



California's Home Care Services Consumer Protection Act Becomes Law

California Governor Jerry Brown signed the Home Care Services Consumer Protection Act of 2013 (AB 1217) into law on October 13, 2013. This Act places stricter requirements on home care services in California. The Act may be read [here](#).

Who does this affect?

The Act will apply to California agencies that provide home care services to consumers. Home care services as related to this Act include nonmedical services and assistance provided by a registered home care aide to a client who, perhaps 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, shopping, feeding, exercising, and personal hygiene and grooming.

When does this go into effect?

Home care organizations and aides have until **January 1, 2015** to comply with the new requirements according to the Act. The governor has asked for a delay in putting the legislation into place until **January 2016**.

What is included in the Act?

This legislation requires agencies to:

- List aides in an online registry
- Conduct background checks on workers
- Provide 5 (five) hours of training for new hires; and
- Obtain a license from the state certifying their compliance with basic standards.
- Fingerprint home care aides

Are there any exceptions?

Yes, there are certain exemptions that may be found in the Act. It is recommended each employer, organization, and individual review the exemptions to determine if they must meet the requirements set forth in the Act.

What are the penalties?

Penalties include, but are not limited to:

- \$900 fine per day for each day if not licensed by Department of Social Services
- Attorney General may:
 - Issue a cease and desist order, which shall remain in effect until the individual or entity has obtained a license pursuant to this chapter.
 - Impose the civil penalty; or
 - Bring an action against the individual or entity under Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

Recommendations

You may want to review, and discuss with your legal counsel, your organization's practices and review the requirements of this Act to determine if they apply to your organization, and if so, what you need to do to comply.

Contact Accurate Background

For additional questions, please contact Accurate Background at 800.216.8024.