking, addition of Chapter 611, providing for the establishment and enforcement of regulations setting minimum standards for the operation of home care agencies and home care registries.


Dear Ms. Staloski,

The Western Pennsylvania Chapter of the National Private Duty Association (WP-NPDA) represents approximately thirty agencies that deliver care and support directly in the homes of thousands of elderly and disabled citizens in the state of Pennsylvania. Companies represented by the NPDA vary in the level of services they provide. Some help with every day chores like housekeeping and errands. Others provide needed supervision or friendly companionship to those who are lonely or afraid. Many of the NPDA member agencies provide personal care (bathing, dressing, incontinence care, transferring and mobility assistance) and some provide skilled medical or nursing services. All of the companies in the National Private Duty Association share a guiding philosophy and values. These values encompass the following: integrity in providing safe, qualified and affordable care; excellence in services; and effectively communicating these values to consumers.

Our association and our members have been active participants throughout the promulgation of these regulations; from initial comments on the statute, in the December 15, 2006 stakeholder meeting hosted by the Department in Western Pennsylvania, and in the earlier round of comments to the Draft Regulations.

The WP-NPDA has enclosed our comments to these proposed regulations. We eagerly awaits the final publication of these regulations in the Pennsylvania Bulletin for the improvement of the safety, health and care of home consumers, especially the aged.

Sincerely,



Thomas Donohue,
Acting Secretary,
Western PA Chapter, NPDA

Western PA Chapter, NPDA Comments to Proposed Regulations

Section 611.54 Provisional Hiring

- (a) (1) The provisional hiring of someone who may have a criminal history could allow such a person to move from employer to employer with no tracking or consequences for them. We believe the potential threat to the consumer(s) is too great. Based on the speed of available criminal background checks (and ChildLine verifications) a smaller provisional hiring period is at least recommended.

Section 611.57 Consumer protections

- (c) (6) & (7) We strongly suggest that a full 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.