



Impact HHA testimony for Robert Bethell Joint Committee on HCBS and KanCare Oversight

RE: 2023 Provider Bulletin – HCBS Provider Qualification Audit Process and Background Check Policy

Members of the Bethell Joint Committee,

Good afternoon and thank you for the opportunity to testify on behalf of Impact HHA as well as many other Home Health Agencies responsible for staffing thousands of patients throughout the HCBS waiver programs all of whom are undoubtedly facing the same challenges that I am presenting on: HCBS Provider Qualification Audit Process and Background Check Policy.

Given the growing need for home health workers and the diminishing employee base, every obstacle we encounter creates a potential delay in providing adequate staffing to our patients. Today, I would like to address the stringent requirements we have while hiring employees and running required background checks. While I am not disputing the necessity of, nor proposing any changes to the criteria of the background checks that are required, the length of time it takes to receive back the results, in particular from 2 of the 6 required checks, is causing some severe and adverse ramifications that affect our ability to hire, recruit, maintain and most importantly, provide the needed care to our patients.

Regarding the bulletin updating the background requirements I would like to discuss what is required, the delays and issues they are causing, and MOST IMPORTANTLY a proposed solution that would allow us to more effectively and efficient hire for and staff our patients without causing significantly increased risk to our patients.



1. SUMMARY OF BULLETIN REQUIREMENTS AFFECTING STAFFING:

a. In short the bulletin (Attachment 1) states and or requires:

i. "All individuals who provide HCBS must have all required KDADS background checks completed with no adverse findings prior to providing services."

ii. "The required background checks are listed below:

1. KDADS Criminal Record Check
2. Adult Abuse Registry Check (APS)
3. Child Abuse Registry Check (CPS)
4. Nurse Aide Registry Check
5. Office of Inspector General List Check
6. Motor Vehicle Screen Check

iii. "All background checks will be processed and receive clear results prior to the individual providing HCBS"

2. DELAYS BY BULLETIN REQUIREMENTS AND ADVERSE OUTCOMES

a. We receive almost all of the backgrounds instantaneously with the following exceptions.

i. KDADS Criminal Record check typically takes 2-3 business days.

ii. Adult Abuse Registry Check (APS) & Child Abuse Registry Check (CPS) are taking a minimum of 2 weeks & in some cases a month to receive.

b. Delays in receiving the APS & CPS checks, coupled with the bulletin requirements cause:

i. Inability to provide care to new and existing patients in a timely manner.

ii. Loss of employees due to waiting to work period.

iii. Additional costs and staffing expenses, namely overtime and supervision that are not accounted for nor reimbursed by the State or managing MCO's.



3. PROPOSED SOLUTIONS (2)

- a. This requirement would be for INITIAL hires and rehires who have not been employees with the hiring HHA within 2 years.
 - i. Biennial background checks requirements are agreeable and attainable.
- b. Proposed Solution 1 - Ideally the CPS and APS background check would be instant, or be completed in a more suitable turnaround time.
 - i. Not to exceed 5 business days.
- c. Proposed Solution 2 – If APS and or CPS backgrounds are not received within 5 days of the request AND all other background checks received clear results prior to the start date:
 - i. The employee shall be able to work provisionally, unsupervised until the missing background checks are completed and received with clear results.
 - 1. If either APS or CPS background check come back with findings the employee shall be terminated immediately.

It is hard enough to maintain staffing for our patients with what we can control but by being handcuffed with the requirements that we cannot control by agencies that have minimal time frame accountability for cause beyond our control, the burdens that are created by that should not fall on the hiring agency but rather on the agencies required to perform the background checks in a timely manner. I cannot speak to the agencies pulling the backgrounds, but a solution to expedite the checks should be of the most urgent importance.



In closing, while we understand completely the need for patient safety, there has to be a balance between ensuring that the workers are the right fit for the patient with no predictable harm or adverse outcomes and getting the patients staffed as soon as possible when paperwork is given to us by the MCO charging us with their care.

While having all backgrounds back within a few days is the most ideal scenario, it is not feasible at the moment or the foreseeable future. We have staffed without incident for years under the COVID provisions and believe the risk reward of being allowed to staff with 4 of the 6 required backgrounds coming back clear would best serve the patient, State, employees and the HHAs. I would be open to alternative solutions and extended conversations to weigh all the pros and cons but to respect the time allotted this would be our best solution to a serious and extremely serious staffing issue.

Thank you for your time and I look forward to continuing talks until a solution is implemented.

Sincerely,

Steven Bacci

COO

Impact HHA