

THE CONNECTICUT ASSOCIATION
for *Home Care, Inc*

Incy S. Muir, RN, CNA, MPA
Chair, Board of Directors

Brian Ellsworth
President/Chief Executive Officer

TESTIMONY
BEFORE THE PUBLIC HEALTH COMMITTEE
REGARDING:

Proposed H.B. No. 6844

AN ACT CONCERNING PATIENTS OF HOME HEALTH CARE AGENCIES

February 21, 2007

Senator Handley, Representative Sayers and members of the Public Health Committee, my name is Kimberly Skehan and I am Vice President for Clinical & Regulatory Services for the Connecticut Association for Home Care, which serves over 75,000 elderly and disabled Connecticut citizens. I am a Registered Nurse with twenty years of home care experience.

I am presenting testimony today regarding H.B. 6844. **The Association does not support this bill as it is currently written.** The wording of the bill does not address the issue at hand, and we feel it may place unnecessary restrictions on an agency's ability to appropriately discharge patients. We do, however, support what we believe to be the intent of this bill, which is that patients admitted to a home health agency are clients of the agency, and not of the individual employee providing service to the patient.

There are currently situations occurring in which clinicians will take entire caseloads of patients with them when they leave one home health agency to work for a competitor. This practice is primarily stemming from the severe shortage of qualified personnel to provide home health visits, particularly in the specialty program areas, such as behavioral health and pediatrics. This can create significant difficulty in terms of managing agency operations and also is not necessarily appropriate for the patient's continuity or quality of care.

There are already home health regulations in place, which address patient discharge procedures. When implemented appropriately, these regulations insure that the patient is not abandoned by an agency and holds an agency accountable for insuring that the patient's discharge needs are met. However, current home health licensure regulations do not adequately address the issue of patient transfer and there is no protection for agencies regarding the practices described above.

The language of the bill needs to be carefully drafted and amended to adequately address these issues in a way in which protects patients' rights as well as agency interests. Specifically, we would support a bill which includes the following:

- That patients receiving homecare services are the client of the home health agency and not of the individual agency employee; therefore if an employee leaves an agency to work for another, the employee is not allowed to transfer their patient caseload with them, unless a patient requests to be discharged from the agency and the primary physician or psychiatrist is in agreement. In this instance, there may be a time period established to insure that the transfer meets the needs of both the patient and the discharging agency.
- The patient has the right to choose their health care provider. If a patient chooses to be discharged from the agency, discharge procedures will be followed in accordance with Section 19-13-D72(a) of the Public Health Code. Whereas the Public Health Code does not specify the timeframe that a patient may be discharged or transferred to another agency upon request, there may need to be an amendment to the public health code to specifically address this practice.
- Home health agencies or their agents shall not solicit, induce, or otherwise directly recruit another agency's employees for the purpose of admitting patients from a competing home health agency. Home health agencies need to have a forum or procedure for communicating their concerns regarding this issue to the Department of Public Health or other appropriate venue when this practice is identified.

CAHC would be supportive of language that would amend the bill in this manner and we are willing to work with the members of the Public Health Committee in drafting substitute language to insure that it clearly reflects the intent of this legislation.

Thank you for consideration of our comments. I would be pleased to answer any questions you may have.

**Please come to CAHC's Legislative Breakfast,
co-sponsored with the CT Council for Hospice & Palliative Care,
on February 27th from 8:30 to 10:00 a.m. in the private dining room of the LOB.**