

Proposed amendment to Senate Bills 1344 and 1468 concerning caregiver training

Section 1. Section 20-670 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

As used in this section and sections [20-670] 20-671 to 20-682, inclusive:

(1) "Certificate" means a certificate of registration issued under section 20-672, as amended by this act.

(2) "Commissioner" means the Commissioner of Consumer Protection or any person designated by the commissioner to administer and enforce the provisions of sections 20-670 to 20-682, inclusive, as amended by this act.

(3) "Companion services" means nonmedical, basic supervision services to ensure the safety and well-being of a person in the person's home.

(4) "Covenant not to compete" means any agreement or contract that restricts the right of an individual to provide companion services, home health services or homemaker services (A) in any geographic area of the state for any period of time, or (B) to a specific individual.

(5) "Comprehensive background check" means a background investigation of a prospective employee performed by a homemaker-companion agency, that includes (A) a review of any application materials prepared or requested by the homemaker-companion agency and completed by the prospective employee, (B) an in-person or video-conference interview of the prospective employee, (C) verification of the prospective employee's Social Security number, (D) if the prospective employee has applied for a position within the homemaker-companion agency that requires licensure on the part of such prospective employee, verification that the required license is in good standing, (E) a check of the registry established and maintained pursuant to section 54-257, (F) a local and national criminal background check of criminal matters of public record based on the prospective employee's name and date of birth that includes a search of a multistate and multijurisdiction criminal record locator or other similar commercial nationwide database with validation, and a search of the United States Department of Justice National Sex Offender Public Website, conducted by a third-party consumer reporting agency or background screening company that is accredited by the Professional Background Screening Association and in compliance with the federal Fair Credit Reporting Act, (G) if the prospective employee has resided in this state for less than three years prior to the date of such prospective employee's application with the homemaker-companion agency, a review of criminal conviction information from the state or states where

such prospective employee resided during such three-year period, and (H) a review of any other information that the homemaker-companion agency deems necessary in order to evaluate the suitability of the prospective employee for the position.

(6) "Employee" means any person employed by, or who enters into a contract to perform services for, a homemaker-companion agency, including, but not limited to, pool employees, temporary employees and persons the homemaker-companion agency treats as independent contractors.

(7) (A) "Homemaker-companion agency" means any (i) public or private organization that employs one or more persons and is engaged in the business of providing companion services or homemaker services, or (ii) registry. (B) "Homemaker-companion agency" does not include (i) a home health care agency, as defined in subsection (d) of section 19a-490, or (ii) a home health aide agency, as defined in subsection (e) of section 19a-490, as amended by this act.

(8) "Homemaker services" means nonmedical and supportive services, including personal hygiene, medication reminders, and assistance with cooking, ~~household~~ cleaning, laundry, ~~personal hygiene~~ and other household chores,—that ensure a healthy and safe environment for a person in the person's home.

(9) "Immediate family member" means a child by adoption, blood or marriage or a grandchild, grandparent, parent, sibling or spouse.

(10) "Personal care assistant" means any person, excluding the spouse of a person who receives services in the home pursuant to the provisions of this section, or any person related to such person's conservator, who is employed by such person or conservator and is qualified to assist the person in carrying out the tasks required in such person's plan of care, in accordance with the Department of Social Services Provider Manual, Chapter 7-Connecticut Home Care.

(11) "Personal care assistance services" means physical assistance to enable the person who receives services in the home pursuant to the provisions of this section to carry out activities of daily living and instrumental activities of daily living, in accordance with the Department of Social Services Provider Manual, Chapter 7-Connecticut Home Care.

(12) "Personal hygiene" includes assistance with activities of daily living, including but not limited to, bathing an individual using a sponge, tub or shower, shampooing an individual in a sink, tub or bed, nail and skin care, oral hygiene, grooming, dressing, ambulating, transferring, toileting and elimination, in accordance with the Standardized Training for Personal Care Assistants for Agency Based PCAs manual.

[(10)] (13) "Registry" means any person or entity engaged in the business of supplying or referring an individual to, or placing an individual with, a consumer for the purpose of enabling the individual to provide to the consumer companion services or homemaker services, provided such individual is (A) directly compensated, in whole or in part, by the consumer, or (B) considered, referred to or treated by such person or entity as an independent contractor.

[(11)] (14) "Service plan" means a written document, provided by a homemaker-companion agency to a person utilizing companion services or homemaker services provided by such agency, that specifies the anticipated duration, frequency, scope and type of the companion services or homemaker services that are to be provided by such agency for the benefit of such person.

Sec. 2. Section 20-672 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) Any person seeking a certificate of registration as a homemaker-companion agency shall apply to the Commissioner of Consumer Protection, in writing, on a form provided by the commissioner. The application shall include the applicant's name, residence address, business address, business telephone number and such other information as the commissioner may require. An applicant shall also be required to submit to state and national criminal history records checks in accordance with section 29-17a and to certify under oath to the commissioner that: (1) Such agency complies with the requirements of section 20-678 concerning employee comprehensive background checks, (2) such agency provides all persons receiving homemaker or companion services with a written individualized contract or service plan that specifically identifies the anticipated scope, type, frequency and duration of homemaker or companion services provided by the agency to the person, (3) such agency maintains a surety bond or an insurance policy in an amount of not less than ten thousand dollars coverage, which coverage shall include theft by an employee of such agency from a person for whom homemaker or companion services are provided by the agency, [and] (4) all records maintained by such agency shall be open, at all reasonable hours, for inspection, copying or audit by the commissioner, and (5) for registrations issued on or after January 1, 2026, such agency provides the training for employees required under section 6-3 of this act.

(b) Each application for a certificate of registration as a homemaker-companion agency shall be accompanied by a fee of [three] four hundred [seventy-five] fifty dollars.

(c) Upon the failure by a homemaker-companion agency to comply with the registration provisions of this section, the Attorney General, at the request of the Commissioner of Consumer Protection, is authorized to apply in the name of the

state of Connecticut to the Superior Court for an order temporarily or permanently restraining and enjoining a homemaker-companion agency from continuing to do business in the state.

Sec. 3. (NEW) (*Effective from passage*) (a) Not later than December 31, 2025, the Commissioner of Consumer Protection, in consultation with the Commissioners of Public Health, Social Services, Developmental Services and Mental Health and Addiction Services, shall develop a list of approved homemaker-companion agency employee training programs appropriate for use by homemaker-companion agencies when providing mandatory employee training pursuant to the provisions of subsections (b) and (c) of this section. The list of approved homemaker-companion agency employee training programs shall be limited to programs concerning ~~cardiopulmonary resuscitation and first aid~~ (1) communication, (2) maintenance of a clean and safe environment, including, but not limited to, best practices relating to dressing, bathing, ambulating, transferring and toileting assistance, (3) identification and reporting of abuse and neglect, (4) identification and reporting of changes in a homemaker-companion agency client's condition and service needs, (5) differentiation between medical and nonmedical care, and (6) providing nonmedical services to a person with Alzheimer's disease or dementia.

(b) (1) Each homemaker-companion agency, as defined in section 20-670 of the general statutes, shall provide not less than ~~ten~~ eight paid hours of initial training to each new employee providing personal care assistance services and not less than four paid hours of initial training to each new employee providing companion or homemaker services, not later than ninety days after a new employee's start of employment. Such initial training shall include, but need not be limited to, programs relating to the topics described in subdivisions (1), (2), (3), (4) and (5) of subsection (a) of this section and, if the new employee will provide services to persons living with Alzheimer's disease or dementia, subdivision (6) of subsection (a) of this section, identified by type.

(c) On and after January 1, 2026, each homemaker-companion agency shall provide annually not less ~~four~~ three paid hours of continuing education to each employee providing personal care assistance, companion or homemaker services, based on the employee's start of employment. Such continuing education shall be comprised of programs on the list of approved homemaker-companion agency employee training programs developed pursuant to subsection (a) of this section, identified by type. Each homemaker-companion agency shall ensure that each employee completes every program on such list at least once every two calendar years.

(d) Upon completion of any employee training conducted pursuant to subsections (b) and (c) of this section, each homemaker-companion agency ~~and employee shall complete a form, in a form and manner prescribed by the Commissioner of~~

~~Consumer Protection~~, attesting that the employee completed such training. ~~Such form shall include the names of the homemaker-companion agency and employee, the training programs completed by the employee and the signatures of a representative of the homemaker-companion agency and the employee.~~ shall issue a training certificate to the employee. The certificate shall include the subjects covered during the training, the agency name, the completion date, and the signatures of both an agency representative and the employee to verify completion. A copy of the certificate shall be provided to the employee and retained in the employee's personnel records as proof of compliance with training requirements. Upon completing the continuing training, the employee shall retain it on file.

(e) If an employee has received training provided by the homemaker-companion agency or has taken the training in accordance with the provisions of this section while employed by a different homemaker-companion agency within the three years preceding the date of hire, a homemaker-companion agency may consider such prior training to satisfy the training requirements of this section, provided that the employee furnishes proof of a training certificate detailing the subjects covered and the date of completion. A copy of this certificate shall be retained in the employee's personnel file as verification of compliance.

(f) Any employee of a homemaker-companion agency that has received training as a state-certified nursing assistant, home health aide or personal care assistant and maintains current training shall be considered to have satisfied the requirements of this section and shall not be required to complete the training in accordance with the provisions of this section. The employee shall furnish proof of a training certificate detailing the subjects covered and the date of completion.

(g) Notwithstanding the provisions of any other section of the general statutes, any homemaker-companion agency that provides initial or continuing education in any of the programs on the list of approved employee training programs in this section shall be allowed to advertise that it provides services related to such programs.

~~(e)~~ (h) Not later than January 1, 2026, and annually thereafter, each homemaker-companion agency shall (1) submit to the Department of Consumer Protection, in a form and manner prescribed by the commissioner, an attestation in which such homemaker-companion agency agrees to adhere to the training requirements described in this section, (2) maintain a list of training programs used by such homemaker-companion agency, including content summaries of such programs, and (3) maintain a paper or electronic copy of all forms relating to current employees submitted pursuant to subsection (d) of this section.

Sec. 4. Subsection (b) of section 20-679a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2025):

(b) Each notice provided to a consumer pursuant to subsection (a) of this section shall be written in boldface type and plain language and shall comply with the plain language standard detailed in section 42-152. Such notice shall include a statement identifying the registry as an employer, joint employer, leasing employer or nonemployer, as applicable, along with a statement advising the consumer he or she may be considered an employer under law and, if that is the case, the consumer may be held responsible for training of an individual supplied, referred or placed by a registry with the consumer and the payment of federal and state taxes, Social Security, overtime and minimum wage, unemployment, workers' compensation insurance payments and any other applicable payment required under state or federal law. The notice shall also include a statement that the consumer should consult an attorney or a tax professional, as the case may be, if he or she is uncertain about his or her responsibility for such training or the payment of such taxes or payments.

Sec. 5. Subsection (e) of section 19a-490 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(e) "Home health aide agency" means a public or private organization, except a home health care agency, which provides in the patient's home or a substantially equivalent environment supportive services which may include, but are not limited to, assistance with personal hygiene, dressing, feeding and incidental household tasks essential to achieving adequate household and family management where "personal hygiene" includes assistance with activities of daily living, including but not limited to, bathing a patient using a sponge, tub or shower, shampooing a patient in a sink, tub or bed, nail and skin care, oral hygiene, grooming, dressing, ambulating, transferring, toileting and elimination. Such supportive services shall be provided under the supervision of a registered nurse and, if such nurse determines appropriate, shall be provided by a social worker, physical therapist, speech therapist or occupational therapist. Such supervision may be provided directly or through contract;