



FACT SHEET



The Home Care Services Consumer Protection Act

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Overview

The Home Care Services Consumer Protection Act (HCSCPA) provides for the licensure and regulation of Home Care Organizations (HCOs) and the registration of Home Care Aides (HCAs), effective January 1, 2016.

Organizations

The HCSCPA requires HCOs to be licensed by the California Department of Social Services (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

Background Check Information

All convictions other than minor traffic violations, including misdemeanors, felonies and convictions that occurred a long time ago require an exemption. Simply defined, an exemption is a CDSS authorized written document that "exempts" the individual from the requirement of having a criminal record clearance. However, individuals convicted of serious crimes such as robbery, sexual battery, child abuse, elder or dependent adult abuse, rape, arson or kidnapping are not eligible for an exemption. Additionally, CDSS examines arrest records to determine if there is possible danger to clients.

CDSS Responsibilities

CDSS will investigate complaints, conduct inspections of HCOs, and determine if a HCO is in compliance with the law. If so, the Department will impose fines. CDSS has the authority to revoke or suspend HCO licenses and HCA's registration for violations of the law.