



Substitute Senate Bill No. 911

Public Act No. 11-230

**AN ACT CONCERNING HOMEMAKER SERVICES AND
HOMEMAKER-COMPANION AGENCIES.**

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

Section 1. Section 20-670 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

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

(1) "Certificate" means a certificate of registration issued under section 20-672.

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

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

(4) "Employee" means any person employed by, or who enters into a contract to perform services for, a homemaker-companion agency,

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including, but not limited to, temporary employees, pool employees and persons treated by such agency as independent contractors.

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

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

(7) "Registry" means any person or entity engaged in the business of supplying or referring an individual to or placing an individual with a consumer to provide homemaker or companion services provided by such individual, when the individual providing such services is either (A) directly compensated, in whole or in part, by the consumer, or (B) treated, referred to or considered by such person or entity as an independent contractor.

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

Sec. 2. Section 20-675 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(a) The Commissioner of Consumer Protection may revoke, suspend

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or refuse to issue or renew any certificate of registration as a homemaker-companion agency or place an agency on probation or issue a letter of reprimand for: (1) Conduct by the agency, or by an employee of the agency while in the course of employment, of a character likely to mislead, deceive or defraud the public or the commissioner; [or] (2) engaging in any untruthful or misleading advertising; or (3) failure of such agency that acts as a registry to comply with the notice requirements of section 3 of this act.

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

Sec. 3. (NEW) (*Effective January 1, 2012*) (a) Not later than seven calendar days after the date on which a registry supplies, refers or places an individual with a consumer, the registry shall provide the consumer with a written notice, to be signed by the consumer, specifying the legal liabilities of such registry to the individual supplied or referred to or placed with the consumer. If the registry maintains an Internet web site, a sample of the notice shall be posted on such Internet web site.

(b) Each notice provided to a consumer pursuant to subsection (a) of this section shall be written in plain language and shall comply with the plain language standard detailed in section 42-152 of the general statutes. Such notice shall include a statement identifying the registry as an employer, joint employer, leasing employer or nonemployer, as applicable, along with a statement advising the consumer he or she may be considered an employer under law and, if that is the case, the consumer may be held responsible for the payment of federal and state taxes, Social Security, overtime and minimum wage, unemployment, workers' compensation insurance payments and any other applicable payment required under state or federal law. The notice shall also include a statement that the consumer should consult a tax

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professional if he or she is uncertain about his or her responsibility for the payment of such taxes or payments.

(c) For purposes of this section, a homemaker-companion agency that supplies, refers or places an independent contractor with a consumer for the provision of companion or homemaker services shall be considered a registry, as defined in section 20-670 of the general statutes, and shall be required to provide the consumer with a notice pursuant to subsection (a) of this section.

Approved July 13, 2011