

PENNSYLVANIA HOME CARE AGENCY vs. HOME CARE REGISTRY

What Pennsylvania law actually says | Fact Sheet | Verified September 26, 2026

THE CORE LEGAL DISTINCTION

Under 28 Pa. Code § 611.5, a Home Care Agency (HCA) supplies, arranges or schedules employees to provide home care services. A Home Care Registry (HCR) supplies, arranges or refers independent contractors to provide home care services.

Terms used in this fact sheet

Pennsylvania Department of Health (PA DOH)	The Commonwealth agency that licenses Home Care Agencies and Home Care Registries.
Home Care Agency (HCA)	A provider that supplies, arranges or schedules employees to provide home care services.
Home Care Registry (HCR)	A provider that supplies, arranges or refers independent contractors to provide home care services.
Direct Care Worker (DCW)	An individual employed by an HCA or referred by an HCR to provide home care services to a consumer.
Instrumental Activities of Daily Living (IADLs)	Everyday tasks that support independent living; the term is used in Chapter 611's definition of home care services.
Area Agency on Aging (AAA)	The local aging agency. The consumer packet must include the telephone number of the Ombudsman Program located with the local AAA.
Tuberculosis (TB)	An infectious disease addressed by the health-screening requirements in 28 Pa. Code § 611.56.

1. Side-by-side: facts established by Chapter 611

Legal definition	Supplies, arranges or schedules employees to provide home care services, as directed by the consumer or representative.	Supplies, arranges or refers independent contractors to provide home care services, as directed by the consumer or representative.	§ 611.5
Direct Care Worker status	The DCW is employed by the HCA.	The DCW is referred by the HCR.	§ 611.5
Roster concept	A registry roster is not the defining worker structure for an HCA.	A roster is the list of individuals eligible to be referred by an HCR.	§ 611.5
Licensure	May not operate, maintain or hold itself out as an HCA without a Department license, except as provided in § 611.2(c).	The same licensing rule applies to an HCR.	§ 611.2(a)
License designation	The license identifies the entity as an agency, registry, or both.	The license identifies the entity as an agency, registry, or both.	§ 611.2(b)
Entity may meet both definitions	Yes. Chapter 611 expressly applies to entities meeting both definitions.	Yes. Chapter 611 expressly applies to entities meeting both definitions.	§ 611.3(a)
Services covered	Home care services include personal care, assistance with IADLs, companionship, respite care and specialized care.	The same Chapter 611 definition applies.	§ 611.5

Scope note: Chapter 611 contains exclusions in § 611.3(a), including specified entities such as home health care agencies, durable medical equipment providers, volunteer providers, and certain financial-management/supports-coordination organizations described in the regulation.

2. Requirements that apply to agencies and registries

The registry model is not exempt from Chapter 611 simply because its Direct Care Workers are independent contractors. The regulation imposes multiple requirements on both licensed structures.

Interview before hiring/rostering	A personal face-to-face interview is required. Act 96 of 2024 permits the face-to-face requirement to be fulfilled using two-way video remote technology.	§ 611.51(a)(1); Act 96 of 2024
References	At least two satisfactory references are required before hiring or rostering. The regulation defines a satisfactory reference as positive and verifiable, from a former employer or another nonrelative, affirming the individual's ability to provide home care services.	§ 611.51(a)(2)
Criminal history	Each applicant for employment or referral as a DCW must submit a criminal history report obtained at application or within the immediately preceding year. The section also addresses office staff and owners.	§ 611.52(a)
Pennsylvania vs. Federal criminal-history route	The regulation specifies a Pennsylvania State Police record for an individual resident in Pennsylvania for the preceding 2 years; otherwise it specifies a Federal criminal history record plus a Department of Aging letter of determination.	§ 611.52(b)-(c)
ChildLine - when applicable	An HCA or HCR that serves persons under age 18 must require the ChildLine verification described in the regulation for DCW applicants and office-staff applicants.	§ 611.53(a)
Initial competency	Before assigning or referring a DCW, the HCA or HCR must ensure the DCW satisfies one of the competency pathways listed in the regulation.	§ 611.55(a)
Annual competency review	The DCW file must document review of competency to perform assigned duties. Review must occur at least annually after initial competency and more frequently in specified quality-of-care disciplinary circumstances.	§ 611.55(e)
TB screening before contact	Before consumer contact, each DCW and other office staff/contractors with direct consumer contact must provide documentation of screening showing the individual is free from active mycobacterium tuberculosis. Initial documentation may not be more than 1 year before the start date.	§ 611.56(a)
TB documentation update	Required TB documentation must be updated at least every 12 months, measured from the date of the last evaluation.	§ 611.56(b)

ACT 96 CLARIFICATION: The regulation still displays the phrase "face-to-face interview," but Act 96 of 2024 expressly allows two-way video remote technology to satisfy that requirement and abrogates § 611.51(a)(1) to the extent of any inconsistency.

3. Consumer protections and required disclosures

These are regulatory consumer protections and required information for both licensed structures - not optional marketing practices.

Service planning	The consumer has the right to be involved in service planning and to reasonable accommodation of individual needs and preferences, except where DCW health and safety is at risk.	§ 611.57(a)(1)
Termination notice	At least 10 calendar days' advance written notice of intent to terminate services, subject to the regulation's stated exceptions.	§ 611.57(a)(2)
Power of attorney / guardianship	An individual may not, as a result of affiliation with the HCA or HCR, assume power of attorney or guardianship over a consumer using that provider's services.	§ 611.57(b)
Checks	The HCA or HCR may not require a consumer to endorse checks over to it.	§ 611.57(b)
Pre-service information packet	Before services start, the provider must give the consumer, legal representative or responsible family member an easily read and understood information packet.	§ 611.57(c)
Services + DCW identity	The packet must list the available home care services that will be provided and identify the DCW who will provide them.	§ 611.57(c)(1)
Hours	The packet must state the hours when services will be provided.	§ 611.57(c)(2)
Fees / total costs	The packet must state fees and total costs on an hourly or weekly basis.	§ 611.57(c)(3)
PA DOH / complaint contacts	The packet must state who to contact at PA DOH for licensure/compliance information, the Department complaint hotline, and the local AAA Ombudsman Program telephone number. PA DOH Division of Home Health: 717-783-1379 Home Care licensing questions: ra-dhhlicenquestions@pa.gov PA DOH complaint hotline: 1-800-254-5164 Local Ombudsman: Use the telephone number for the Ombudsman Program located with the consumer's local Area Agency on Aging.	§ 611.57(c)(4)-(5); current PA DOH sources
Hiring / competency information	The packet must include hiring and competency requirements applicable to agency-employed or registry-referred DCWs.	§ 611.57(c)(6)
Employee vs. contractor disclosure	The packet must include the Department-format disclosure addressing employee/independent-contractor status and the resulting respective tax, insurance and other responsibilities.	§ 611.57(c)(7)
Proof of compliance	The HCA or HCR must maintain documentation of compliance with § 611.57 for Department inspection.	§ 611.57(d)

4. Facts vs. assumptions

This section separates what Pennsylvania law establishes from statements that depend on a business model, contract, payer or individual legal arrangement.

"An agency uses employees; a registry refers independent contractors."	ESTABLISHED FACT	This is the central distinction in the Chapter 611 definitions. § 611.5.
"Both are licensed by the Pennsylvania Department of Health under Chapter 611."	ESTABLISHED FACT	Subject to the chapter's scope and exclusions, § 611.2 requires licensure and § 611.3 applies Chapter 611 to both structures.
"Registries do not have competency, background-check or tuberculosis requirements."	FALSE	Chapter 611 expressly imposes these requirements on agencies and registries. §§ 611.51-.56.
"Registry caregivers are always cheaper."	NOT A CHAPTER 611 FACT	Chapter 611 does not establish a universal price advantage for either model.
"Agency care is always safer or higher quality."	NOT A CHAPTER 611 FACT	Chapter 611 establishes minimum standards for both; it does not declare one structure universally safer or higher quality.
"Registry consumers always have more caregiver choice or control."	NOT A UNIVERSAL CHAPTER 611 FACT	Consumer direction is part of the regulatory framework, but Chapter 611 does not establish a universal model-by-model ranking of choice.
"Workers' compensation, tax and insurance obligations are always the same for every registry arrangement."	DO NOT GENERALIZE	Section 611.57(c)(7) requires disclosure of the respective tax, insurance and other responsibilities. Those responsibilities depend on the actual legal arrangement and applicable law.

5. Primary sources used for this fact sheet

Pennsylvania Code, 28 Pa. Code Chapter 611 - licensing, definitions, hiring/rostering, criminal history, ChildLine, competency, health screening and consumer protections.

Pennsylvania Health Care Facilities Act, 35 P.S. § 448.806c - statutory consumer-protection information requirements.

Act 96 of 2024 (P.L. 977, No. 96) - permits two-way video remote technology to satisfy the face-to-face interview requirement and abrogates § 611.51(a)(1) to the extent of inconsistency.

Pennsylvania Department of Health - Home Care Agencies and Registries / Home Care Regulations - current licensing resource accounts and program information.

EDUCATIONAL USE: This resource summarizes selected Pennsylvania requirements for licensed Home Care Agencies and Home Care Registries. It is not legal, tax, employment, insurance or payer-specific advice. Statutes, regulations, Department guidance and payer requirements should be checked for the facts of a particular operation.

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