



Connecticut Association for
**HOME CARE
& HOSPICE**

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TESTIMONY BEFORE THE SELECT COMMITTEE ON AGING
REGARDING H.B. 5312,
AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR EMPLOYEES OF
HOMEMAKER-COMPANION AGENCIES

January 27, 2009

Senator Prague, Representative Serra, members of the Aging Committee, my name is Brian Ellsworth and I am President & CEO of the Connecticut Association for Home Care & Hospice (CAHCH), whose members serve over 100,000 elderly, disabled and terminally ill Connecticut citizens. We are pleased to provide comments today on H.B. 5312, regarding criminal background checks for employees of homemaker-companion agencies.

The Association is a long-time supporter of requirements for criminal background checks as one part of a strategy to help ensure that our most vulnerable citizens are receiving high quality care and protected to the maximum extent feasible. This past Friday, our Association's Board of Directors re-affirmed that commitment by adopting guidelines for all types of home care providers in CT, as well as for use by the general public in selecting an agency, entitled "Best Practices in Hiring Unlicensed Personal Caregivers" (summary attached). For two reasons outlined below, the Association **opposes** H.B. 5312.

First, H.B. 5312 would narrow the existing requirement for homemaker-companion agencies from conducting a "comprehensive background check" to a requirement for only a criminal history check using the state police system. Our Best Practice guidelines describe this as the minimum component of a comprehensive background check, and only one part of an array of employment practices that agencies should utilize and the public should expect.

Secondly, under current law, homemaker-companion agencies can use private, affordable and timely methods to conduct background checks. For example, one CT-based vendor

(www.arresthistory.com) provides for unlimited, comprehensive background checks for an annual fee of \$250 per year and the results of the background check are instantaneous. This is in stark contrast to the thousands of dollars a State-driven procedure would cost an average-sized agency, and the lengthy turnaround time that could cost agencies already scarce workers.

The CT Association for Home Care & Hospice was pleased to be an active supporter of the 2006 legislation that created the registration requirements for homemaker-companion agencies. These agencies are a growing and important part of the home and community-based care delivery system. According to a report released last year by the Department of Consumer Protection, there are now 144 such agencies registered in CT. That same report declares the initial implementation of the new homemaker-companion agency registration law “a success” and made two minor recommendations for statutory changes, with which we concur.

Looking to the future and considering our current economic environment, we need to make sure that costs are not needlessly driven up while failing to provide real protection to the consumer or worse yet, creating a false sense of security.

In closing, we think the best strategy is to combine broad statutory requirements with industry standard setting, enough flexibility to use private & affordable vendors and consumer education. In addition, the requirement for a comprehensive background check (as written in current law) should be expanded to include currently unregulated forms of home care, including direct caregivers in private-pay agencies providing care to chronic & stable patients, registries and personal care assistants paid for with public funds.

Thank you for consideration of our comments on this important issue.



Summary: Best Practices in Hiring Non-Licensed Personal Caregivers

The CT Association for Home & Hospice Care (CAHCH) has developed “Best Practices in the Hiring of Non-Licensed Personal Caregivers” as part of an effort to develop standards to ensure that agencies are taking reasonable and prudent steps to hire the highest quality workforce to provide care to patients. These best practices provide industry standardization and protection for a vulnerable population and give patients/families a benchmark to evaluate qualifications and credentials. These best practices are intended for all individuals who need personal care, including those coming out of nursing homes under Money Follows the Person. As the need for home care services for patients increases, we need to ensure that the caregivers who are hired to care for our loved ones are qualified and competent.

- ❑ **Comprehensive Background Checks:** CAHCH supports comprehensive background checks for caregivers through the use of private and affordable background check systems for all providers. Comprehensive background checks for all providers includes all entities that hire or contract employees to provide personal care in patient homes, including but not limited to licensed and certified home health and hospice agencies, nursing registries, homemaker companion agencies (already required).
- ❑ **Criminal Background Check:** Comprehensive background checks should include, at a minimum, a criminal background check for each state listed on the job application where the applicant has worked or lived for at least the last 3 years.
- ❑ **Additional Checks:** In addition to a criminal background check, a comprehensive background check may include, but not be limited to personal and professional references, verification of appropriate education or training (if applicable), driving record (if applicable), and review of appropriate registries and pre-employment drug screening.
- ❑ **Education:** Appropriate education and training is currently required for Certified Nurse Aides and Home Health Aides. For other non-licensed personal care providers (i.e. PCAs), it is recommended that each agency set a standard for orientation and ongoing in-service education to ensure clinical competence and compliance with agency policy.
- ❑ **Back Up/On Call Services:** Clients should insure that there is a plan in place for the provision of care if the personal care worker is unavailable (this can be provided through the agency or through other pre-established arrangements).
- ❑ **Oversight:** Appropriate supervision of personal care workers is necessary. In addition, future recommendations include caregiver oversight and a complaint process for the population of disabled adults who are not otherwise protected (such as an ombudsman) along with oversight to insure appropriate verification of services, payment and use of funding.

CAHCH is also developing community education resources to provide patients and family members with a guideline to assist in determining which agency or personal care worker has implemented these best practices. Please contact CAHCH at 203-265-9931 or info@cahch.org for further information.