



WILL LIGHTBOURNE
DIRECTOR

FACT SHEET

The Home Care Services Consumer Protection Act

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Overview

Prior to the Home Care Services Consumer Protection Act (HCSCPA), Home Care Organizations (HCOs) were not required to be licensed and Home Care Aides (HCAs) associated to HCOs were not required to meet any minimum qualifications, complete a state-level criminal history background check, or undergo tuberculosis screenings. Additionally, of the HCOs that choose to conduct criminal history background checks for HCAs, there is no uniformity or utilization of the standards used by the California Department of Social Services (CDSS) for all other licensed facilities.

The HCSCPA provides for the licensure and regulation of HCOs and the registration of HCAs, effective January 1, 2016. Additionally, the HCSCPA is entirely fee-supported.

The Home Care Services Bureau Responsibilities

The Home Care Services Bureau (HCSB) will process all applications for HCO licensure, investigate complaints, conduct inspections of HCOs, and determine if a HCO is in compliance with the law. If not in compliance, deficiencies will be issued and civil penalties will be imposed. CDSS has the authority to revoke or suspend HCO licenses and HCA's registration for violations of the law.

Home Care Organizations

The HCSCPA requires HCOs to be licensed CDSS. A HCO is an entity that arranges for home care services by an affiliated HCA to a client. This entity can be an individual who is 18 years of age or older, firm, partnership, corporation, Limited Liability Company, joint venture, association, etc. HCOs are *not*: home health agencies, licensed hospice agencies, licensed health facilities, In Home Supportive Services, employment agencies, community care facilities, clinics, facilities contracted through a regional center or the State Department of Development Services, alcohol or drug abuse recovery facilities, facilities with only Indian children who are eligible under the Indian Child Welfare Act.

The HCA Registry

The HCSCPA requires CDSS to establish, maintain, and continuously update a public registry of registered HCAs and HCA applicants. The HCA Registry will allow consumers to search for HCAs and view the aides name, registration number, registration status, registration expiration date, and, if applicable, the HCO to which the aide is associated.

Affiliated HCA and Independent HCAs

An affiliated HCA is employed by a HCO to provide home care services to a client and is listed on the HCA Registry. They will be required to have a background check by CDSS, tuberculosis screening and training. An affiliated HCA must be listed on the registry before providing home care services to a client. An independent HCA is *not* employed by a HCO; however, they have chosen to be listed on the HCA Registry and are providing home care services through a direct agreement with a client. Independent aides will be required to have a background check by CDSS.

Home Care Services

Home care services are nonmedical services and assistance provided by a registered HCA to a client who, because of advanced age or physical or mental disability cannot perform these services. These services enable the client to remain in his or her residence and include, but are not limited to, assistance with the following:

- bathing
- dressing
- feeding
- exercising
- personal hygiene and grooming
- transferring/ambulating
- positioning
- toileting and incontinence care
- making telephone calls
- assisting with medication that the client self-administers
- meal planning and preparation
- transportation
- housekeeping/laundry
- companionship
- shopping for personal care items or groceries