



# House of Representatives

**File No. 700**

General Assembly

January Session, 2013

**(Reprint of File No. 160)**

Substitute House Bill No. 5345  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2013

**AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND  
CONSUMER PROTECTION.**

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

1 Section 1. Section 20-678 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2014*):

3 On or after January 1, 2012, each homemaker-companion agency,  
4 prior to extending an offer of employment or entering into a contract  
5 with a prospective employee, shall require such prospective employee  
6 to submit to a comprehensive background check. In addition, each  
7 homemaker-companion agency shall require that such prospective  
8 employee complete and sign a form which contains questions as to  
9 whether the prospective employee was convicted of a crime involving  
10 violence or dishonesty in a state court or federal court in any state; or  
11 was subject to any decision imposing disciplinary action by a licensing  
12 agency in any state, the District of Columbia, a United States  
13 possession or territory or a foreign jurisdiction. Any prospective  
14 employee who makes a false written statement regarding such prior

15 criminal convictions or disciplinary action shall be guilty of a class A  
16 misdemeanor. Each homemaker-companion agency shall maintain a  
17 paper or electronic copy of any materials obtained during the  
18 comprehensive background check and shall make such records  
19 available for inspection upon request of the Department of Consumer  
20 Protection. Prior to sending an employee to a client's residence for the  
21 first time, each homemaker-companion agency shall inform such  
22 client, in writing, that a comprehensive background check was  
23 performed in relation to such employee pursuant to this section.

24 Sec. 2. Section 20-679 of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective January 1, 2014*):

26 (a) Not later than seven calendar days after the date on which a  
27 homemaker-companion agency commences providing homemaker  
28 services or companion services, such agency shall provide the person  
29 who receives the services, or the authorized representative of such  
30 person, with a written contract or service plan that prescribes the  
31 anticipated scope, type, frequency, duration and cost of the services  
32 provided by the agency. In addition, any contract or service plan  
33 provided by a homemaker-companion agency to a person receiving  
34 services shall also provide [notice] conspicuous notice, in boldface type  
35 (1) of the person's right to request changes to, or review of the contract  
36 or service plan, (2) of the employees of such agency who, pursuant to  
37 section 20-678, as amended by this act, are required to submit to a  
38 comprehensive background check, [and] (3) that such agency's records  
39 are available for inspection or audit by the Department of Consumer  
40 Protection, (4) that the agency is not able to guarantee the extent to  
41 which its services will be covered under any insurance plan, and (5)  
42 that such contract or service plan may be cancelled at any time by the  
43 client if such contract or service plan does not contain a specific period  
44 of duration. No contract or service plan for the provision of  
45 homemaker or companion services shall be valid against the person  
46 who receives the services or the authorized representative of such  
47 person, unless the contract or service plan has been signed by a duly  
48 authorized representative of the homemaker-companion agency and

49 the person who receives the services or the authorized representative  
 50 of such person. The requirements of this section shall not apply to  
 51 homemaker services or companion services provided under the  
 52 Connecticut home-care program for the elderly administered by the  
 53 Department of Social Services in accordance with section 17b-342. A  
 54 written contract or service plan between a homemaker-companion  
 55 agency and a person receiving services or the authorized  
 56 representative of such person shall not be enforceable against such  
 57 person receiving services or authorized representative unless such  
 58 written contract or service plan contains all of the requirements of this  
 59 section.

60 (b) Nothing in this section shall preclude a homemaker-companion  
 61 agency that has complied with subdivisions (1) to (5), inclusive, of  
 62 subsection (a) of this section from the recovery of payment for work  
 63 performed based on the reasonable value of services which were  
 64 requested by the person receiving services, provided the court  
 65 determines that it would be inequitable to deny such recovery.

66 Sec. 3. (NEW) (*Effective January 1, 2014*) A client may cancel a  
 67 contract or service plan entered into with a homemaker-companion  
 68 agency, pursuant to chapter 400o of the general statutes, at any time if  
 69 such contract or service plan does not state a specific period of  
 70 duration. A client shall only be obligated to pay for actual services  
 71 rendered pursuant to such contract or service plan. A client shall not  
 72 be billed by or on behalf of a homemaker-companion agency for excess  
 73 fees or costs when such agency provides the services of a higher-  
 74 skilled individual than needed by the client.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	20-678
Sec. 2	<i>January 1, 2014</i>	20-679
Sec. 3	<i>January 1, 2014</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

There is no fiscal impact to the Department of Consumer Protection (DCP) in expanding various notice requirements for homemaker-companion agencies as the DCP already acts upon complaints pertaining to such entities and few additional complaints are anticipated.

House "A" (LCO 6159) is technical/procedural and results in no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5345 (as amended by House "A")\*****AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES  
AND CONSUMER PROTECTION.****SUMMARY:**

This bill expands several notice requirements for homemaker-companion agencies (agencies), including notifying clients that a background check was performed on the employee. It also adds certain consumer protections to agency contracts, including specifying payment obligations and when contracts are enforceable and can be cancelled.

The bill specifically allows an agency that complies with the notice requirements to recover payment for work performed based on the reasonable value of the services the client requested and received. The court must have determined that it would be inequitable to deny such recovery.

By law, a homemaker-companion agency is any public or private organization that employs one or more people that provide companion or homemaker services, including assisting with personal hygiene, cooking, household cleaning, laundry, and other household chores, but not home health care.

\*House Amendment "A" (1) requires agencies to notify clients that a background check was performed rather than providing the check's results and (2) adds the payment recovery provision.

EFFECTIVE DATE: January 1, 2014

**BACKGROUND CHECK NOTIFICATION**

By law, agencies must require prospective employees to submit to a

comprehensive background check before extending an offer of employment or entering into a contract with a prospective employee. The bill further requires agencies to inform their clients, in writing, that a background check was performed on an employee before sending him or her to the client's residence for the first time.

### **CONTRACT NOTICE PROVISIONS**

By law, agencies must, within seven calendar days of beginning services, provide the client with a written contract or service plan. These contracts or plans must provide notice that the (1) client or his or her representative has the right to request changes or review the contract or plan, (2) agency's employees are required to submit to a comprehensive background check, and (3) agency's records are available for inspection or audit by the Department of Consumer Protection.

The bill requires these notices to (1) be conspicuous and in boldface type and (2) also indicate that the (a) agency is not able to guarantee the extent to which its services will be covered under any insurance plan and (b) client may cancel the contract or plan if it does not contain a specific period of duration.

By law, these notice requirements do not apply to agencies servicing clients in the Connecticut Home Care Program for Elders.

### **CONTRACT ENFORCEABILITY AND CANCELLATION**

Under the bill, written contracts or service plans are not enforceable against the client or his or her representative unless they contain all the provisions the law requires. The bill also allows a client to cancel a contract or service plan at any time if it does not state a specific period of duration.

### **PAYMENT OBLIGATIONS**

The bill requires clients to pay only for actual services rendered. It prohibits an agency from billing for excess fees or costs when it provides the services of a higher-skilled individual than the client

needs.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2013)