



KARL VAN ROY

STATE REPRESENTATIVE

For Immediate Release
Contact: Rep. Karl Van Roy

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1-888-534-0090

Van Roy Home Care Bill Becomes Law

MADISON – Rep. Karl Van Roy (R-Howard) is pleased to announce that his legislation to protect private home care consumers and workers was signed into law today. Assembly Bill 792 requires home care placement agencies and registries to give workers and consumers a form disclosing the employment relationship of all parties and their legal responsibilities so agencies are not sued if another party becomes injured or gets in trouble with the government for not paying taxes.

“Private home care is becoming an important part of our health system as the population ages,” said Van Roy. “We want our loved ones to stay in their homes as long as possible, and families deserve the information they need to make good decisions about the care of their family members.”

Home care workers and consumers often mistakenly believe that a placement agency or registry is their employer and assumes legal responsibilities as their employer. This is not the case. Rather, these companies serve as a matching service, placing a worker and a consumer together so that the worker and the consumer form what is considered a private, direct-hire relationship.

“Workers have an expectation that they will get worker’s compensation if they are hurt on the job, but they won’t,” explained Van Roy. “Workers are responsible for carrying their own insurance policy, or the consumers must have a liability policy to cover injuries of others. Consumers are also at risk of being sued, and an injury to a worker isn’t typically covered by home owner’s insurance.”

Van Roy also said that people are often unaware that they are responsible for withholding federal, state and social security taxes. Some have had to pay steep penalties and interest for non-compliance with the law, he said.

“Workers are obligated to make these payments if they are classified as an independent contractor, but consumers bear the burden if they are determined to be employers. It can be confusing and difficult to understand, especially for seniors,” added Van Roy.

AB 792 requires that home care placement agencies and registries provide a form to workers and consumers describing the employment relationship of all parties and identifying who is

responsible for paying wages, taxes, worker's compensation or liability insurance, and who is responsible for hiring, firing, and scheduling. If a company fails to disclose this information and a worker or consumers runs into legal trouble and incurs financial losses because of it, the company could be sued by either party or the Department of Workforce Development on behalf of the individual to recover those costs.

"AB 792 makes home care options clear and understandable," Van Roy said. "That's important because more and more people will be faced with making these decisions in the near future."

The bill is supported by the Elder Law section of the State Bar, the Board of Aging and Long-Term Care, the Wisconsin Alzheimer's Association, the Wisconsin Coalition of Independent Living Centers, the Wisconsin Council on Developmental Disabilities, and the Wisconsin Chapter of the National Private Duty Association.

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