



## **Senate Bill 1025, An Act Implementing the Recommendations of the Homemaker-Companion Task Force**

Aging Committee  
February 21, 2023

Home Care Association of America Connecticut represents more than one hundred home care agencies that employ thousands of caregivers who provide essential, quality and affordable in-home care to seniors, persons with disabilities and veterans across the state. To ensure quality care, HCAOA Connecticut advocates for employer-based agencies that screen, employ, train and supervise caregivers; create a plan of care for the client; and work toward a safe and secure environment for the person at home. HCAOA Connecticut supports industry standards that improve the delivery of in-home care to clients.

HCAOA Connecticut commends the Homemaker Companion Task Force, which, after several months of hard work and deliberation, issued its final report to the Aging Committee last month. HCAOA Connecticut appreciates all the dedicated work of its members including several members of HCAOA such as co-chair Mark McGoldrick who served as chair of the Connecticut Chapter until he passed away unexpectedly in December.

The comprehensive report recognizes the importance of in-home care provided by hundreds of home care agencies and thousands of caregivers to seniors and persons who are disabled in communities across the state. Also, the report acknowledges the challenges confronting the growing industry.

**HCAOA Connecticut supports Senate Bill 1025** but offers these comments and suggestions to the committee as it considers the bill and undertakes the task of implementing recommendations in the report.

**Establish a two-tier system of regulation.** The task force recommended that oversight of homemaker-companion agencies be transitioned from the Department of Consumer Protection to the Department of Public Health. However, as the task force found, DCP does not have sufficient resources to administer the more than 900 home care agencies currently registered with the state and, due to numerous

recent staff retirements, DPH would not be able to take on the daunting task of licensing all agencies if they were moved under its jurisdiction. Therefore, in order to address this gap, HCAOA Connecticut recommends establishing a two-tier system: retain the current registration system in DCP, authorizing specialty certified training currently provided by many home care agencies for caregivers to support clients who have dementia or other memory challenges, and allow others to provide personal care assistance. Thus, under this model, if a HCA wants to provide homemaker or companion services only, it would register with DCP; if the agency wants to provide PCA services and non-medical services including activities of daily living, it would register with the Department of Public Health under a new non-medical home care service registration. HCAOA Connecticut would like to serve as a resource to the legislature and DPH to help transition to such a new system.

**Clarify scope of services.** Home care workers should be treated with dignity and respect and should be identified, as clients, families and agencies already do and as common sense would suggest, as ‘caregivers’. Home care agencies should not be unduly restrained from advertising nonmedical home care services they provide to meet the demands of consumers. HCAs should be able to provide essential homemaking services, including activities of daily living such as bathing, dressing, transferring, toileting, ambulation, meal preparation, feeding and medication reminders. (The last term is necessary to authorize the service in DCP advertising guidelines.) HCAs should be permitted to provide non-medical personal care assistance, which is authorized for participants in the Connecticut medical assistance program, and a PCA’s role should be clearly defined. Homemaker-companion agencies should be renamed non-medical home care agencies to better reflect the nature of the services HCAs provide.

Recently, the Department issued guidance that bans home care agencies from using the word “care” in their business names and advertising and any version of the word, such as caregiver. The Department claims that the word suggests medical services that are outside the scope of the registration credential and therefore requires a license from the Department of Public Health.

Banning the word care, which is used by consumers, families and workers alike to describe the important work dedicated caregivers perform every day for clients, is patently absurd and defies common sense. It will be very disruptive to business operations and the marketplace. There are hundreds of agencies in Connecticut, providing essential home care services to frail, elderly persons, that use the word “care” in their registered business trade names, advertising, websites, email addresses, signs, employee uniforms, service agreements and stationery. Clients, suppliers and referral partners use home care agencies’ email addresses, creating additional confusion for consumers and others. The time, effort and cost to change

agency materials will be substantial. The guidance harms small businesses, clients and consumers and disrespects caregivers and the important work they perform. Additionally, the guidance conflicts with other state laws and policies that recognize the use of the word ‘care’ by home care agencies. Indeed, Senate Bill 1025 requires the written contract or service plan to include a “person-centered plan of *care*”.

The guidance recognizes the important work caregivers provide to clients experiencing memory difficulties and allows home care agencies to advertise that employees are certified in CPR, if trained or certified, which HCAOA Connecticut supports. The guidance with respect to the word care should be rescinded immediately. In the meantime, lawmakers should clarify the law to ensure home care agencies can use the word in their business names and advertising. HCAOA Connecticut has offered a proposed amendment attached to this testimony that would accomplish this.

**Caregiver training.** Unlike independent workers, most home care agencies provide skills, competency training and credentialing programs to their caregivers and staff to deliver essential services to clients in their homes. In order to meet the needs and expectations of senior clients and offer certainty to care recipients and their families, HCAs should be able to state and advertise that they provide specialty training to their staff to help clients who are living with memory challenges or dementia with their activities of daily living.

HCAOA Connecticut hopes to have the opportunity to work with the Secretary of Policy and Management to develop the plan to transition registration and oversight responsibilities for home care agencies from the Department of Consumer Protection to the Department of Public Health, if the legislature chooses to move in this direction. Also, HCAOA Connecticut would like to serve as a resource to DPH as it implements the new system; members have the experience and practical knowledge about how such a scheme should work in practice.

HCAOA Connecticut supports training standards, a model contract and guides and materials that would help consumers and home care agencies. HCAOA Connecticut would like to work with the Commissioner of Consumer Protection in developing the training standards, including care for clients experiencing memory difficulties; and a model written contract, service plan and guide for consumers to file a complaint against a home care agency, all of which are required under the bill. Home care agencies have the practical knowledge, resources and experience that can help the Department develop the standards and materials. They can identify and address issues that officials may not have considered and it would help increase understanding and compliance by home care providers.

Please contact Marlene Chickerella, Chair of HCAOA Connecticut, (860) 690-3673, with any questions or visit [www.hcaoa.org](http://www.hcaoa.org) for additional information about Home Care Association of America.

### **PROPOSED AMENDMENT TO SENATE BILL 1025**

Subdivision (6) of section 20-670 of the general statutes, as amended by public act 21-37, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(6) “Homemaker services” means nonmedical, supportive [in-home care](#) services that ensure a safe and healthy environment for a person [in such person's home, such services to include], [including but not limited to](#) assistance with personal hygiene, cooking, household cleaning, laundry and other household chores.

Section 20-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each person obtaining a homemaker-companion agency certificate of registration shall: (1) Exhibit the agency's certificate of registration upon request by any interested party, (2) state in any advertisement the fact that the agency is registered, and (3) include the agency's registration number in any advertisement.

(b) No person shall: (1) Present or attempt to present, as such person's own, the certificate of another, (2) knowingly give false evidence of a material nature to the Commissioner of Consumer Protection for the purpose of procuring a certificate, (3) represent himself or herself falsely as, or impersonate, a

registered homemaker-companion agency, (4) use or attempt to use a certificate which has expired or which has been suspended or revoked, (5) offer or provide homemaker or companion services without having a current certificate of registration under the provisions of sections 20-670 to 20-680, inclusive, or (6) represent in any manner that such person's registration constitutes an endorsement by the commissioner of the quality of services provided by such person.

(c) In addition to any other remedy provided for in sections 20-670 to 20-676, inclusive, any person who violates any provision of subsection (b) of this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

(d) Certificates issued to a homemaker-companion agency shall not be transferable or assignable.

(e) All certificates issued under the provisions of sections 20-670 to 20-680, inclusive, shall expire annually. The fee for renewal of a certificate shall be the same as the fee charged for an original application pursuant to section 20-672. Fees collected pursuant to the issuance of a certificate or renewal of a certificate shall be deposited in the General Fund.

(f) Failure to receive a notice of expiration of registration or a renewal application shall not exempt a homemaker-companion agency from the obligation to renew.

(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 that the agency has employees who are trained to provide homemaker services to individuals experiencing memory difficulties, provided such training is provided to employees.