

General Law Committee JOINT FAVORABLE REPORT

Bill No.: HB-6100

AN ACT CONCERNING DEPARTMENT OF CONSUMER PROTECTION

Title: LICENSING AND ENFORCEMENT.

Vote Date: 3/23/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/18/2021

File No.: 299

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SPONSORS OF BILL:

General Law Committee

REASONS FOR BILL:

The purpose of this bill is to make changes to the Connecticut Department of Consumer Protection licensing and enforcement structure and to streamline the process. This bill increases the scope of the Department of Consumer Protection services as well as increases their role in protecting consumers. The bill features an increase in protections in construction contracting, nursing homes and homecare, among other consumer corporations and businesses. The bill calls for increased background checks, licensing checks, as well as increased license reinstatement measures. The bill aims to increase the overall services provided by the Department of Consumer Protection in providing a safe and efficient process to best ensure consumer well-being.

JFS LANGUAGE:

Makes multiple technical changes including but not limited to

Section 20-centralization infractions bureau status

Section 21-24 homemaker companion statues on background check requirements

Section 26-clarifies new contract requirements

Section 27-amends CGS Section 20-334 occupational and professional licenses

Section 29-changes real estate broker renewals

Section 32-changes home improvement contractors renewal dates

Section 34- changes mobile home park inspection requirements and changes the ticketing of mobile home park violations

RESPONSE FROM ADMINISTRATION/AGENCY:

None submitted

NATURE AND SOURCES OF SUPPORT:

AARP supports the bill. Consumers do not understand the different services provided by home health agencies. This bill makes background checks more rigorous and protects the consumer. Section 24 protects consumers against confusing and misleading marketing materials.

SafeliteGroup supports the bill. Connecticut is the only state that requires auto glass technicians to be licensed. This makes it impossible to bring in outside state technicians. This bill streamlines procedures for licensing and out of state license holders.

Independent Electrical Contractors of New England, Inc supports the bill "in part" Section 18, Section 19, Section 20 and Section 28 needs minor language improvements as presented in our testimony.

Hartford Health Care submitted testimony in support of the bill. The bill strengthens the standards in our field. We pride ourselves in fully vetting staff members and giving families confidence that their loved ones are safe and comfortable.

Raphael Podolsky, Connecticut Legal Services testified in support of the bill. Sections 36 and 37 and their revisions makes improvements to the department's power on mobil home parks. We have added a few small changes to make the sections strong.

Keith Brothers, CT District of Laborers submitted testimony in support of the bill. We agree with the attempt to create greater transparency in the construction business. Subcontractors are among the final parties brought to a site and therefore filing of licenses and workers should start when the hands-on work begins. We believe that actions of violations need grave consequences and being able to be reinstated within 90 days makes a mockery of the statute.

L. Cantor submitted testimony in support of the bill on the firsthand knowledge of caregivers for her mother and father. Agencies have no system to confirm if the caregiver is indeed at work other than a daily phone call. Caregivers do not submit time sheets to the consumer so there is no way of knowing how many hours the caregiver spent with the person they were caring for. There should be additions to the bill and the DPC must be held accountable to enforce their regulations. Currently DCP has no policies or regulations regarding penalties for HCA's with repeated violations to have their licenses renewed. DCP needs to set up an

Elder Abuse Registry. Twenty six states already have these registries and we need one here in this state to track those individuals who abuse people.

Alma Hernandez submitted testimony for the bill about the care her father received. The state does not currently require drug testing prior to employment. Conduction criminal background checks help but has no provisions for drug testing.

NATURE AND SOURCES OF OPPOSITION:

State of Connecticut Judicial Branch does not support the bill. Section 37 (d) and the mention of the Commissioner imposing a fine may suggest a civil penalty which is not considered an infraction. The language needs to be reworded to make it clearly a payable violation.

John Shulansky, Managing Director, EldersChoice of Connecticut testified against the bill. This bill is a prima facie discrimination against care providers. Going to a state police barracks for fingerprinting is difficult. A background check should be accessible, simple, timely and at a reasonable cost. Care providers are in short supply and the policy of this bill is good but the implementation is flawed.

Connecticut Pharmacists Association does not support the bill. Under current DCP regulations pharmacists licenses all expire biennially on January 31st of even numbered years. Programming schedules conform to the biennial renewal schedule and moving these programs to dates 60-90 days earlier would be difficult and expensive and impact the pharmacists to remain compliant.

Foundation for Fair Contracting of Connecticut testified against the bill. Our concern is enforcement of section 28 and clarification of section 29. Section 29 changes the language of license suspension. Allowing someone who has had their license suspended after the 90 day suspension is not strong enough consequences.

Michael Thompson, Executive Director, ASMRCC submitted testimony against the bill. We have concerns with section 28 of the bill. We support the bill objectives but when a contract is awarded the contractor may not know which employees will be assigned to the particular project.

Mechanical Contractors Association of Connecticut submitted testimony against the bill. We request that the committee amend section 28 of the bill. We support the objectives and want competent, licensed individuals performing projects but until the project is assigned the contractor may not know who will be working on the project. The bill is not clear if section 27 is in conjunction with section 28.

Steven B. Katz, Sterling Care submitted testimony opposing the bill. We support comprehensive background checks and do ours by an established private employment screening company. This bill proposes additional fingerprinting and would impose additional costs with little benefit over the current process. Having the staff travel for fingerprinting is time-consuming and expensive.

Dan Karp, Care at Home submitted testimony opposing the bill. The bill would hinder an agency to advertise that it provides nonmedical support to people who suffer from Alzheimer's disease. Care givers are trained to recognize symptoms and track the disease so that we can make suggestions. If this bill is adopted we will not be able to provide these services to our consumers. Fingerprinting will not deter criminals.

Dave Harrison, RN, Right at Home submitted testimony opposing the bill. Home care is facing many obstacles and this bill would leave the elderly population with a shortage of homecare aids. Our checks on caregivers are more comprehensive than FBI background checks. The use of "Dementia" or Alzheimer's in our advertising it is not misleading. We care for many clients with these diseases and do not claim to diagnose or treat the disease.

Nancy Palmisano, Executive Director, Connecticut Manufactured Housing Association testified against the bill. The Department of Consumer Protection should not have the additional authority to mandate re-inspections at the community owner's expense. This provision is an unnecessary reaction to recent situations and DCP already has the tools and authority to remedy such situations.

Kenneth Delohery, Ct. Manufactured Homeowner's Alliance, testified against the bill. Sections 36 and 37 of the bill are intended to strengthen DCP but there are provisions that could cloud the intent of existing enforcement provisions. We ask that you include the ability to act in any emergency threatening the health or safety of residents not just emergencies identified in current statute.

Jeffrey Gladstein, Always Best Care Senior Services submitted testimony against the bill. Passing this bill would make it more difficult to provide our services without passing the cost along to our clients. We have 80 plus caregivers under our employ and are all W-2 employees.

Center for Transitional Living, LLC submitted testimony opposing the bill. Providing home based care is more important now that individuals are required to stay in their homes. The bill does not address the underlying issues facing individuals on Medicaid waivers. The easiest way to increase quality home care services is to increase the Medicaid reimbursement rates. Connecticut works hard to recruit, train and retain enough staff but adding an FBI background check as opposed to a commercial third party background check serves only to hurt recruitment.

Roberta Winters, Owner TLC Homecare LLC submitted testimony against the bill. The bill presents many devastating effects on the home care industry. We screen employees using a 3rd party vendor that is reliable, affordable and provides results for nationwide checks in 24-48 hours. Implementing fingerprinting requirements at this time would result in the elderly population facing a shortage of homecare aides.

Tracy Wodatch, President, The Connecticut Association for Healthcare at Home opposes the bill. The language in Section 24 and 26 discourages meeting consumers needs for in-home care. DCP has made it clear to HCA's that they should not be using in advertising "dementia and memory care'. The proposed language to implement a federal and state background check in Section 26 hinders the ability to provide timely care in the community and discourages potential workforce from being hired. The cost to the employer,

nearly \$120 per screening is about 4x what a Homemaker-Companion Agency currently pays for their comprehensive screening.

Ann Wilson, Client Services Manager, Companions & Homemakers testified against the bill. The background investigations we currently conduct are accurate and relevant. Coupled with an in-person interview and a review of the Medicaid fraud database we believe our current practice is comprehensive. We are not aware of any incidents that have revealed flaws in the system and if DCP has concerns about the current procedure we in the industry would welcome the chance to work to address and improve our approach. In Section 24 we have no desire to misrepresent our mission and would work with the DCP to find language which accurately and appropriately communicates what we do.

Jamie Arber, Director, The Supported Living Group submitted testimony against the bill. The bill proposes a significant elevation to the currently mandated background checks. This unnecessary requirement is cost prohibitive and offers no greater level of insight than the commercially available screening currently being utilized. In Section 24 the elimination of community homecare providers specific service associated terminology would drastically impact the identification of in-home support options. This section becomes more concerning if homecare providers are required to have specialized staff training in Alzheimer's and dementia care. This bill will impact service options identification for those who wish to remain in the community with support.

All Ways Caring submitted testimony against the bill. The bill would bar HCA'S from including any words relating to medical or health care licensure in their business name and advertising. The broad language is concerning and could render accepted service terminology in our industry as out of compliance with the code. We appreciate the DCP's responsibility to ensure the safety of those we serve but the changes would adversely impact the ability of HCA's to market their services.

Maria Cerino, Owner, Seniors Helping Seniors submitted testimony opposing the bill. The two new requirements for HCA's in this bill are an unnecessary expansion of government regulation and does not improve services for consumers. Neither of these requirements offers an improvement to consumers of our services and may deter people from understanding the true scope of our services and qualifications.

Mark McGoldrick, Chairman, HCAOA Connecticut submitted testimony opposing the bill. HCAOA supports comprehensive background however fingerprints are unnecessary to conduct a thorough and comprehensive background check. The FBI data base is not designed for employment-related screening. Companies such as Sterling or CHKR conducts tens of thousands of background checks that search every state where an employee has lived and are much more comprehensive that those proposed by this bill. The bill places an unnecessary cost and delay for caregivers. We also have concerns on Section 24. We propose the following amendment to Section 24(g).

It shall not be a violation of this section for a homemaker-companion agency to include in its business name or advertising any words that accurately describe nonmedical, supportive services that ensure a safe and healthy environment for a person who may have memory challenges in such person's home.

Kim McClain, Executive Director, CAI-CT testified against the bill. As a national organization we provide robust education programs and valuable resources so that our members have the necessary skills to operate their associations. Our professional CAM's will be hampered by the changes to the current process for licensing. Our concern is that the bill fails to specify a period in which the CAM must complete the testing requirements. Completing the required course and testing may take as much as a year. We also have concerns with the proposed removal of the requirement that a community association purchase a bond. Removing this will pose serious issues. The responsibility to insure property typically falls upon the owner of the property. We request the removal of the additional insured requirement as stipulated by Section 12 of subsection b of section 20—460.

The following also submitted testimony opposing the bill.
Garrett Sullivan, Owner, Comfort Keepers CT Shoreline
Jay Kiley, Owner, Care of Fairfield
Guy Tommasi Jr. Managing Director, LIFETIMECareatHome
Gordon Wall, Synergy HomeCare of East Haven
Heather Gately, Home Instead
Nicholas Miller, Comfort Keepers
Todd McGrath, Owner, Visiting Angels
Caleb Roseme, Assured Quality Homecare Team

Reported by: Pamela Bianca

April 4, 2021