



Laws and Regulations

There are three options for receiving Home Care in Contra Costa County:

1. Through a licensed Home Care Organization (HCO)
2. Through a Domestic Referral Agency (DRA), or
3. Through a private caregiver.

A licensed HCO is governed by laws and regulations in the following areas:

- **Caregiver Pay** – Caregivers are paid according to federal, state and municipal laws. Information about federal and state laws can be found at <http://www.dir.ca.gov/dlse/DomesticWorkerBillOfRights-FAQ.html>. See your city's website for further information about your municipal laws.
- **Overtime Law** – As of January 2014, caregivers are required to be paid overtime after nine hours in a day, or 40 hours in a week.
- **Sleep Time Ruling** – As of January 2014, caregivers are required to be paid for all hours while in the residence, working or not.

When working with a DRA or private caregiver, clients should educate themselves as they may be considered the employer in these cases.

The information in this brochure was compiled by the Home Care Sub Committee of the Contra Costa Care Transitions Task Force (CCCTTF), a group of care providers interested in improving care transitions and reducing hospital readmissions. Information provided is not a recommendation or endorsement of any group other than the CCCTTF. Our mission is to ensure a high standard of care and patient safety. We partner with hospitals and community providers on improved care transition efforts. Our vision is to deliver the highest quality homecare for the Contra Costa community through a coordinated, collaborative approach.

Home Care Services vs. Home Health Services

	Home Care	Home Health
Type of service	Non-medical	Medical
Example of services	Activities of Daily Living (ADLs) bathing, dressing, toileting, meals	Wound care, injections, physical therapy
Requires a doctor's order	No	Yes
Services provided by	A Home Care Aide (HCA)	A licensed clinician
Covered by insurance	Private pay, and may be covered by long term care insurance, veteran benefits and workers compensation	If medically qualified, covered by Medicare or other health insurance
Organization licensing required	HCOs are licensed under the California Department of Social Services	Home Health is licensed under the California Department of Health Services

Questions to Ask When Considering Home Care

Are your caregivers employees or independent contractors?

What are the hiring criteria and qualifications for your caregivers?

Do you provide back up caregivers and how do you provide oversight of care?

What is your process for starting care?

What is your pricing structure and does it vary based on the client's care needs?

Do you have any areas of specialty?

Do you require a minimum number of hours or days per week that you provide service to clients?

How are calls handled after office hours?



The Value of Home Care

Home care has become a successful solution to fill the gaps created by traditional care models, including hospitals, nursing homes, and home health, which are spread too thin to meet the growing demands of the aging population.

Home care helps clients continue their independence by assisting them to maintain an active lifestyle for as long as possible in the comfort of their homes. Along with assistance with Activities of Daily Living (ADLs), caregivers provide companionship and mental stimulation by engaging their clients in conversation and other activities.

Caregivers can act as an extra set of eyes and ears for families who cannot be with their loved one all the time.

Home care professionals help ensure seniors' safety by recognizing signs and alerting family members of declining health and situations that may cause a fall.



Contra Costa County Home Care Collective



2016-2017

- ✓ Bathing, dressing and grooming
- ✓ Personal hygiene
- ✓ Meal planning/preparation
- ✓ Feeding assistance
- ✓ Toileting and incontinence care
- ✓ Transferring and ambulating
- ✓ Medication reminders
- ✓ Companionship
- ✓ Exercising
- ✓ Light housekeeping and laundry
- ✓ Transportation
- ✓ Shopping and errands
- ✓ Dementia care
- ✓ End of life care

In January of 2016, The Home Care Services Consumer Protection Act came into effect to help protect consumers in need of non-medical in home care. A Home Care Organization (HCO) is an entity that arranges for home care services by a caregiver/ Home Care Aide (HCA) to a client. All HCOs are licensed by the California Department of Social Services and adhere to specific regulations as required by the Home Care Services Consumer Protection Act.

- ✓ Maintaining the HCAs entire employment process including insurance, payroll, benefits, taxes, and adherence to state and federal laws
- ✓ Clearance of the HCA via an extensive Federal Bureau of Investigation and Department of Justice background check
- ✓ Valid and clear tuberculosis screening
- ✓ Providing bonding, workers compensation, and liability insurance
- ✓ Providing training and continuing education
- ✓ Verifying clean driving records via ongoing DMV checks
- ✓ Oversight and supervision of the HCA
- ✓ Developing initial plan of care specific to the clients' needs with ongoing adjustments based on changing care needs
- ✓ Collaborating with the client on scheduling needs and changes
- ✓ Providing backup HCAs

A young woman with dark hair, wearing a white polo shirt and blue jeans, is kneeling and assisting an elderly man. The man has white hair and a beard, wearing a brown sweater and light-colored trousers. He is holding a wooden cane and looking towards the woman with a smile. They are outdoors on a paved area with greenery in the background.

All providers on this list have been in business in Contra Costa County for at least five years. Each has a local office in Contra Costa County and is a licensed Home Care Organization (HCO).

Community Resources

Area Agency on Aging (800) 510-2020 • http://www.ehsd.org	Meals on Wheels and Senior Outreach Services (925) 937-8311 http://www.mowos.org
Centers for Medicare and Medicaid Services (CMS) https://www.cms.gov	Ombudsman Services of Contra Costa County (925) 685-2070 http://www.contracostabudsman.org
In Home Supportive Services (IHSS) (800) 333-1081 http://ehsd.org/elderly-disabled/in-home-supportive-services-ihss	

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<http://www.ccombudsman.org>

Domestic Referral Agencies (DRAs) state a registry of prescreened independent domestic workers (caregivers). DRAs are a type of agency operating in accordance with California Civil Code 1812.209. Caregivers provided by DRAs are not employees of the DRAs. DRAs may be considered an employer or independent contractor of the client. If the client directs and controls the manner and means by which the caregiver performs their work they may have employer responsibilities, including employee taxes and workers compensation under state and federal law. For additional information contact your local labor agency. DRAs are not responsible for the caregiver's actions. DRAs are not responsible for the caregiver's actions. DRAs are not responsible for the caregiver's actions. DRAs are not responsible for the caregiver's actions. DRAs typically have both live in and hourly caregivers registered and match availability, and job preference with client's needs. DRAs typically can refer substitute or replacement caregivers at the client's request. DRAs must personally interview and verify the experience and/or training of caregivers prior to referring them to clients. The caregivers perform work without any direction, control, supervision or supplies from the DRA. DRAs are exempted from the licensing provisions of the Home Care Consumer Protection Act.¹

<small>Health and Safety Code, Division 2 Licensing Provisions, Chapter 18, Article 2 Regulatory and Exemptions. http://leginfo.ca.gov/pub/07_01_bill_0001_01_bill_0001.html#CAHSCDivision19</small>					
					
Affordable Home Care Agency of California, Inc. <small>a national agency</small>	A Better Living Home Care Agency <small>a national agency</small>	Tender Heart Home Care <small>A National Agency</small> <i>Let Us Put Your Heart To Your Home</i>			
Affordable Home Care Agency of CA, Inc. • (925) 933-3732 www.aaffordablehomecareagency.com	A Better Living Home Care Agency (925) 680-0300 www.abetterlivinghomecare.com	Tender Heart Home Care (925) 838-4444 www.tenderhearthomecare.com			