
OLR Bill Analysis

sSB 1025 (File 104, as amended by Senate "A")*

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

SUMMARY

This bill implements various recommendations from the Homemaker-Companion Task Force on how the state regulates homemaker-companion agencies. Among other things, it:

1. requires the Office of Policy and Management (OPM) secretary to develop a plan and proposed timeline to transfer homemaker-companion agency registration and oversight responsibilities from the Department of Consumer Protection (DCP) to the Department of Public Health (DPH);
2. requires the DCP commissioner to revoke a homemaker-companion agency's registration if it violates certain statutory requirements three times in a calendar year;
3. requires the written contracts or service plans that the agencies must give consumers (i.e., the people receiving services or their authorized representatives) to include certain information on how the agency oversees its employees;
4. requires the DCP commissioner to develop a guide on how consumers can file a complaint against a homemaker-companion agency, which must be given to consumers with the contracts or service plans;
5. requires every homemaker-companion agency, by January 1, 2024, to (a) create a printed consumer brochure and maintain a website detailing the services it provides and (b) provide the brochure or website address when a consumer requests it (§ 7);

6. allows a homemaker-companion agency to use the term “care” in its business name and advertising to describe the services it provides, with certain requirements; and
7. requires an agency to give consumers written notice that it provides nonmedical services and obtain the consumer’s signature on this notice.

*Senate Amendment “A” (1) requires that OPM’s plan to transfer homemaker-companion agency oversight include a proposed timeline for the transfer, rather than prescribing a date for the transfer; (2) removes the requirement that DCP develop training standards and instead directs OPM to include training standards recommendations in its plan to transfer oversight; (3) removes a provision that would have required DCP create a model service plan and contract; and (4) sets requirements a homemaker-companion agency must meet in order to use the term “care” in its business name or advertising, specifies that failure to meet these requirements constitutes untruthful advertising, and requires the agencies to provide written notice that their services are nonmedical.

EFFECTIVE DATE: Upon passage, except for the requirement that DCP post a guide on filing complaints, which is effective October 1, 2023.

§ 1 — OPM TRANSITION PLAN

The bill requires the OPM secretary to develop a plan and proposed timeline to transfer homemaker-companion agency registration and oversight responsibilities from DCP to DPH. The plan must also include recommendations on training standards that (1) exemplify best practices for providing homemaker-companion services; (2) provide instruction and specialized training benchmarks for caring for clients with Alzheimer’s disease, dementia, and related conditions; and (3) ensure a high level of care for homemaker-companion agency clients. It may also evaluate and make recommendations on the appropriate use of the term “care” to describe services homemaker-companion agencies provide, and any limitations on using the term to ensure consumer

clarity.

The secretary must prepare the plan in consultation with the DCP and DPH commissioners and report on it to the Aging, General Law, and Public Health committees by August 1, 2024.

§ 2 — REGISTRATION REVOCATION

Current law generally allows the DCP commissioner to revoke, suspend, or refuse to issue or renew a homemaker-companion agency's registration for (1) conduct that misleads or defrauds the public or commissioner, (2) engaging in misleading advertising, (3) failing to give a consumer a notice of legal liabilities under certain circumstances, or (4) failing to complete background checks on prospective employees and maintain the materials from them. The bill also allows the commissioner to do this if an agency fails to give a consumer written notice, or obtain and maintain the consumer's signed copy of this notice, that the agency provides nonmedical care, as required by the bill (see § 501).

In addition, the bill requires the DCP commissioner to revoke a homemaker-companion agency's registration if the agency is found, through an administrative hearing, to have violated any of these provisions three times in a calendar year.

§ 5 — CONTRACTS & SERVICE PLANS

Current law requires homemaker-companion agencies to give consumers a written contract or service plan detailing the anticipated scope, type, frequency, duration, and cost of services provided by the agency within seven days of beginning services.

The bill additionally requires the agencies to develop this plan or contract in consultation with the consumer and expands the information that must be in it to include:

1. a person-centered plan of care and services;
2. the anticipated scope, type, and frequency of oversight by the agency over the employee assigned to the consumer; and

3. how often the person who oversees the agency's employee and the consumer will meet.

§§ 5 & 6 — COMPLAINTS

The bill requires the DCP commissioner, by October 1, 2023, to post on DCP's website a guide detailing the process for homemaker-companion agency consumers to file complaints against an agency. It requires the agencies to also give consumers a printed copy of this guide when they give them the written contract or service plan as described above.

§§ 8, 9 & 501 — ADVERTISING AND SCOPE OF SERVICES

Under the bill, a homemaker-companion agency may use the term "care" in its business name and advertising, as long as, on and after October 1, 2023, any advertising meets certain conditions. Specifically, it must (1) include in at least 12-point font at the top of the advertising, the clear and conspicuous words: "(agency's name) provides nonmedical care" and (2) not use any words, such as those related to medical or health care licensure or services, to describe services beyond the scope of those a homemaker-companion agency is authorized to provide. A violation of this provision constitutes untruthful or misleading advertising (see § 2).

Before providing services, a homemaker-companion agency must (1) give consumers written notice that the agency provides nonmedical care and (2) obtain the consumer's signature on this notice. The agency must keep the signed notice until the consumer no longer receives services from the agency and make a copy of the signed notice available to the DCP commissioner upon request.

By law, homemaker-companion agencies may provide (1) "homemaker services" which are nonmedical and supportive services, such as assistance with cooking, household cleaning, laundry, and personal hygiene, to ensure a healthy and safe environment for a consumer in a consumer's home and (2) "companion services" which are nonmedical, basic supervision services to ensure the safety and wellbeing of a consumer in a consumer's home. The bill further specifies

that these homemaker services are in-home care services.

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 15 Nay 0 (02/28/2023)

Appropriations Committee

Joint Favorable

Yea 53 Nay 0 (05/01/2023)