



CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION

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Homemaker-Companion Agency 2023 Legislative Updates

There were changes to the laws in 2023 governing how a Homemaker-Companion Agency (HCA) conducts business in Connecticut. Below is a general summary of the changes.

Public Act 23-48

1. Service Plans/Contracts

- a. Each HCA is required to develop a service plan or contract in consultation with the consumer. The service plan or contract must include:
 - i. a person-centered plan of care and services that prescribes:
 1. scope;
 2. type;
 3. frequency;
 4. duration; and
 5. cost;
 - ii. the HCA's plan for overseeing the HCA employee assigned to the consumer; and
 - iii. how often the person who oversees the HCA's employee and the consumer will meet.

2. DCP Complaint Guide

- a. On the date that an HCA provides a contract or service plan to a client, they must also provide DCP's guide that details

the process by which a person may file a complaint against an HCA.

- b. The DCP complaint guide can be found here (<https://portal.ct.gov/DCP/Programs-and-Services/HCA-Complaints>).

3. Non-Medical Care Notice

- a. Each HCA is now required to provide the consumer with written notice that the agency provides only nonmedical care, and the HCA must obtain the consumer's signature on this notice prior to providing services. The HCA must keep the signed notice until the consumer no longer receives services from the agency and must make a copy of the signed notice available to DCP upon request.

4. Advertising

- a. Each HCA must create a consumer brochure and maintain a website explaining the nonmedical services it provides and give the brochure or website address to a consumer if requested.
- b. HCAs may use the term "care" in its business name. An HCA may also use the word "care" in its advertising when referring to the HCA services it provides.
- c. An HCA shall not use any words or related to medical or health care licensure, including, but not limited to, references to specific diagnoses and references to medical credentials held by HCA staff, including in an email or other correspondence.
- d. An HCA may use in its advertising any words acceptable to the DCP commissioner to accurately describe having employees trained to provide nonmedical services to people with memory difficulties, if the agency details the type and number of hours of training these employees received.
- e. Starting October 1, 2023, HCA advertising must include, prominently and in contrasting colors, at the top of the ad, "(agency's name) solely provides nonmedical care," or audibly convey these words in an audio advertisement at the

same speed as the rest of the audio. This statement must be at the top of each page of the HCA website, social media post, print ads, television ads, etc.

Public Act 23-99

Public Act 23-99 adds disclosure requirements for homemaker-companion agencies. The new requirements include:

1. Rate Changes:

- a. HCAs must give at least 60 days' written notice to a client or their representative before changing a service rate (unless there is also a change in the level or type of services). If the disclosure is not made, the charge is unenforceable.
- b. HCAs must include in the contract, which by law must be provided within seven days after beginning services, notice that the HCA must give at least 60 days' written notice before changing service rates.

2. Companion Identification: HCAs must disclose, in writing, to a person scheduled to receive services (or his or her authorized representative), the name of the employee who will provide the services, before the employee enters the client's home.

- a. Written notice may be in the form of an email, text message, or physically delivered notice.

3. Termination Notice:

- a. At least 10 days before a homemaker-companion agency unilaterally stops providing services to a CT client, the agency must notify the consumer in writing, explaining how he or she (1) may transition to alternative care and (2) will be reimbursed for any prepaid services. The termination notice

must also have contact information for the person to get more information from the agency.

- b. However, an HCA may unilaterally stop providing services to a client, without a 10-day notice, if:
 - i. the client, his or her authorized representative, or someone else living with the client or with access to his or her home verbally or physically abused, threatened, or otherwise mistreated an agency employee;
 - ii. providing homemaker or companion services would place the agency at risk of failing to comply with an applicable local, state, or federal law (e.g., antidiscrimination, employment, health, or occupational safety laws); or
 - iii. the client failed to pay for homemaker or companion services as required under the written contract or service plan.
- c. At least 10 days before a homemaker-companion agency stops providing all services in Connecticut it must notify DCP in writing, which must include contact information that it may use to contact the HCA to get more information.

4. Background Checks

- a. In the case of a sale, change in ownership, or ceasing operations of an HCA, existing law requires applicants for an HCA registration to submit to a state and national criminal history check.
- b. Public Act 23-99 also requires, before any sale or change in ownership of an agency, each proposed new owner or, if a proposed new owner is a business entity, the individuals who own the entity, to submit to state and national criminal

history records checks. However, the Act exempts a proposed new owner from this requirement if he or she:

- i. owns less than 10% of the shares or other equity interests in any publicly listed or traded homemaker-companion agency and will not engage in the agency's day-to-day operations or direct its management and policies; or
- ii. owns less than 5% of the shares or other equity interests in any private homemaker-companion agency and will not engage in the agency's day-to-day operations or its direct management and policies.

A Note Regarding PCAs and Healthcare Credentials

In the course of providing information to the HCA industry regarding this new law, DCP received numerous questions regarding the use of the term PCA (Personal Care Assistant) and other healthcare credentials in HCA advertising.

1. Unless specifically provided for in the law, HCAs may not offer or advertise services beyond the scope of their credential, including PCA services.
 - a. The only current exception to the above limitation is that HCAs may contract with the Department of Social Services (DSS) to provide PCA services to their clients.
2. If an HCA contracts with DSS to provide PCA services to DSS clients:
 - a. The HCA must still comply with all other requirements of the HCA credential.
 - b. The HCA may not advertise that they offer PCA services.
 - c. The HCA may only provide PCA services to DSS clients.

This summary was created as a general advisory and is not to be considered legal advice. Below are the relevant homemaker-companion agency statutory changes:

[AN ACT CONCERNING NOTICE OF A PROPOSED INVOLUNTARY TRANSFER OR DISCHARGE OF A NURSING FACILITY RESIDENT, FAMILY COUNCILS IN MANAGED RESIDENTIAL COMMUNITIES, COORDINATION OF DEMENTIA SERVICES, NURSING HOME TRANSPARENCY AND HOMEMAKER-COMPANION AGENCIES](#)

[AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING LICENSING AND ENFORCEMENT.](#)