



Home Care Agencies Regulations

Know the state of Pennsylvania's licensing regulations.
Protect your rights and the rights of your loved ones.

We have compiled information from the Pa. Dept. of Health concerning receiving home care for yourself or your family members.

Feel free to print out this info for your records and reference, or download this page in .pdf format at the bottom of this page.

Entities established after December 12, 2009 must obtain a license prior to providing home care services. The regulations for HCAs and HCRs were published in the [Pennsylvania Bulletin](#) as final rule-making.

The following is a summary of the regulations for HCAs and HCRs:

- Conduct criminal background checks and child abuse clearances, if applicable, on **all staff**.
- Conduct TB screens for all direct care workers, contractors and office staff with direct consumer contact.
- Ensure the competency of individuals that provide care by making sure they:
 - possess a valid nurses license; or
 - demonstrate competency by passing a competency examination developed by the HCA/HCR; or
 - have successfully completed at least one of the following:
 - The nurse aide certification and training program sponsored by the Department of Education;
 - A home health aide training program meeting the requirements of 42 C.F.R. 484.36;
 - A training program meeting the training standards imposed on the HCA/HCR by virtue of their participation as a provider in a Medicaid Waiver or other publicly funded program providing home and community-based services;
 - A program approved by the department and published in the Pennsylvania Bulletin or posted on the department's website;
- Ensure that current direct care workers employed by the HCA and rostered by the HCR are in compliance with one of these competency requirements;
- Maintain documentation to show that owner(s) and office staff have criminal background checks and child abuse clearances, if required; and that owner(s) and office staff with direct consumer contact have the required TB screening; or
- Review direct care worker competency at least annually (more frequently if warranted) to ensure direct care workers have the proper skills to provide the care required by consumer.

Provide information to consumers regarding:

- The right to be involved in the service planning process;
- The right to receive services with reasonable accommodations;
- The right to receive 10 calendar days advance notice of termination of service(s);
- The right to receive less than 10 days written notice if consumer has failed to pay, despite notice, and is more than 14 days in arrears; or if health and welfare of the direct care worker is at risk;
- The services that will be provided, the identity of the direct care workers that will provide the service, the hours when services will be provided, fees and total costs;
- Department of Health contact information regarding licensure requirements;
- Department of Health complaint hotline number;
- Telephone number for the local ombudsman and competency requirements for direct care workers;
- Whether the direct care worker is an employee or independent contractor;
- Tax obligations and employment responsibilities of HCA/HCR and consumer with regard to the direct care workers; and
- Documentation that demonstrates personal face-to-face interview with all direct care workers or independent contractors.

HCAs or HCRs may not:

- ***assume Power of Attorney or guardianship over a consumer utilizing the services of the HCA or HCR; or***
- ***require a consumer to endorse checks over to the HCA or HCR.***

The Department of Health is required to:

- collect an annual licensing fee;
- determine HCA/HCR compliance with licensure requirements through on-site surveys; interviews with office staff, direct care workers, consumers and other individuals providing care; and review of all relevant files, documents, policies and procedures;
- identify deficiencies;
- require plans of correction for deficiencies;
- accept or reject plans of correction; and
- investigate complaints.

Rules And Regulations

- [Health Care Facilities Act](#)
- [Title 28 Pa. Code Chapter 51](#)
- [Chapter 611](#)

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