



FOR IMMEDIATE RELEASE

NEWS RELEASE

Pennsylvania Marks Third Year without Adequate Legislation to Protect Seniors

Lemoyne, Pa. (December 28, 2018) — Three years have passed since a Commonwealth Court decision found lifetime employment bans in the Older Adult Protective Services Act (OAPSA) unconstitutional. The bans were put in place for individuals who have committed certain crimes, including violent crimes and abuse. Since then, homecare agencies in Pennsylvania have not been given clear guidance on the hiring of caregivers for the nearly one million seniors in the state receiving homecare. The Pennsylvania Homecare Association (PHA) is calling for immediate action once the General Assembly returns in January.

In December 2015, the Commonwealth Court (*Peake v. Commonwealth of Pennsylvania*) ruled that lifetime employment bans are unconstitutional for offenses listed in OAPSA without further evaluation. Although background checks are still required for caregivers, employers are not prohibited from hiring caregivers with criminal records. Instead, the state recommends that providers assess the risk on an individual basis and consult with their legal counsel regarding employment.

“We have laws to protect our children and our dogs, but it has now been three years without any changes to OAPSA, which protects our most vulnerable population,” PHA CEO Vicki Hoak said. “Homecare agencies are in desperate need of guidance on hiring caregivers, and our seniors are in desperate need of the protection they deserve.”

Since the court decision, homecare agencies have only had very general guidance from the Department of Aging. PHA and the Senior Support Coalition, a group of leading provider and consumer advocacy organizations serving older residents and their caregivers, have recommended a three-tiered system including bans of 15, 10 and five years, depending on the crime committed. PHA looks forward to working with the General Assembly and the Governor’s Office on OAPSA legislation in the new legislative session.

“So often, our homecare aides are lifelines for the individuals they serve, and we must ensure that they are able to deliver this essential and very personal care in private homes,” said Patricia Rodgers, PHA president and vice president and director of operations at Waverly Care Associates in Gladwyne. “Having strong, concise and effective guidance in OAPSA will help support agencies’ goals of keeping that person safe at home. To accomplish this, it is very important to make sure this legislation provides the necessary protections, while respecting and recognizing an individual’s rehabilitation and right to work.”

About PHA... The Pennsylvania Homecare Association is a statewide organization of more than 700 homecare and hospice providers. PHA members provide quality care and serve as advocates for their patients and clients on a variety of healthcare related issues. PHA and its members work hard to improve professional standards and ensure access to quality homecare throughout the Commonwealth. To learn more, visit www.pahomecare.org.

###

Contact:

Steve Robinson

(717) 975-9448 ext. 35

srobinson@pahomecare.org