



General Assembly

Substitute Bill No. 5312

January Session, 2009

* HB05312PH 032509 *

**AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR
EMPLOYEES OF HOMEMAKER-COMPANION AGENCIES AND HOME
HEALTH AGENCIES.**

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

1 Section 1. Section 20-670 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 As used in sections 20-670 to 20-680, inclusive, as amended by this
4 act:

5 (1) "Certificate" means a certificate of registration issued under
6 section 20-672, as amended by this act.

7 (2) "Commissioner" means the Commissioner of Consumer
8 Protection or any person designated by the commissioner to
9 administer and enforce the provisions of sections 20-670 to 20-680,
10 inclusive, as amended by this act.

11 (3) "Companion services" means nonmedical, basic supervision
12 services to ensure the well-being and safety of a person in such
13 person's home.

14 (4) "Employee" means any person employed by, or who enters into a
15 contract to perform services for, a homemaker-companion agency,
16 including, but not limited to, temporary employees, pool employees

17 and independent contractors.

18 (5) "Homemaker services" means nonmedical, supportive services
19 that ensure a safe and healthy environment for a person in such
20 person's home, such services to include assistance with personal
21 hygiene, cooking, household cleaning, laundry and other household
22 chores.

23 (6) "Homemaker-companion agency" means any public or private
24 organization, employing one or more persons that is engaged in the
25 business of providing companion services or homemaker services.
26 Homemaker-companion agency shall not include a home health care
27 agency, as defined in subsection (d) of section 19a-490, or a
28 homemaker-home health aide agency, as defined in subsection (e) of
29 section 19a-490.

30 (7) "Service plan" means a written document provided by a
31 homemaker-companion agency to a person utilizing services provided
32 by such agency, that specifies the anticipated scope, type, frequency
33 and duration of homemaker or companion services that are to be
34 provided by such agency for the benefit of the person.

35 (8) "Comprehensive background check" means a background
36 investigation performed by the agency, that includes, but is not limited
37 to: (A) A review of the employment application prepared by the
38 agency and completed by the applicant; (B) an in-person interview of
39 the applicant; (C) verification of the applicant's Social Security number;
40 (D) if the position applied for within the agency requires licensure on
41 the part of the applicant, verification that the required license is in
42 good standing; (E) a check of the registry established and maintained
43 pursuant to section 54-257; (F) a review of criminal conviction
44 information obtained through a search of current criminal matters of
45 public record in this state based on the applicant's name and date of
46 birth; (G) if the applicant has resided in this state less than five years
47 prior to the date of the application for employment, a review of
48 criminal conviction information from the state or states where such

49 applicant resided during the five-year period preceding the date of
50 such application for employment with the agency; and (H) a review of
51 any other information that the agency deems necessary in order to
52 evaluate the suitability of the applicant for the position.

53 Sec. 2. Subsection (a) of section 20-672 of the general statutes is
54 repealed and the following is substituted in lieu thereof (*Effective*
55 *October 1, 2009*):

56 (a) Any person seeking a certificate of registration as a homemaker-
57 companion agency shall apply to the Commissioner of Consumer
58 Protection, in writing, on a form provided by the commissioner. The
59 application shall include the applicant's name, residence address,
60 business address, business telephone number and such other
61 information as the commissioner may require. An applicant shall also
62 be required to submit to state and national criminal history records
63 checks in accordance with section 29-17a and to certify under oath to
64 the commissioner that: (1) Such agency complies with the
65 requirements of section 20-678 concerning employee comprehensive
66 background checks, (2) such agency provides all persons receiving
67 homemaker or companion services with a written individualized
68 contract or service plan that specifically identifies the anticipated
69 scope, type, frequency and duration of homemaker or companion
70 services provided by the agency to the person, (3) such agency
71 maintains a surety bond, and (4) all records maintained by such
72 agency shall be open, at all reasonable hours, for inspection, copying
73 or audit by the commissioner.

74 Sec. 3. Subsection (a) of section 20-675 of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*
76 *October 1, 2009*):

77 (a) The Commissioner of Consumer Protection may revoke, suspend
78 or refuse to issue or renew any certificate of registration as a
79 homemaker-companion agency or place an agency on probation or
80 issue a letter of reprimand for: (1) Conduct by the agency, or by an

81 employee of the agency while in the course of employment, of a
82 character likely to mislead, deceive or defraud the public or the
83 commissioner; [or] (2) engaging in any untruthful or misleading
84 advertising; or (3) failing to perform a comprehensive background
85 check of an applicant for employment as required by section 20-678.

86 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) As used in this section,
87 "comprehensive background check" means a background investigation
88 performed by a home health agency, as defined in subsection (k) of
89 section 19a-490 of the general statutes, that includes, but is not limited
90 to: (1) A review of the employment application prepared by the agency
91 and completed by the applicant; (2) an in-person interview of the
92 applicant; (3) verification of the applicant's Social Security number; (4)
93 if the position applied for within the agency requires licensure on the
94 part of the applicant, verification that the required license is in good
95 standing; (5) a check of the registry established and maintained
96 pursuant to section 54-257 of the general statutes; (6) a review of
97 criminal conviction information obtained through a search of current
98 criminal matters of public record in this state based on the applicant's
99 name and date of birth; (7) if the applicant has resided in this state less
100 than five years prior to the date of the application for employment, a
101 review of criminal conviction information from the state or states
102 where such applicant resided during the five-year period preceding
103 the date of such application; and (8) a review of any other information
104 that the agency deems necessary in order to evaluate the suitability of
105 the applicant for the position.

106 (b) Each home health agency shall require that any employee of
107 such agency hired on or after October 1, 2009, submit to a
108 comprehensive background check. In addition, each home health
109 agency shall require that any such employee of such agency hired on
110 or after October 1, 2009, complete and sign a form which contains
111 questions as to whether the current or prospective employee was
112 subject to any decision imposing disciplinary action by a licensing
113 agency in any state, the District of Columbia, a United States

114 possession or territory or a foreign jurisdiction. Any such employee of
115 a home health agency hired on or after October 1, 2009, who makes a
116 false written statement regarding such prior disciplinary action shall
117 be guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	20-670
Sec. 2	<i>October 1, 2009</i>	20-672(a)
Sec. 3	<i>October 1, 2009</i>	20-675(a)
Sec. 4	<i>October 1, 2009</i>	New section

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