



# Senate

General Assembly

**File No. 104**

January Session, 2023

Substitute Senate Bill No. 1025

*Senate, March 16, 2023*

The Committee on Aging reported through SEN. HOCHADEL of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***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, as amended  
6       by this act, from the Department of Consumer Protection to the  
7       Department of Public Health by July 1, 2024. Not later than February 1,  
8       2024, the secretary shall report, in accordance with section 11-4a of the  
9       general statutes, on such plan to the joint standing committees of the  
10      General Assembly having cognizance of matters relating to aging,  
11      general law and public health.

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 Section 20-675 of the general statutes is repealed and the  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

14 (a) The Commissioner of Consumer Protection may revoke, suspend  
15 or refuse to issue or renew any certificate of registration as a  
16 homemaker-companion agency or place an agency on probation or issue  
17 a letter of reprimand for: (1) Conduct by the agency, or by an employee  
18 of the agency while in the course of employment, of a character likely to  
19 mislead, deceive or defraud the public or the commissioner; (2)  
20 engaging in any untruthful or misleading advertising; (3) failure of such  
21 agency that acts as a registry to comply with the notice requirements of  
22 section 20-679a; or (4) failing to perform a comprehensive background  
23 check of a prospective employee or maintain a copy of materials  
24 obtained during a comprehensive background check, as required by  
25 section 20-678.

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

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

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

47 standards and a list of such training programs on the Department of  
48 Consumer Protection's Internet web site.

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

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

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

63 (a) Not later than seven calendar days after the date on which a  
64 homemaker-companion agency commences providing homemaker  
65 services or companion services, such agency shall provide the person  
66 who receives the services, or the authorized representative of such  
67 person, with a written contract or service plan. The written contract or  
68 service plan shall be developed in consultation with such person or  
69 authorized representative and include (1) a person-centered plan of care  
70 and services that prescribes the anticipated scope, type, frequency,  
71 duration and cost of the services provided by the agency, (2) the  
72 anticipated scope, type and frequency of oversight of an employee  
73 assigned to such person by the homemaker-companion agency, and (3)  
74 a predetermined frequency of meetings between the person who  
75 oversees such employee and the person who receives the services, or the  
76 authorized representative of such person. In addition, any contract or  
77 service plan provided by a homemaker-companion agency to a person  
78 receiving services shall also provide conspicuous notice, in boldface  
79 type [(1)] (A) of the person's right to request changes to, or review of the

80 contract or service plan, [(2)] (B) of the employees of such agency who,  
81 pursuant to section 20-678 are required to submit to a comprehensive  
82 background check, [(3)] (C) that upon the request of such person or an  
83 authorized representative of such person, such agency shall provide  
84 such person or representative of such person with written notice that a  
85 comprehensive background check, as required pursuant to section 20-  
86 678, was performed for all employees of such agency performing  
87 services for such person, [(4)] (D) that such agency's records are  
88 available for inspection or audit by the Department of Consumer  
89 Protection, [(5)] (E) that the agency is not able to guarantee the extent to  
90 which its services will be covered under any insurance plan, and [(6)]  
91 (F) that such contract or service plan may be cancelled at any time by  
92 the client if such contract or service plan does not contain a specific  
93 period of duration. On the date that a homemaker-companion agency  
94 provides such contract or service plan to such person, the agency shall  
95 also provide a printed copy of the guide that details the process by  
96 which such person, or such person's authorized representative, may file  
97 a complaint against such agency, posted on the Department of  
98 Consumer Protection's Internet web site pursuant to section 6 of this act.  
99 No contract or service plan for the provision of homemaker or  
100 companion services shall be valid against the person who receives the  
101 services or the authorized representative of such person, unless the  
102 contract or service plan has been signed by a duly authorized  
103 representative of the homemaker-companion agency and the person  
104 who receives the services or the authorized representative of such  
105 person. The requirements of this section shall not apply to homemaker  
106 services or companion services provided under the Connecticut home-  
107 care program for the elderly administered by the Department of Social  
108 Services in accordance with section 17b-342. A written contract or  
109 service plan between a homemaker-companion agency and a person  
110 receiving services or the authorized representative of such person shall  
111 not be enforceable against such person receiving services or authorized  
112 representative unless such written contract or service plan contains all  
113 of the requirements of this section.

114 (b) Nothing in this section shall preclude a homemaker-companion

115 agency that has complied with [subdivisions (1) to (6)] subparagraphs  
116 (A) to (F), inclusive, of subsection (a) of this section from the recovery of  
117 payment for work performed based on the reasonable value of services  
118 which were requested by the person receiving services, provided the  
119 court determines that it would be inequitable to deny such recovery.

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

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

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

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

143 (8) "Homemaker services" means nonmedical and supportive in-  
144 home care services, including, but not limited to, assistance with  
145 cooking, household cleaning, laundry, personal hygiene and other  
146 household chores, that ensure a healthy and safe environment for a

147 person in the person's home.

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

150 (NEW) (g) A homemaker-companion agency may include in its  
151 business name and advertising (1) the term "care" if such term is used in  
152 reference to such agency's provision of homemaker services, and (2) any  
153 words that accurately describe, as determined by the commissioner, that  
154 such agency has employees who are trained to provide homemaker  
155 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)

**Statement of Legislative Commissioners:**

Throughout the bill, "as amended by this act" was added for consistency with standard drafting conventions, and in Section 1, the phrase ", in accordance with section 11-4a of the general statutes" was moved to after "the secretary shall report" for clarity.

**AGE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Policy & Mgmt., Off.	GF - Cost	100,000	None
Consumer Protection, Dept.	GF - Cost	193,938	93,938
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	83,044	40,224
Consumer Protection, Dept.	GF - Potential Cost	69,251	69,251
State Comptroller - Fringe Benefits	GF - Potential Cost	29,653	29,653

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes various changes on how the state regulates homemaker-companion agencies resulting in the various costs and potential costs described below.

**Section 1** results in a cost of \$100,000 in FY 24 to the Office of Policy and Management to hire one consultant who will develop a plan to transfer homemaker-companion agency registration and oversight responsibilities from the Department of Consumer Protection (DCP) to the Department of Public Health (DPH) and prepare the required report by February 1, 2024.

**Sections 3, 4, and 6** require DCP to develop, implement, and maintain mandatory homemaker-companion agency training for these

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

employees resulting in a cost to DCP and the Office of the State Comptroller (OSC). To meet the requirements of these sections, DCP will have to hire one State Program Manager for a salary cost of \$93,938 and fringe benefit cost of \$40,224 in both FY 24 and FY 25.

**Section 5** requires DCP to develop a model written contract or service plan detailing the anticipated scope and cost of the services resulting in a cost to DCP and OSC. To meet the requirements of this section DCP will have to hire a durational project manager for up to one year for a salary cost of \$100,000 and fringe benefit cost of \$42,820 in FY 24.

**Sections 3, 5, and 9** add additional homemaker-companion regulatory responsibilities to DCP resulting in a potential cost to DCP and OSC if additional review and auditing of homemaker-companion agencies occur. If additional reviews and audits are necessary, DCP will have to hire one special investigator for a potential salary cost of \$69,251 and potential fringe benefit cost of \$29,653 in both FY 24 and FY 25.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.



**OLR Bill Analysis****sSB 1025*****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, the bill requires the Department of Consumer Protection (DCP) commissioner to (1) revoke a homemaker-companion agency's registration if it violates certain statutory requirements three times in a calendar year, (2) develop training standards for the agencies' employees, (3) identify training programs that teach these standards, and (4) develop a plan to implement mandatory training standards.

The bill 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. It also requires the DCP commissioner to develop (1) a model written contract and service plan and (2) 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.

The bill requires the Office of Policy and Management secretary to develop a plan to transfer, by July 1, 2024, homemaker-companion agency registration and oversight responsibilities from DCP to the Department of Public Health (DPH). He must do this in consultation with the DCP and DPH commissioners and report on the plan to the Aging, General Law, and Public Health committees by February 1, 2024.

The bill also requires every homemaker-companion agency, by January 1, 2024, to create a printed consumer brochure and maintain a website detailing the services it provides. An agency must provide the brochure or website address when a consumer requests it (§ 7).

Lastly, the bill (1) allows a homemaker-companion agency to use (a) the term “care” in its business name and advertising to describe the services it provides and (b) any words deemed appropriate by the DCP commissioner to describe having employees trained to provide services to people with memory difficulties and (2) specifies that the homemaker services provided by the agencies are in-home services (§§ 8-9).

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

## **§ 2 — REGISTRATION REVOCATION**

The 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 requires the DCP commissioner to revoke a homemaker-companion agency’s registration if the agency violates any of these provisions three times in a calendar year.

## **§§ 3 & 4 — TRAINING STANDARDS**

The bill requires the DCP commissioner to develop training standards for homemaker-companion agency employees and identify training programs that instruct on these standards. She must do this in consultation with the DPH commissioner and with guidance from relevant training organizations by January 1, 2024. The standards must (1) show the best practices for providing homemaker-companion services, (2) have instruction and training benchmarks for caring for

people with memory disorders, and (3) ensure high quality care for clients.

The bill requires the DCP commissioner to post the training standards and identified training programs on DCP's website, and it allows homemaker-companion agencies to adopt the standards and train employees using the posted training programs. The bill also requires the commissioner to develop a plan to implement mandatory training standards for homemaker-companion agency employees and report this plan to the Aging Committee by February 1, 2024.

### **§ 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.

The bill requires the DCP commissioner to develop a model service plan and written contract and post them on DCP's website by January 1, 2024. By law, a service plan or contract between a homemaker-companion agency and a consumer is not enforceable unless it contains all required information.

### **§§ 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.

**COMMITTEE ACTION**

Aging Committee

Joint Favorable Substitute

Yea 15 Nay 0 (02/28/2023)