

Re: Recommendations for HB 1611 Pennsylvania's Older Adults Protective Services Act

June 2, 2026

On behalf of the Rehabilitation and Community Providers Association (RCPA) Physical Disabilities and Aging Division, thank you for your continued leadership and engagement regarding House Bill 1611 and the ongoing effort to modernize Pennsylvania's Older Adults Protective Services Act (OAPSA).

RCPA and its members strongly support efforts to protect older adults from abuse, neglect, exploitation, and harm. Providers across Pennsylvania's aging and disability service systems share the Commonwealth's commitment to ensuring vulnerable individuals remain safe while receiving high-quality care and supports in their homes and communities.

As discussions surrounding OAPSA modernization continue, we respectfully encourage careful consideration of several provisions that may create unintended workforce and access-to-care challenges for home- and community-based services (HCBS) providers operating within Pennsylvania's Medicaid-funded long-term services and supports (LTSS) system.

Pennsylvania's HCBS system is currently facing significant operational pressure driven by persistent workforce shortages, growing service demand, increasing caregiver turnover, and longstanding Medicaid reimbursement challenges. Community-based providers operate large decentralized workforces across participant homes and often must hire and onboard direct care workers quickly in order to prevent delayed starts of care, missed shifts, hospitalization, or unnecessary institutional placement.

Within that context, several provisions in HB 1611 warrant additional consideration to ensure implementation remains operationally feasible while preserving continuity of care for older adults receiving services in the community.

Expanded FBI Fingerprint Background Check Requirements

RCPA appreciates the intent behind strengthening workforce screening protections. However, the proposed expansion of FBI fingerprint-based background check requirements to all covered applicants may create significant operational challenges for HCBS providers and direct care workers.

Current law already requires FBI fingerprint-based screening for individuals who have resided outside Pennsylvania within the previous two years. Expanding this requirement universally across the HCBS workforce may result in:

- Increased onboarding delays;
- Workforce attrition during the hiring process;
- Duplicative screening requirements;
- Additional administrative costs; and
- Reduced workforce availability during a period of significant caregiver shortages.

These concerns are particularly relevant within HCBS settings, where providers frequently operate in high-volume hiring environments and services are delivered directly in participant homes across multiple counties and managed care systems.

RCPA also encourages consideration of the operational and fiscal impact associated with duplicative fingerprinting requirements for workers who may already possess substantially similar FBI clearances through other Commonwealth systems, including existing Office of Children, Youth and Families (OCYF) screening requirements.

To help balance consumer protections with workforce sustainability and continuity of care, RCPA respectfully encourages consideration of:

- Recognition of substantially equivalent FBI clearances;
- Portability of clearances across employers and care settings;
- Retention of existing provisional hiring flexibility;
- Phased implementation timelines; and
- HCBS-specific operational accommodations where appropriate.

Hiring Flexibility and Provider Operational Responsibility

RCPA appreciates the inclusion of waiver and review processes within the legislation. At the same time, providers remain concerned about maintaining sufficient operational flexibility to make individualized hiring decisions while continuing to meet participant care needs safely and effectively.

HCBS providers retain significant responsibility for:

- Participant safety;
- Employee supervision;
- Continuity of care; and
- Overall service delivery compliance.

Providers are often best positioned to evaluate:

- Job-specific responsibilities;
- Rehabilitation and workforce readiness;
- Supervision structures; and
- Participant compatibility within community-based settings.

RCPA respectfully encourages continued discussion regarding:

- Employer access to sufficient information necessary for informed hiring decisions;
- Consistency and timeliness of waiver determinations;
- Portability of approved waivers; and
- Preservation of reasonable provider discretion within the hiring process.

Alignment with Existing HCBS Operational Frameworks

RCPA also encourages continued alignment between OAPSA implementation requirements and existing HCBS operational and regulatory frameworks.

Several provisions, including provisional hiring timelines and supervision expectations, may prove difficult to operationalize within decentralized home-based care environments. HCBS providers frequently must staff services rapidly following hospital discharge, participant reassessment, caregiver loss, or other urgent care transitions.

Implementation approaches that recognize the operational realities of HCBS delivery models will help support both participant safety and continuity of care.

Conclusion

RCPA appreciates the Committee's thoughtful approach to strengthening protections for older adults and recognizes the importance of maintaining strong accountability systems across Pennsylvania's LTSS network.

As the legislative process continues, we respectfully encourage continued stakeholder collaboration to ensure implementation approaches preserve:

- Access to home- and community-based services;
- Workforce sustainability;
- Operational feasibility; and
- Continuity of care for older adults across the Commonwealth.

Thank you again for your ongoing leadership and consideration. RCPA and its members look forward to continued engagement as discussions surrounding OAPSA modernization move forward.

Sincerely,



Richard S. Edley, PhD
RCPA President/CEO