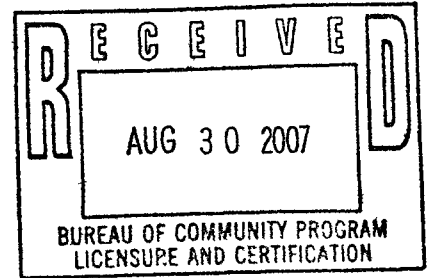


MEDIQUEST
STAFFING • HOMECARE

2623

August 29, 2007



Pennsylvania Dept. of Health
Janice Staloski, Director
Bureau of Community Program Licensure & Certification
132 Kline Plaza, Suite A
Harrisburg, PA 17104-1579

Re: Homecare Licensure

Dear Ms. Staloski:

I am President and owner of MediQuest Staffing & Homecare in Lancaster, PA. My professional life in homecare dates back to 1983 when I established my first non-Medicare homecare agency. In the 1990s I served on the Board of Directors of the Pennsylvania Homecare Association for six years.

In the early 1990s, as the business of non-regulated homecare grew, the Board saw a need for minimum standards for homecare agencies because there were many non-Medicare homecare businesses entering the market place. We tried then, unsuccessfully, to obtain licensure for non-medical homecare. We were aware that many, many people could stay in their own home if they had some help with their tasks of daily living. Our goal was to protect homecare clients by requiring agencies to perform background checks, obtain references and conduct personal interviews with applicants for employment.

I am still an advocate of licensure, but the regulations that have been published are "over kill" for the homecare business. I offer the following examples:

- **Training** (Section 611.55)
 1. There are many "Companion Service" franchises whose employees do not do hands-on care of the clients. They do not need training to read to, to cook, to shop or to do laundry for clients. If an employee does need instruction in any area, the agency can provide that specific training.
 2. Most homecare agencies have small offices because a lot of office space is not required to operate the business. The employees report to their assignments directly from their home and may never have a reason to go to the office. There is no space in most offices to provide training

3. If the employees must be paid for their training, the administrative costs for the agency will increase. This will raise the hourly rate to the client.

Suggestion: Simply require a competency test, designed by the agency, to test for knowledge and skills in the type of services that the agency provides and the employee will be performing.

- **Child Abuse Clearance** (Section 611.53)

1. It is reasonable to require a child abuse clearance for anyone doing direct care for a child under the age of 18.
2. It is not reasonable to require a child abuse clearance for employees who never come in contact with children and who don't even know that the agency is caring for children.
3. Many children under the age of 18, who are currently being cared for by agencies, will lose that care because it is impossible for an agency to comply with the regulation that 100% of their employees have child abuse clearance. Currently, each employee must obtain their own child abuse clearance, and the report is mailed directly to the employee. The agency has no control. If the employee does not give the report to the agency, the agency has no recourse. I have worked with homecare employees for 24 years. Based on my experience, I can state with confidence that employees who never care for children will not comply. They think, "Why should I do all this so that someone else has a job?" They are not professionals who understand or care about the consequence for the agency.
4. If the agency absorbs the cost for all 100% of their employees to obtain a child abuse clearance, the administrative costs will go up and the cost of homecare service will increase. This will raise the hourly rate to the client.

Suggestion: It is reasonable to require that anyone caring for a child and all office staff who are familiar with the child's information must have child abuse clearance, but not employees who will never come in contact with children.

- **Immunizations** (Section 611.56)

1. Hospitals and nursing homes require only annual TB testing and health screening.
2. Why require more screening for homecare than the CDC requires for health care professionals who come in direct contact with patients all day every day?
3. Who is going to bear the cost of these unnecessary tests?
4. If the agency must bear the cost of testing, the administrative costs for the agency will increase. This will raise the hourly rate to the client.

Suggestion: Adopt the same immunization requirements that the CDC requires for direct care workers. Eliminate testing for Hepatitis A, Salmonella, Shigella, Shiga toxin producing Escherichia coli (e-coli), or symptoms caused by illness, infection or other source when the symptom is associated with gastrointestinal illness such as diarrhea, fever, vomiting, jaundice or sore throat with fever.

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Non-Medicare homecare is not like most businesses. Employees do not report to the office everyday. They are not guaranteed there will be work. A homecare agency maintains a roster of potential caregivers; however, they are not all working all the time. Example: An agency could have a roster of 200 caregivers, but only 80 might be working at any one time. To provide training, obtain child abuse clearances and obtain the immunizations you put forth in the regulations will be very expensive.

Most small agency owners are in the business of homecare because they sincerely care about the welfare of the elderly and disabled. By imposing the regulations that have been published in the PA Bulletin, the outcome will be

- It will put small agencies out of business because they will not be able to absorb the additional cost of doing business.
- The cost of doing business will increase substantially for the agencies. The result will be that the cost for homecare will increase for clients.
- Many clients will not be able to afford the care they need. If they cannot afford the care, their health will deteriorate.
- More clients who would be able to pay for their own care will have their care paid for by the state of Pennsylvania.
- The cost for Pennsylvania to provide care through homecare contracts and waiver programs will increase.
- If the cost does not increase... the quality of the care will go down because the agency will have to hire less desirable employees who are willing to work at a lower wage.

Who is better than the people who are in the business to develop the regulations that best govern their industry? We know what can work best to assure high standards and continue to make homecare affordable for our clients. Please take seriously the suggestions offered to you by others in the homecare business and myself.

PA Homecare Association represents our industry. As a member of PHA or individually, I will be happy to meet with you or speak with you further about the burdensome regulations that you plan to impose on homecare.

Sincerely,



Kathleen Bailey
President