

September 18, 2007

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson Street, 5<sup>th</sup> Floor  
Springfield, IL 62761

Dear Ms. Meister:

Thank you for this opportunity to comment on the proposed "Home Health, Home Services, and Home Nursing Agency Code" published in the Illinois Register on August 3, 2007. The following comments were developed jointly by representatives of the Illinois HomeCare Council (IHCC), Life Services Network of Illinois (LSNI), and the National Private Duty Association (NPDA). Our comments and recommended changes are presented below.

**Comment:** Section 245.71(b) requires that each home services agency provide a minimum of 8 hours of training to each home services worker prior to their first assignment. While we recognize the value of training, organizations that anticipate qualifying for licensure as home services agencies have raised several concerns about their ability to comply with 245.71(b) as it is currently written.

Many of the individuals who work as home services workers are available on a very limited part-time basis. Some individuals may take only one short-term assignment from the agency without working again for some time, if ever. These employers are competing with other employers of unskilled workers, many of whom are not required and do not need to provide eight hours of training to new hires prior to assigning them to work. Prospective home services agency licensees are concerned that requiring eight hours of training prior to an assignment will make them less competitive in their employment market place.

Nevertheless, these employers recognize the need for some initial training and have a commitment to providing ongoing supervision of the workers they assign to help clients in their homes. In order to balance the needs of the workers, employers and clients, we are recommending that the proposed requirement be modified to allow employers to provide a smaller amount of training prior to the initial assignment of the worker, and then to provide the balance of the training within the first several months of the worker's employment.

**Recommendation:** Specifically, NPDA, IHCC and LSNI recommend that the language in Section 245.71(b) be revised to read:

Each agency shall provide a minimum of eight hours of training for each home services worker. Due to the ongoing supervisory relationship between the home services agency and the home services worker, four hours of training shall be provided prior to the home services worker's first assignment and the remaining four hours must be provided within the worker's first 90 days of employment. The training shall include all of the items noted in subsection (c) of this Section.

**Comments:** Representatives of the three associations are also concerned about some of the wording that appears in Section 245.71(d). Specifically, we believe that the phrase "home services staff" in the first sentence should be revised to specify home services workers, as this section addresses only their qualifications and requirements. The phrase "home services staff" could be interpreted to refer to every employee of a home services agency.

Second, LSNI, NPDA and IHCC believe that language should be added to this section that provides clarification on two points. First, we believe that the initial eight hours of training new hires receive should satisfy the annual eight hour training requirement for the first year of employment. Second, we believe that agencies should be able to trace individual compliance with the annual training requirement on either a calendar year or anniversary date basis, depending in which approach is preferred by the organization.

**Recommendations:** Specifically, the three associations believe that the language in the initial paragraph of Section 245.71(d) should be revised as follows:

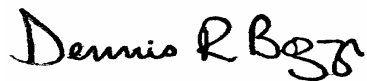
All home services workers shall complete a minimum of eight hours of training during each year of employment based on either a calendar year or an anniversary date basis, whichever is selected by the agency. The initial eight hours of training required in subsection (c) of this Section shall satisfy the annual training requirement for the home services worker's first year of employment. The annual training can include self-study courses with demonstration of learned concepts that are applicable to the employee's responsibilities. Training shall include:

**Comment:** Given that the initial impetus behind the legislation establishing licensure for private duty home care organizations was to protect consumers, the three associations are concerned that as many protections as possible be extended to consumers who choose to secure services from placement agencies as are available to consumers who choose a agency model for their service

delivery. In reviewing the proposed rule it came to our attention that Section 245.30(c) exempts placement agencies from having to conduct an initial health evaluation, including a physical examination, of each individual who might be assigned to have contact with clients. We all believe that this exemption is inappropriate, and that placement agencies should be required to provide all of the consumer protections as agencies who employ their staff as long as those activities do not compromise their ability to meet the requirements of their chosen business model.

**Recommendation:** IDPH should revise either the language in 245.30(c) so that it is evident that placement agencies must also conduct initial health evaluations of individuals who will be placed on their registries, or the language found at Section 245.212(d) and 245.214(d) to require initial health evaluations, including physical examinations, of individuals seeking placement and retention on a placement agency's registry.

Sincerely,

A handwritten signature in black ink that reads "Dennis R. Bozzi". The signature is written in a cursive, slightly slanted style.

Dennis R.Bozzi  
Life Services Network of Illinois

Linda Leone  
Illinois Home Care Council

Theresa Garcia  
Illinois Chapter, National Private Duty Association