

**Proposed Substitute
Bill No. 1025**

January Session, 2023

LCO No. 5084

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
HOMEMAKER-COMPANION AGENCY TASK FORCE.**

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

1 Section 1. (*Effective from passage*) The Secretary of the Office of Policy
2 and Management, in consultation with the Commissioners of Consumer
3 Protection and Public Health, shall develop a plan to transfer the
4 responsibility for registration and oversight of homemaker-companion
5 agencies, as defined in section 20-670 of the general statutes, from the
6 Department of Consumer Protection to the Department of Public Health
7 by July 1, 2024. Not later than February 1, 2024, the secretary shall report
8 on such plan to the joint standing committees of the General Assembly
9 having cognizance of matters relating to aging, general law and public
10 health, in accordance with section 11-4a of the general statutes.

11 Sec. 2. Section 20-675 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective from passage*):

13 (a) The Commissioner of Consumer Protection may revoke, suspend
14 or refuse to issue or renew any certificate of registration as a
15 homemaker-companion agency or place an agency on probation or issue
16 a letter of reprimand for: (1) Conduct by the agency, or by an employee
17 of the agency while in the course of employment, of a character likely to
18 mislead, deceive or defraud the public or the commissioner; (2)
19 engaging in any untruthful or misleading advertising; (3) failure of such
20 agency that acts as a registry to comply with the notice requirements of
21 section 20-679a; or (4) failing to perform a comprehensive background

22 check of a prospective employee or maintain a copy of materials
23 obtained during a comprehensive background check, as required by
24 section 20-678.

25 (b) The commissioner shall revoke a certificate of registration if a
26 homemaker-companion agency violates any of the provisions of
27 subdivisions (1) to (4), inclusive, of subsection (a) of this section three
28 times in one calendar year.

29 [(b)] (c) The commissioner shall not revoke or suspend any certificate
30 of registration except upon notice and hearing in accordance with
31 chapter 54.

32 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than January 1, 2024,
33 the Commissioner of Consumer Protection, in consultation with the
34 Commissioner of Public Health, and with the advice and guidance of
35 relevant training organizations, shall (1) develop training standards for
36 homemaker-companion agency employees, as defined in section 20-670
37 of the general statutes, that (A) exemplify best practices for providing
38 homemaker and companion services, as defined in section 20-670 of the
39 general statutes, (B) provide instruction and specialized training
40 benchmarks for the care of clients with Alzheimer's disease, dementia
41 and other related conditions, and (C) ensure a high quality of care for
42 homemaker-companion agency clients, and (2) identify training
43 programs that provide instruction in the standards identified pursuant
44 to subdivision (1) of this subsection. The Commissioner of Consumer
45 Protection shall post such training standards and a list of such training
46 programs on the Department of Consumer Protection's Internet web
47 site.

48 (b) Homemaker-companion agencies may adopt the training
49 standards and train employees using the training programs posted on
50 the department's Internet web site pursuant to subsection (a) of this
51 section.

52 Sec. 4. (*Effective from passage*) The Commissioner of Consumer

53 Protection shall develop a plan to implement mandatory training
54 standards for employees of homemaker-companion agencies, as
55 defined in section 20-670 of the general statutes. Not later than February
56 1, 2024, the commissioner shall report, in accordance with the provisions
57 of section 11-4a of the general statutes, on such plan to the joint standing
58 committee of the General Assembly having cognizance of matters
59 relating to aging.

60 Sec. 5. Section 20-679 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2023*):

62 (a) Not later than seven calendar days after the date on which a
63 homemaker-companion agency commences providing homemaker
64 services or companion services, such agency shall provide the person
65 who receives the services, or the authorized representative of such
66 person, with a written contract or service plan. The written contract or
67 service plan shall be developed in consultation with such person or
68 authorized representative and include (1) a person-centered plan of care
69 and services that prescribes the anticipated scope, type, frequency,
70 duration and cost of the services provided by the agency, (2) the
71 anticipated scope, type and frequency of oversight of an employee
72 assigned to such person by the homemaker-companion agency, and (3)
73 a predetermined frequency of meetings between the person who
74 oversees such employee and the person who receives the services, or the
75 authorized representative of such person. In addition, any contract or
76 service plan provided by a homemaker-companion agency to a person
77 receiving services shall also provide conspicuous notice, in boldface
78 type [(1)] (A) of the person's right to request changes to, or review of the
79 contract or service plan, [(2)] (B) of the employees of such agency who,
80 pursuant to section 20-678 are required to submit to a comprehensive
81 background check, [(3)] (C) that upon the request of such person or an
82 authorized representative of such person, such agency shall provide
83 such person or representative of such person with written notice that a
84 comprehensive background check, as required pursuant to section 20-
85 678, was performed for all employees of such agency performing

86 services for such person, [(4)] (D) that such agency's records are
87 available for inspection or audit by the Department of Consumer
88 Protection, [(5)] (E) that the agency is not able to guarantee the extent to
89 which its services will be covered under any insurance plan, and [(6)]
90 (F) that such contract or service plan may be cancelled at any time by
91 the client if such contract or service plan does not contain a specific
92 period of duration. On the date that a homemaker-companion agency
93 provides such contract or service plan to such person, the agency shall
94 also provide a printed copy of the guide that details the process by
95 which such person, or such person's authorized representative, may file
96 a complaint against such agency, posted on the Department of
97 Consumer Protection's Internet web site pursuant to section 6 of this act.
98 No contract or service plan for the provision of homemaker or
99 companion services shall be valid against the person who receives the
100 services or the authorized representative of such person, unless the
101 contract or service plan has been signed by a duly authorized
102 representative of the homemaker-companion agency and the person
103 who receives the services or the authorized representative of such
104 person. The requirements of this section shall not apply to homemaker
105 services or companion services provided under the Connecticut home-
106 care program for the elderly administered by the Department of Social
107 Services in accordance with section 17b-342. A written contract or
108 service plan between a homemaker-companion agency and a person
109 receiving services or the authorized representative of such person shall
110 not be enforceable against such person receiving services or authorized
111 representative unless such written contract or service plan contains all
112 of the requirements of this section.

113 (b) Nothing in this section shall preclude a homemaker-companion
114 agency that has complied with [subdivisions (1) to (6)] subparagraphs
115 (A) to (F), inclusive, of subsection (a) of this section from the recovery of
116 payment for work performed based on the reasonable value of services
117 which were requested by the person receiving services, provided the
118 court determines that it would be inequitable to deny such recovery.

119 (c) The Commissioner of Consumer Protection shall develop a model
120 written contract and model service plan, as described in subsection (a)
121 of this section. Not later than January 1, 2024, the commissioner shall
122 post such model written contract and model service plan on the
123 department's Internet web site.

124 Sec. 6. (NEW) (*Effective from passage*) Not later than October 1, 2023,
125 the Commissioner of Consumer Protection shall post a guide that details
126 the process by which a person who receives homemaker services or
127 companion services, as defined in section 20-670 of the general statutes,
128 or the authorized representative of such person, may file a complaint
129 against a homemaker-companion agency, as defined in section 20-670 of
130 the general statutes, on its Internet web site.

131 Sec. 7. (NEW) (*Effective from passage*) On and after January 1, 2024,
132 each homemaker-companion agency, as defined in section 20-670 of the
133 general statutes, shall have a printed consumer brochure and maintain
134 an Internet web site detailing the homemaker and companion services
135 offered by such agency and provide such brochure or the address of
136 such Internet web site upon the request of consumers.

137 Sec. 8. Subdivision (8) of section 20-670 of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective from*
139 *passage*):

140 (8) "Homemaker services" means nonmedical and supportive in-
141 home care services, including, but not limited to, assistance with
142 cooking, household cleaning, laundry, personal hygiene and other
143 household chores, that ensure a healthy and safe environment for a
144 person in the person's home.

145 Sec. 9. Section 20-677 of the general statutes is amended by adding
146 subsection (g) as follows (*Effective from passage*):

147 (NEW) (g) A homemaker-companion agency may include in its
148 business name and advertising (1) the term "care" if such term is used in

149 reference to such agency's provision of homemaker services, and (2) any
150 words that accurately describe, as determined by the commissioner, that
151 such agency has employees who are trained to provide homemaker
152 services to individuals experiencing memory difficulties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	20-675
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2023</i>	20-679
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	20-670(8)
Sec. 9	<i>from passage</i>	20-677(g)