



Connecticut

Senate Bill 867, An Act Concerning Notice Requirements for Home Health Care Registries

General Law Committee

March 2, 2017

The Home Care Association of America was founded on the principle that quality private duty home care has one model of care: to employ, train, monitor and supervise caregivers; create a plan of care for the client; and work toward a safe and secure environment for the person at home. Members of Home Care Association of America-Connecticut (HCAOA-CT) employ several thousand caregivers providing quality care to thousands of elderly consumers across the state.

Home Care Association of America-Connecticut thanks the committee for introducing the important consumer protection measure in Senate Bill 867. HCAOA-CT **supports** Senate Bill 867 and respectfully requests that the committee **approve** the bill.

Senate Bill 867 reduces the time period requiring registries to provide notice of liability to consumers of home care services, from four days after to the time of contract. The bill provides an exception for emergency circumstances that prevent registries from complying with notice requirements at the time a contract is entered into with a consumer.

The committee should **approve** Senate Bill 867 because:

- **Protects consumers.** The bill informs the consumer and ensures he or she is aware of the legal liabilities of the registry to the individual placed with the consumer *before* services commence. Written notice to the consumer four days after execution of the contract protects registries at the expense of the consumer. It leaves homeowners vulnerable to caregiver claims of workplace injury before the homeowner received notice that he or she (as the employer) would be the responsible party. Additionally, the magnitude of the responsibility being placed upon an elderly person, who is merely seeking care and companionship with no advance warning of her potential financial exposure, is a disservice to elderly residents of this state and their families. Indeed, if the risk to elderly consumers is sufficiently dire as to require a written warning – as required by law – how is it acceptable to warn them four days after the registry supplies, refers or places the caregiver with the consumer?

- **Assumption of risk should be a choice.** While cost is a factor in the buying process, knowing why something is cheaper is critical to making an informed choice. Finding out that you have unwittingly become an employer together with all the risk, responsibilities and liabilities, along with unforeseen costs of taxes and insurance after making a selection of provider is the opposite of “consumer protection”. Notifying the consumer after the commencement of services forces the consumer to choose between taking a chance that none of the possible risks will happen to him or her or start the whole process of selection over again. ‘Let the buyer beware’ is very present in the current notification structure.
- **Consistent with state policy.** The bill is consistent with other consumer protection laws that inform the consumer in advance of any potential liability. Very few commercial transactions result in the consumer assuming the liabilities of the contractor.
- **Consistent with precedent and prior practices.** In 2015, the legislature approved and the Governor signed into law Senate Bill 99 (Public Act 15-230), which reduced the time of notice from seven to four calendar days after a registry supplies, refers or places a caregiver with the consumer. In 2011, Senate Bill 911, An Act Concerning Homemaker Services and Homemaker-Companion Agencies, included a substantially similar provision that would have required notice to the consumer before commencement of services; it was approved by the General Law Committee but removed by a Senate amendment.

Please contact Ray Boller, Chairman of Home Care Association of America-Connecticut, at (203) 883-8560, if you have any questions or if you need additional information.