

HCAC Recommendations to Home Care Licensure Advisory Committee on Sept. 12, 2008

- **Personal Care Worker (PCW) Age Requirement:** Please remove the age stipulation (18) for the personal care worker. DORA has no age requirement for CNA licensure. The PCW requirement should not be more than CNA.
- **PCW Training Requirement:** PCW training requirements should be 16 hours but in order to stay in line with consumer safety goal, the PCW should be trained and competency performed BEFORE assignment in the home.
- **Hiring PCW - Section D, Personnel: Non-Medical Licensure** requirement to check “aide registry” is out of place for PCW selection processes. State of Colorado requires certification (a form of licensure) for CNA so the available body to check the good standing of an aide is DORA licensure. That is too stringent for the PCW. This requirement should be deleted as there is no list to check and no guidance as to what to do if you did check (i.e. another state). The criminal background check will identify criminal activity. The home care agency needs to follow the PCW hiring standards and leave it at that.
- **Non-Medical Administrator Qualifications** Section 7: C-2 Remove the education requirement. If the Administrator is 21 years of age, has one year of supervisory experience and can meet section 3 training requirements there is no purpose for the GED or HS Diploma requirement. This would create an undue burden on proven administrators that may have elected to take a different path a number of years ago but are able to demonstrate the maturity and skills necessary to run a good agency.
- **Agency Oversight and Infrastructure:** The spirited discussions held during our advisory meetings on September 5, 2008 as well as today have produced the following proposal to meet the needs of agencies and the Department. Our goal is to ensure proper oversight and infrastructure to agencies so as to meet the licensure commitment to consumer safety. We understand that the problem as discussed by the Department is a need to shore up the infrastructure of agencies. The Professional Advisory Committee (PAC) could assist to some degree in this effort but as we previously mentioned the job really belongs to the Administrator of the agency and the team of individuals hired to provide managerial and operational authority. We propose a compromise that could be executable and not overly burdensome while actually meeting the Department’s goal. We want to avoid efforts to solve a problem that actually serves to create burdens which in the end don’t resolve the problem.

We recommend the following PAC minimum required language to meet the intent of the regulations without overburdening the licensed entities:

1. Annual PAC meeting held at a location within agency’s geographic service area.
2. PAC shall be comprised of at least one non-agency member who resides in agency’s licensed service area.
3. The Minutes of the annual PAC meeting will reflect the appointment and approval of a QI Committee to oversee the QI processes. The QI Committee will submit a report quarterly to the PAC for review and advisory comment.

Question Re: “Absence”: Could you please clarify the definition of “absence” in reference to the Section 7.3: B? This refers to appointing in writing another person to act as administrator in your absence. To ensure no undue burden is placed on a rural or a metropolitan agency that may be smaller in size, we propose that the term “absence” should mean being “out of communication with agency for a period of more than 30 days.” This would allow an administrator to go on vacation and still provide and receive electronic communications (email, text, and phone) in which to oversee operations, etc. This is common procedure in professional licensure statutes.