STATE OF CONNECTICUT
REGULATION
OF THE
DEPARTMENT OF CONSUMER PROTECTION
CONCERNING THE REGISTRATION OF
HOMEMAKER-COMPANION AGENCIES

The Regulations of Connecticut State Agencies are amended by adding sections 20-670-1 through 20-670-4, inclusive, as follows:

Section 1. (NEW) **Section 20-670-1. Registration revocation, suspension, or refusal to issue or renew.**

The Commissioner of Consumer Protection may revoke, suspend, refuse to issue or renew any certificate of registration as a homemaker-companion agency, place an agency on probation, or issue a letter of reprimand for:

(1) Conduct by the agency of a character likely to mislead, deceive or defraud the public or the Commissioner;
(2) Engaging in any untruthful or misleading advertising; or
(3) Engaging in conduct that poses a threat to the public, which includes acts of violence or dishonesty by managers, employees, or representatives of the agency.

Sec. 2. (NEW) **Section 20-670-2. Homemaker companion hiring practices.**

(a) The agency shall conduct a comprehensive background check of all employees and prospective employees. The agency shall require the employee or prospective employee to complete and sign a notarized form which contains questions as to whether the current or prospective employee has been convicted of a crime involving violence or dishonesty in a state court or federal court in any state, or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. The certification by each employee or prospective employee shall read:

> "I certify that the statements made by me on this application are true and complete to the best of my knowledge and are made in good faith. I understand that if I knowingly make any misstatements of fact, I am subject to disqualification, dismissal, or other action pursuant to employment agency policy and procedure, and subject to criminal penalties as prescribed by law."

(b) The agency shall maintain the notarized form and comprehensive background check for each agency employee during the time of employment and for a period of three years from the date of the

end of the employment relationship. The agency shall make the notarized form and comprehensive background check available for inspection by agents of the Department of Consumer Protection during reasonable times.

(c) Homemaker companion agencies may review the standards and guidelines set forth in Connecticut General Statutes Section 46a-80 to determine the suitability of applicants for employment.

Sec. 3. (NEW) **Section 20-670-3. Client service agreements**

(a) A written contract or service plan shall be provided by the agency to the client, and a copy shall be kept by the Homemaker-Companion Agency. The agency shall not enforce the written contract or service plan unless it is signed by both the agency and client.

(b) Written contracts or service plans shall:

(1) provide a list of the anticipated services to be provided by the agency to the client, the term and cost of said services, a clear definition of the employee, provider and client employment relationship, safeguards for securing personal client information, a list of provider job categories such as "live-in" or "daily call," job duties, and employee schedules;

(2) contain the homemaker-companion agency policy for the acceptance of gratuities and gifts by the homemaker-companion agency's employees and independent contractors on behalf of the client; and

(3) contain a process for the client to file a complaint with the homemaker-companion agency. A process shall be made available for individuals other than a client to file a complaint.

Sec. 4. (NEW) **Section 20-670-4. Client contact, records**

(a) The homemaker-companion agency shall provide the client with a contact phone number and address for the agency and an authorized representative to discuss the service being provided.

(b) Narrative notes of a substantive nature shall be kept with each client's file and shall include observations, problems, complaints, plans of action, telephone contacts, reports of in home visits by supervisors, and the findings of all investigations.

Statement of Purpose

This regulation implements the registration of homemaker-companion agencies with the Department of Consumer Protection, pursuant to §§52 through 62 of Public Act 06-187, codified as Connecticut General Statutes §§20-670 through 20-680. The Public Act allowed the Department to create and

implement policy guidelines before the formal enactment of regulations. These regulations are based upon the policy guidelines, and seek to provide an improved level of service to the consumers of homemaker-companion services.

The purpose of this regulation is to implement a registration process for companies that provide homemaker companion services. These services are typically provided to elderly home-bound residents. The registration process includes provisions that will help protect consumers by assuring all homemaker companions undergo a criminal history background check, that written detailed contracts are signed between the agencies and their clients, that agencies properly display their registration number in all advertisements, and that the Department may provide oversight. The Department believes this registration program will protect the public health and safety.

The regulation implements a new program within the Department of Consumer Protection, pursuant to C.G.S. §§20-670 through 20-680.