



General Assembly

January Session, 2019

Raised Bill No. 1051

LCO No. 5410



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT STRENGTHENING HOME CARE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) For purposes of this
2 section and section 2 of this act, (1) "commissioner" means the
3 Commissioner of Consumer Protection; (2) "employee organization"
4 means any lawful association, labor organization, federation or council
5 having as a primary purpose the improvement of wages, hours and
6 other conditions of employment among workers; and (3) "homemaker-
7 companion agency" has the same meaning as provided in section 20-
8 670 of the general statutes, as amended by this act.

9 (b) The Commissioner of Consumer Protection shall establish and
10 maintain a directory of employees of homemaker-companion agencies
11 whether such employees work on a paid, unpaid, part-time, full-time,
12 temporary or permanent basis. The commissioner shall assign a unique
13 identification number to each employee of a homemaker-companion
14 agency and shall collect and maintain the following information
15 concerning each employee: (1) Full name, (2) job title, (3) date of hire,
16 (4) self-identified gender, (5) home address, (6) mailing address, (7)

17 telephone number, (8) electronic mail address, (9) full legal name of the
18 homemaker-companion agency employing the employee, and (10) a
19 list of home care trainings offered by the homemaker-companion
20 agency or its designee and date the training was completed by the
21 employee.

22 (c) A homemaker-companion agency shall collect and submit to the
23 commissioner information required pursuant to subsection (b) of this
24 section for each employee not later than five business days after hiring
25 such employee and shall submit updated information to the
26 commissioner for each employee on a quarterly basis. Information
27 other than the employee's full name, identification number, name of
28 any homemaker-companion agency employing the employee and a list
29 of home care trainings completed by the employee shall not be deemed
30 a public record under section 1-200 of the general statutes. Employees
31 shall not be responsible for any costs related to the directory.

32 (d) The commissioner shall make each employee's full name,
33 identification number, name of any homemaker-companion agency
34 employer and a list of home care trainings completed by the employee
35 available to the public unless such information is exempt from
36 disclosure by the commissioner pursuant to this section. The
37 commissioner shall provide all reported information, including contact
38 information, to a homemaker-companion agency or employee
39 organization upon request.

40 (e) Whenever the commissioner receives a request to inspect or copy
41 information contained in any public record about any employee in the
42 directory, the commissioner shall notify the homemaker-companion
43 agency that provided information on such employee not later than one
44 business day after receiving the request. Not later than one business
45 day after receiving notice from the commissioner, the agency shall
46 notify, in writing, (1) each employee concerned, provided such notice
47 shall not be required to be in writing where impractical due to a large
48 number of employees concerned, and (2) the employee organization, if
49 any, of each employee concerned. Except as otherwise set forth in this

50 section or as may otherwise be required by law, the commissioner shall
51 not disclose any information which is not a public record. Except as
52 otherwise required by law, the commissioner may withhold from
53 disclosure information in the public record about an employee listed in
54 the directory whenever the commissioner has reasonable cause to
55 believe that release of such information would place the employee in
56 imminent danger.

57 (f) Unless otherwise required by law or court order, the
58 commissioner shall not provide access to the directory to federal, state
59 and local government entities, including, but not limited to, United
60 States Immigration and Customs Enforcement, or for the purpose of
61 criminal prosecution.

62 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) A homemaker-companion
63 agency shall provide an employee with (1) a minimum of sixteen hours
64 of paid training not later than sixty days after hiring such employee,
65 and (2) eight hours of paid continuing education annually. Training
66 topics shall include (A) services to assist consumers with personal
67 hygiene, (B) cooking, (C) household cleaning, (D) laundry and other
68 activities of daily living, and (E) a minimum of one hour of training in
69 federal and state workplace safety, fair wage and antidiscrimination
70 laws, regulations related to the employee's job duties and the rules of
71 any applicable collective bargaining agreement.

72 (b) A homemaker-companion agency shall ensure that employee
73 training is provided by a trainer with experience in workforce training
74 in the home care industry, with preference given to a trainer with
75 experience in both the effective performance of home care duties and
76 the rights and responsibilities of home care consumers and employees.

77 (c) The Commissioner of Consumer Protection shall adopt
78 regulations in accordance with the provisions of chapter 54 of the
79 general statutes to implement the provisions of this section and section
80 1 of this act.

81 Sec. 3. Subdivision (5) of section 20-670 of the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective July*
83 *1, 2019*):

84 (5) "Comprehensive background check" means a background
85 investigation of a prospective employee performed by a homemaker-
86 companion agency, that includes: (A) A review of any application
87 materials prepared or requested by the agency and completed by the
88 prospective employee; (B) an in-person interview of the prospective
89 employee; (C) verification of the prospective employee's Social
90 Security number; (D) if the position applied for within the agency
91 requires licensure on the part of the prospective employee, verification
92 that the required license is in good standing; (E) a check of the sexual
93 offender registry established and maintained pursuant to section 54-
94 257; (F) a review of criminal conviction information obtained through a
95 search of current criminal matters of public record in this state based
96 on the prospective employee's name and date of birth; (G) if the
97 prospective employee has resided in this state less than three years
98 prior to the date of the application with the agency, a review of
99 criminal conviction information from the state or states where such
100 prospective employee resided during such three-year period; and (H) a
101 review of any other information that the agency deems necessary in
102 order to evaluate the suitability of the prospective employee for the
103 position.

104 Sec. 4. Section 20-671 of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective July 1, 2019*):

106 No person acting individually or jointly with any other person shall
107 establish, conduct, operate or maintain a homemaker-companion
108 agency in this state without first obtaining a certificate of registration
109 from the Commissioner of Consumer Protection pursuant to section
110 20-672. A homemaker-companion agency shall submit annual cost
111 reports and audited financial statements to the commissioner. Annual
112 cost reports may be identical to annual reports submitted by the
113 agency to the Centers for Medicare and Medicaid Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	20-670(5)
Sec. 4	<i>July 1, 2019</i>	20-671

HS *Joint Favorable*

APP *Joint Favorable*