

**Interim Committee on Seniors, Veterans,
And Adults with Special Needs**

June 19th Meeting

AB 299 Training

Re: Connie McMullen,

Personal Care Association of Nevada

SB 388: Regulations on Employment Agencies

For the record, I am Connie McMullen representing the Personal Care Association of Nevada (PCAN), consisting of personal care agencies that provide non-medical care in the home for seniors and people with disabilities under NRS 449.

During the last legislative session, PCAN was successful in the passage of SB 388. The proposed changes in regulations in chapter 449 would safeguard possible abuses of unlicensed personal care attendants providing care in the home of the states most vulnerable. SB 388 was signed by Governor Sandoval, however, regulations recently read in a public hearing in the Division of Public and Behavioral Health March 6, 2018 left concern that the language adopted does not capture the full intent of SB 388 regarding employment agencies.

SB 388 was drafted to prevent unlicensed internet based companies domiciled in other states from placing people in the homes of Nevada residents without complying with current licensing statutes regarding Personal Care Agencies. There are already two such companies operating in Las Vegas, Kindlycare of Las Vegas (www.kindlycare.com/caregivers/las-vegas), and Hallmark Homecare (<http://www.hallmarkhomecare.com/lasvegas/>)....neither are licensed by the state Health Care Quality and Compliance, or the Department of Labor.

SB 388 regulations lists the above internet companies as employment agencies defined in NRS 611.020:

2. "Employment agency" means any person who, for a fee, commission or charge:
 - (a) Furnishes information to a person seeking employment enabling or tending to enable the person seeking employment to secure employment;
 - (b) Furnishes information to a person seeking employees enabling or tending to enable the person seeking employees to obtain employees; or
 - (c) Maintains a record of persons seeking employment or employees.

The definition of Employment Agencies by itself - does not reflect in practice - statutes Nevada PCAs must comply with to do business in Nevada. Other examples of employment companies operating on the Internet are Care.com, and CareLinx. A simple search on the state's website under "HCQC Health Facility Locator" does not reveal that any of these companies are licensed with the state to operate.

SB 388 does enable HCQC to investigate complaints of employment agencies, however, PCANs concerns are that there is no ongoing relationship once a fee has been exchanged between the company and a person seeking employment or a

person looking to hire someone to provide care in their home. This we believe opens the door to possible abuses, as there is no on going oversight or follow-up regarding the visit or if care was provided, if the visit was professional, if any suspicious activities occurred, etc.

It also does not address the use of background checks HCQC requires, training, competency or skills testing, demonstrated ability to provide services, plan of care, and other requirements such as TB testing, cardiopulmonary resuscitation, etc. that are in statute that Nevada PCAs must comply with and demonstrate skill and knowledge of.

While these companies do advertise on their websites that they do conduct background checks, Care.com has been sued in several states where consumers have been victimized by people hired to come into their homes who were background checked but apparently managed to slip by screening with past criminal records.

PCAN has made some recommendations regarding the current changes to the statute. Specific language could be made to:

Sec. 4.2.c to provide initial assessment of a client and to insure that the caregiver is able to provide for the needs of the client as outlined in statute.

Sec. 4.2.d to provide continued oversight even though an agency is paid a fee to find employment ... oversight ends after all transactions have been completed.

Sec. 5.6 regarding 8 hours of continuing education.

To conclude, the proposed regulations to be adopted in SB 388 need an additional step to guarantee compliance with current 449 statutes *before rather than after* - a complaint is filed with HCQC. As in the case of Hallmark Homecare, employment agencies do not qualify as referral agencies as Hallmark describes its service. Hallmark is additionally, not licensed with HCQC under referral agency or personal care agency. On its website, Hallmark states:

"We are a referral service for the best caregivers in the area. Our innovative model cuts out the "middle man" and saves you 35% or more without sacrificing the caliber of safe, in-home care that your aging loved one deserves."

Hallmark skirts NRS 449 statutes regarding licensing to do business by cutting out the middle man, the personal care agency.

PCAN thanks the committee for allowing its members to discuss licensing and training of PCA agencies operating in Nevada. PCAN would very much like to be a part of the process on recommendations regarding training listed in:

Item V.

- A. Summary of Findings Concerning the Study of Standards of Training for Employees and Contractors Who Provide Care to Persons in Certain Health Care Settings;
- B. Review of Effective Training Models for Employees and Contractors Who Provide Care to Persons in Certain Health Care Settings.

PCAN thanks you for this opportunity.