

Legislative Committee on Senior Citizens, Veterans,
And Adults with Special Needs
April 12, Hearing
Re: Personal Care Agency Training
Personal Care Association of Nevada
Connie McMullen, Lobbyist

The goal of AB 299 is to determine if personal care agencies (Agencies) provide acceptable standards of training and evaluation of skills of personal care attendants (PCA), and the creation of a competency evaluation for those who receive such training by the state Division of Public and Behavioral Health (NPBH), Health Care Quality and Compliance (HCQC).

March 10, 2017, HCQC posted a training tutorial for Agencies and PCA's. I presume this was a response to help the interim committee understand that training and skills testing of PCA's exist in NAC 499.

Agencies have a rigorous mandatory set of criteria to comply with before they can become licensed. These include among others, hiring practices, operating policies and procedures, and NRS required training; all are required to be established before Agency licensure is issued and services are provided in the home. As required of all companies doing business in Nevada, agencies are mandated to obtain a business license from the state, in addition to licensure from HCQC. NPBH/HCQC requires liability insurance and a surety bond (depending on the number of employees), as well as an initial survey process by state surveyors before an agency can open for business.

The survey process mandates review of policies, procedures, employee sample forms, an employee handbook, a PCA training program, sample training certificates, competency evaluations and tests, to state only a few of the many requirements. Once a PCA has completed training, they are tested by the Agency for their skills and depending on their competency, provided a PCA certificate by the Agency. Generally when an agency hires a PCA they are W-2 employees.

If the agency does not pass the initial HCQC inspection process, which includes a review of its training programs in detail, it will not be allowed to open until all deficiencies are corrected. Only when all deficiencies are corrected, can a license be issued and the agency begin to provide care in the home.

PCA's working for agencies only provide care in the homes of clients. PCA's are not caregivers for homes of individual residential care, residential facilities for groups, assisted livings, or home health care agencies. They are nonmedical caregivers who are generally employees of the company who pays them. In addition to initial training, PCA's must receive 8 hours of continuing education every year of

employment, plus take the Elder Abuse training that is mandated by the State, to maintain their credential.

Other initial requirements before an individual can become a PCA include demonstrating the ability to meet the needs of agency clients under NAC 441A.375, have a 2 step TB test, a physical from a medical professional, background checked through NABS, and have auto insurance if driving for clients. Within 6 months of hire, CPR/First Aid certification is also required. Additionally, PCA's are trained about practices considered unacceptable in caring for the elderly and disabled such becoming a legal guardian to a client or accepting money or gifts from clients.

PCA's cannot provide services that violate the Nurse Practitioners Act (NRS 632), nor can they provide services that deal with administering medications, inserting catheters, irrigating a body cavity, etc. In other words, they can only provide nonmedical care related to the activities of daily living, hence the name personal care attendant.

PCA's are mandated to undergo the Nevada Automated Background Check System (NABS), as a result they are fingerprinted and the information placed on file with the Criminal History Records Repository. All of these requirements are online under HCQC Health Facilities "Training and Education" and is listed in NRS chapter 499.

There are approximately 212 Agencies currently open for business statewide. And during the past several years 95 additional agencies have closed. It is not known how many of those companies accepted state Medicaid services. Personal care is some of the most difficult work performed one on one, yet as extensive as the training and regulatory oversight is in Nevada, those companies who participate in Medicaid have not seen a rate increase in nearly 15-years. The cost to do business in Nevada has not given the industry much incentive to provide Medicaid services to the most vulnerable and low-income citizens living in Nevada. And in fact some agencies have recently started to not accept new Medicaid clients as a result of the low funding.

Furthermore, the state Medicaid division is in the process of mandating Agencies providing Medicaid services to require all their employees apply for a National Provider Identifier (NPI), listing their identity and employment. In January 2019, the federal government as part of the 21st Century CURES Act will be mandating all Agencies nationwide implement an Electric Visit Verification (EVV) program in their practice, something that is not currently required to participate in Nevada Medicaid. Both the NPI number and EVV system will operate together, and will cost agencies additional dollars to adapt these requirements into their business practice. EVV will be required of Medicaid Agencies by 2019 and home health care companies by 2023. Nevada Medicaid currently does not have an EVV provider contracted with the state.

Nevada PCAs operate under some of the most regulated statutes in the country. While the responsibility and liability falls to the Agency employer in training PCA's, the state provides oversight and evaluation, and plans of correction when needed. The true concern that the interim committee should focus on is those companies who are domiciled out-of-state, but through the Internet place caregivers in the homes of Nevadan's. Many of these internet employment agencies do not have the required state licenses to place caregivers in the home, and place people who are not subject to the requirements of Nevada Agencies discussed above. In addition, employment agencies located in the State of Nevada can currently place caregivers with no requirements of any kind into the homes of our elderly population. While regulations have recently been passed regarding local employment agencies comply with the requirements discussed above, the finalization of the regulations have been delayed and are currently not enforced.