



**COMMONWEALTH OF PENNSYLVANIA**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMMONWEALTH KEYSTONE BUILDING

400 NORTH STREET

HARRISBURG, PENNSYLVANIA 17120

<http://www.puc.pa.gov>

February 20, 2024

Docket No. A-2024-3045516

**HIS LOVING HAND HOME CARE LLC  
610 OLD YORK RD  
SUITE 400  
JENKINTOWN PA 19046**

**RE: Application of His Loving Hand Home Care, LLC, 610 Old York Rd., Ste. 400, Jenkintown, Montgomery County, PA 19046. 267-971-2974**

To Whom It May Concern:

On January 11, 2024, the application of HIS LOVING HAND HOME CARE, LLC, was accepted by the Commission; however, multiple issues must be addressed before publication to the Pennsylvania Bulletin may proceed. Please review page three of this correspondence for additional information and respond appropriately.

Please forward the information to the Secretary of the Commission **within ten (10) working days** from the date of this letter. **Currently, the only acceptable means of filing your response is through the Commission's e-file system. Information is available at the following link to efile: <https://www.puc.state.pa.us/efiling/default>**

**Your answers should be verified per 52 Pa Code § 1.36.** Accordingly, you must provide the following statement with your responses:

*Timothy Hunter*  
I, Timothy Hunter, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

Please submit your response to the address cited in this letter's header. Faxes, emails, and other forms of filing are unacceptable.

Sincerely,

A handwritten signature in cursive script that reads 'Rosemary Chiavetta'.

Rosemary Chiavetta, Secretary

Enclosure

cc: Josh Kwiatkowski

**1. SECOND REQUEST:**

In your description of proposed service, you indicated an intent to, “provide transportation services for mobility challenged people.” How do you quantify and identify “mobility challenged people?” In other words, for enforcement purposes, you must establish a criteria which clearly demonstrates in what way a person qualifies under this term. This clarity is required to assist Commission Enforcement Officers who may be undertaking enforcement actions or conducting investigations to ensure that you are offering services to the individuals you are certificated to serve.

**WE WILL TRANSPORT CLIENTS WHO ARE TRAVELLING TO A MEDICAL FACILITY, PHYSICIANS OFFICE, DENTIST OFFICE, HOSPITAL, CLINIC, PHARMACY, MEDICAL EQUIPMENT CENTER. THESE CLIENTS FACE BARRIERS THAT PREVENT THEM FROM GETTING TO THEIR MEDICAL APPOINTMENTS ARE UNABLE TO TRANSPORT THEMSELVES BECAUSE THEY NEED ASSISTANCE IN AND OUT OF A VEHICLE, THEY DO NOT HAVE A DRIVER'S LICENSE OR ACCESS TO A WORKING VEHICLE, THEY DO NOT OWN A VEHICLE AND ANYONE TEMPORARILY OR PERMANENTLY UNABLE TO DRIVE DUE TO AN INJURY.**

2. Question #5 of the applicant’s verified statements requires that you describe your hiring and employment policies. You are expected to provide a PLAN that satisfies the requirements of 52 Pa Code. Please review the requirements of the following chapters of 52 Pa Code and provide a revised compliant plan for drivers.

- § 29.504. Driver history. (schedule – you are not a limousine or call or demand applicant)

**REVISED QUESTION 5 IS ATTACHED.**

3. Your revised statement of financial position (1/31/2024) indicates a doubling of cash holdings from \$5,000 TO \$10,000 – can you please explain the origin of this additional capital? Are you presently providing intrastate transportation services? Please provide a copy of a bank statement, or a signed letter from a bank executive verifying the current account balance. Also, please provide a copy of your vehicle registration which will verify vehicle ownership. Is there a loan balance on said vehicle?

**THE ADDITIONAL CAPITAL CAME FROM THE LOAN BEING PAID OFF. WE ARE NOT PRESENTLY PROVIDING SERVICES. A LETTER FROM THE BANK AND THE VEHICLE REGISTRATION ARE ATTACHED.**

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The purpose of the verified statement questions is to determine your ability to provide safe, efficient, and reasonable transportation. It is in your best interest to provide accurate, complete, and timely responses. Failure to do so is sufficient grounds to justify the denial of your application because YOU have failed to provide sufficient evidence of your fitness to operate. Be advised that additional corrections may not always be requested; therefore, prior to submitting your responses, your consultation with an attorney or financial expert familiar with Commission regulated Motor Carrier related proceedings is highly encouraged.

# HIS LOVING CARE HOME CARE

## 5A. HIRING STANDARDS FOR DRIVERS

All Drivers shall be recruited on the basis of merit with minimum eligibility standards. No preference shall be given on the basis of cast, creed, color, race and language.

1. The recruitment system encompasses mandatory criteria for all applicants, which must be followed in letter and spirit for recruitment of a driver in the organization.

### 2. Driver Recruitment Criteria

Applicants for driver positions shall comply with the following criteria:

1. Applicant must have at least **three years'** driving experience in the type of vehicle required to be driven in the company e.g., articulated, and fixed.
2. The applicant's age should be at least 21 years at the time of recruitment.
3. An applicant's age should not exceed the official retirement age of the company i.e., 65 years.
4. A driver history report from the Department of Transportation and other relevant sources of every state in which the driver has held a motor vehicle operator's license or permit during the preceding three years.
5. Must be drug and alcohol free.
6. Complete a criminal background check. His Loving Care Home Care shall conduct or have a third party conduct a criminal history record information from the Pennsylvania State Police and any other state in which the person has resided for the past 12 months and the Pennsylvania State Police Central Repository does not contain information relating to that person. (see 5B. Criminal History background check policy)
7. Other requirements as determined by the hiring manager.

An applicant's driving history from the appropriate agency of every state in which the person has held a motor vehicle operator's license or permit in the past three years. A driving history report shall be obtained every second year following the initial report. The driving history reports shall be retained for a minimum period of two years. A person with more than three moving violations in a 3-year period prior to the check or a major violation in the 3-year period shall not be hired by the company.

### Personality

Driver's personality attributes shall be verified through an **Interview / Assessment-Form** at the time of selection. The ideal candidate should be:

1. Someone who has an aptitude for driving.
2. Someone who can provide courteous service to customers.
3. Mature and responsible.
4. Decisive.

# His Loving Care Home Care, LLC

## 5b. Criminal History Background Check Policy

In compliance of 52 PA Code Chapter 29.504, criminal background checks are required for all employed or rostered direct care workers, drivers, office staff and the direct owner of His Loving Care Home Care. There will be in-office procedures to ensure that all criminal background checks and verifications are in place prior to employment and updated annually. A copy of the criminal history shall be retained by His Loving Care Home Care for at least three years.

1. His Loving Care Home Care shall conduct or have a third party conduct a criminal history record information from the Pennsylvania State Police and any other state in which the person has resided for the past 12 months and the Pennsylvania State Police Central Repository does not contain information relating to that person.
2. A National criminal background check for each driver applicant. The background check must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source search validation and a review of the United States Department of Justice National sex offender public web site. The carrier shall disqualify an applicant convicted of certain crimes in accordance with the following:

An applicant convicted of any of the following within the preceding 7 years:

- (A) Driving under the influence of drugs or alcohol.
- (B) A felony conviction involving theft.
- (C) A felony conviction for fraud.
- (D) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § § 780-101—780-144).

(ii) An applicant convicted of any of the following within the preceding 10 years:

- (A) Use of a motor vehicle to commit a felony.
- (B) Burglary or robbery.

(iii) An applicant convicted of any of the following at any time:

- (A) A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offense under the laws of another jurisdiction or under a former law of the Commonwealth.
- (B) A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).
- (C) An act of terror.

3. A criminal history check of each driver shall be obtained and reviewed from the

Pennsylvania State Policy every two years.

Employee Screening for Exclusion Policy (LEIE, EPLS & Medichcek)

Exclusion Screening - An inspection process for minimizing risk in hiring individuals or contracting with business entities that have been involved in adverse governmental actions related to fraud, patient abuse, licensing board sanctions, license revocation/suspension/surrender, or have who have been excluded from federal healthcare programs. In addition, for employees that require specific medical/healthcare license/certification in order to perform their duties, these credentials will be verified with appropriate licensing and disciplining authorities. His Loving Care Home Care will make initial and continued monthly screening for staff members and contractors to determine if they have been excluded from participation in Federal health care programs by reviewing the LEIE, EPLS and Medichcek in accordance to 55 PA Code Chapter 52.11(a)(5)(xi).

5. Capable of working independently, self-reliant, and self-disciplined.
6. Prepared and capable of working on shifts.

Someone who must be aware and determined to practice all safety rules, methods, and procedures.

1. Non-Smokers shall be preferred.
2. No attitude towards drugs.
3. No physical deformity & capable of controlling the vehicle (reaching and operating the controls).
4. Someone with the ability to perceive hazards & able to react rationally in normal and emergency situations.

### **Health.**

A board-certified physician shall conduct a comprehensive **medical examination**. Medical report shall be placed in the personal file of each driver after completion of selection process. Medical examination must ensure following fitness areas:

Vision (eyesight and color blindness).

Any serious illness.

Any neurological or musculoskeletal deficiency which could adversely affect movement and reaction time.

Conditions that could result in sudden collapse such as epilepsy, diabetes and heart attack.

Any history of anxiety or depression.

Use of any medication which could influence driving behavior.

Stress / sleeping disorders, and degree of dependence on sleeping tablets, alcohol, and other measures.

Drug and alcohol testing.

### **Driving Skills**

#### **Practical Driving Test.**

Each driver should go through a practical driving examination before recruitment with a current certification. An experienced driver / monitor driver shall provide field orientation and test under typical operating conditions. He will confirm that the applicant is fully competent to drive the type of vehicle he would use on company business. **Appropriate Driving License.** The applicant to be recruited must have an appropriate valid License for the vehicle to be driven by him. A Photostat copy of license must be placed in his personal file.

## **Education**

(Education Requirement)

1. The preferable level of education for a prospective driver is a high school graduate or higher degree.
2. If an applicant is not meeting the above education standards, then he should be literate and numerate at a level where he is able to:
3. Follow written work instructions.
4. Read maps.
5. Safety bulletins.
6. Fill out trip log.
7. Other forms required to report journey details etc.
8. Complete a defensive-driving course sponsored or endorsed by the national safety council.
9. Complete an approved Passenger-assistance training.
10. Any driver who holds a current, valid EMT-basic, EMT-intermediate, or EMT-paramedic certification from the state board of emergency medical services is deemed qualified.
11. Pass a training course in first aid and CPR offered by the American red cross, the American heart association, the national safety council, medic first aid international, American safety and health institute or other approved institutions.

## **Induction.**

A newly selected driver will be given a Job-Offer letter along with “Extract from Rules & Regulations of the Company” for his guidance. He will be on probation for three months.

Newly hired drivers should be put on the safest and least demanding routes.

There should be a progression from smaller *to larger vehicles* and from rigid to articulated vehicles, supported by continuous progressive training.

During initial short trips, a monitor driver should spend the first three to five days with new driver, identifying any skill gaps, attitude problems and providing the necessary support.

The monitor driver shall continue to record his skill gaps during the probationary period and through coaching, counseling, and other training drills would bridge the gaps in his driving skills. He will then submit his report to the company.

Following a final trip at the end of the probationary period, the monitor driver should recommend whether or not a driver to be rejected or accepted.

Job confirmation letter will be issued to the driver on probation, if Monitor-Driver comments positively about him and there is no other negative report against him.

## **Conduct**

With respect to general conduct, drivers shall:

Follow procedures regarding duty and rest periods.

1. Follow defensive driving principles.
2. Wear a seat belt at all times whilst in a moving vehicle.
3. Work in accordance with all company Rules and to act on the instructions of their supervisor.
4. Keep the vehicle and cab interior clean and tidy.
5. Not place heavy or sharp objects in the cab (or on the top of trailers).
6. Not place product samples or product contaminated material, including gloves, in the cab.
7. Not engage in horseplay or unsafe driving maneuvers.
8. Must not smoke or carry matches, lighters or other source of ignition when carrying flammable products.

## **Other Important Requirements.**

During the selection process in addition to the above-mentioned requirements, the under mentioned elements are also very important and the driver selection shall encompass the following:

1. Driving record (no serious offences and no more than three accidents or violations in the last 5 years).
2. Knowledge and application of defensive driving.
3. Attitude to alcohol and drugs.
4. Understanding of the Highway Code.
5. Awareness of key road safety issues.
6. Successfully pass all required and mandatory trainings



### PENNSYLVANIA VEHICLE REGISTRATION

**PLEASE SIGN YOUR CREDENTIAL** - To validate your credential, you need to sign your name in ink as indicated below. The registration must be available when the vehicle is used.

**PENNSYLVANIA'S LITTERING LAWS** - As a reminder, Pennsylvania has laws against littering on our roadways and on public and private property. Under law, PennDOT is required to include this statement on vehicle credentials to remind motorists of littering laws. By signing your registration credential, you acknowledge that you have received notice of this provision.

Section 3709 of the Pennsylvania Vehicle Code provides for a fine of up to \$300 for dropping, throwing or depositing, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish or any dangerous or detrimental substance, or permitting any of the preceding without immediately removing such items or causing their removal.

For any violation of Section 3709, you may be subject to a fine of up to \$300 upon conviction, including any violation resulting from the conduct of any other persons operating, in possession of or present within the vehicle with your permission, if you do not with reasonable certainty identify the driver of the vehicle at the time the violation occurred.

**PLEASE DRIVE SAFELY AND REMEMBER TO BUCKLE UP**

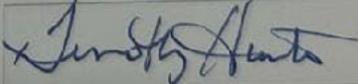
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COMMONWEALTH OF PENNSYLVANIA REGISTRATION CREDENTIAL

**EXPIRY:** Jan 31, 2025 **VALID:** 02/28/2024

**PLATE:** [REDACTED]  
**TITLE:** [REDACTED]  
**VIN:** 1FB5S31L58DA84015  
**YR/MAKE:** 2008/FORD  
**TYPE:** SW  
**WID:** 24059 3428 006547



**SIGNATURE**

I hereby acknowledge this day that I have received notice of the provisions of Section 3709 of the Vehicle Code

**EMISSION INSPECTION REQUIRED/DIESEL VEHICLES EXEMPT** COUNTY: PHILADELPHIA

HIS LOVING HAND HOME CARE LLC  
6511 N AMERICAN ST  
PHILADELPHIA PA 19126

