

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
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PART 2
270 - 579**

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12
mb/rgb/gbr GENERAL LAW COMMITTEE

February 21, 2013
1:00 P.M.

we had the final CO for it. So at this point in time, it sounds more of an enforcement action than it is for anything else. So if they're not getting out there to inspect and the builder is not calling for the inspection, I don't know whether the onus falls on the town or the builder to have the inspection done, but in your case, where you said there is hundreds of permits being pulling, maybe it's a staffing problem that your town should look at.

REP. ROSE: It's a huge staffing problem in all the towns, and unfortunately, that's not going to solve the issue that these homeowners have when they have work done to their homes and it's done incorrectly and they're left with leaking roofs and walls that are falling down and the contractor has taken off without any remedy of the situation.

SENATOR DOYLE: Any other first-time questions?
Second question? Representative Carter?

REP. ROSE: Thank you very much.

SENATOR DOYLE: Thank you. The next speaker is Representative Betsy Ritter then Senator Meyer, Representative James Maroney, Representative Joe Serra.

Good afternoon, Representative Ritter.

REP. RITTER: Good afternoon, Senator Doyle, Representative Baram and I guess I'll say gentleman of the committee. I understand that not all of your members are here. I am here to support House Bill 5345, AN ACT CONCERNING HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION. And I want to thank you very much for agreeing to hear this bill proposal.

My concern for this need for these increased

protections and this would be through contracting for homemaker companion agencies comes from a specific circumstance involving a constituent of mine. Subsequently some research into the case and the regulation surrounding these contracts brought to my attention I think some situations where we can provide strengthened protections for people who in many cases in very vulnerable positions in their lives often for the first time. You'll find in your packet written testimony also from the attorney who represented by constituent and he gives a lot of details around the specific case involved and I'm not going to recite them again for you, but I would like to summarize the provisions that I hope need attention.

They center around two areas; misrepresentations made regarding her insurance coverage for the services that were to be provided; and the quality of care that she received. And I should say that I know that we have looked at these provisions over the years several times. I believe most recently may have been in 2011. In this -- in this particular case, I believe first contracted with the agency in 2009, consequently, her contract then that she made was not governed by everything that we have in statute in now, but if you look at the statutes now, it's my hope that we can perhaps further strengthen them. The proposal -- there are seven aspects to the proposal that deal with, as I said, strengthened provisions around both misrepresentations on insurance coverage and quality of care. And I just -- I hope that you'll look at them carefully.

This is not a panacea for all potential abuses and I'm sure you're going to hear testimony about things that these provisions will not do and I freely admit that, but the problem is

that in so many cases in the circumstances, you're talking about consumers who really are in very vulnerable positions. They're often alone, homebound almost by definition, and often in and out of the hospital. Significant pain and discomfort is very often daily if not a constant feature of their lives and in many cases, as was the case in mine -- with my constituent, for the first time in their lives, relying on provision of help that they acquire on their own and it's really pretty critical to the remaining portion of their lives. Many are frightened about their future and I really -- I hope you'll take a look at this. I believe they believe better treatment under the law than we're currently providing.

And I'll take any questions. (Inaudible) it helps you understand perhaps where some of these suggestions are coming from. Thank you.

SENATOR DOYLE: Thank you, Representative.

Senator Witkos.

SENATOR WITKOS: Thank you, Mr. Chair.

And good afternoon, Representative Ritter, and thank you for bringing this to the committee's attention. I know this early version went through the Senate quite expeditiously a couple of years ago. But I had a question regarding number 4 of the 7 items in the proposal which is client pay only for services rendered. It cannot be billed for excess costs when such agency provides a higher-skilled individual than needed. Who would determine the need or the skill level at that point? Would that solely rest with the agency or would the client have some say in that?

REP. RITTER: One of the things -- and I actually

believe this committee is better skilled than I am at understanding the differences, is that these are not medical model or a provision of medical services for people that these agencies provide. It's a homemaker/companion arrangement and so when you talk about the specific requirements, it's a little less clearly mandated under statute then say in the medical situation and I may be a little more familiar with the medical situation. But happens in the contracting practice now there is a clearer delineation of the services that are expected and the qualifications or the specific skill of the service provider. But what sometimes happens is the agency maybe can't provide that person to give those services and somebody else does who by virtue of a professional license and you often might see this with a CNA, a certified nurse assistant or a licensed practical nurse, an LPN, performing functions that perhaps could just as easily have been delivered or had usually been delivered by somebody without that professional certification.

But when that happens, it shouldn't have to be the burden of the service recipient to pay that much higher rate that is commanded by the higher licensee. Does that help you?

SENATOR WITKOS: Yeah, it does. So I guess your focus would be on professional certifications. I'm thinking of instances where somebody contracts a home health care aid to come in and they may be dropped off because they don't have a driver's license and let's just say they're assisting in the home and doing whatever tasks are assigned to them and then they say, well, if you want to go anywhere, we're going to assign somebody that has a driver's license to get there so that person is more expensive than a person that doesn't have a driver's license

and I kind of want to go down that particular road.

REP. RITTER: I understand -- I understand what you're saying and I think that some of the testimony that will come to you as the afternoon goes on can also bring some enlightenment to that by the service providers themselves who understand that -- the blurring of those lines. The difficulty in the specific case I'm talking about there sort of were two components and I think there's two components to your question, too. And that is how are the services initiated and how clearly defined as the provider of the service. And then if there's a higher payment because of something out of the control of the recipient, the client, who bears that. So -- and that is -- those are definitely points for conversation here.

SENATOR WITKOS: And we'll ask somebody when they come up to testify. Thank you very much.

Thank you, Mr. Chair.

REP. RITTER: Thank you very much.

SENATOR DOYLE: Thank you.

Any further questions?

Representative Altobello.

REP. ALTOBELLO: Thank you, Mr. Chairman.

Good afternoon, ma'am. On the backside of your submission to the committee, you are asking that background checks be clearly defined, that services and level of care be defined by the agency and also validated by a third-party care provider. What do you envision there, someone

comes in once week a visiting nurse that charges \$150 to say what you are doing once a month, quarterly? Who would that person be in your opinion?

REP. RITTER: That's a very good question. And I will just describe -- and I guess I might say that that could also vary by circumstance and let me describe the circumstances. In many cases, I just finished doing this in on a personal level for my mother.

REP. ALTOBELLO: Me too.

REP. RITTER: Yeah, the contract is well discussed and aired among the family members in conjunction with the client, the service recipient and that's great because a conversation or some sort of need validation is perhaps occurring then. But in other circumstances, it very well may be that the individual -- the client doesn't have that person or that other party to be involved in the process and has, in fact, ended relying on either suggestions which well may come from the service provider which is great or from the person providing the services who has a clearly vested interest in the expansion of those services. And that's what I'm trying to get at.

REP. ALTOBELLO: Once again, who -- who? How often and how much do you think it would cost and who do it?

REP. RITTER: Well, it might not be difficult for, say, a caretaker who is coming in to say, you know, Mrs. X, I could probably spend a couple hours tomorrow cleaning those floors for you or -- I'm making this up as I'm going along -- shampooing rugs and washing your drapes, how about it? And there -- and this is an area

where remember we might be talking Mrs. X who is alone at home, has nobody else and not really aware that means that she'll be paying for those services that perhaps were outside the originally contracted agreement. And I'm not pretending this is easy. These are hard situations because sometimes, as we all know, someone's needs change along the way and I'm just maybe looking for a little more specificity that could help those clients when there are instances when maybe all of a sudden the need isn't being determined by the client or their circumstances.

REP. ALTOBELLO: And through your, Mr. Chairman, just once again, who or what type of party -- you're asking to be validity by a third-party care provider. What do you envision and who do you envision and how much do you think it would cost?

REP. RITTER: I don't know the answer to that.

REP. ALTOBELLO: Okay. Thank you.

REP. RITTER: And I'm not sure that it has to be a paid arrangement. To describe a situation, my mother did not pay me to help work out those details, at least she hasn't yet. And so, you know, I think there is plenty of room for discussion around this and I hope you'll receive some suggestions. Quite frankly, that was the hardest -- I few that as the hardest piece on here as well.

REP. ALTOBELLO: Thank you very much. Thank you, ma'am.

Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you.

Any further -- Representative Aman.

REP. AMAN: Just a quick question. We had a lot of discussion last year in the labor committee and then the bills passed when we talked about unionizing the various personal care attendants. In this bill, you talk about agencies, much of our discussion was that many of the personal care attendants are really individuals or two or three persons group, not a -- not the agency that's advertising on TV or the radio currently that's going on. Are you envisioning this just for lack of a better term, the large agencies or are you also trying to include the mom and pop type operation, the small operation.

REP. RITTER: The bill addresses changes in the contract that is made between the provider of the service and the person who receives the service, no further than that. So I believe the bill would then extend to people that currently contract -- offer contracts for these services and the protections that are then afforded to the client.

REP. AMAN: Many of the personal care help -- they don't have -- probably what you would demand a written contract saying what's going to happen and what's going to be provided. It was my understanding from a lot of the testimony that a lot of these are very, very informal relationships with nothing really in writing and I'm wondering how this is going to tie in with the practical aspect of it because I don't want the agencies to say, the way to get around this is no more written contracts.

REP. RITTER: Correct. I understand that. And I don't -- my view of this is that it would not change any of those other relationships in any way, but it would apply that are bound by

contract.

REP. AMAN: All right. Thank you very much.

SENATOR DOYLE: Thank you.

Any further questions? Seeing none,
Representative Ritter, a few quick questions.

As you're aware, a couple of years ago we passed legislation on this that provided some further protections for the consumers. I'll be honest there was a lot of discussions with the industry so if you want to pursue this, be prepared for some discussions, and you know, heading down that road.

REP. RITTER: Could I respond to that?

SENATOR DOYLE: Yeah, sure.

REP. RITTER: I've had some discussion with the industry already, and you know, this is something of a laundry list of items that could make a difference and I don't want to misrepresent anyone but I can tell you that many of them have been received favorably and many not, so I would welcome those discussions and would welcome the opportunity to participate if that's what the chairs would envision.

SENATOR DOYLE: Yeah. That sounds good, yes.

And secondly, could you give me the -- I hope I didn't miss it -- but you were talking insurance here, I want to clarify the fact pattern, did the provider misrepresent that the consumer -- your insurance will cover your -- these services and they just went along with it. Is that what happened?

21
mb/rgb/gbr GENERAL LAW COMMITTEE

February 21, 2013
1:00 P.M.

REP. RITTER: That is my understanding.

SENATOR DOYLE: Okay. And then ultimately, instead of it covering, it's out of pocket and that's the big concern with your constituent.

REP. RITTER: Right. What happens -- I mean, if you think about it from a practical standpoint and this goes also to Representative Aman's point, as well, there is in the world of insurance and it's generally a long-term care type of insurance arrangement that would cover it. It's not terribly reasonable outside of the world of people who take that on as an expertise that companies or anybody would be able to necessarily make that representation about every single insurance policy that's out there. And that's not what this envisions. What this is is just a notice to the client that there is not only not an expectation that the company could possibly even do that, but that anything that's said or represented about their insurance needs to be -- is not within the expertise or authority of the contractor. Does that help you?

SENATOR DOYLE: Yeah.

REP. RITTER: A disclaimer.

SENATOR DOYLE: Yes, no, it makes sense. I understand.

Any further questions?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

In connection with a prior question that took place about an individual who contracts with a family, is a homemaker, rereading the proposed

bill, it seems like it focuses solely on agencies so that if I offered my services as a homemaker, I wouldn't necessarily be governed by this -- this bill. But if I owned an agency, it would be a different story. Is that your understanding?

REP. RITTER: Yes. That is also my -- yes, that is my intention.

REP. BARAM: Thank you.

REP. RITTER: I was not clear. I'm obviously not an attorney that deals with contracting.

REP. BARAM: Because I, too, like many of the prior speakers have had recent experience with homemakers services for a family member and I know that in exploring it, there are times when individuals offer, you know, their services just on an individual basis and people get to know who they are by, you know, reference and what not and other people go to formal services, it could be Catholic Family Services, Jewish Family Services, that have homemaker services and you're contracting with a formal agency. So my guess is there is a mixture of how people hire their homemaker services.

REP. RITTER: Thank you. I really appreciate that clarification. Thank you.

REP. BARAM: Thank you.

SENATOR DOYLE: Thank you.

Any further questions?

Seeing none, thank you very much.

REP. RITTER: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

REP. MARONEY: Thank you.

SENATOR DOYLE: Representative Serra.

REP. SERRA: Good afternoon, Senator Doyle, Representative Baram, Senator Witkos, Representative Carter, members of the committee. I heard Representative Ritter testify on 5345. That's not why I'm here, but since I have a little bit of knowledge of that bill and that issue, I just would like this committee to know that there is a major department bill in labor that's going to address some of the issues that were raised by this committee. Also, I think you are aware there was a task force in place which is a concept that I think this Legislature in the next couple years is going to embrace and basically what that is just to allow people to stay in their homes as long as possible.

You know, they made an assumption that this will save the state of Connecticut a large of money and of course the quality of life and everything staying in your own home as long as possible and -- so this whole issue is under consideration today and I think it's going to be a bigger and bigger issue. I've even read in the newspapers where the governor has even made comments to this area.

But the other reason I'm here is for Bill 5419, AN ACT CONCERNING RETAIL GASOLINE REWARDS PROGRAMS. As you well know here in this country in the United States, businesses are always using rewards programs for the consumers, whether it's for air travel, whether it's for your credit cards and all that. And

recycling better and now he only needs once a week? Where does he -- does he have any recourse at all under your contract?

MICHAEL PAINE: Under the contract, technically no. The reality is the customer calls us and we've been doing this forever, but more so in the last three or four years, they've done exactly that. The service level is down and so they give us a call and we change the service to once a week and we redo the contract so that that reflects what the current charges are.

REP. RUTIGLIANO: All right. Thank you, Mr. Chairman. Thank you.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

MICHAEL PAINE: Thank you for your time.

SENATOR DOYLE: Next speaker is Martin Acevedo. Is Martin here? Yes. Kenneth Gurin, Ed Levin, Jay Zelermyer, Tom Falik.

Martin.

MARTIN ACEVEDO: Good afternoon, cochairs, members of the committee. My name is Martin Acevedo. I'm the general counsel of Companions and Homemakers, Inc., a 22-year-old employment based homemaker and companion agency registered with the Department of Consumer Protection. I'm here to testify in connection with Bill Number 5345, AN ACT CONCERNING HOMEMAKER/COMPANION AGENCIES AND CONSUMER PROTECTION.

Our agency cares for over 2700 elderly

consumers in their homes and employs approximately 2500 caregivers. It is always a pleasure to work with the General Assembly in matters concerning the welfare of consumers of nonmedical custodial home care services. In 2006, we help pass the first statute regulating homemaker/companion agencies. In 2011, we can back in support of key legislation defining the meaning of "comprehensive background check" and also requiring registries to disclose to consumers the potential legal and tax liabilities associated with hiring caregivers from such registries.

Proposed Bill 5345 seeks to modify Chapter 400 of the Connecticut General Statutes and seven substantive ways. We believe that although there is merit on some of the proposed changes, the proposed bill should be carefully reexamined as in our opinion some of these provisions are legally redundant, unworkable or inconsistent with the nature of custodial nonmedical services -- homemaker/companion services. Concerning Section 1 which requires agencies to inform clients concerning the results of background checks. We believe this violates an employee's legal right to privacy and violates the Connecticut personnel file statute. Agencies already have to conduct comprehensive background checks under law and should continue to be allowed to make a determination as to the candidates suitability or fitness for the job.

As under common law, agencies could be held liable for negligent hiring. You've got to understand the nonmedical custodial home care model is a dynamic one and is in large part driven by a client's desire for immediate services. So we think that communication of this information as a condition for providing services is likely to delay placement of a

caregiver to the consumer's detriment.

Concerning Section 2 of the bill, which seeks to -- seeks to call for a more clear definition of "comprehensive background check," the statute that we passed in 2011 already contains a detailed eight-prong definition of what constitutes a comprehensive background check.

Concerning Section 3, services and levels of care to be clearly defined by the agencies and validated by a third party primary care provider, current law already requires that those services be defined. The problem is the medical validation requirement that it is (inaudible) to the nonmedical custodial home care model whose mission is provide home care to individuals who cannot do so by themselves. You've got to keep in mind that nonmedical custodial care is not prescribed by health care providers. Our people do light housekeeping, companionship, taking consumers to doctor appointments, social activities and help them with assistance with activities that they need.

Concerning Section 4 --

SENATOR DOYLE: Please try to summarize.

MARTIN ACEVEDO: Yes, I will end with that. That the client pay for only services rendered and cannot be billed for excess cost when such agency provides a higher skilled individual. And again, under current law, agencies can only charge consumers for the specific agreed upon services that are immortalized in the agreement which happens to be required by statute. And again, this appears to be more applicable to a medical home health care agency that for example could bill or could attempt to bill a client for a service that could have been performed by a CNA when, in fact, it was

performed by a nurse.

I will -- with respect to the other -- the rest of the testimony, it's in writing and I certainly encourage the committee to study it.

SENATOR DOYLE: Yeah. And each committee member has a copy so we will.

MARTIN ACEVEDO: Thank you.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Representative Baram.

REP. BARAM: (Inaudible) remarks to current law, are you talking about state law or federal law?

MARTIN ACEVEDO: State law, Chapter 400(o) of the Connecticut General Statutes, which had (inaudible) in 2006, and then 2011, again, when it was -- some provisions were added at the time.

REP. BARAM: So your testimony you're essentially saying that what the bill attempts to achieve is already written in law?

MARTIN ACEVEDO: Correct, yes, except of provisions which we don't have a problem with, Provision 6 and 7. But again, I think -- we think that this is a matter of enforcement. The Department of Consumer Protection oversees these agencies and it's a matter of enforcement. The statute is already in the books. I mean, I understand that there is very few investigators that they have -- that are capable to go out and do enforcement and audit these agencies. But I don't think that necessarily adding yet another statute is going

to resolve these issues. I think it's a matter of enforcement.

REP. BARAM: And lastly in connection with the phrase that we were questioning Representative Ritter on earlier about verified by a third party provider, your point is that these services are not prescribed by a medical provider.

MARTIN ACEVEDO: Exactly.

REP. BARAM: These are just done by the families.

MARTIN ACEVEDO: Yes, absolutely. The family calls and says my mom needs a couple of hours of companionship, some light housekeeping, et cetera, et cetera. I mean, that's that the consumer dictating to us, you know, can you please provide this. This is not a home health care agency. This is not a homemaker home health aid agency. We've got to understand that this is a nonmedical custodial model. We're simply doing what -- you know, what family members used to be able to do before they had to, you know, take time to go to work, and you know, that's the essence of the model.

We don't want -- that's -- it's important to preserve the model. Consumers don't want to feel like they are in a hospital at home and that's not the purpose of what we do.

REP. BARAM: Thank you.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

MARTIN ACEVEDO: Thank you.

SENATOR DOYLE: Next speaker is Kenneth Gurin and then Ed Levine, Jay Zelermeyer, Tom Falik and Stan Sorkin.

Mr. Gurin.

KENNETH GURIN: Okay. Good afternoon, Chairman and committee members. My name is Kenneth Gurin. I'm president of the Connecticut Chapter of Home Care Association of America. We're leading national nonprofit trade association of employer-based home care agencies. Our mission is to enhance and strengthen the professionalism of private duty home care providers through education and best practices with a thousand member agencies nationwide. Besides being president of the association for the past three years, I've been in the home care industry for over 10 years as owner of an employment-based agency registered with the Department of Consumer Protection.

I want to thank you for the opportunity to testimony today regarding Bill Number -- Proposed Bill Number 5345. While I commend Representative Ritter for her concern for her constituent, I just want to point out in follow up to Mr. Acevedo that we do feel that there is some redundancy with this bill as it exists in conjunction with current law with Chapter 400(o) in the Connecticut General Statutes. There are some aspects that we feel are valuable but from a operational basis with many of our member agency is a matter of normal course and what I mean by this is the client should pay for services rendered regardless if the agency provides a higher skilled individual than originally contracted or needed. And this is currently the practice for our organizations and the vast majority of those in our membership.

We do a plan of care. If that plan of care changes from the original assessment because the client's needs change, any additional cost that might be required to bring a CNA, a certified nursing assistant in, would be done if this is preapproved by the client or an authorized family representative and often this would require that a new service agreement be signed and implemented by the family. We would not do this just on a whim. This is -- more and more of our clients are taken care of the home care benefit of long-term care insurance plans. We would endorse the contract contain conspicuous bold-faced notice from agencies that cannot guarantee the extent to which services will be covered by these insurance plans. This really is necessary since there are so many different policies with a huge variation in the specific benefits that are offered.

Our company, for example, our agreement specifies that the client is personally responsible for any portion of their bill that their insurance company will not cover. And then one last point, in absence of a stated period of duration that's clearly informed by a given agency, we would endorse that the client has the right to cancel the services at any point in time which is currently our practice. So in summation, we appreciate the committee's ongoing interest to protect our state's growing elderly population, something that the Home Care Association of America and our membership puts as priority number one.

Thank you for the opportunity. I'll take any questions that you may have.

SENATOR DOYLE: Thank you.

113
mb/rgb/gbr GENERAL LAW COMMITTEE

February 21, 2013
1:00 P.M.

SENATOR DOYLE: Next speaker is Tom Falik then Stan Sorkin, David Bauer, Ken Carney, Scott Ferguson, Tyler Fiske -- a couple there -- Richard Beyer, Robert Heffernan, Raphie Podolsky. Thank you.

THOMAS FALIK: Good afternoon, Senator Doyle, Representative Baram and the other members of the General Law Committee. Thank you for this time to testify regarding House Bill 5345 regarding homemaker companion agencies and consumer protection. My name is Tom Falik. I'm the chief operating officer of Euro-American Connections and Home Care. I'm here today representing the Connecticut Association of Home Care Registries.

Connecticut Association of Home Care Registries is very supportive of consumer protections related to homemaker companion agencies which includes registries. We realize that in this industry, as in many other, not everybody plays by the rules and we're absolutely committed to clarification and tightening of reasonable rules regarding the industry that they will better protect consumers and can be applied equally to all providers of home care services. In the last legislative session, we not only supported but actually proposed various protections for consumers including requiring that all home care registries for the first time the subject of Connecticut home care companion statutes.

We are generally supportive of House Bill 5345, but we would propose certain modifications to strengthen the bill. We have six specific recommendations which I believe you have the written listing of. Number one, the current statute 20-671 covers home care companion agencies that operate in the state of Connecticut. We think this should be broadened

to clarify that out-of-state agencies and Internet agencies which seek to place a caregiver to perform services in the state of Connecticut should be covered by this act and be required to register. There are currently large national Internet sites placing caregivers in Connecticut which do not appear to be on the list of registered agencies maintained by the DCP.

As a corollary to that, under Section 20-672(c), the relief available if an agency has not registered is injunctive relief. Injunctive relief can be good but it's difficult and it can take time. We would recommend that that section be amended to include monetary penalties for homemaker/companion agencies that do not register with the DCP.

With respect to the specific recommendations of House Bill 5345, there are seven recommendations. My point number 3 covers number 1 regarding supportive -- regarding the obligation to provide background checks. We think that's fine, but we also are a little bit concerned about privacy issues. The background check issue we do feel is already in the statute under Section 20-675. The third-party verification of service has been -- has been mentioned before. We think it's a major problem. We think that families who want to provide care for their parents should not have to go a doctor or a geriatric care manager in order to obtain care.

And with respect to the other matters within that, we are generally supportive of them.

SENATOR DOYLE: Thank you.

Any questions from the committee?

There is a huge difference between a debit card which is not a loan and borrowing money from your bank. And I don't know. I'm a little bit offended by the notion that banks think it's okay to encourage you to put money in the bank then tell you to get it back out you've got to pay. It's your money. So I don't think that's a good policy that we would want to encourage, even if we could do it.

And the debit card people are being penalized in this structure when they're not part -- when they're not allowed to have a cash price at a retailer.

SENATOR DOYLE: Okay. Thank you.

Any further questions from the committee?
Seeing none, thank you.

RAPHAEL PODOLSKY: Thank you very much.

SENATOR DOYLE: The next speaker Ben Zimmer. Is Mr. Zimmer here? It does not appear so.

Is Brian Johnson here? Peter Foote, Bill Ethier, Tim Phelan, Kevin Pimentel.

Brian Johnson.

BRIAN JOHNSON: Good afternoon, Chairman Doyle and Baram and Senator Witkos and members of the General Law Committee. My name is Brian Johnson. I am a resident of Hartford, Connecticut and I am here today on behalf of the nearly 600,000 AARP members in Connecticut to support Proposed House Bill Number 5345, AN ACT CONCERNING HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION.

AARP is a nonpartisan nonprofit social welfare

organization with a membership that helps people 50 plus have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP is an advocate nationwide for the rights of people aged 50 and older. AARP supports the goal of Proposed House Bill Number 5345 to expand consumer protections and disclosures for individuals contracting with homemaker companion agencies.

As use of the home and community-based services grows, states must develop adequate methods for ensuring quality and making it easier for consumers and their family members to access information on quality and cost. Specifically the proposal requires homemaker companions to disclose the results of background checks, notify consumers their services may not be covered by insurance, specify and validate services and level of care and protect consumers from overbilling. These protections will help consumers and family caregivers evaluate their care options and make informed decisions.

Connecticut has demonstrated over the past several years a commitment to improve criminal background checks in long-term care settings. In 2010 Connecticut was ordered \$1.9 million to design a comprehensive background check program. The next year the General Assembly enacted legislation outlining the process, analysis and implementation for Connecticut's criminal history and patient abuses search.

The bill before you today helps connect consumers through the information collected from background searches. Proposed House Bill 5345 requires homemaker company agencies to make the results of those background searches publicly available to a client before an

employer visits a client's home.

And then additionally the proposal alerts consumers about potential out-of-pocket costs for services not covered by insurance and protects consumers from being overcharged when services are provided by higher skilled individual than is needed.

And then we look forward to working with members of the General Law Committee to support enhanced consumer protections and thank you for my time today.

SENATOR DOYLE: Thank you, Mr. Johnson.

Any questions for Mr. Johnson?

Senator Witkos.

SENATOR WITKOS: Thank you for your testimony, Mr. Johnson.

Just one question. Was the AARP, did they -- through your membership and outreach did you hear from your constituent base that there are issues that need to be resolved? Or you saw this proposal come forward and you thought it's a good strengthening of consumer practices for the elderly, so that's why we're here to support it?

BRIAN JOHNSON: Right. So it would be the latter. It's a good practice, not by specific members saying that this happened, but it is a protection. Like listening to some of the other people that testified, and it was two things being said. One that we don't charge any additional monies, but at the same time we don't want you to be able to punish us for charging additional money.

159
mb/rgb/gbr GENERAL LAW COMMITTEE

February 21, 2013
1:00 P.M.

So we want to make sure that if you come into do basic healthcare services, then you're not then charging people for administering aspirin and stuff like that.

SENATOR WITKOS: Thank you very much.

Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Any more questions from the committee? Seeing none, thank you very much for your patience.

BRIAN JOHNSON: Thank you all.

SENATOR DOYLE: The next speaker is Peter Foote. Is Peter Foote here? Yes. Bill Ethier, Tim Phelan, Kevin Pimentel.

Mr. Foot.

PETER FOOTE: Yes, good afternoon, Senator Doyle, Representative Baram and members of the General Law committee. My name is Peter Foote. I am with the Painters Union District Council 11. I'm here today to testify in favor of House Bill 5908, AN ACT REGARDING SAFETY AND CERTIFICATION STANDARDS FOR THE SPRAY FOAM INSULATION INDUSTRY.

We at District Council 11 applaud any effort through legislation to strengthen safety measures in order to protect our members. In our opinion legislation before you, not only protects our members from harm, by requiring respirators and personal protection equipment also protects members working -- other workers working on a job site as well.

We thank the committee for holding this public hearing and I am able for any questions at this

**JOINT
STANDING
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HEARINGS**

**GENERAL
LAW
PART 3
580 - 891**

2013



Companions & Homemakers

Home Care for Older Adults

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February 21, 2013
Committee on General Law
Testimony Regarding Proposed Bill No. 5345
"An Act Concerning Homemaker Companion Agencies and Consumer Protection."

DEAR MEMBERS OF THE COMMITTEE:

My name is Martin Acevedo. I am the General Counsel of Companions & Homemakers, Inc., a 22-year old, employment-based homemaker-companion services provider registered with the Department of Consumer Protection. With ten offices throughout the State of Connecticut, our company cares for over 2,700 elderly consumers in their homes or places of residence and employs approximately 2,500 caregivers. Thank you for the opportunity to submit comments regarding Bill 5345.

It is always our pleasure to work with the General Assembly in matters concerning the welfare of consumers of non-medical, custodial home care services. In 2006, we helped pass the first statute regulating homemaker-companion agencies. In 2011, we came back in support of key legislation that defined the meaning of "comprehensive background check" under the existing statute, and which required homemaker-companion "registries" (entities who—wrongly—treat caregivers as "independent contractors") to disclose to consumers, in writing, the potential legal and tax liabilities associated with hiring caregivers from such registries.

Proposed Bill 5345 seeks to modify Chapter 400o of the Connecticut General Statutes (meaning the statute that regulates homemaker-companion agencies) in 7 substantive ways. We believe that, while there is merit in some of the proposed changes, the proposed bill should be carefully re-examined as, in our opinion, some of these provisions are either legally redundant, unworkable, or inconsistent with the nature of the custodial, non-medical model of (Consumer Protection-regulated) homemaker-companion agencies. What follows is a point by point commentary concerning each of the 7 sections in the proposed bill, for your consideration.

"(1) Such agencies inform a client of the results of background checks on agency employees before such employees are sent to a client's home," **COMMENT**: This violates an employee's legal right to privacy and violates the Connecticut personnel file statute. (See Conn. Gen. Stat. § 31-128a, et seq.) Agencies already have to conduct comprehensive background checks under law. Agencies should be allowed to make a determination as to a candidate's suitability or fitness for the job as, under common law, they could be liable for negligent hiring. The non-medical, custodial home care model is a dynamic one and is, in large part, driven by clients' often immediate need for care such that communication of this information is likely to delay placement of a caregiver to the consumer's detriment.

"(2) section 20-678 of the general statutes contain a more clear definition of "comprehensive background check," **COMMENT**: The statute already contains a detailed, 8-prong definition of what constitutes a "comprehensive background check" (see Conn. Gen. Stat. § 20-670(5)).

COMPANIONS & HOMEMAKERS, INC.
OFFICE OF THE GENERAL COUNSEL
TESTIMONY CONCERNING BILL NO.5345
COMMITTEE ON GENERAL LAW
FEBRUARY 21, 2013
PAGE 2 OF 2

"(3) services and levels of care be clearly defined by such agencies and validated by a third-party, primary care provider," **COMMENT**: Current law requires services to be described (Conn. Regs. § 20-670-3). Furthermore, the specific "validation" requirement is anathema to the non-medical, custodial home care model whose mission is to provide home care to people who cannot do so by themselves, or whose families (the primary caretakers) are in need of additional help. Non-medical, custodial care is not "prescribed" by health care providers.

"(4) a client pay only for services rendered and cannot be billed for excess costs when such agency provides a higher-skilled individual than needed," **COMMENT**: Under current law, agencies can only charge consumers for the specific, agreed-upon services—this agreement is memorialized in an Individualized Service Agreement (ISA)/Service Plan required by law. (See Conn. Gen. Stat. § 26-670(9) and Conn. Regs. § 20-670-3). Item 4 of this proposal appears more suited to medical home care agencies where, for example, such agency could attempt to bill a client for a service that could have been provided by a CNA instead of a nurse (these situations do not present themselves in the non-medical, custodial home care model).

"(5) contracts between such agencies and clients not be enforceable if they do not comply with all requirements provided in section 20-679 of the general statutes," **COMMENT**: Section 20-670-3 of the Regulations of State Agencies already provides that "[t]he agency shall not enforce the written contract or service unless it is signed by both the agency and client." (See also Conn. Gen. Stat. § 20-679.) The governing statute and regulations' constant use of the term "shall" when referring to an agency's compliance with statutory and regulatory requirements makes it evident that non-compliance with such requirements (particularly in view of the principle that these contracts are generally to be construed against the drafter) entitles the consumer to assert non-compliance as a defense in the event of an agency's attempt to enforce the agreement.

"(6) contracts contain a conspicuous, boldface notice from such agency that it cannot guarantee the extent to which services will be covered under insurance plans," **COMMENT**: To require contracts to include a clause that the consumer remains responsible for any portion of the bill for services not covered by insurance (i.e., long term care insurance) is a sensible idea. (Our contract, for instance, contains that provision.)

And, lastly, section (7) which provides that "a client has a right to cancel at any time in the absence of a stated period of duration and must be clearly so informed by such agencies." **COMMENT**: Section 20-679 of the Connecticut General Statutes already states that the consumer has the right to "request changes to, or review of the contract or service plan[.]"(emphasis added). This, of course, includes the right to terminate services at any time (our contract contains that provision.)

THANK YOU FOR CONSIDERING THESE COMMENTS.

p 1



Home Care

Association of America
Connecticut Chapter

500 Howe Ave., Shelton, CT 06484
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February 21, 2012

Committee on General Law

Testimony Regarding Proposed Bill 5345

"An Act Concerning Homemaker Companion Agencies and Consumer Protection"

Dear Members of the Committee:

My name is Kenneth Gurin. I am President of Connecticut Chapter of The Home Care Association of America—HCAOA (formerly known as the National Private Duty Association). The Home Care Association of America is the leading national non-profit trade association of employer based home care agencies. Its mission is to enhance the strength and professionalism of private duty home care providers through education and best practices and is comprised of over 1,000 agencies nationwide.

Besides being President of the HCAOA for the past 3 years, I have been in the Home Care Industry for over 10 years as owner of an employment based agency registered with the Department of Consumer Protection. I, along with my HCAOA CT Chapter colleagues, are all highly committed to protect the elderly clients we proudly service. In 2006, we worked together to pass the statute regulating the Homemaker and Companion Industry. Moreover, in 2011, we advocated for greater protections for the elderly in promoting passage of Chapter 400o of the Connecticut General Statutes further regulating Homemaker-Companion Agencies.

Thank you for the opportunity to submit comment regarding Proposed Bill 5345.

While HCAOA places our client's safety and welfare first and foremost, we do not believe that this Bill adds any real additional protection. All of our member agencies have been conducting thorough background checks of our caregivers as part of our normal hiring practice and do not place a caregiver into the home until this background check has been completed and deemed suitable. To require agencies to inform potential clients the results of the background checks poses two major issues. First, it violates the employee's legal right to Privacy and violates the Connecticut personnel file statute (See CT Gen. Statue § 31 – 128a, ets eq.). Additionally, the non-medical home care model is custodial by definition and dynamic by its very nature. Having to provide this background check information would likely cause undue delay and detriment in the placement of a caregiver in the client's home, who often needs this care on an immediate basis.

Committee on General Law
Testimony Regarding Proposed Bill 5345

"An Act Concerning Homemaker Companion Agencies and Consumer Protection", page 2 of 2

As mentioned above, all of our members conduct a thorough and comprehensive background check which has proven to be both effective and highly reliable. The State of CT statute has clearly defined this as well in Chapter 400o (see CT Gen. Stat § 20 - 670 (5)), so any further definition on this would appear to be redundant.

With regard to services and level of care to be clearly defined by such agencies and validated by a third party, primary care provider will not in reality, add any real client value. For one, current law requires services provided to be described (CT. Regs. § 20-670-3). Moreover, our custodial home care model's very mission is to provide care to people who cannot help themselves or whose families, often the primary caregivers, need additional help. Since this care is not prescribed by health care professionals, in addition to the standards of care the agency's themselves adhere to, the client or their family can oversee and validate service delivery on their own.

We are in agreement with certain of the provisions of the bill that cover contract billing, terms and practices. The client should pay only for services rendered regardless if the agency provides a higher skilled individual than originally contracted or needed. However, if the Plan of Care changes from the time of the original assessment because a higher level of care is subsequently needed, any additional costs involved would only be charged if this was pre-approved by the client or authorized family representative. Often, this would require that a new Service Agreement being signed.

More and more of our clients are taking advantage of the home care benefit of Long Term Care insurance plans. We would endorse that contracts contain conspicuous, boldface notice from such agencies that it cannot guarantee the extent to which services will be covered under insurance plans. This is especially necessary since there are so many different policies with a huge variation in the specific benefits offered. Our company's agreement specifies that the client is personally responsible for any portion of their bill that their insurance company will not cover. Finally, in absence of a stated period of duration that is clearly informed by such agency, we would endorse that the client has the right to cancel at any time.

We appreciate the Committee's on-going interest to protect our state's growing elderly population, something the HCAOA and its membership put as priority number one.

Thank you for the opportunity to testify today.



P 19
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**AARP Testimony in Support of Proposed H.B. No. 5345,
An Act Concerning Homemaker Companion Agencies and Consumer Protection
General Law Committee
Feb. 21, 2013**

Good afternoon, Chairmen Doyle and Baram. Ranking Members Witkos and Carter, and members of the General Law Committee. My name is Brian Johnson. I'm a resident of Hartford, CT and am here today on behalf of nearly 600,000 AARP members in Connecticut to support Proposed H.B. No. 5345, An Act Concerning Homemaker Companion Agencies and Consumer Protection.

AARP is a nonpartisan, nonprofit social welfare organization with a membership that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. AARP is an advocate nationwide for the rights of people aged 50 and older.

AARP supports the goal of Proposed H.B. No. 5345 to expand consumer protections and disclosures for individuals contracting with homemaker companion agencies. As the use of home- and community-based services (HCBS) grows, states must develop adequate methods for ensuring quality and making it easier for consumers and their family members to access information on quality and cost. Specifically, the proposal requires homemaker companions to disclose results of background checks, notify consumers that services may not be covered by insurance, specify and validate services and level of care, and protect consumers from overbilling. These protections will help consumer and family caregivers evaluate their care options and make informed decisions.

Proposed H.B. 5345 is a logical extension of the work Connecticut has undertaken over the past several years to improve criminal background checks in long-term care settings. In 2010, Connecticut was awarded \$1.9 million to design a comprehensive background check program. The next year, the General Assembly enacted legislation outlining the process, analysis and implementation for Connecticut's criminal history and patient abuse searches. The bill before you today helps connect consumers to the information collected from background searches. Proposed H.B. 5345 requires homemaker company agencies to make the results of those background searches publicly available to a client before an employee visits a client's home.

Additionally, the proposal alerts consumers about potential out-of-pocket costs for services not covered by insurance and protects consumers from being overcharged when services are provided by a higher-skilled individual than is needed.

AARP believes stronger consumer protections will help individuals make informed choices, monitor quality, eliminate overbilling and provide adequate notice of their potential out-of-pocket costs. We look forward to working with members of the General Law Committee to support enhanced consumer protections proposed in H.B. 5345. Thank you.

Find AARP Connecticut Online at: www.aarp.org/ct



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PS: 14 LN: 5

TESTIMONY OF TOM FALIK, ON BEHALF OF
THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES
REGARDING HOUSE BILL 5345
AAC HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION

Good afternoon Senator Doyle, Representative Baram and other members of the General Law Committee. Thank you for this time to testify regarding House Bill 5345. My name is Tom Falik, and I am Chief Operating Office of Euro-American Connections and Homecare. I am here today representing the CT Association of Home Care Registries.

The CT Association of Home Care Registries is very supportive of consumer protections relating to Homemaker Companion Agencies. We realize that in this industry, as in many others, not everyone plays by the rules, and we are absolutely committed to clarification and tightening of reasonable rules regulating the industry, if they will better protect consumers and can be applied equally to all providers of home care services. In the last legislative session, we not only supported, but actually proposed, various protections for consumers, including requiring the all home care registries, for the first time, be subject to the CT Homemaker-Companion Statutes.

We are generally supportive of House Bill 5345, but we would propose certain modifications to strengthen the Bill:

1. Out-of-State & Internet Agencies. We feel the scope of the Homemaker-Companion statutes should be broadened to clarify in Section 20-671, that the requirement for all agencies to register with the Department of Consumer Protection applies to any out-of-state or internet company that seeks to place a caregiver to perform services within the State of Connecticut. There are currently large national internet sites placing caregivers in CT, which do not appear to be on the list of registered agencies maintained by DCP.
2. Failure to Register Penalty. We feel that the penalty for failure to register as a homemaker-companion agency, as set forth in Section 20-672(c), should include a monetary penalty, in addition to injunctive relief, which can take an extended period to enforce.
3. Disclosure of Background Checks to Consumers. We would support agencies having an obligation to include in their Service Agreements a statement that, upon request, the results of criminal background checks of proposed caregivers will be delivered to consumers, provided the legislature is satisfied that this will not violate any privacy issues of the caregivers. We do not think that such disclosure should be mandated, absent a request from the consumer.
4. Definition of "Comprehensive Background Check". The definition of a "comprehensive background check", pursuant to Section 20-678, was clarified in the last legislative session by Public Act 11-242, which added the definition in Section 20-670(5). We feel that this definition is quite adequate, and do not understand the need for greater clarification.
5. Third-Party Level of Service Verification. We do not object to requiring agencies to have clearly defined levels of care, but these will vary from agency to agency. We STRONGLY OBJECT to any requirement that a "third-party primary care provider" (not defined) must

validate the level of service. We believe that this requirement would be unduly burdensome to the consumer, and in certain cases, where care is needed immediately, would be impossible for the consumer to satisfy. A family should be able to hire a companion or homemaker for an elderly parent, without having to additionally consult a doctor, social worker or geriatric care manager to "validate" the level of service.

6. Paying for Correct Level of Service. Regarding paying only for the level of service provided, we agree with the concept, but feel that this can be best accomplished by requiring that the level of service be described in the Service Agreement with the consumer, and further providing in the Service Agreement that the consumer cannot be billed for a different level of service unless the consumer agrees to a modification of the Service Agreement.

The CT Association of Home Care Registries feels that House Bill 5345, with the above-mentioned modifications, would be a positive step in protecting consumers of homecare services in Connecticut. We stand ready to work with legislators to help draft such modifications, if our assistance would be helpful.

Thank you for allowing this time for me to testify.

TESTIMONY TO THE COMMITTEE ON GENERAL LAW
IN SUPPORT OF HB 5345 AN ACT CONCERNING HOMEMAKER COMPANION
AGENCIES AND CONSUMER PROTECTION
February 21, 2013

Senator Doyle, Representative Baram, and members of the Committee on General Law, I am John C. Wirzbicki, at attorney with Brown Jacobson PC of Norwich, Connecticut and I am submitting this statement in support of HB 5345 AN ACT CONCERNING HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION.

I first became interested in this issue as a result of my representation of one of Representative Elizabeth Ritter's constituents, who was being sued by a Homemaker Companion Agency. I was contacted by my client on the eve of a scheduled trial, and I agreed to take the case on a pro bono basis, assuming she could get the trial postponed. She was able to do that, and I did become involved. We eventually settled the case (one reason we settled was that my client was physically unable to attend a trial, and would have had to pay a substantial sum to have her testimony submitted by videotaped deposition), but I believe this case exposed some weaknesses in the way in which Homemaker Companion Agencies are presently regulated.

My client first became involved with the Homemaker Agency in question in 2009. She was in a nursing home following surgery. Her condition was such that in the words of her doctor:

She has a deteriorated spine which leads to chronic pain and leaves her often bedbound/wheelchair bound. She has a colostomy and this needs much constant care and supplies. Lastly, due to absorption problems she has daily TPN and her port needs chronic care and needs to be cared for and changed under sterile techniques on a daily basis.

TPN refers to "Total parenteral nutrition" Basically she was unable to digest food.

When she was in the nursing home my client was approached by a "consultant" who offered to help her find appropriate care to enable her to live independently. He signed her up for services from a Homemaker Companion Agency (which I'll refer to hereafter as "the Agency"). I do not know for sure, but I assume this person received a commission for his work. My client was assured that the two insurance policies she had would cover the services that she would receive, and that the services she would receive would be appropriate for her needs. In fact, her insurance policies provided almost no coverage, and it was for that reason she was eventually sued. Of course, the representations made to her were not in writing, so she could not conclusively prove that they were made.

I want to pause here and point out that it is hard to conceive of a person in a more vulnerable position than was my client at that moment. She is a very bright, articulate and determined person, but nonetheless she was in a nursing home recovering from major

surgery and in no position to make an informed decision regarding her home care, not to mention research into the proper agency to provide that care. She was certainly in a far more vulnerable position than someone entering into a Home Solicitation Sales Contract, but she had far less statutory protection.

My client experienced many problems, but they can be classified within two main areas of concern: misrepresentations regarding her insurance coverage and quality of care.

It is not clear to me whether there is any effective way to prevent the type of misrepresentations that were made to my client. However, I believe that there may be at least some steps that can be taken to protect people such as my client when they get into these situations. I'm sure she's not the first person who has entered into this kind of agreement at a time when they were very vulnerable. A sick person in a nursing home is not in the best of positions to look after his or her own interests.

The provisions of 20-679 of the General Statutes provide certain requirements for the contract between the provider and the person receiving services. The statute contains a list of required contractual provisions. This list is reminiscent of a similar sort of list that is contained in the Home Improvement Act. However, the Home Improvement Act is very specific that a contract that does not contain certain of the required terms is unenforceable. In the case of 20-679 the statute provides only that the contract is not valid if it is not signed. This is not much help and doesn't add much protection, because even in the absence of a statute, a contract is generally not valid if it is not signed by the parties. In my client's case, her contract did not contain much of the information required by the statute. Given the way the statute is worded, it would have been difficult to argue that the contract was therefore unenforceable. This renders the statutory requirements somewhat toothless. If compliance were a condition precedent to a company's right to enforce their agreements, there would probably be more compliance. I understand that sanctions can presently be imposed by the Department of Health, but that will not always happen.

Again, there is probably no way to prevent the type of misrepresentations made to my client regarding insurance. However, there are a couple of ways that they might be discouraged, and their harmful effects mitigated. First, the company could be required to place a bold faced warning in their contract to the effect that they can make no representations regarding the extent to which the services provided will be entitled to insurance coverage. Second, as in many other consumer contexts, it might be a good idea to give the consumer a right to cancel. In this particular context, it seems to me that the consumer should have a right to cancel at any time. Right now the statute provides that the contract must provide a statement of its duration. No such statement was in my client's contract, so presumably she could have simply cancelled it, though she may not have known that. In those cases in which the contract actually complies with the law, and the duration is spelled out, the consumer might be stuck getting services for which they cannot pay, and that they do not need.

This brings us to the second problem: quality of care. Another provision of the law requires disclosure to the consumer of "the employees of such agency who, pursuant to section 20-

678 are required to submit to a comprehensive background check". So far as I can see, my client never got such a notice, but even had she received one it is not clear that the consumer is entitled to notice of the content of those background checks. Since every employee must submit to such a check, a statement to that effect to the consumer is fairly meaningless, if they do not have the right to know what the check revealed. In my client's case, at least one of the persons who cared for her in her home had a serious felony on her record for possession of narcotics. Given the fact that these individuals not only come into the client's home, but often basically live there, this would appear to be unacceptable. Also, while the statute requires that potential employees submit to "comprehensive background check[s]", it appears from the documents that I was provided through discovery that in my client's case, the "comprehensive background check" consisted of a search through the Connecticut court databases. The Agency appears to have further restricted at least some of its searches to local courts. The statute does not include a definition of "comprehensive background check" and it appears to me that the checks are therefore far less than what some might consider comprehensive. The individuals providing these services are often working at or near minimum wage. The employer has an incentive to ask few questions when hiring.

My client related to me that the individuals who were assigned to her house had no training and could not provide the services that she needed. The documents I was provided through discovery seem to bear this out, as I asked for information regarding training, and none was produced. I therefore assume that these people were not trained in any meaningful fashion. So far as I am aware there is no licensing or registration requirements for the individual employees.

In the case of my client, the level of care that the Agency could provide was not sufficient for her needs, though she was assured to the contrary. Certainly she needed more help than untrained "homemaker-companions" could provide. These companions are not medical personnel and could not, for instance, assist her with her daily TPN. It appears from the documents that I received in discovery, that it was left to the Agency itself to define the services and level of care that my client needed. I believe that some consideration might be given to treating these services somewhat like I believe we treat physical therapists. Perhaps a doctor should prescribe the level of care, much like they prescribe the need for physical therapy.

Finally, I noted in reviewing the discovery, that my client was charged more if the services she got were provided by a licensed CNA, even though the nature of the services that individual performed were identical to those provided by the non-licensed individual. That is, the CNA provided homemaker-companion services and not skilled services. That is like paying lawyer's rate to someone who is cleaning your house because he or she happens to be a law school graduate

In my own opinion, these are the types of problems that will inevitably occur when for-profit entities provide health related services. If such entities must be involved in providing such services, it is essential that the state step in to protect the vulnerable populations that they serve. I believe Representative Ritter's proposal would address these issues in a

reasonable fashion. It might not prevent all abuses, but it would certainly make it more unlikely for them to occur, and would provide redress for vulnerable consumers

Thank you for considering the above.


John C. Wirzbicki



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

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 PS 2 LN. 11

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TESTIMONY TO THE COMMITTEE ON GENERAL LAW
 IN SUPPORT OF HB 5345 AAC HOMEMAKER COMPANION AGENCIES AND
 CONSUMER PROTECTION

February 21, 2013

Senator Doyle, Representative Baram, and members of the Committee on General Law, I am Elizabeth Ritter, State Representative from the 38th District. I am here to support HB 5345 AAC HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION.

Thank you very much for hearing this bill proposal. My concern for the need for increased protections for consumers of Homemaker Companion Agencies comes from a specific circumstance involving a constituent of mine and my subsequent research into her case and the regulations surrounding the provisions of these services. I believe you will also find testimony from the attorney who successfully represented her. He gives details of her situation that clearly point out the need for strengthened protections for the consumers of these services. Rather than repeat those circumstances, I will summarize the provisions that I believe clearly need attention.

The issues center around two areas: misrepresentations made regarding her insurance coverage for the services provided by the agency and the quality of the care she received.

Misrepresentations Regarding Insurance

Current law, Section 20-679, contains provisions of the contract between the provider and the client, but there is no clear notice to the client regarding the ability of their insurance policies to cover payment. Insurance coverage is complicated, and it is pretty unreasonable to expect an agency to be fluent in the coverage provided by every possible insurance policy; but the absence of any warnings to that effect also allow the impression to be made that coverage exists. In addition, the contract must provide a statement of its duration. If no such statement is there and there is no mention of a cancellation right, the client may receive services for which they cannot pay and/or may not need. Finally, there is no assurance of the enforceability of the contract if the all the required terms are not included, only that the contract must be signed to be enforceable. **The bill proposal is for a bold faced warning in the contract to the effect that the agency cannot make representations regarding the client's insurance coverage, that there be a clear statement of the client's right to cancel the contract, and that these contracts not be enforceable if they do not comply with all the requirements of the statute.**

Quality of Care

Current law, Section 20-678, requires the agency to do a background check on its employees but does not clearly require the results of those checks be given to the clients. The background checks are only stipulated to be "comprehensive" but are not clearly defined. There is no clear definition of services and levels of care, and does not seem to be requirements around the training and certification of the caregivers. In some cases, a skilled individual (a CNA) can provide the services that could be provided by a non-licensed homemaker-companion – ensuring the higher rate a CNA would command rather than at the lower, more affordable rate of a homemaker-companion. **The bill proposal is that clients receive the results of the required background checks, that the background checks be clearly defined, that services and levels of care be defined by the agency and validated by a third-party care provider, and that the client be only billed for the costs of the services given by the appropriately qualified caregiver.**

I realize this is not a panacea for all potential abuses. In so many cases, like my constituent, these consumers are in very vulnerable positions. They are often alone, homebound and sometimes in and out of the hospital, often in significant pain and discomfort, and in many cases they are relying on others for their own care for the first time. Many are frightened about their future. They deserve better treatment under the law.

Thank you for your attention. I will be happy to answer questions either now or at a later time.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
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HOUSE OF REPRESENTATIVES

75
May 1, 2013

Calendar -- House Calendar 123, favorable report of
the Joint Standing Committee on General Law,
Substitute House Bill 5345, AN ACT CONCERNING
HOMEMAKING COMPANION AGENCIES AND CONSUMER PROTECTION.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker.

I move for acceptance of the Joint Committee's
favorable report and passage of this bill.

SPEAKER SHARKEY:

Question is on acceptance of the Joint
Committee's favorable report and passage of the bill.
Will you remark, sir?

REP. BARAM (15th):

Thank you, Mr. Speaker.

This bill expands certain notice requirements for
homemaker-companion agencies. First, all prospective
employees must take a comprehensive background check
and this fact must be identified in the contract and
notice given to a client before the prospective
employee attends the client's home. Secondly, all
contracts and service plans have to be in writing and

delivered to the client at least seven days after the commencement of services.

The contracts provide for certain notices like the right for a client to request a change in service plan if contingencies change and also in acknowledgement that the department has to provide a comprehensive background check to the employee and hold those records on file for inspection by the DCP. Such notices have to be conspicuous and bold face. They also require that the agency does not guarantee that any of their services are covered by insurance and that if no specific duration in the contract is set forth a client would have the right to cancel the contract.

These contracts are not enforceable unless all the notice requirements are provided. This bill intends to protect consumers to provide uniformity and provide for the avoidance of misunderstandings. This was unanimously passed by the General Law Committee. I also want to thank Representative Betsy Ritter for her involvement in this bill. And the bill would be effective on January 1st, 2014.

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HOUSE OF REPRESENTATIVES

77
May 1, 2013

Mr. Speaker, the Clerk has an Amendment LCO 6159. I would ask that the Clerk please call this amendment and I be granted leave of the Chamber to summarize?

SPEAKER SHARKEY:

Will the Clerk please call LCO 6159, which will be designated House Amendment A.

THE CLERK:

Mr. Speaker, LCO Number 6159 offered by Representative Baram, Representative Ritter -- Elizabeth Ritter, Representative Carter and Senator Doyle. To substitute House Bill Number 5345, AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND CONSUMER PROTECTION.

SPEAKER SHARKEY:

The Representative seeks leave of the Chamber to summarize? Is there objection to summarization? Is there objection?

Hearing none, Representative Baram, you have the floor.

REP. BARAM (15th):

Thank you, Mr. Speaker.

This amendment accomplishes two things. First, it provides that instead of giving the results of a background check you need only provide written notice

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HOUSE OF REPRESENTATIVES

78
May 1, 2013

that a background check was performed and it also allows the agency in the event the contract is canceled by a client to recover the reasonable value of its services provided it has adhered to all the notice requirements.

I move adoption of the amendment and passage of the bill.

SPEAKER SHARKEY:

The question before the Chamber is adoption of House Amendment A. Would you care to remark on House Amendment A?

If not -- Representative Carter.

If not, let try your minds. All those in favor of House Amendment A, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER SHARKEY:

The ayes have it.

The amendment is adopted.

Will you remark further on the bill as amended?

hac/gbr
HOUSE OF REPRESENTATIVES

79
May 1, 2013

Representative Carter of the 2nd District.

REP. CARTER (2nd):

Thank you very much.

Good morning, Mr. Speaker.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. CARTER (2nd):

Good afternoon. Sorry about that.

I have a few questions, through you, to the
proponent of the bill.

SPEAKER SHARKEY:

Representative Baram, please prepare yourself for
questions. Representative Carter, please frame your
question.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

Through you, Mr. Speaker.

In looking at lines 20 and 23 we're talking about
prior to an employee showing up from an agency to the
client that that employee has to make written -- or --
or the agency has to provide written authorization to
that client. Does that written authorization -- is
that specified that it could be a letter, or would
anything preclude that -- that authorization being in

hac/gbr
HOUSE OF REPRESENTATIVES

80
May 1, 2013

the form of maybe an ID card or on the back of an ID card that that individual has passed a background check?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

The bill requires that written notification be given to the client that the employee has underwent and submitted to a background check. The client has a right to a copy of that statement, so as long as it's in writing in any form and can be given to the client it should be sufficient.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much.

And through you, Mr. Speaker, one other question.

Looking at lines 40 through 44 they're talking about the -- the -- the agency may have a contract in place and that it can be canceled anytime as long as the plan does not contain a specific duration of period in the contract. My question through you,

hac/gbr
HOUSE OF REPRESENTATIVES

81
May 1, 2013

Mr. Speaker, will that preclude the -- the contract from containing any other kind of contingencies.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

It should not.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

I would say that this -- this bill is probably long overdue. I think it -- it creates some -- some big safeguards. When you have people coming into your home who are giving care for a member of your family I think it makes sense number one that they have a background check, which we do in the state of Connecticut. But number two, that the family has been informed or -- or the client has been informed that that's happened.

It gives that extra little bit level of assurance and I think this is a good bill. I urge its passage.

Thank you, Mr. Chairman --

hac/gbr
HOUSE OF REPRESENTATIVES

82
May 1, 2013

SPEAKER SHARKEY:

Thank you, sir.

REP. CARTER (2nd):

-- Mr. Speaker.

SPEAKER SHARKEY:

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Betsy Ritter of the 38th.

REP. RITTER (38th):

Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of this bill.

At the beginning of this session I had the opportunity to speak with the Chairs on General Law and have had several opportunities to have conversation with Representative Baram on some of the specifics of the bill and really want to thank them for their time and agree with his support and with Representative Carter's I think that this is a bill that is long overdue and hopefully a bill that will make a difference to those of us -- of our state -- citizens of our state that are confined at home under circumstances in which they feel very vulnerable.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

hac/gbr
HOUSE OF REPRESENTATIVES

83
May 1, 2013

Thank you, madam.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

If not, staff and guests to the well of the
House. Members take your seats.

Before I open I see that Representative Smith --
Representative Smith, would you like to remark on the
bill as amended?

REP. SMITH (108th):

Thank you, Mr. Speaker.

Sorry for the late notice there. I just trucking
through the bill here and I -- I see that the -- the
bill allows the homeowner -- or the person receiving
this service to back out of the contract if in fact it
is not in writing. I just have a few questions along
those lines to the proponent if I may?

SPEAKER SHARKEY:

Representative Baram, please prepare yourself.
Representative Smith, you have the floor.

REP. SMITH (108th):

Thank you, Mr. Speaker.

You know, a look -- looking at the language of
the bill it -- it reminds me of some language that we
see in the home improvement contracts and I'm just .

hac/gbr
HOUSE OF REPRESENTATIVES

84
May 1, 2013

wondering if in fact this language and this bill actually falls under the home improvement contract, even though it's not really -- it's a different type of service, but I'm just throwing that out there for legislative intent?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

Much of the language is taken from the home improvement contracts statute. The LCOs tend to follow existing statutes that have case interpretation so that it can avoid confusion in the future.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

So then the question becomes would the failure to have a contract in writing be a violation of the home improvement contract?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

hac/gbr
HOUSE OF REPRESENTATIVES

85
May 1, 2013

REP. BARAM (15th):

Through you, Mr. Speaker.

A contract is required to be in writing signed by both the client and the agency and it has to be delivered at least seven days after the commencement of services.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

But the question I have is -- excuse me -- does it fall under the Home Improvement Act? Does this new section become part of the Home Improvement Act as it now exists?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

It is not part of the Home Improvement Contract Act. This is a separate bill that is distinct and separate.

SPEAKER SHARKEY:

Representative Smith.

hac/gbr
HOUSE OF REPRESENTATIVES

86
May 1, 2013

REP. SMITH (108th):

And thank you for -- for that clarification.

Because the -- the language is pretty clear that the one receiving this service can back out of the contract if there is no written contract, I do recall reading some of the home improvement contract cases that have been litigated that there had been created a good faith exception to that rule and I'm just wondering if that had been discussed or if there's any consideration -- I mean, good faith exceptions under this bill?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

There was no discussion of specific good faith exceptions, except that it does allow a client to cancel the contract if there's no specific duration set forth and it also allows a client to request changes to the contract if contingencies change at home based upon the need of the client.

SPEAKER SHARKEY:

Representative Smith.

hac/gbr
HOUSE OF REPRESENTATIVES

87
May 1, 2013

REP. SMITH (108th):

Thank you, Mr. Speaker.

And I thank the good gentleman for his answers.

SPEAKER SHARKEY:

Thank you, sir.

Will you remark? Will you remark further on the bill as amended?

If not, staff and guests to the well of the House. Members take your take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

Members to the Chamber please. The House of Representatives is voting by roll call. Members to the Chamber please.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Will the members please check the board to make sure your votes are properly cast?

If all the members have voted the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

hac/gbr
HOUSE OF REPRESENTATIVES

88
May 1, 2013

House Bill 5345, as amended by Schedule -- by
House A

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Absent and not voting	7

SPEAKER SHARKEY:.

The bill as amended is passed.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call Calendar 129?

THE CLERK:

House Calendar 129, favorable report of the Joint
Standing Committee on Planning and Development, House
Bill Number 5610, AN ACT CONCERNING THE ISSUANCE --
THE INSURANCE OF MUNICIPAL SOFT SERVE ICE CREAM VENDOR
PERMITS.

SPEAKER SHARKEY:

Representative Kiner.

REP. KINER (59th):

Thank you, Madam Speaker.

Madam Speaker, I move acceptance of the Joint
Committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

H – 1169

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 20
6540 – 6911**

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

75
May 28, 2013

DEPUTY SPEAKER BERGER:

The bill, as amended, passes.

Would the Clerk please call House Calendar Number
123.

THE CLERK:

Mr. Speaker, Calendar page 15 -- 50 -- excuse me
-- House Calendar Number 123, favorable report of the
joint standing committee on Judiciary, Senate House
Bill -- Substitute House Bill, rather, Number 5345, AN
ACT CONCERNING HOMEMAKER COMPANION AGENCIES AND
CONSUMER PROTECTION, as amended by House "A" and
Senate "A."

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Good afternoon, sir.

REP. BARAM (15th):

I move acceptance of the joint committee's
favorable report and passage of the bill in
concurrence with the Senate.

DEPUTY SPEAKER BERGER:

The motion before the Chamber is acceptance of

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

76
May 28, 2013

the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Please proceed.

REP. BARAM (15th):

Thank you, Mr. Speaker.

This bill was previously unanimously passed by the House. It involves two specific things: additional notice requirements in the contract and background checks for all employees of homemaker agencies.

The bill was later amended in the Senate so, Mr. Speaker, I would ask the Clerk to call Amendment LCO 7601 and ask for leave to summarize.

DEPUTY SPEAKER BERGER:

Would the Clerk please call LCO Number 7601.

The amendment will be designated as Senate Amendment "A."

THE CLERK:

Yes, Mr. Speaker.

LCO Number 7601 designated Senate Amendment Schedule "A," offered by Senator Doyle and Representative Baram, et al.

DEPUTY SPEAKER BERGER:

The Representative seeks leave of the Chamber to

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

77
May 28, 2013

summarize the amendment.

Is there objection to summarization? Is there objection?

Seeing none, please proceed, Representative.

REP. BARAM (15th):

Thank you, Mr. Speaker.

This amendment merely requires that background check notices be given upon request instead of making it mandatory and automatic. This is a friendly amendment that is acceptable to the Chair, and I would ask for support and I move its adoption.

DEPUTY SPEAKER BERGER:

The motion before the Chamber is adoption of Senate Amendment Schedule "A."

Will you remark further on Schedule "A?"

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

Ladies and gentleman of the chamber, this amendment is a good amendment. When we went through this bill, as it came through the committee, as it came through the House, one of the major concerns was when we're providing the information to the families of the homemaker, it was very burdensome in the sense

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

78
May 28, 2013

that you would have to call someone at three in the morning just to show up and say, Hey, here's my ID, I've had a background check.

So really this makes the requirement a little easier and then less burdensome of the families. It's a good amendment, and I urge its passage. Thank you.

DEPUTY SPEAKER BERGER:

The motion before the Chamber is adoption of Senate Amendment Schedule "A."

Will you comment further on Senate Amendment Schedule "A"?

If not, I will try your minds.

All those in favor of Senate "A," signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed?

The ayes have it. The amendment is adopted.

Will you comment further on the bill as amended?

Will you comment further as the bill as amended?

Representative Baram.

REP. BARAM (15th):

This is a great amendment. It's a great bill.

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

79
May 28, 2013

It passed unanimously last time in the House, and I would urge my colleagues to support this bill.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill as amended?

Representative Carter of the 2nd, please.

REP. CARTER (2nd):

As my colleague says, this is a great bill. It's a great bill as amended. I urge its passage in the House. Thank you.

DEPUTY SPEAKER BERGER:

Thank you, sir.

Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

If not, will staff and guests please come to the well of the House. Will members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber, please. The House of Representatives is voting by roll call. Members to the chamber, please.

DEPUTY SPEAKER BERGER:

Have all the members voted? Have all the members

cjd/lgg/cd
HOUSE OF REPRESENTATIVES

80
May 28, 2013

voted?

If all the members have voted, you could check the board to see if your vote has been properly cast. If all members have voted, the machine will be locked and the Clerk will take the tally.

Would the Clerk please announce the tally.

THE CLERK:

Yes, Mr. Speaker.

In concurrence with the Senate, Substitute House Bill Number 5345, as amended by Senate "A" and House "A"

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	6

DEPUTY SPEAKER BERGER:

The bill, as amended, passes.

Would the Clerk please call House Calendar Number 469.

THE CLERK:

On calendar page number 18, House Calendar Number 469, joint favorable report of the joint standing committee on Energy and Technology, Substitute Senate

S - 661

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 10
2837 - 3149**

vkd/gbr
SENATE

206
May 22, 2013

THE CHAIR:

Opposed? Senate "B" passes. Will you remark further?
Senator Gerratana.

SENATOR GERRATANA:

Thank you, Madam President. If there's no objection, I ask this item be placed on consent.

THE CHAIR:

There is no objection. So ordered. Mr. Clerk.

THE CLERK:

Madam President.

THE CHAIR:

Sorry, Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President. Madam President, if the Clerk would next call from Calendar page 47, Calendar 504, House Bill 5345.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 47, Calendar 504, substitute for House Bill Number 4345, AN ACT CONCERNING HOMEMAKER COMPANION AGENCIES AND CONSUMER PROTECTION. Favorable Report of the Committee on General Law. There are amendments.

HB5345

THE CHAIR:

Good evening, Senator Doyle.

SENATOR DOYLE:

Good evening, Madam President. I move acceptance of the

vkd/gbr
SENATE

207
May 22, 2013

Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR DOYLE:

Yes, thank you, Madam President. This bill passed in the House provides certain protections to our constituents that are -- that are receiving home care companion services by home care companion agencies. Before I get into the heart of the bill, the Clerk has an amendment. I would ask the Clerk please call and I be allowed to summarize. It's LCO 7601.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 7601, Senate "A" offered by Senators Doyle, et al.

THE CHAIR:

Senator Doyle.

THE CHAIR:

Thank you, Madam President, I first move adoption of the amendment.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR DOYLE:

Yes, thank you, Madam President. What this amendment does is it cleans up a problem that several of the members of the Senate and the House met and talked about. It basically, it clarifies a section. There was a provision earlier in the bill that required the homemaker companion

vkd/gbr
SENATE

208
May 22, 2013

agencies to present to any user of the services evidence of a clearance -- hard copy evidence of the completion of a background check. The problem is, it could happen in the middle of the night, and it was going to be a nightmare procedurally to assure for our constituents the continuity of care.

Therefore this amendment, what it does is deletes out reference. It provides another protection by creating a Section 3 that really provides the consumer -- the consumer or the agent of the consumer the opportunity to opt in by -- by providing the opportunity or the opportunity in the notice or the agreement, the opportunity to ask for such notice of the background check. And I urge the Chamber to adopt this amendment before us. Thank you, Madam President.

THE CHAIR:

Will you remark? Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. Good evening. I support the amendment. I believe that there was a drafting error in the amendment. This just cleans it up and makes it the intent of the committee that wanted the bill. I support the amendment.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, I will try your minds. All in favor of Senate "A" please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" passes. Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President. With the bill amended, I believe that Amendment Senate "A" makes it a much better

vkd/gbr
SENATE

209
May 22, 2013

bill. It basically, it provides our consumers, if we were to hire a homemaker companion for your relative or for yourself if you had to get somebody to help you, basically, really it's a consumer bill. It clarifies some more rights we have in the agreement. So when we go to hire somebody you're more aware of the situation, it gives us a right to cancel. If there was not an end date of the duration of the contract. The bottom line is I think it's a sound bill that provides further protections for our consumers, and I urge the Chamber to approve this amendment. Thank you, Madam President. The bill.

THE CHAIR:

Thank you. Will you remark further? Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I think Senator Doyle did a fine job in explaining the amended bill, and I support its passage as well.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I just have a couple of questions through you to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY:

Will these -- I know that it -- it applies to agencies. But also in this area there are what are called registries. Will this bill also apply to registries? Through you, Madam President.

THE CHAIR:

Senator Doyle.

vkd/gbr
SENATE

210
May 22, 2013

SENATOR DOYLE:

Through you, Madam President, the answer is no. It applies to homemaker companion agencies. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you very much. And the second question is do the notice requirements apply to agencies serving -- servicing clients under the Connecticut Home Care Program for Elders? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, if they are, and I'm not sure -- if they are homemaker companion agencies as defined, yes. I'm not certain if the question framed -- are the entities providing a service homemaker companion agency? Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

I'm wondering about the -- the contract notice requirements. Is that going to apply to agencies servicing clients under the Connecticut Home Care Program? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, assuming they are,

vkd/gbr
SENATE

211
May 22, 2013

technically the homemaker companion entities, the answer is yes. Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President, and thank you, Senator Doyle, for your brevity.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Doyle.

SENATOR DOYLE:

Yes, through you, Madam President, if there is no objection, I would refer to bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, if the Clerk would now call from Calendar page 42, Calendar 363, Senate Bill 1011.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 42, Calendar 363, substitute for Senate Bill Number 1011, AN ACT CONCERNING CERTAIN USER FEES AT STATE PARKS, Favorable Report of the Committee on Environment. We have amendments.

THE CHAIR:

Senator Meyer, good evening, sir.

vkd/gbr
SENATE

219
May 22, 2013

Mr. Clerk.

THE CLERK:

On page 3, Calendar 202, Senate Bill 979. Calendar 215, Senate Bill 912. On page 15, Calendar 466, House Bill 5602. Page 35, Calendar 106, Senate Bill 916. Page 36, Calendar 120, Senate Bill 803 And Calendar 121, Senate Bill 918. On page 37, Calendar 132, Senate Bill Number 79, and Calendar 138, Senate Bill 886. On page 38, Calendar 196, Senate Bill Number 961. On page 39, Calendar 233, Senate Bill 995. On page 42, Calendar 301, Senate Bill 1015. Page 44, Calendar 385, Senate Bill 1070. Page 47, Calendar 504, House Bill 5345. And on page 48, Calendar 367, Senate Bill 804.

THE CHAIR:

I apologize. At this time, Mr. Clerk, seeing no objection, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber.

THE CHAIR:

Have all members voted? All members have voted? The machine will be closed. Mr. Clerk, will you call a tally please?

THE CLERK:

On today's Consent Calendar,

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney, you have