

# Home Care Licensure: Background and Implementation

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## HFEMS Division

- # License and inspect hospitals, ambulatory surgical centers, nursing homes, assisted living residences, hospices, home-based and others
- # State survey agency for CMS certification

## Why licensure home care agencies?

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- # Growing segment of health care industry
- # 45 other states license
- # Serious problems cited
- # Agency termination
- # Many agencies with no oversight
- # Even playing field

## Licensure v. Certification

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- # Probably more non-certified than certified agencies
- # Fitness review
- # Criminal background checks
- # Administrator qualifications/staff training
- # Quality Management Program
- # Occurrence reporting

## Considerations

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- # Avoid duplication/overlap
  - Services by licensed facility
- # Risk-based approach
- # Different requirements for different services
- # Funding profile
- # Existing requirements from other agencies

## Basic Requirement: License

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- # Skilled care agencies apply by June 1, 2009
  - Licensed by January 1, 2010
- # Personal care agencies apply by January 1, 2010
  - Licensed by January 1, 2011
- # Inspection prior to license issuance except for certified agencies that apply by June 1, 2009
- # Annual renewal
- # Provisional licenses allowed

## Key Exclusions

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- # Housekeeping only
- # Individuals
- # Consumer-directed attendant programs
- # Licensed dialysis centers
- # Home care placement agency

## Placement Agency Requirements

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- # Notify by June 1, 2009
  - Penalty for failure
- # Department will maintain a list
- # Criminal background checks
- # Disclosure of employment relationship

## Rule Development

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- # Board of Health to promulgate by May 1, 2009
- # Advisory Committee
  - Skilled and personal care agencies
  - Medicaid providers
  - Consumers
  - HCPF and DHS

## Minimum Standards

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- # Inspections
- # Education, training, experience of staff
- # Disclosure of employment relationship
- # Intermediate enforcement
- # Plans of correction
- # Occurrence reporting
- # Liability insurance

## Fees

- # Capped at \$1,500/year for two years for certified agencies
- # Risk-based
- # Tiered based on services
- # Independent report by January 1, 2011 on actual direct and indirect costs

## Criminal Background Check

- # Fingerprint check required for owner, applicant, licensee
  - No license if convicted of crime of moral turpitude or that would endanger consumers
- # Background check required for all employees and placements within 90 days prior to employment/placement

## Enforcement

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- # License denial, revocation
- # Intermediate sanctions
  - Consultant
  - Training
  - Plan of correction
  - Department monitoring
  - Civil penalty (maximum \$10,000/year)

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Sunset July 1, 2014

# IMPLEMENTATION

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- # Advisory Committee appointed
- # Outline of areas for potential rules
- # Timeline
- # Stakeholder Meetings
  - Durango: July 21
  - Grand Junction: July 23
  - Pueblo: August 7
  - Ft. Collins/Greeley: August 5

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