

INFORMATIONAL PANEL DISCUSSION
Safe At Home?
Caring for Someone at Home in California

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ISSUE PAPER

In California, there is no regulatory and licensing framework for homecare services provided to persons in their private residences. Homecare aims to make it possible for people to remain at home rather than use residential, long-term, or institutional nursing care. Homecare providers render services in the client's own home. These services are limited to non-health related supports such as assistance with activities of daily living like meal preparation, light housekeeping, and companionship. Additionally, homecare can include assistance with personal needs such as grooming, dressing, moving about inside and outside the home. Other activities like assistance with medication management, errand running and shopping are often also provided.

In addition to serving as an important caregiving solution for thousands of individuals and families, homecare is often integrated in the health care system as well. Homecare is often a component of the post-hospitalization recovery process, especially during the initial weeks after discharge when the patient still requires some level of regular physical assistance. Not to be confused with home *health* care, which is regulated and overseen by the California Department of Public Health, homecare services often overlap with home health objectives and home health companies often employ unskilled, personnel to fill those roles.

In order to avoid residential care, or other long-term institutional care, individuals who require support with daily living skills have turned to private home care organizations that provide services through home care aides. As a result, there is great opportunity for unethical practices, abuse, and misconduct impacting consumers. As the rapid and persistent growth of California's aging population continues, the threat and risk of criminal behavior within the homes of vulnerable and defenseless elders is all too real, and will likely increase in relation to the growth of the aged population. California is home to the largest number of seniors in the nation and this population is expanding at a pace unprecedented in history. The California Department of Finance's Demographic Research Unit estimates that California's 65+ population will grow by 43 percent, from 4.4 million in 2010 to 6.35 million by 2020. Then, the 65+ cohort will grow another 39 percent, to 8.83 million by 2030; and then by an additional 21 percent to an astounding 10.5 million Californians over the age of 65 by 2040. By 2040, more than one in five people will be 65 or older, the chief demographic entering the homecare consumer community.

Despite being licensed, certified, overseen and otherwise regulated in at least 26 other states (regulatory proposals are pending in multiple additional states), homecare providers in California are not overseen, licensed, certified, or monitored by a state agency. Homecare is acquired in a variety of manners in California. One mode is a domestic referral agency which matches homecare providers with consumers seeking care. Referral agents typically charge a fee for the service and may also impound a portion of the caregivers' wages. Referral agents are not responsible for quality of care, nor for the behaviors or misbehaviors of the actual providers of the service. Another mode is to seek the services of a homecare agency. Homecare agencies employ caregivers to be deployed into the homes of clients. Homecare agencies typically offer a range of consumer protections and assurances such as bonding, background screening, and training. Many offer more. Since homecare agencies employ their caregivers, they are ultimately liable for misbehavior of caregivers and most, but not all, are diligent about caregiver recruitment and retention. Finally, families may also hire caregivers directly using private registries as a resource, local newspaper want-ads, Craigslist, or word-of-mouth referrals.

Recently it seems that not a day goes by when the media reports yet another tragedy involving elders victimized by caregivers purporting to offer care, but whose motives are

sinisterly otherwise. To illustrate this reality the California State Senate Office of Oversight and Outcomes issued a report entitled "Caregiver Roulette: California Fails to Screen those who Care for the Elderly at Home," one of the few reports of its kind in the state. The report highlighted an advertisement on Craigslist in the San Francisco Bay Area. The advertisement was placed by an unidentified woman referred only as "S.K." "S.K." offered personal assistance, claimed experience in the healthcare industry, and that she was willing to spend nights at the client's home. What SK did not reveal, was that she is a self-described "kleptomaniac," she had just been caught stealing from a garden supply store, spent 90 days in jail, was convicted of petty theft, driving under the influence, vandalism, and had "uncontrollable urges." This advertisement could have come from any community in California, and indeed, the unscrupulous know to turn to such resources in order to carry-out their intentions. The report referenced a homecare industry insider's characterization of their industry as the "Wild West," given the current unregulated landscape.

One local jurisdiction in California has moved forward in the state government's absence to regulate access into the homes of vulnerable adults by unscreened caregivers. Napa County now prohibits caregivers from offering their services without first being screened for a criminal history. The local county ordinance requires a permit for anyone seeking money, room, or board for caregiving, including relatives. Registered nurses and other licensed health-care workers are exempt because they already submit to background checks to receive their licenses. Officials in Sonoma, Santa Cruz, Humboldt and San Luis Obispo counties have discussed with Napa County possible versions of the law, according to Napa County officials.

Although no data is kept on Homecare agencies due to the lack of regulation, it is known that at least 1200 agencies exist in the state. Based on a variety of industry extrapolations, it is expected that between 80,000 and 120,000 people provide homecare to others for pay (without regulation and the associated data collection activities, the true number will remain unknown). The ongoing lack of regulation may be creating a degree of risk for consumers that could be alleviated by new laws in the area just as California's aging population – those most likely to depend on homecare as a caregiving solution—is expanding in unprecedented ways.