

RCVD PDC SEC BUR
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Data Request Letter – 10 Day Letter
Rev. 2/19/21

Docket No. A-2024-3050062
Kena Care Home Health Agency LLC

Request for Information

- 1.) Based upon the information provided in your application, and in your previous response to the Commission's request for additional information, it appears that you wish to primarily transport individuals with intellectual disabilities, developmental disabilities or autism, and clients of Kena Care Home Health Care. Do you wish to transport any other members of the general public? **YES**. Please note that transporting individuals who are clients of your home care agency would be considered incidental, and as such you would not need authority to transport them.
- 2.) Your system for conducting criminal background checks does not fully comply with the regulations found in **Title 52 Pa. Code §29.505**. Please revise your policies so that they comply with Commission regulations.
 - i. How often will the criminal background checks be conducted? SEE ATTACHED
 - ii. How will you maintain records (record retention) of the criminal background checks performed? SEE ATTACHED
- 3.) Your system for conducting driver license/history checks does not fully comply with the regulations found in **Title 52 Pa. Code §29.504**. Please revise your policies so that they comply with Commission regulations.
 - i. How often will these checks be performed? SEE ATTACHED
 - ii. How will you maintain records (record retention) of such checks? SEE ATTACHED

Employee Personnel Records: Management

POLICY

Kena Care will maintain official records for all employees in accordance with HIPAA and applicable anti-discrimination laws.

1. Official Personnel Records shall be established for each individual occupying a position with Kena Care.

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2. General Personnel Records shall include, but not be limited to:
 - Employee name and address
 - Job application and resume listing education/training and previous employment
 - Verification of initial job interview
 - Supervisor verification of credentials, education, training and previous employment
 - Reference checks
 - Verification of license
 - Employee Handbook signature page
 - Job description with employee's signature
 - Job-offer letters
 - Training logs including Orientation and other required and elective trainings
 - Direct deposit forms
 - Tax withholding documents (W-2, W-4, W-9)
 - Reimbursement records
 - Termination documents
 - Performance and Disciplinary Records including:
 - Work performance evaluations
 - Promotion or demotion records
 - Warnings or disciplinary records
 - Merit pay or other incentive pay reviews
3. Confidential Personnel Records include, but are not limited to:
 - Background checks (criminal, drivers history checks, SSN verification, childline)
 - Documents related to past or pending litigation, accessible only by legal counsel.
 - I-9s. as they contain social security numbers.
 - Employee grievance documents
 - Child support documents
 - Garnishment documents
 - Benefits Records
 - Medical, dental, and other insurance enrollment forms
 - FSA or HSA forms
 - Beneficiary information

4. Medical Personnel Records must not be filed with General Personnel Records. They shall be treated as confidential and kept as separate files. Medical Personnel Records, include, but are not limited to:
 - Results of any health screenings
 - Accommodation requests and approvals
 - Benefits claims, doctor's notes, and leave requests
 - Worker's Compensation Documents
 - Medical questionnaires and exams

Records Storage

1. All Personnel Records will be stored securely.
2. Hard-copy Personnel Records will be kept in a locked cabinet in the Kena Care office.
3. Medical Personnel Records and Confidential Records will be in a separate locked cabinet from the General Personnel Records.

Records Access

1. Access to Personnel Records is restricted to authorized personnel where it is necessary for the performance of their duties. The Director will determine who shall have access.
4. Only the Director will have access Medical or Confidential records.
5. All information placed in the Personnel Records is confidential in nature and it will only be divulged to individuals who have been authorized to receive such information.
6. The right of every staff member to privacy shall be recognized and protected, consistent with policy guidelines and applicable laws.
7. Employees will be granted access their own Personnel Records by request.
8. Employees may not alter or remove any document from their Personnel Records; though they may submit a request to challenge information in their record or have a change made.

PROCEDURES

1. The Director will be responsible for ensuring that the required employee/volunteer documentation is received and verified.
2. The Director shall determine what additional documents may be placed in Personnel Records, as permitted by law and Kena Care policy. Discussions will be held with individuals involved before placing a document in their file.
3. Original certificates or documents will not be retained in the General Personnel Record. Copies of the original are filed, and the originals are returned to the employee.
4. Electronic and hardcopy Personnel Records shall be kept current and maintained with the strictest of confidence.
5. Director shall ensure that persons having access to, or involved in the creation, development, processing, use, or maintenance of Personnel Records, are informed of pertinent recordkeeping regulations and requirements.
6. Employees whose official duties involve Personnel Records shall be sensitive to individual rights to personal privacy and shall not disclose information from any personnel record unless disclosure is part of their official duties or required by law.

7. "Release of Information" statements must be signed by employees or volunteers before any information is released from their Personnel Records to a Third Party unless the request is due to a subpoena or other legal requirement.
8. Employees and Volunteers may request copies of documentation contained in their Personnel Records.
9. Records will be maintained for one year post an employee's voluntarily or involuntary termination of employment with Kena Care. If there is a complaint or litigation involved, records will be maintained until such is resolved.
10. Personnel Records documentation, deemed to be destroyable, will be destroyed by shredding.

Employee Qualification

Policy

Prior to hiring a prospective employee, the Administrator of Kena Care will ensure that each candidate meets the necessary staff qualifications. This includes minimum age, background and driver checks and State and Federal data base screening.

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Procedure

1. Upon interest in a position, a prospective employee will fill out an employment application. If the applicant is less than 21 years old, the process will stop here.
2. The prospective employee will go through the interview process, to determine whether or not they are qualified for the position for which they are interviewing.
3. If qualified and Kena Care wishes to continue in the hiring process, the company will make the prospective employee an offer, *pending the results of the following:*

State and Federal database screening:

1. Prior to hire, the Administrator or designee will screen all applicants, and prospective contractors, to ensure they are not listed on the LEIE (List of Excluded Individuals and Entities), SAM (System for Award Management) and DHS's Medicare system. This will be done online at each respective website.
2. If the applicant or contractor's name appears on any of the exclusions lists, Kena Care will not continue in hiring the individual or contracting them for services.
3. Kena Care will keep a list of all employees verified through the exclusion list screening as well as a list of all contractors and service providers authorized through the exclusion list screening.
4. All active employees and contractors will be screened on a monthly basis to ensure ongoing compliance.

Drug Screen:

1. Prospective employees will need to submit for a drug screen in accordance with Kena Care's drug-free workplace policy.
2. Any candidate returning a positive result for illicit or mood-altering substances will be disqualified from the hiring process.

3. In order to assure a drug-free workplace, Kena Care may further require staff to submit to a drug screen should a report or other suspicious activity prompt additional checks. Any staff involved in an at-fault vehicle accident will automatically be screened for substance use. It is prohibited for any employee to manufacture, distribute, possess or use illegal substances or alcohol while engaged in any work or job function for Kena Care.

Criminal Background checks:

1. Prior to working for Kena Care a prospective employee must submit for a Pennsylvania State Police Criminal Background check as well as criminal background checks from any other state a candidate has lived in for the previous 1 year.
2. Should a candidate report that s/he has been a resident of any other state at any time in the past two (2) years, an application for a Federal Bureau of Investigation (FBI) criminal history record check shall be submitted in addition to the Pennsylvania criminal record check.
3. Should a criminal record exist, Kena Care will take the following into consideration in making the determination to employ the person:
 - a. The nature of the crime(s)
 - b. The facts surrounding the conviction
 - c. Time elapsed since the conviction
 - d. Evidence of the person's rehabilitation
 - e. The nature and responsibilities of the job position
4. Through the process in #3 above, a candidate would be disqualified if he/she was convicted of a felony or a misdemeanor which relates adversely to that person's suitability to provide service safely and legally.
5. Kena Care will conduct criminal background screens on its drivers upon hire and every 2 years thereafter.
6. Criminal background checks will be maintained in each staff person's personnel file for at least 3 years.

Driver's Vehicle Records check:

1. Prior to a job offer to a perspective driver, a driver's motor vehicle records check will be completed for each applicant.
2. Any candidate will not be eligible for hire based on the following criteria:
 - a. A combination of 3 motor vehicle violations or accidents within the past 2 years
 - b. Any driving infraction relating to the use of drugs or alcohol within past 3 years
 - c. Having an invalid or suspended license

3. All active employees will need to show proof of valid driver's license and vehicle insurance on an annual basis. Employees must report to administration any lapse or suspension of license or insurance, as well as any driving offense or violation.

4. Driver history checks will be completed at least every 12 months from the date of the most recent report.

5. Driver history checks will be maintained in each staff person's personnel file for at least 2 years.

A-6427276
A-2024-3050062

KENA CARE HOME HEALTH AGENCY LLC
5915 PALMER DRIVE
HARRISBURG PA 17112

**RE: Application of Kena Care Home Health Agency LLC
Request for additional information**

1. Will you be exclusively transporting clients who are utilizing Kena Care Home Health Care services, or is it your intention to transport individuals of the general public?

A: Transportation will not be exclusive to Kena Care Home Health Care clients, although clients may be transported as part of the Home Health Care services. Kena Care will primarily be transporting individuals with intellectual disabilities, developmental disabilities or autism (ID/A). Kena Care also wishes to transport other members of the general public

I, Stella Mwangi, 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).



Signature



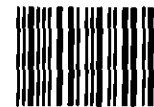
Date

Home Health Agency

per Dr

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Retail



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To

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120