



LIFECARE | KIDCARE | STAFFING

(b) Notwithstanding the provisions of section 20-679a of the general statutes, as amended by this act, no consumer shall be liable, during the duration of time any individual provides any service described in subdivisions (1) to (3), inclusive, of subsection (a) of this section to such consumer, for (1) payment of contributions for the purposes of compliance with chapter 567 of the general statutes, in relation to such individual, (2) payment of workers' compensation insurance for the purposes of chapter 568 of the general statutes, in relation to such individual, or (3) payment of wages for the purposes of compliance with chapter 558 of the general statutes, in relation to such individual WITHOUT SUFFICIENT EVIDENCE OF (A) COMPLIANCE WITH THE WORKERS' COMPENSATION INSURANCE CLASSIFICATION CODE 8835 PUBLIC HEALTH NURSING, OR ITS EQUIVALENT, AS IDENTIFIED BY THE NATIONAL COUNCIL ON COMPENSATION INSURANCE, (B) THE SELF-INSURANCE REQUIREMENTS OF SUBSECTION (B) OF SECTION 31-284 OF THE GENERAL STATUTES, OR (C) STATE UNEMPLOYMENT INSURANCE RECORDS SHOWING THAT SUCH INSURANCE WAS REPORTED AND PAID ON BEHALF OF THE SAME CLASS OF WORKER PURSUANT TO CHAPTER 567 OF THE GENERAL STATUTES. THE HOMEMAKER-COMPANION AGENCY, HOMEMAKER-HOME HEALTH AIDE AGENCY OR REGISTRY THAT PROVIDES SUCH SERVICES SHALL BE LIABLE FOR PAYMENT OF SUCH CONTRIBUTIONS, INSURANCE OR WAGES.

(c) Any consumer who receives any service described in subdivisions (1) to (3), inclusive, of subsection (a) of this section provided by an individual referred to, supplied to or placed with such consumer by an agency or registry described in subparagraphs (A) to (C), inclusive, of subsection (a) of this section, AND AN OWNER OR OCCUPANT

OF THE PREMISES WHERE ANY SUCH SERVICES ARE PROVIDED, shall be immune from civil liability for any damage, injury or financial harm ARISING OUT OF AN INJURY to such individual WHEN PROVIDING CARE TO THE CONSUMER resulting from any act, error or omission of the consumer, unless such damage, injury or financial harm was caused by the reckless, wilful or wanton misconduct of the consumer. AND (ii) THE OWNER OR OCCUPANT OF THE PREMISES SHALL NOT BE IMMUNE FROM CIVIL LIABILITY FOR ANY DAMAGE, INJURY OR FINANCIAL HARM ARISING OUT OF AN INJURY TO SUCH WHEN PROVIDING CARE TO THE CONSUMER WHERE SUCH HARM WAS CAUSED BY THE RECKLESS, WILFUL OR WANTON MISCONDUCT OF THE OWNER OR OCCUPANT OR A CONDITION PRESENT IN A COMMON AREA OF THE PREMISES, OPEN TO THE PUBLIC OR IN THE CARE, CUSTODY OR CONTROL OF A PARTY OTHER THAN THE OWNER OR OCCUPANT.

Sec. 2. Subsection (b) of section 20-679a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(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. 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, except as excluded under section 1 of this act. The notice shall also include a statement that the consumer should consult a tax professional if he or she is uncertain about his or her responsibility for the payment of such taxes or payments.

I have seen my business grow in clients and caregivers because they no longer wanted to work with registries. They wanted protection from unforeseen expenses of having to deal with caregiver's injuries. They wanted the protection of knowing that workplace injuries would be taken care of and that they would earn credit toward Social Security benefits.

It is because of these people that I support SENATE BILL 990. Put Registries and employer based agencies on an equal footing –from upfront disclosure and contracts to back end responsibility for all home care risks and obligations.

Ray Boller  
Owner  
BrightStar Care of Stamford  
45 Church Street, Ste 205  
Stamford, CT 06906

**Senate Bill 990-proposed amendment – Changes shown are CAPITALIZED**

Section 1. (NEW) (*Effective October 1, 2015*) (a) Notwithstanding the provisions of section 20-679a of the general statutes, as amended by this act, no consumer who receives (1) homemaker services, as defined in section 20-670 of the general statutes, (2) homemaker-home health aide services, as defined in section 19a-490 of the general statutes, or (3) companion services, as defined in section 20-670 of the general statutes, provided by (A) a homemaker-companion agency, as defined in section 20-670 of the general statutes, (B) a homemaker-home health aide agency, as defined in section 19a-490 of the general statutes, or (C) a registry, as defined in section 20-670 of the general statutes, OR AN OWNER OR OCCUPANT OF THE PREMISES WHERE ANY SUCH SERVICES ARE PROVIDED, shall be deemed the employer of any individual referred to, supplied to or placed with such consumer by such agency or registry to provide the services described in subdivisions (1) to (3), inclusive, of this subsection.