

Agency Compliance Guide

Home care agencies deliver medical and non-medical services in client homes, bridging hospital and community care.

Agencies face oversight from **federal regulators (CMS, Department of Labor, OSHA)**, **state licensing bodies**, and often **accrediting organizations**.

Compliance requirements are designed to protect **client safety, care quality, and worker welfare**.

Key areas of compliance include:

1. **Licensing and certification** – agencies must obtain and maintain state licensure and CMS certification.
2. **HR management** – agencies must verify staff qualifications, maintain background checks, and adhere to fair employment standards.
3. **Training and competencies** – caregivers must complete required training hours and maintain current certifications.
4. **Documentation and reporting** – agencies must keep accurate, timely, and retrievable records in line with CMS and state rules.

Failure in any domain can lead to deficiencies cited during surveys, financial penalties, or revocation of licensure.

Licensing and Certification Requirements

- **State Licensing**
 - Each state requires agency licensure, with variations in application, renewal, and reporting.
 - Common requirements: proof of qualified administrator, liability insurance, written policies, and minimum staff-to-client ratios.

Example: California mandates licensed Home Care Organizations to register caregivers and maintain a Home Care Aide Registry.

Important Note: Agencies must maintain active licenses, meet state-specific requirements, and prepare for Audits.

Human Resources Compliance

- **Hiring Standards**

- **Background checks:** States require criminal history checks and abuse registry clearance for all caregivers.
- **Verification:** Agencies must verify professional licenses and certifications.
- **Health screenings:** OSHA & state rules require TB testing, vaccination documentation, and physical exams for caregivers.

- **Employment Policies**

- Compliance with **Fair Labor Standards Act (FLSA)** and **Department of Labor** wage/hours.
- Written job descriptions with defined scope of practice.
- Confidentiality agreements in compliance with **HIPAA**.

- **Personnel Files**

- Agencies must maintain updated personnel files including:
 - Application/resume
 - Background check results
 - Competency checklists
 - Training records
 - Annual performance evaluations

Key Takeaway: HR compliance protects clients, ensures worker qualifications, and mitigates agency liability.

Training and Competency Standards

- **Initial Training**

- **States define required hours for aides.**

Example: California state requires that an affiliated home care aide shall complete a minimum of five hours of entry-level training prior to presence with a client, as follows: (1) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment. (2) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control.

- **Ongoing Training**

- **Agencies should provide refreshers in fall prevention, medication management (if applicable), and emergency preparedness.**

Example: California state requires that an affiliated home care aide shall complete a minimum of five hours of annual training. The annual training shall relate to core competencies and be population specific, which shall include, but not be limited to, the following areas:

- (1) Clients' rights and safety.
 - (2) How to provide for, and respond to, a client's daily living needs.
 - (3) How to report, prevent, and detect abuse and neglect.
 - (4) How to assist a client with personal hygiene and other home care services.
 - (5) If transportation services are provided, how to safely transport a client.

Key Takeaway: *Training compliance ensures workforce readiness and reduces safety incidents.*

Documentation and Reporting

- **Records Must be accurate, accessible, and organized, showing:**
 - o Client assessments and care plans
 - o Services rendered (with dates/times)
 - o Changes in condition and interventions
 - o Signatures and credentials of staff
 - o adverse events, abuse/neglect, and sentinel events per state law and accreditor requirements.
- **HR and Administrative Documentation**
 - Maintain employee files, payroll, and training records.
- **Survey and Audit Readiness**
 - Agencies must be able to produce documentation during unannounced Audits.
 - Missing or inaccurate records are among the top deficiencies cited by Auditors.

Key Takeaway: Documentation is both a clinical and legal requirement— “if it isn’t documented, it didn’t happen.”

Implementation for Home Care Agencies

- Assign a **compliance officer** or designate a manager responsible for regular audits.
- Ensure that you keep an up-to-date copy of state and federal compliance checklists
- Use **quarterly internal reviews** against the compliance checklist.
- Provide **ongoing staff training** on compliance changes.

Aricares Alliance advice that agencies should integrate with cloud-based management platforms designed for home care agencies, that offers a more robust system for managing care delivery, compliance, billing, and analytics at scale.

For home care agencies, compliance is not optional—it is the foundation of safe, ethical, and legally defensible care. Agencies that adopt systematic compliance monitoring improve patient safety, reduce liability, and strengthen their reputation with clients, families, and regulators.