



Senate

General Assembly

File No. 88

January Session, 2017

Senate Bill No. 867

Senate, March 16, 2017

The Committee on General Law reported through SEN. LEONE of the 27th Dist. and SEN. WITKOS of the 8th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING NOTICE REQUIREMENTS FOR HOME HEALTH CARE REGISTRIES.

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

1 Section 1. Section 20-679a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) [Not later than four calendar days after the date on which a] A
4 registry that supplies, refers or places an individual with a consumer [,
5 the registry] shall provide the consumer with a written notice, to be
6 signed by the consumer, specifying the legal liabilities of such registry
7 to the individual supplied or referred to or placed with the consumer.
8 Such notice shall be given to the consumer before the commencement
9 of services and such services shall not commence until the registry
10 receives a signed copy of the notice from the consumer, unless a bona
11 fide emergency exists and such registry details the specific nature of
12 the emergency on a form approved by the department and signed by
13 the consumer or an authorized representative of the consumer. If a

14 bona fide emergency exists, the registry shall provide such notice not
 15 later than four calendar days after the date on which it supplies, refers
 16 or places an individual with a consumer. If the registry maintains an
 17 Internet web site, a sample of the notice shall be posted on such
 18 Internet web site.

19 (b) Each notice provided to a consumer pursuant to subsection (a) of
 20 this section shall be written in boldface type and plain language and
 21 shall comply with the plain language standard detailed in section 42-
 22 152. Such notice shall include a statement identifying the registry as an
 23 employer, joint employer, leasing employer or nonemployer, as
 24 applicable, along with a statement advising the consumer he or she
 25 may be considered an employer under law and, if that is the case, the
 26 consumer may be held responsible for the payment of federal and state
 27 taxes, Social Security, overtime and minimum wage, unemployment,
 28 workers' compensation insurance payments and any other applicable
 29 payment required under state or federal law. The notice shall also
 30 include a statement that the consumer should consult a tax
 31 professional if he or she is uncertain about his or her responsibility for
 32 the payment of such taxes or payments.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	20-679a

GL *Joint Favorable*

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.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact to the Department of Consumer Protection as the level of non-compliance to the bill's provisions is expected to be negligible.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 867*****AN ACT CONCERNING NOTICE REQUIREMENTS FOR HOME HEALTH CARE REGISTRIES.*****SUMMARY**

With one exception, this bill requires homemaker-companion service registries to give consumers a written, legal liability notice before commencing services, rather than within four days after supplying, referring, or placing an individual homemaker or companion with a consumer. If a bona fide emergency exists, current law's four-day deadline applies, provided the registry details the specific nature of the emergency on a form approved by the Department of Consumer Protection (DCP) and signed by the consumer or his or her authorized representative. The bill also requires that the notice be in boldface type.

Existing law, unchanged by the bill, requires the consumer to sign the notice, which among other things, must (1) be in plain language; (2) detail the registry's legal liabilities to the companion or homemaker; and (3) advise the consumer that he or she may be considered an employer and responsible for paying federal and state taxes, Social Security, overtime and minimum wage, unemployment, workers' compensation, or other payments required by law. It must include a statement advising the consumer to consult a tax professional if he or she is uncertain about his or her responsibility for these taxes or payments.

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Homemaker-Companion Service Registries***

A homemaker-companion service registry is a 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 when the homemaker or companion is either (1) directly compensated, in whole or in part, by the consumer or (2) treated, referred to, or considered by the supplying person or entity as an independent contractor.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/07/2017)