

Consumer Protection Audit Process & Advertising Claims

September 14th 2021



HCAOA Connecticut State Chapter Meeting

Who we are:

The Department of Consumer Protection

Michelle H. Seagull, Commissioner

Pamela Brown, Director of Investigations

Andrew Barton, Special Investigator

OBJECTIVES

- Understand the audit process, what to expect in an investigation and how to comply.
- Understand the parameters of what can be stated in an agency's advertising and marketing materials and what can be offered.

AUDITS

Understanding the Audit process

- The DCP engages in random audits.
- Audits can be scheduled.
- Investigators may just show up.
- The audit may occur due to a complaint.

What to expect.

- Someone from the DCP may contact you via e-mail or phone.
- An Investigator from the DCP will visit you at your place of business.
 - Announced
 - Unannounced
- A review of the complaint or your business practices will begin.

What we do.

- We will examine your client files.
- We will examine your employee files.
- We will review your advertising brochure, your marketing materials and your website.

Goals of the Audit

- Ensure the HCA is in compliance.
- Inform & educate agencies with the statutes & regulations of Connecticut for Homemaker-Companion Agencies

What if there is a complaint?

- The DCP does not represent the complainant. We are impartial fact finders. We need your help to do this.
- Investigators will review documents associated with the complaint.
- The DCP will give recommendations as to how to achieve compliance with the statutes & regulations of Connecticut.

How to comply with the Audit & Investigation

- The Homemaker-Companion law authorizes the DCP to conduct Audits, investigations, request documents and identifies penalties for failing to comply.
- Be responsive and transparent from the start.
- Supply the DCP with what is requested in a timely manner. This brings a speedy closure.
- Update your agency's procedures and forms to include compliance with the statutes & regulations of Connecticut.

How to avoid certain complaints

- Be responsive to the consumer and work with them to eliminate their concerns.
- Create policy's and enforce them.
- Learn what the statutes & regulations of Connecticut for Homemaker-Companion Agencies are and adhere to them.

Statutory Definitions

- DEFINITIONS: **Sec. 20-670.**
- (3) “Companion services” means nonmedical, basic supervision services to ensure the well-being and safety of a person in such person's home.
- 6) “Homemaker services” means nonmedical, supportive services that ensure a safe and healthy environment for a person in such person's home, such services to include assistance with *personal hygiene, cooking, household cleaning, laundry and other household chores.*

Parameters of an agency's advertising

An agency *can*:

Offer homemaking services such as; laundry, grocery shopping, cooking, household cleaning, assistance with personal hygiene.

Offer companionship such as card playing, puzzles, conversation, walks, and games.

Offer help with personal hygiene and dressing such as showering, toileting.

Offer supervision to ensure safety of the client.

Offer medication reminders.

Parameters of an agency's advertising

An agency *cannot* :

Advertise any nurse supervision or nursing services.

Advertise that staff are Certified Nursing Assistant (CNA) trained.

Advertise any health services.

Advertise any memory care.

Advertise any Alzheimer's/dementia care.

Advertise specially trained staff.

Parameters of an agency's advertising

An agency *cannot* :

Advertise any medical services such as insulin shots, colostomy bags, needles, blood pressure, wound care, administration of medication, physical therapy.

Engage in any untruthful or misleading advertising

Represent that their Consumer Protection registration constitutes an endorsement by the Commissioner of the quality of services provided



CONNECTICUT DEPARTMENT OF
CONSUMER PROTECTION

Securing a Safe & Fair Marketplace.

Questions?

Director Pamela Brown

Pamela.M.Brown@ct.gov

S.I. Andrew Barton

Andrew.barton@ct.gov