



February 13, 2023

Sent via email and U.S. Mail

Governor Ned Lamont
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Dear Governor Lamont,

We write today on behalf of the Home Care Association of America (HCAOA) and its Connecticut Chapter and the Connecticut Association for Healthcare at Home, representing thousands of nonmedical home care agencies throughout Connecticut and across the country that provide in-home personal care to seniors and persons with disabilities so they can remain independent and healthy in their own homes.

On Jan. 31, 2023, the Department of Consumer Protection, without specific statutory or regulatory authorization, issued Homemaker Companion Agency Advertising Guidance to all registered home care agencies in Connecticut. Among other things, the guidance **prohibits nonmedical home care agencies from using the word “care”**, claiming that it suggests medical services that are outside the scope of the registration credential and therefore requires a license from the Department of Public Health.

This guidance is arbitrary and capricious and banning the word care, which is used by consumers, families and workers alike to describe the important work dedicated caregivers perform every day for clients, is patently absurd and defies common sense. It is also the latest in a series of hostile legislative and policy actions directed toward the home care industry from the Department of Consumer Protection, which is why we are contacting you directly.

In the last several days, we've received feedback about the guidance from numerous small and large home care providers in Connecticut or that have significant operations in the state, including owners and general counsel of agencies from as far away as Alabama, Arizona, and Nebraska. They are confused and upset about the new policy guidance because it will be very disruptive to business operations and the marketplace.

Banning the word “care” goes well beyond our understanding of what the guidance would cover in relation to advertising on national websites by home care agencies that operate in Connecticut. (For the first time, the Department at long last recognizes the important work caregivers provide to clients experiencing memory difficulties and allows home care agencies to advertise that employees are certified in CPR, if trained or certified.) There may be hundreds of agencies in Connecticut, providing essential home care services to frail, elderly persons, that use the word “care” in their registered business trade names, advertising, websites, email addresses, signs, employee uniforms, service agreements and stationery. Clients, suppliers and referral partners use home care agencies’ email addresses, creating additional confusion for consumers and others. The time, effort and cost to change the materials will be substantial.

One of the central policies of your administration since you took office has been support for small businesses; you have repeatedly said Connecticut needs to be more business friendly and that you don’t want to unnecessarily burden small businesses, which limits growth, raises costs for consumers and hinders employment opportunities for workers. Clearly, this new policy guidance ***directly contravenes your efforts and harms small businesses***. Additionally, the guidance conflicts with other state laws and policies that recognize the use of the word “care” by home care agencies, such as the Connecticut Home-Care Program for the Elderly; allowing home care agencies to provide personal care assistance; requirements for homemaker-companion agencies to deliver, document and bill only for services outlined in the client’s plan of care; and in-home respite care providers specifically include companions and homemakers.

Numerous legal and practical questions have been raised about the new guidance. For instance, why was it promulgated outside of the normal regulatory and administrative review process? If the guidance doesn't have the force and effect of law, can agencies choose not to comply with it? Will home care agencies need to change their business names and re-register with the Department of Consumer Protection and the Secretary of the State? Can home care agencies or clients refer to employees as caregivers? The Oxford English dictionary defines caregiver as a family member or paid helper who regularly looks after a child or a sick, elderly or disabled person. Does the definition suggest medical services or is the dictionary incorrect?

On behalf of the home care industry, we are urging you to direct the Commissioner of Consumer Protection to withdraw the guidance with respect to prohibiting the word “care” and urge Department officials to work with HCAOA Connecticut, the Connecticut Association for Healthcare at Home and home care agencies to develop commonsense, practical policies that recognize consumer expectations and respect the important work small and large nonmedical home care agencies and caregivers perform every day throughout Connecticut.

Thank you for your consideration and support.

Sincerely,



Vicki Hoak, CEO
Home Care Association of America

Marlene Chickerella



Chair
HCAOA Connecticut

Tracy Wodatch



Pres/CEO
CT Association for
Healthcare at Home

c: Michelle H. Seagull, Commissioner of Consumer Protection
Susan Bysiewicz, Lieutenant Governor
Senator Martin M. Looney, Senate President Pro Tempore
Representative Matt Ritter, Speaker of the House
Senator Bob Duff, Senate Majority Leader
Representative Jason Rojas, House Majority Leader
Senator Kevin C. Kelly, Senate Republican Leader
Representative Vin Candelora, House Republican Leader