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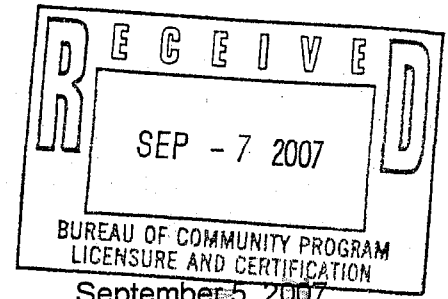
Joint Commission

on Accreditation of Healthcare Organizations

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DEPARTMENT OF HEALTH

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OFFICE OF LEGAL COUNSEL



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

Re: Draft Regulations amending the Health
Care Facilities Act Subpart H. Home Care
Agencies and Home Care Registries

Dear Ms. Staloski:

Thank you for the opportunity to provide these written comments on the Draft Regulations.

Bayada Nurses, one of the largest home care providers in Pennsylvania, is committed to providing the highest quality care to consumers. We supported the passage of a home care licensure bill for more than a dozen years, feeling strongly that licensure would improve the quality of personal care services by addressing health and safety needs for all consumers.

Licensure standards by design provide minimum standards. These draft standards have shown great sensitivity to new providers to insure that they would not be overwhelmed by the new requirements. **However, we continue to have concerns that these regulations do not sufficiently address one of the bedrock areas of good practice: a strong supervisory structure.** An annual competency assessment is excellent, but consumer protection would be greatly enhanced by more regular supervision of the direct care worker.

We were very pleased to see the published draft included a single list of key topics to be included in a training program or competency evaluation for the direct care worker. This is essential to ensure that all direct care workers have a baseline of training. This prevents logistical nightmares and delays in covering cases because workers do not have sufficient training to cover client needs.

We realize that the draft regulations on the Childline child abuse clearance are consistent with the wording of Act 69 of 2006. This item however can have serious financial and administrative implications for providers serving only a very few children, but having large numbers of field employees. These employees, regardless of their caseload, would need to undergo the Childline procedure. Would it be possible to revisit this issue with the appropriate legislative committees to attempt to amend the Act?

Attached are our specific recommendations and concerns. Again, thank you for the opportunity to actively participate in this process.

Sincerely,

Anita Weinberg, DSW
Director

Comments/discussion points on the Draft Regulations for home care agencies and home care registries.

1. Section 611.32 Retention of Records

a. replace the word "onsite" regarding the availability of records and documentation with the phrase "and be reasonably accessible".

2. 611.53 Child abuse clearance.

a. Attempt to address the issue of Childline Verification for all staff through legislative amendment to the Act. A provider may have several hundred employees but provide service to only 1 or 2 children. The universal Childline Verification is needlessly expensive and very difficult to administer, and will result in many agencies refusing service to children. The Verification should be required for all field staff having direct contact with children and for administrative office staff.

3. 611.54 Provisional hiring

a. Subsection (4). Add to the end of the sentence "prior to assigning or referring a direct care worker to provide services to a consumer." This would allow agencies to provisionally hire individuals and allow them to take the training course. Current language prohibits the hiring of an individual until they had the appropriate training.

4. 611.55. Training requirements

a. We support the current draft language providing for a competency examination or training program that includes all the identified components as listed.

5. 611.56 Health Evaluations

a. Allow employees to show evidence of a screening assessment by a qualified health professional which was performed "within 1 year" of the individual's start date.

b. The list of communicable diseases or conditions is too specific and far exceeds the requirements under the Medicare Conditions of Participation. The final phrase in the last sentence in subparagraph (a) should read "and was screened for communicable diseases and conditions."

- c. Eliminate (a) (1) Hepatitis A
- Eliminate (a) (2) Salmonella
- Eliminate (a) (3) Shigella
- Eliminate (a) (4) Shiga toxin producing Escherichia coli
- Eliminate (a) (5)

d. Subparagraph (b) to read: "A home care agency or home care registry may not refer a direct care worker that is suspected by the home care agency or home care registry or having any communicable disease or condition. Subsequent referral shall be contingent on verification from a qualified health professional that the direct care worker is free from communicable disease or condition."