

25 February 2008

Karen Senger
Illinois Department of Public Health
535 W. Jefferson Street
4th Floor
Springfield, IL 62761

Dear Ms. Senger,

This letter is sent to you on behalf of the National Private Duty Association (NPDA), the Illinois Homecare Council and Life Services Network (LSN), the member associations involved in and advocating for the passage of the licensure laws in Illinois. Several members of our associations are board members of the Home Health and Home Services Advisory Board and our memberships at large have been very involved in the process of advocating for and furthering the passage of this important legislation.

At last week's board meeting there was considerable discussion about the proposed application. Serious concern was voiced about the level of detail that is requested of applicant agencies, information that is viewed as proprietary and not necessary for the application process. While it was clearly stated that these concerns were going to be taken under advisement, we feel so strongly about this position that we decided to emphasize our rationale to you in written format.

Our membership is fully supportive of providing the information that is required for application either by legislative requirement or to facilitate the intake process for new agency consideration. There are, however, three elements of the current application we find very concerning: (1) the listing of all current employees; (2) detailed financial information, and (3) personal background information on agency management.

The value of this first requirement is not at all apparent. Given the dynamic nature of our industry, the employee list will be out of date before it is even read by the Department. Each agency spends considerable time and resources building its roster of potential caregivers and believes this list to be valuable proprietary information. Since this information is retrievable by anybody through the Freedom of Information Act, an unscrupulous competitive agency could secure the list and, using internet technology, locate these persons and attempt to hire them away. The applicant agency could be damaged through this process for no apparent benefit.

The second requirement of financial information is irrelevant to this process. The cost and revenue structure of our businesses has nothing to do with whether we can comply with the quality and operational requirements of the license. Again, an unscrupulous competitor may exploit this information to their own end. Why should it matter what we pay for rent or how much salary each of our employees receives as long as we uphold the requirements of the license? Imagine an employee accessing this information and using it to negotiate a higher salary with their employer (only to drive up the cost of services to the consumer in the long run).

The third element pertaining to background information on agency management is not necessarily damaging or detrimental to the applicant agency, but seems irrelevant to this process. As was pointed out in the meeting, there are very successful organizations that deliver quality service and yet the administrator is not a college graduate. Educational background is not a prerequisite to running a quality organization or obtaining a license, so why should it be required on this application?

In sum, we feel that the downside of including these three sections in the application is potentially significant to the applicant organizations without any obvious value for collecting the information. The argument in support of their inclusion was an attempt at consistency with the current requirements of the home health agency license. While consistency has its merits, it is only relevant when other factors are consistent. Home Services and Home Nursing organizations will not be receiving public funds and shouldn't be held to the data requirements of organizations that do. Furthermore, given that the licensure process is self funded, and also under severe time constraints, it is our strong belief that the application process should be as streamlined as possible. Requesting and processing extraneous information by all applicants seems to be at odds with a system that is going to be working extremely hard just to get things off the ground.

We hope you appreciate the sentiment with which these arguments have been raised. We are not trying to keep valuable information out of the hands of the Department of Public Health, but rather, we are advocating for a process that continues the good work done by the Department and member organizations up to this point, protects the business interests of the agencies and supports a sustainable survey process to get this license in place. Thank you for your consideration.

Sincerely,

Sheila McMackin

*President
National Private Duty Association*



Nancy S. Nelson

*Executive Director
Illinois Homecare Council*



Dennis Bozzi

*Executive Director
Life Services Network*



cc: Bill Bell