OSHA Increases Civil Penalties

On January 16, 2022, the Occupational Safety and Health Administration (OSHA) increased its civil penalties based on cost of living adjustments.

Below are the maximum penalty amounts, with the annual adjustment for inflation, that may be assessed after Jan. 15, 2022. (See OSHA Memo, Jan 13, 2022).

### 2022 Penalty Adjustments

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>$14,502 per violation</td>
</tr>
<tr>
<td>Other-Than-Serious Posting</td>
<td>$14,502 per violation</td>
</tr>
<tr>
<td>Requirements</td>
<td>$14,502 per day beyond the abatement date</td>
</tr>
<tr>
<td>Failure to Abate</td>
<td>$145,027 per violation</td>
</tr>
</tbody>
</table>

READ THE REST @ PD Home Care at NAHC
NAHC’s Bill Dombi: Horizontal Integration, Workforce Innovation to Accelerate in 2022

The end of 2021 brought a handful of key home health policy issues to a temporary conclusion, including the congressionally secured delay to Medicare sequestration. But the industry still has a long list of other priorities that it’s hoping to carry out in Washington, D.C. – starting with Choose Home.

“Potential cost-saving is what is attracting bipartisan support for this legislation,” Bill Dombi, president of the National Association for Home Care & Hospice (NAHC), told Home Health Care News during a recent HHCN+ TALKS episode. “And if there’s a big deal, it’s the fact that we have members in leadership and on committees of jurisdiction in both parties in both houses of Congress.”

Lawmakers press OSHA for permanent COVID-19 standard and to reinstall protections

A coalition of 115 House members is pressing the Biden administration to issue permanent protections for healthcare workers from contracting COVID-19.

The House lawmakers wrote to the Occupational Safety and Health Administration (OSHA) last week calling for the agency (PDF) to make a permanent standard for health worker COVID-19 protections. The move comes as a temporary standard has
expired and unions are taking the agency to court to reinstall protections.

“The removal of this OSHA standard as hospital resources and workers are strained from grappling with record-breaking numbers of cases of COVID-19 and increasing hospitalizations underscores the dire need for a permanent standard—and the retention of the emergency temporary standard until the permanent standard takes effect—for the duration of the pandemic,” according to the letter led by Rep. Debbie Dingell, D-Michigan.

A warning to home care agencies: Brush up on marketing compliance

An attorney advised home care and home health agencies to beef up compliance training for their marketing teams during a webinar Tuesday sponsored by the National Association for Home Care & Hospice.

Rachel Hold-Weiss from the law firm Arent Fox said marketing representatives require different training than most home care staff because they come into direct contact with numerous referral providers and could be at risk of violating federal kickback regulations.

“If you have a doctor who all of a sudden is referring 30% of your patients in a two-week time period, what happened?” Hold-Weiss asked during the webinar, suggesting this change could raise a red flag. “It could be legitimate. It doesn’t necessarily have to be nefarious, but what changed? What is going on?”

Omicron Wave Hits Home Care Workers’ Health And Paychecks
Marcial Torres’ ability to work as a personal care assistant has been cut by 70% for nearly the past two weeks because his primary client has been in the hospital with COVID-19.

Torres couldn’t care for two other clients, which make up the other 30% of his pay, because he had to isolate for a few days while waiting for his own COVID-19 test to come back negative.

As a PCA, or home care worker, paid with funding administered through the state Department of Social Services, Torres gets no paid time off, no sick time pay and no health insurance.

Did You Miss? Emerging Legal Trends in Home Care & Hospice: Marketing; Compliance, Fraud and Abuse, & Pitfalls

- Day: January 18, 2022
- Time: 2:00 – 3:00 PM Eastern Time
- Register now for the webinar
- Register for the Series

Good and effective marketing strategies can increase patient census, and can help with patient and staff satisfaction, however, improper marketing activities can lead to significant financial penalties, exclusion from participation in federal and state programs, and even jail. This session will

- address the incorrect methods of marketing,
- identify the potential pitfalls and penalties associated with improper marketing activities,
- provide strategies and solutions to market your home health and hospice in a compliant manner.

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Did You Miss? The State of the Market: From Valuations to Volume in 2022 and Beyond

• **REGISTER**
• **Free to members!**

Join the National Association for Home Care & Hospice for this up-to-date look at the home health, home care, hospice and behavioral health markets, including current supply and demand, valuation trends, and how regulatory changes and potential increases to capital gains tax rates may affect market performance in 2022.

Learning objectives:

- Explain how upcoming regulatory changes and potential capital gains tax increases could affect health care industry transactions;
- Describe how to prepare for a potential future sale of a health care company and what to expect during the course of a transaction;
- Discuss projections for the home health, home care, hospice and behavioral health markets in 2022.

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Trust ERC Today for Your Employee Retention Credit Needs

• **APPLY TODAY!**

The National Association for Home Care & Hospice (NAHC) has teamed up with ERC Today, a new partner that provides turnkey Employee Retention Credit (ERC) services to our valued members.

ERC Today helps businesses determine their eligibility for the Employee
Retention Credit (ERC) and has helped organizations like yours secure thousands of dollars to millions of dollars in funding from the IRS. Unlike the Paycheck Protection Program (PPP), the ERC is not a loan but a payment directly from the IRS.

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Advance Your Career As A Senior Home Safety Specialist

NAHC has partnered with Age Safe® America, a national membership, training, advocacy, and services organization, to provide you with an exclusive professional development opportunity.

If you provide care, comfort, safety, and security to older adults, the Senior Home Safety Specialist™ certification might be the perfect fit for your career advancement. Home safety is the #1 concern of older adults and an ESSENTIAL component to aging successfully at home.

Enrolling in the Senior Home Safety Specialist™ will empower you with actionable ways to better help educate clients, older adults, and their family members on the serious issues of home and personal safety.

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RESOURCES

The Human Experience 2020: Vision for the Future of Health Care - The Beryl Institute  
PDHCA Education - PDHCA Website
Littler Operational Guidelines for the Home Care Industry Amid COVID 19
- Littler Mendelson, P.C.

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With the mobile app, your team can take care of business, no matter where the day may take you. Visit our website homecaresoftware.com.

Private Duty Home Care at NAHC is a fully integrated service line of the National Association for Home Care & Hospice focused on Leadership, Education, Advocacy, and Innovation exclusively for the private duty home care community.

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Private Duty Home Care at NAHC
228 Seventh Street, SE
Washington, DC 20003
phone: (202) 547-7424