

CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH
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RE: Direct Care Workers and Direct Support/Service Professionals Exceptions to HCW Mandate

This letter rescinds the October 26th, 2021 document addressing temporary exceptions for certain groups of individuals providing care to a family member in the family member's home.

Updated information is provided below regarding the Philadelphia Department of Health's enforcement of the "Emergency Regulation Governing the Control and Prevention of COVID-19 Mandating Vaccines for Healthcare Workers and In Higher Education, Healthcare, and Related Settings" as it pertains to Direct Care Workers or Direct Support/Service Professionals employed in the City of Philadelphia.

The Department will not enforce the Healthcare Worker Vaccine Mandate against certain individuals providing care for a Relative as defined below UNTIL the end of calendar year 2021 OR until federal mandates require vaccinations for these individuals, whichever occurs first. Such individuals should be treated as employees who have received a valid religious or medical exemption.

Plain Language Summary:

This temporary and discretionary non-enforcement applies **to nonprofessional individuals employed as a Direct Care Worker or Direct Support/Service Professional** actively aiding a family member in the family member's home.

Full Summary:

The Emergency Regulation Governing the Control and Prevention of COVID-19 Mandating Vaccines for Healthcare Workers and In Higher Education, Healthcare, and Related Settings ("Vaccine Mandate Regulation"), effective August 16, 2021, will not be enforced against a Direct Care Worker employed by a Pennsylvania licensed Home Care Agency, Home Care Registry, or Participant or a Direct Support/Service Professional employed by a Provider or Participant to provide Personal Assistance Services (Instrumental Activities of Daily Living or Activities of Daily Living) or Respite Services to a Relative in such Relative's home until December 31, 2021 or until such time as the Centers for Medicare and Medicaid Services (CMS) issue federal directives on the application of mandatory vaccines to such individuals, whichever occurs first.

The term "Direct Care Worker" may have the definition provided in 28 Pa. Code § 611.5 or 55 Pa. Code § 52.3, depending upon employing entity and services provided.

The term “Direct Support/Service Professional” is not codified but used in reference to services provided under 55 Pa. Code § 6100.143

The terms “Home Care Agency” and “Home Care Registry” have the definitions provided under 28 Pa. Code § 611.5.

The terms “Provider”, “Participant”, “Personal Assistance Services” and “Respite Services” have the definitions provided in 55 Pa. Code § 52.3

The term “Relative” has the definition as provided in 6 Pa. Code. § 20.2

For Reference:

Activities of Daily Living (ADL) -The term includes eating, drinking, ambulating, transferring in and out of a bed or chair, toileting, bladder and bowel management, personal hygiene, self-administering medication and proper turning and positioning in a bed or chair.

Direct Care Worker

1. The individual employed by a home care agency or referred by a home care registry to provide home care services to a consumer, OR;
2. A person employed for compensation by a provider or participant who provides personal assistance services or respite services.

Direct Support/Service Professionals- Individuals providing an HCBS or base-funding service to the [an] the individual.

Home Care Agency - An organization that supplies, arranges or schedules employees to provide home care services, as directed by the consumer or the consumer’s representative, in the consumer’s place of residence or other independent living environment for which the organization receives a fee, consideration or compensation of any kind.

Home Care Registry -An organization or business entity or part of an organization or business entity that supplies, arranges or refers independent contractors to provide home care services, as directed by the consumer or the consumer’s representative, in the consumer’s place of residence or other independent living environment for which the registry receives a fee, consideration or compensation of any kind.

Instrumental Activities of Daily Living - The term includes the following activities when done on behalf of a participant: (i)Laundry; (ii) Shopping; (iii) Securing and using transportation; (iv) Using a telephone; (v) Making and keeping appointment; (vi) Caring for personal possessions; (vii) Writing correspondence; (viii) Using a prosthetic device; (ix) Housekeeping.

Participant - A person receiving services through a waiver or the Act 150 program.

Personal Assistance Services - Services aimed at assisting the participant to complete ADLs and IADLs that would be performed independently if the participant did not have a disability.

Provider - A Department-enrolled entity which provides a service.

Relative - A spouse or parent; child; stepparent; stepchild; grandparent; grandchild; brother; sister; half-brother; half-sister; aunt; great aunt; uncle; great uncle; niece; or nephew, by blood, marriage or adoption.

Respite Services - Personal assistance services which are provided on a temporary, short-term basis when a non-compensated caregiver is unavailable to provide personal assistance services.