

Pennsylvania Health Care Association
DEPARTMENT OF HEALTH
315 North Second Street • Harrisburg, PA 17101
2007 SEP 10 10:00 AM FAX (717) 221-1800 • FAX (717) 221-8687 • www.phca.org

OFFICE OF LEGAL COUNSEL

STUART H. SHAPIRO, M.D.
President and CEO

September 10, 2007

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

RECEIVED
2007 SEP 12 PM 4:27
INDEPENDENT REGULATORY
REVIEW COMMISSION

**Re: Proposed Rulemaking, Dept. of Health, 28 PA.Code Ch. 611
Home Care Agencies and Home Care Registries**

Dear Ms. Staloski:

Regarding the above referenced proposed rulemaking, the Pennsylvania Healthcare Commission submits this letter to your department in response to the solicitation for public comment.

Definitions, §611.4

Pertaining to inspections," [a]n examination or assessment of a home care agency or home care registry to determine compliance with requirements for licensure" the rulemaking indicates that, "[t]he inspection may or may not be onsite". This section does not define or specify the parameters of an off-site inspection.

Inspection and Survey Activities, §611.31(a) and (b)

As to when the Department may conduct an inspection the rulemaking states, "Whenever the Department has received any complaint or has other/ reasonable grounds to believe that a deficiency exists, the Department may conduct an inspection to determine whether a deficiency exists."

The rulemaking further states in (b) that the, "Department will make reasonable efforts to prevent duplication of inspections by State and Federal regulatory agencies and will coordinate inspections whenever practical."

Within the rulemaking itself there is no specific explanation of what the Department considers "other reasonable grounds" regarding the existence of a deficiency. It would be helpful to have a clearer understanding of what the Department considers "reasonable grounds".

Regarding the prevention of duplicative inspections, the rulemaking does not explain what is intended by "reasonable efforts". Again it would be helpful to have a clearer understanding as to the Department intends by "reasonable efforts".

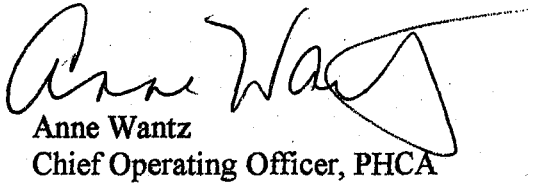
September 10, 2007
Page 2 of 2

We believe the clarification of these areas will help to enable home care agencies and home care registries to have a better understanding of the proposed rulemaking. We appreciate the opportunity to submit our comments and look forward to your response.

Sincerely,



Stuart Shapiro
President and CEO, PHCA



Anne Wantz
Chief Operating Officer, PHCA

SHS/AMW/nj