

## Purpose & Scope

These regulations aim to safeguard public health and welfare by setting and enforcing minimum operational standards for home care agencies. They emphasize ensuring that home care agencies deliver safe, adequate, and efficient care to clients, promoting their overall health and well-being

## Key Definitions

- **Administrator:** Individual appointed by the licensee as responsible for implementing and supervising the administrative policies and operations of the agency.
- **Direct Care Professional:** Refers to home care aides or licensed nurses providing care services.
- **Home Care Agency:** An entity that provides home care aides or skilled professionals to deliver services in clients' homes or other residential settings.
- **Home Care Services:** Non-medical services to assist with activities of daily living such as meal preparation, personal hygiene, mobility, and companionship. This can include medication assistance with RN supervision.
- **Skilled Care Services:** Includes skilled nursing, therapy services (physical, occupational, speech), medical social services, and other services deemed necessary by the Administrator (including medication administration).

## Licensing Requirements

- ✓ **Mandatory Licensing:**
  - All home care agencies must obtain a license from the state's Department before operating.
- ✓ **License Types:**
  - **Level 1:** For agencies providing only home care services.
  - **Level 2:** For agencies offering skilled care services. May also choose to provide home care services.
- ✓ **Application Process:**
  - Agencies must submit a detailed application, including information on ownership, personnel background checks, and proof of accreditation if applicable.
  - The Department performs only a desk audit for completeness and compliance with regulations. If deficiencies are found, the applicant has opportunities to correct them.

## Accreditation

- Agencies with accreditation from recognized organizations (such as the Joint Commission, the Community Health Accreditation Partner, or the Accreditation Commission for Health Care) **automatically qualify** for state licensure, simplifying the licensing process.

## Ownership & Transfer

- **Change of Ownership:** If more than 50% of the agency is being purchased, the new owner must submit a change of ownership application and may operate under the seller's license until the new license is issued.
- **Transfer on Death:** The license may be transferred to the executor of the estate upon the death of a sole owner, after Department review.



## Insurance Requirements

- Agencies must maintain a minimum level of comprehensive insurance coverage, including professional liability insurance and general liability insurance.

## Policies & Procedures

- **Operational Policies:** Agencies must have written policies covering admissions, scope of services, billing, personnel management, and client records. These policies must be available for Department review and ensure consistent, quality care.
- **Client Records:** Agencies are required to maintain accurate and complete records for each client, documenting all services provided and any significant changes in the client's condition. These records must be kept for five years after the client is discharged.

## Client Rights & Responsibilities

- **Rights:** Clients have rights to privacy, dignity, and participation in care planning. Agencies must provide clients with a notice of their rights and responsibilities, including the right to file complaints without fear of retaliation.
- **Complaints and Grievances:** Agencies must have procedures for investigating complaints, including those related to abuse, neglect, or exploitation. Investigations must be completed within 30 days, with documentation of all findings and actions taken.

## Background Checks

- To ensure the safety and well-being of clients, it is critical that home care agencies conduct thorough background checks on potential caregivers. The process should allow for the greatest level of worker mobility while meeting the state's requirements for similarly situated employees.

## Tuberculosis Screening

- Agencies must implement a TB infection control program, including risk assessments for all employees and TB-related training. Annual assessments are required to update TB risk factors for all staff.

## Supervision & Training

- **Supervision:** The Administrator or a designee must conduct supervisory visits every 90 days to review the client's plan of care and satisfaction. These visits must be documented.
- **Training and Competency:** Agencies must ensure that home care aides have completed the necessary training or competency assessment before providing care. Aides involved in medication administration must meet specific training and experience requirements under RN supervision.

## Compliance & Violations

- **Inspections and Surveys:** The Department may conduct inspections in response to complaints or as part of regular oversight. Accredited agencies may have complaints referred to their accrediting body for investigation.
- **Corrective Actions:** Agencies found in violation must submit a plan of correction within 20 days. The Department will review and either accept or request amendments to the plan. Failure to submit an acceptable plan can result in license suspension or revocation.