



General Assembly

February Session, 2008

***Raised Bill No. 381***

LCO No. 1931

\*01931\_\_\_\_\_AGE\*

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

***AN ACT CONCERNING OVERSIGHT OF HOMEMAKER-COMPANION AGENCIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-675 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The Commissioner of Consumer Protection may revoke, suspend  
4 or refuse to issue or renew any certificate of registration as a  
5 homemaker-companion agency or place an agency on probation or  
6 issue a letter of reprimand for: (1) Conduct by the agency, or by an  
7 employee of the agency while in the course of employment, of a  
8 character likely to mislead, deceive or defraud the public or the  
9 commissioner; [or] (2) engaging in any untruthful or misleading  
10 advertising; or (3) conduct by an employee of the agency while in the  
11 course of employment resulting in a finding by the commissioner  
12 pursuant to subsection (b) of this section.

13 (b) The commissioner shall receive, investigate, and prosecute  
14 complaints against any employee of a homemaker-companion agency.  
15 The grounds for complaint shall include abuse, neglect or

16 misappropriation of property of a person receiving homemaker or  
17 companion services. An employee shall be given written notice by  
18 certified mail by the commissioner of any complaint against him or  
19 her. An employee who wishes to appeal such a complaint shall, not  
20 later than thirty days after the date of the mailing, file with the  
21 Department of Consumer Protection a request in writing for a hearing  
22 to contest the complaint. The commissioner shall render a finding on  
23 such complaint, and, if a hearing is requested, it shall be conducted  
24 pursuant to chapter 54. The commissioner shall record such finding  
25 against such employee on the registry of the homemaker-companion  
26 agency. In addition to any other penalty provided for in sections 20-  
27 670 to 20-678, inclusive, as amended by this act, any employee who is  
28 subject to a finding pursuant to this subsection shall be fined not more  
29 than one thousand dollars or imprisoned not more than six months, or  
30 both.

31 [(b)] (c) The commissioner shall not revoke or suspend any  
32 certificate of registration except upon notice and hearing in accordance  
33 with chapter 54.

34 Sec. 2. Section 20-678 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2008*):

36 Each homemaker-companion agency shall require that any  
37 employee of such agency hired on or after October 1, 2006, submit to a  
38 comprehensive background check. In addition, each homemaker-  
39 companion agency shall require that any employee of such agency  
40 hired on or after October 1, 2006, complete and sign a form which  
41 contains questions as to whether the current or prospective employee  
42 was convicted of a crime involving violence or dishonesty in a state  
43 court or federal court in any state; or was subject to any decision  
44 imposing disciplinary action by a licensing agency in any state, the  
45 District of Columbia, a United States possession or territory or a  
46 foreign jurisdiction, or subject to a finding by the commissioner  
47 pursuant to subsection (b) of section 20-675, as amended by this act.

48 Any employee of a homemaker-companion agency hired on or after  
49 October 1, 2006, who makes a false written statement regarding such  
50 prior criminal convictions [or] , disciplinary action or finding shall be  
51 guilty of a class A misdemeanor.

52 Sec. 3. Section 20-679 of the general statutes is repealed and the  
53 following is substituted in lieu thereof (*Effective October 1, 2008*):

54 Not later than seven calendar days after the date on which a  
55 homemaker-companion agency commences providing homemaker  
56 services or companion services, such agency shall provide the person  
57 who receives the services, or the authorized representative of such  
58 person, with a written contract or service plan that prescribes the  
59 anticipated scope, type, frequency, duration and cost of the services  
60 provided by the agency. In addition, any contract or service plan  
61 provided by a homemaker-companion agency to a person receiving  
62 services shall also provide notice (1) of the person's right to request  
63 changes to, or review of the contract or service plan, (2) of the  
64 employees of such agency who, pursuant to section 20-678, as  
65 amended by this act, are required to submit to a comprehensive  
66 background check, who have been subject to disciplinary action by a  
67 licensing agency in any state and who have been subject to a finding  
68 by the commissioner pursuant to subsection (b) of section 20-675, as  
69 amended by this act, and (3) that such agency's records are available  
70 for inspection or audit by the Department of Consumer Protection. No  
71 contract or service plan for the provision of homemaker or companion  
72 services shall be valid against the person who receives the services or  
73 the authorized representative of such person, unless the contract or  
74 service plan has been signed by a duly authorized representative of the  
75 homemaker-companion agency and the person who receives the  
76 services or the authorized representative of such person. The  
77 requirements of this section shall not apply to homemaker services or  
78 companion services provided under the Connecticut home-care  
79 program for the elderly administered by the Department of Social  
80 Services in accordance with section 17b-342.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	20-675
Sec. 2	<i>October 1, 2008</i>	20-678
Sec. 3	<i>October 1, 2008</i>	20-679

***Statement of Purpose:***

To protect seniors from abuse or neglect by providing increased oversight of homemaker-companion agencies and their employees.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*