

*Understanding the Connecticut Consumer Protection Audit Process
and Claims Owners Can Make in Advertising Materials.*

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In conjunction with the Home Care Association of America
"Education and Compliance for Home Care Agencies in Connecticut:"

Special Investigator Andrew Barton
and
Director Pamela Brown, CFE, CFCI

OBJECTIVES

- Introduction to and the understanding of **Chapter 400o** and the CT. regulations concerning Homemaker-Companion Agencies.
- Familiarization of DCP's policies concerning the **audit process**.
- Identifying the steps needed to **respond** to DCP when notified of complaint.
- Understand the DCP auditing process, what it entails and how to **comply** to an audit.



OBJECTIVES

- Will be able to differentiate between what can and cannot be stated in an agency's **advertising** and marketing materials.
- How not to face **criminal penalties or civil fines** and be able to retain your credential to conduct HCA activities.
- The difference between a contract and a service agreement.
- How to create a Connecticut compliant **service agreement**.



CHAPTER 400o HOMEMAKER-COMPANION AGENCIES

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Allowable Terms

- 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.*



What a HCA does....

- Companions provide basic nonmedical duties. They either **supervise** or **assist**, w/personal hygiene, errands, cooking, laundry, housekeeping, companionship...



Definitions. Sec. 20-670.

- Continued;
- (7) “Homemaker-companion agency” means
- (A) any public or private organization that employs one or more persons and is engaged in the business of providing companion services or homemaker services, **or**
- (B) any registry. “Homemaker-companion agency” shall not include a home health care agency, as defined in subsection (d) of section 19a-490, or a homemaker-home health aide agency, as defined in subsection (e) of section 19a-490.



Enforcement Authority

- C.G.S. 42-100d (b) ...commissioner or his authorized representatives shall have the right to;
 - (1) enter any place or establishment within the state, at reasonable times, for the purpose of making an investigation;
 - (2) check the invoices and records pertaining to costs and other transactions of commodities;



Enforcement Authority

- (3) take samples of commodities for evidence upon tendering the market price therefor to the person having such commodity in his custody;
- (4) subpoena documentary material relating to such investigation;
- (5) have access to, for the purpose of examination, documentary material and the right to copy such documentary material of any person being investigated or proceeded against. The commissioner or his authorized representatives shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary material relating to any matter under investigation.



AUDITS – C.G.S.

- **Sec. 20-672(a)(4)**
- all records maintained by such agency shall be open, at all reasonable hours, for inspection, copying or audit by the commissioner.



- **Sec. 20-676. Inspection of records and investigations;**
- (a) The Commissioner of Consumer Protection, at all reasonable hours, may inspect, copy or audit **all** records maintained by such agency.
- The commissioner may issue subpoenas, administer oaths, compel testimony and order the production of books, records and documents. If any person refuses to appear, to testify or to produce any book, record, paper or document when so ordered, upon application of the commissioner, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section.



AUDITS:

- **Sec. 54-33d. Interference with search**
- Any person who forcibly assaults, resists, opposes, impedes, intimidates or interferes with...
- ...any person authorized to make searches and seizures while engaged in the performance of his duties...
- ...shall be fined not more than one thousand dollars or imprisoned not more than one year or both;



Complaint notification

- U.S. Mail.
- E-mail w/attachment.
- Phone call with follow-up.
- Failure to respond;
 - Infraction
 - Fine



Complaint Response

- Review the complaint.
 - Acknowledge receipt of it immediately.
- Draft a written response.
 - Letters allow for 10 days.
 - E-mail, less than 10 days.
- Return immediately
 - E-mail
 - US mail (not recommended).



Goals of the Audit.

- Identify the proper respondent.
- Substantiate or refute the complaint.
- Resolve the complaint.
- Ensure the HCA is in compliance.
- Inform & educate agencies with laws.



ADVERTISING

- The improper use of certain terms in advertising such as 'dementia and memory care.
- Prohibitions from indicating or suggesting HCA's provide services beyond the scope of their registration, including any medical or health care related services.
- Those services that may require a license to provide home health services from the Department of Public Health.



ADVERTISING

- Agency Name
 - Cannot include medical terms
 - Nurse, Nursing
 - Medical, Medical staffing
 - Clinical
 - Dementia care or Alzheimer's care
 - Home Health Care (DPH)
 - Home Care v Health Care
 - CNA credential is not valid in a private residential setting



False or Misleading Advertising

Use of medical terms implies that the statutory requirements for education and examination have been met. Misrepresentation of these terms are in violation of C.G.S 42-110b



What is a Homemaker Companion Agency?

- HCA does NOT include;
Home Health Care Agency as defined in section 19a-490 subsection(d),
or
- **Homemaker-Home Health Aid Agency** as defined in of section 19a-490 subsection(e).



Department of Public Health

- It is the position of the Department of Public Health (DPH) that;
- an owner who employs a registered nurse to oversee his supportive staff (aides), is now providing a service that meets the definition of a **homemaker-home health aide agency** and
- should seek a license from the DPH.



- an **owner** who employs a **registered nurse** to **oversee** his supportive staff (aides), is now providing a service that meets the definition of a homemaker-home health aide agency and



The responsibilities of the HCA

- Comprehensive background;
- Verify S.S. #. (E-Verify)
- Review criminal records.
- 3 year residency check.
- Review application.
- In-person interview/ Modified for COVID-19
- Sec. 20-678 false written statement by employee on application. Class A Misdemeanor.
- DRUG TESTING?



HCA registration facts

- Must exhibit their registration
- State in all ads the HCA is registered
- Include the HCA reg# in any ads
- May NOT offer services without a registration
- HCA certificates are non-transferable
- May not use another's HCA registration
- Must provide a service plan.



SERVICE PLANS

- C.G.S. Section 20-679.
Written contracts or service plans. Requirements.
- (a) Not later than **seven calendar days** after the date on which a homemaker-companion agency **commences providing** homemaker **services** or companion services, such agency shall provide the person who receives the services, or the authorized representative of such person, with a **written contract or service plan**
- that prescribes the **anticipated scope, type, frequency, duration and cost** of the services provided by the agency.



Requirements of the written contracts/service plans

- Must provide consumer/authorized representative with a written contract/service plan within 7 days of service;
- (immediately or prior to if a registry, if an exigency then within 4 days).
- Includes;
 - anticipated scope,
 - type,
 - frequency,
 - duration &
 - cost of services
- Must be in the same language as the client.



Requirements of the written contracts/service plans

- C.G.S. Section 20-679(a)(1) *Must provide notice of the person's right to request changes to, or review of the contract or service plan.*
- C.G.S. Section 20-679(a)(2) *Must provide notice of the employees of such agency who, pursuant to section 20-678 are required to submit to a comprehensive background check.*
- C.G.S. Section 20-679(a)(3) *Must provide notice that upon the request of such person or an authorized representative of such person, such agency shall provide such person or representative of such person with written notice that a comprehensive background check, as required pursuant to section 20-678, was performed for all employees of such agency performing services for such person.*



Requirements of the written contracts/service plans

- C.G.S. Section 20-679(a)(4) *Must provide notice that such agency's records are available for inspection or audit by the Department of Consumer Protection.*
- C.G.S. Section 20-679(a)(5) *Must provide notice that the HCA can't guarantee the extent to which its services will be covered under any insurance plan.*
- C.G.S. Section 20-679(a)(6) *Must provide notice that such contract or service plan may be cancelled at any time by the client if such contract or service plan does not contain a specific period of duration.*



HCA Criminal Statute

- **Sec. 20-677 Criminal:**
- (Certificate= Registration/HCA #)
- Use the certificate of another,
- Give false evidence to obtain a certificate,
- Falsely represent oneself as an HCA,
- Use an expired, suspended or revoked Certificate,
- Offer services without being registered,
- purport that the certificate is an endorsement of quality of services from the DCP Commissioner
- shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.



HCA Civil Statute

Sec. 20-672(c):

Failure to comply with registration provisions-

- The Attorney General at the request of the DCP Commissioner may order a temporary or permanent restraint from conducting business in the state.
- Failure to comply with DCP may result in temp/permanent restraint from doing business
- DCP Commissioner may suspend/revoke or refuse to issue renewal of certificate















As a consumer of an HCA

- Ensure the HCA is registered with DCP,
- Check for complaints with DCP,
- Check for complaints, with Better Business Bureau.
- Ensure the agency has a surety bond,
- Obtain references on the
“Homemaker/companion and the agency,
- Has the agency conducted a thorough background check on the employees?
- Obtain a written service agreement.



Reference & Handouts

-  P.A. Non-Compete 2020.pdf
-  Executive-Order-No-7BB.pdf
-  Consumer contract to be written in plain language.pdf
-  Employment application statute.pdf
-  Regulations of Connecticut State Agencies.pdf
-  Retention of Employment applications.pdf
-  Safeguarding of personal information.pdf
-  Phohibited use of term Hospice.pdf
-  CHAPTER 400 Homemaker & Companion Laws.pdf
-  Fair Chance Employment.pdf
-  Mandated PSE report W-675.pdf
-  OLR_ Mandatory Reporting of Elder Abuse_ 2018-R-0068.pdf



Complaints on Agencies

- Department of Consumer Protection
450 Columbus Blvd. Suite 901
Hartford CT 06103

Consumer Complaint Center

Phone: (860) 713-6300

Toll Free: (800) 842-2649

8:30am-4:30pm

dcp.complaints@ct.gov

Investigations Division

Division Phone: (860) 713-6180

Fax: (860) 706-1201

dcp.investigations@ct.gov





CONNECTICUT DEPARTMENT OF
CONSUMER PROTECTION

Securing a Safe & Fair Marketplace.

Questions?

Special Investigator
Andrew Barton

860-713-6101

Andrew.Barton@CT.GOV