



## Exhibit H

### Consumer Rights Policy

#### § 611.57. Consumer protections

- (a) *Consumer rights.* The consumer of home care services provided by a home care agency or through a home care registry shall have the following rights:
  - (1) **To be involved in the service planning process** and to receive services with reasonable accommodation of individual needs and preferences, except where the health and safety of the direct care worker is at risk.
  - (2) To receive at least 10 calendar days advance written notice of the intent of the home care agency or home care registry to terminate services. Less than 10 days advance written notice may be provided in the event the consumer has failed to pay for services, despite notice, and the consumer is more than 14 days in arrears, or if the health and welfare of the direct care worker is at risk.
- (b) *Prohibitions.* No individual as a result of the individual's affiliation with a home care agency or home care registry may assume power of attorney or guardianship over a consumer utilizing the services of that home care agency or home care registry. The home care agency or home care registry may not require a consumer to endorse checks over to the home care agency or home care registry.
- (c) *Information to be provided.* Prior to the commencement of services, the home care agency or home care registry shall provide to the consumer, the consumer's legal representative or responsible family member an information packet containing the following information in a form that is easily read and understood:
  - (1) A listing of the available home care services that will be provided to the consumer by the direct care worker and the identity of the direct care worker who will provide the services.
  - (2) The hours when those services will be provided.
  - (3) Fees and total costs for those services on an hourly or weekly basis.
  - (4) Who to contact at the Department for information about licensure requirements for a home care agency or home care registry and for compliance information about a particular home care agency or home care registry.
  - (5) The Department's complaint Hot Line (1-800-254-5164) and the telephone number of the Ombudsman Program located with the local Area Agency on Aging (AAA).
  - (6) The hiring and competency requirements applicable to direct care workers employed by the home care agency or referred by the home care registry.
  - (7) A disclosure, in a format to be published by the Department in the Pennsylvania Bulletin by February 10, 2010, addressing the employee or independent contractor status of the direct care worker providing services to the consumer, and the resultant respective



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tax and insurance obligations and other responsibilities of the consumer and the home care agency or home care registry.

- (d) *Documentation.* The home care agency or home care registry shall maintain documentation on file at the agency or registry of compliance with the requirements of this section which shall be available for Department inspection.