

By Mr. Casey of Winchester, petition of Paul C. Casey, William G. Reinstein, Edward G. Connolly and another that the Department of Public Health be directed to require the licensing of home health agencies. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO HOME HEALTH AGENCIES UNDER CONTRACT WITH THE DEPARTMENT OF PUBLIC HEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding the provisions of any general or
2 special law to the contrary, the Department of Public Health is
3 hereby authorized and directed to require all Home Health Agen-
4 cies under contract with the Department of Public Health to be
5 lawfully licensed with the Commonwealth for that purpose. The
6 licensing procedure will include an educational course for all
7 Home Health Aides employed by the licensed Home Health
8 Agency. A certificate shall be issued by the Department to each
9 Home Health Aide upon the completion of said course. The con-
10 tent of the said educational course shall be at the discretion of the
11 Commissioner of Public Health. In addition, Home Health Aides
12 in direct contact with blind clients shall be required to obtain sup-
13 plemental certification, by means of attending a special course
14 administrated by the Commissioner of the Blind. The Commis-
15 sioner of the Blind is hereby authorized and directed to establish
16 and administrate an appropriate educational course including, but
17 not limited to: sensitivity to the placement of objects in the
18 client's home.

1 SECTION 2. Home Health Agencies under lawful contract
2 with the Department for services rendered shall be required to
3 hold a ten thousand dollar surety bond against theft, vandalism,

4 or inadequate service rendered to the client of the Department of
5 Public Health.

1 SECTION 3. The Department of Public Health is hereby autho-
2 rized and directed to require all Home Health Aides to undergo
3 criminal investigation, including, but not limited to: police clear-
4 ance, finger printing, criminal background check. An identifica-
5 tion card shall be issued by the Department to the Home Health
6 Aide upon the completion of this process. It is at the discretion of
7 the Department of Public Health to require the termination, by the
8 Home Health Agency, of any Home Health Aide if he/she has a
9 criminal record and/or will not comply with the above-said
10 requirements.

1 SECTION 4. Home Health Agencies under lawful contract
2 with the Department of Public Health shall require Home Health
3 Supervisors to have, in addition to a Registered Nurse certifica-
4 tion, a Bachelor's degree in Business Administration and two
5 years prior experience in community service where direct deal-
6 ings with the public were a primary responsibility, or the equiva-
7 lent.

1 SECTION 5. Those Home Health Aides currently in the
2 employment of Home Health Agencies under contract with the
3 Department of Public Health who are deemed by the Department
4 to be working within the guidelines of the Department current
5 policy regarding Home Health Aides shall be grandfathered pur-
6 suant to the passage of this legislation.