

**TESTIMONY TO THE GENERAL LAW COMMITTEE
IN SUPPORT OF SB 867
AN ACT CONCERNING NOTICE REQUIREMENTS FOR HOME HEALTH CARE REGISTRIES
MARCH 2, 2017**

Distinguished Chairs and Members of the Committee:

My name is John Shulansky. I am managing director of EldersChoice of Connecticut, LLC, a Homemaker Companion Agency classified as a Registry; and, registered with the Department of Labor as an Employer Fee Paid Employment Agency. My remarks today are as President of the Connecticut Association of Home Care Registries (CACHR), and to express our support for SB 867 – An Act Concerning Notice Requirements for Home Health Care Registries.

The purpose of my testimony is to express our industry's support for the transparency and informed consent this Bill provides to consumers. Included with this testimony is a sample of informed consent required in Pennsylvania addressing this matter.

Respectfully, we ask the members of this Committee to consider what more can be done this session. Unlike most states, Connecticut has virtually no protections for non-medical home care - our elderly are at risk every day. In Connecticut, any person can be a non-medical caregiver - without training or experience, and without a health exam. A criminal conviction does not disqualify a non-medical home caregiver. Yet, caregivers perform a variety of essential services, including transferring, bathing, dressing, and other activities of daily living that demand a measure of training.

Our Association believes that minimum standards for non-medical caregivers are essential to public safety and should be adopted this Session, including minimum training as a certified nursing assistant, home health aide or personal care aide; or a minimum of two years relevant experience. An annual physical also should be required.

These caregiver qualifications should not add additional cost to DCP or consumers. They are added statutory requirements to an already established registration process. These requirements add protections that well-run companies will follow to better protect consumers.

This is especially true for Registries. Our core business is to make a match between a consumer and a private-duty caregiver. Consumers deserve assurances that referred caregivers are competent and healthy.

With all due respect, the title of the bill: “An Act Concerning Notice Requirements for Home Health Care Registries” is something of a misnomer. In the world of health care, the term “Home Health” is used to describe skilled, licensed services through DPH. The term “Home Care” is used to describe non-medical home care that is currently registered through DCP. In Connecticut statutes, we use the term “Homemaker-Companion Agency” to designate non-medical services through an Agency or a Registry. SB 867 relates to Homemaker-Companion Agency Registries.

SB 867 contains important requirements for Registries, which our industry supports; however, DCP does not distinguish registrations between the two kinds of non-medical care providers. The result is that consumers do not know or understand the differences, and regulatory compliance is challenging. Our industry believes that as in many states, “Home Care Agency” and “Home Care Registry” should have distinct registrations, and statutory authority and requirements.

Registries provide an essential home care choice for consumers. Registries are the only regulated option available to consumers to apply federal wage and hour laws - laws that exempt certain caregivers from overtime. This policy recognizes particular needs of individuals to stay at home, remain independent, and avoid prematurely depleting their assets. The state must establish a better regulatory approach that enables families to have home care choices that are transparent and provide capable non-medical care.

The Connecticut Association of Home Care Registries has a number of policy initiatives in a proposed Act included with this Testimony. We are prepared to work energetically with the Committee and any elected officials to develop proposed language and methods that will provide the elderly of our state with the options to enable them to remain at home to have the highest possible quality of life with independence and dignity.

Thank you for the opportunity to provide testimony on this important issue.

SAMPLE

Acknowledgement of Direct Care Worker Status

_____ acknowledge that:
PRINT NAME

Initial _____ [NAME OF Home Care Registry (HCR)] is a referral service that arranges for the placement of caregivers. The caregiver is a direct care worker who works directly for you, and is not an employee of [NAME OF HCR]. Caregivers are fully aware that their income is subject to taxes. A Schedule of Fees and Charges has been provided and describes costs and suggested payments to caregivers, and to [NAME OF HCR] for placement and any other services. [NAME OF HCR] does not pay any funds to the caregiver, any taxes on their behalf, and withhold taxes, provide workers' compensation or unemployment insurance for caregivers. In some circumstances you may be considered an employer with responsibility for these costs. If you have any concerns, we recommend that you consult a financial professional, accountant or attorney for advice concerning your financial relationship with the caregiver.

Initial _____ I have been informed that [NAME OF HCR] maintains necessary state licensures and registrations, which require a surety bond and general liability insurance. I acknowledge I have received copies of [NAME OF HCR] standards of conduct, responsibilities and procedures that caregivers are required to acknowledge in order to be eligible for referral and placement. I will maintain homeowners' insurance, workers' compensation, or any other necessary liability insurance deemed appropriate. As the caregiver is a not an employee of [NAME OF HCR], I understand the liability of [NAME OF HCR] may be limited. [NAME OF HCR] represents that while not directly responsible for the actions or behaviors of referred caregivers, every reasonable effort is made to assure the client and/or responsible party is satisfied with the caregiver and are in compliance with [NAME OF HCR] standards.

CONSUMER

DATE

[NAME OF HCR]

DATE

[PROPOSED]

AN ACT CONCERNING HOME CARE TRANSPARENCY AND CONSUMER PROTECTIONS

Section 1 (NEW)

The Commissioner shall propose regulations specific to Home Care Registries in order to provide additional transparency and enhance consumer protections for consumers such that:

1. In addition to the existing statutory provisions related to Homemaker-Companion Agencies, any domestic household worker placed by a Home Care Registry shall have the following minimum requirements:

- (a) Proof of training as Certified Nurse Assistant, Home Health Aide or Personal Care Aide, or, a minimum of two (2) years relevant experience;
- (b) An annual physical demonstrating fitness to work as a domestic household worker; and
- (c) a complete INS Form I-9.

2. All consumers that engage the services of a domestic household worker shall be informed in writing of:

- (a) The employment status of domestic household workers and any liability for taxes and benefits, including a requirement to report domestic household worker compensation to the Internal Revenue Service;
- (b) General liability and risk related to domestic household workers, including a requirement that domestic household workers shall be covered by workers' compensation insurance, or other form of insurance that provides protection for the consumer and caregiver from work-related injuries; and
- (c) A recommendation to seek professional financial, legal or accounting advice regarding domestic household workers

SECTION 2 (NEW):

Insurance companies shall pay eligible long-term care policy non-medical care benefits when such services are furnished by a provider duly licensed or registered by the State of Connecticut.

SECTION 3 (NEW)

Individuals who are employers of domestic household workers shall be offered options to purchase workers compensation insurance at an affordable cost.