



Overview of Non-Medical Home Care Models

Michelle Javid, MSW
*Manager of Business
Development*



A DIVISION OF JEWISH FAMILY AND CHILDREN'S SERVICES

New Regulation in Home Care California

2016 CA Home Care Services Consumer Protection Act

- Requires licensure of Home Care Organizations (HCOs)
- A public registry of registered Home Care Aides and Applicants
- TB screening and background checks mandated
- Specific training requirements
- Exempted are licensed home health agencies, licensed hospice , IHSS, employment/referral agencies, registries, and private hire

WHO TO HIRE: Home Care Agency, Referral Agency or Private Caregiver?

The questions and answers below may help you assess what level of responsibility and risk you may be undertaking if you hire a caregiver. Home Care Companies generally act as the caregiver's employer. If you (or your family) hire a caregiver through a referral agency or on your own, depending on the arrangement you have with the worker providing home care services, you may have employer responsibilities and may be responsible for employment taxes and insurance. If you have questions regarding potential employer responsibilities, contact the California Employment Development Department at 916-657-0529. CAHSAH recommends that consumers seeking to obtain home care services make specific inquiries of the companies or agencies involved and consult a Certified Public Health Accountant and/or an attorney regarding their risks, rights, and responsibilities.

QUESTIONS	HOME CARE AGENCY	REFERRAL AGENCY	PRIVATELY HIRED WORKER
Who is the employer?	Workers are employed by the Home Care Agency and are paid by the Agency.	The Referral Agency is generally not the employer of the worker it refers to you. Depending on the arrangement you have with the worker providing home care services, you may have employer responsibilities. If you have questions regarding potential employer responsibilities, contact the California Employment Development Department at 916-657-0529.	Workers are usually employed by the Consumer, or the Consumer's family, and are paid in cash or by personal check weekly or daily.
Who screens worker's references and performs criminal background checks?	Home Care Agency usually does this.	The Consumer can ask the Referral Agency whether the Agency has done this.	Consumer must screen or else assume the risk of not screening the worker for prior criminal history.
How is payment for services made?	Home Care Agency typically submits an itemized statement to client, based on the hours authorized at agreed upon rates.	Consumer usually pays a combined Referral Agency fee and workers' wages into a trust account of the Referral Agency or separately pays the referral fee to the Agency and wages to the worker. Consumer and worker negotiate rates and raises.	Consumer usually pays worker directly on a daily basis or weekly basis. Consumer and worker negotiate rates and raises.
Who is responsible for withholding and paying the following taxes? <ul style="list-style-type: none"> • Federal & State Income Tax • Social Security and Medicare Tax 	<ul style="list-style-type: none"> • The Home Care Agency prepares and files quarterly and annual employer payroll tax returns. • The Agency pays the cost of the employer's share of Social Security and Medicare taxes. 	<p>The referral agency is generally not responsible for any withholding or taxes. Depending on the Consumer's arrangement with the worker, the Consumer may be responsible for state, federal or social security taxes. The Referral Agency is not permitted to specify if the worker is self-employed or an independent contractor.</p> <ul style="list-style-type: none"> • The employer is responsible for preparing and filing quarterly and annual employer payroll tax returns. • The employer pays the cost of the employer's share of Social Security and Medicare taxes. 	
Who is responsible for paying Workers' Compensation and other Insurance?	Home Care Agency usually provides and pays for all insurance including Workers' Compensation, professional insurance, and employee dishonest "bond".	<p>The Consumer, or homeowner where the Consumer resides, may be responsible. Insurance for the home care worker is typically not provided by the Referral Agency, including Worker's Compensation or employee dishonesty "bond".</p> <ul style="list-style-type: none"> • Homeowner's policies that include Comprehensive Personal Liability provide coverage for workers' compensation. Contact your homeowner's insurance carrier for details regarding your coverage. 	
Who coordinates services including replacements when workers are sick and cannot work?	Home Care Agency usually does this.	Day-to-day coordination of services is worked out between the worker and the Consumer. A substitute worker may be available from the Agency. The consumer will need to inquire with the Agency.	Consumer and worker usually coordinate services and arrange for replacements if the worker is out sick or unable to work.
Who resolves problems?	Home Care Agency's supervisors or managers usually do this.	The Referral Agency may call the Consumer to determine if the referred worker is an appropriate match. The Consumer and worker will generally need to resolve day-to-day problems themselves.	

Adapted from CAHSAH



A PROGRAM OF JEWISH FAMILY AND CHILDREN'S SERVICES OF SAN FRANCISCO, THE PENINSULA, MARIN AND SONOMA COUNTIES

IHSS Public Authority-Marin County

- Public agency
- Serves Medi-Cal approved and IHSS qualified older adults and persons with disabilities
- Maintains a registry of state registered home care aides
- Administers health benefits
- Worker's comp available through State
- Provides advocacy and mediation

Payment Options and Financial Assistance

- Private Pay
- Scholarships and grants
- Long Term Care Insurance
- In Home Supportive Services
- Veteran Affairs Aide and Attendance



References

- 2016 CA Home Care Services Consumer Protection Act

<http://cclid.ca.gov/PG3654.htm>

- IHSS Public Authority-Marine County

<http://www.pamarin.org/>

- Long Term Care Insurance Information

<http://longtermcare.gov>

- VA Aide and Attendance

http://www.benefits.va.gov/pension/aid_attendance_housebound.asp

http://www.canhr.org/factsheets/misc_fs/html/fs_aid_&_attendance.htm

- IHSS Eligibility Information

<http://www.cdss.ca.gov/cdssweb/PG135.htm>

Scholarships and Services for Low-Income Seniors Living in Marin County

Please inquire about scholarships for seniors living in other areas.

Contact our **Geriatric Intake Specialists** at
415-449-3777 or **Info@SeniorsAtHome.org**
to inquire about our scholarship programs and services,
or visit our website at **www.SeniorsAtHome.org**

	Family Caregiver Support Program, and County of Marin	Other Funding Sources
Type of Service	Attendant Care Respite Care Care Management Counseling in Home or Office	Care Management Attendant Care Intermittent RN Visits Emergency Assistance
Eligibility	Low-income seniors, 60+	<ul style="list-style-type: none"> Low-income Jewish adults & seniors Low-income Holocaust survivors Requires SAH Care Manager
Income and Asset Caps	Monthly Income Cap—Renter <ul style="list-style-type: none"> Individual: up to \$2,300 Couple: up to \$3,000 Special circumstances considered.	Monthly Income Cap <ul style="list-style-type: none"> Individual: up to \$1,500 Couple: up to \$3,000 Special circumstances considered.
	Monthly Income Cap—Owner <ul style="list-style-type: none"> With Mortgage—Individual: up to \$3,500; Couple: up to \$4,200 Without Mortgage—Individual: up to \$1,600; Couple: up to \$2,250 Special circumstances considered.	Asset Cap <ul style="list-style-type: none"> Individual: up to \$15,000 Couple: up to \$30,000 Special circumstances considered.
Service Amount	\$1,000 maximum for Attendant/Respite Care. Counseling is short-term.	Services determined by Care Manager. Varies by income and services needed.
Client Cost	\$0 Medicare may be billed for some counseling services.	\$0

Seniors At Home Locations

San Francisco
Miriam Schultz Grunfeld
Professional Building
2150 Post Street
San Francisco, CA 94115
415-449-3777

Mid/North Peninsula
Eleanor Haas Koshland Center
2001 Winward Way
San Mateo, CA 94404
650-931-1860

South Peninsula
Koret Family Resource Center
200 Channing Avenue
Palo Alto, CA 94301
650-688-3070

Marin County
Dr. George Sugarman
Swift Building
600 Fifth Avenue
San Rafael, CA 94901
415-507-0564

Sonoma County
1360 North Dutton Avenue
Suite C
Santa Rosa, CA 95401
707-571-8533