

The Big Four:

COMMON MISINFORMATION ABOUT HOME HEALTH CARE

Agency Caregivers are supervised:

Some agencies claim to supervise the caregivers they assign to care for their clients. But no agency should insinuate that it supervises a private caregiver in your home without physically being there with the caregiver. In reality, this seldom occurs. It is impractical. In-home care for the elderly is most typically supervised by family, friends, guardians, etc. Or a family member could endeavor to supervise an elderly family member's home care using a technological solution. Some agencies that claim to provide caregiver supervision arrange "so-called" supervisory visits but these visits generally consist of only an occasional drop-in visit for up to 20 minutes, and they occur only periodically. Who is supervising the caregiver between visits? If you wish to receive professional supervision, you should work closely with a Certified Geriatric Care Manager ("GCM") who can oversee and manage even the most involved cases. Even GCMs, though, are typically not physically present with your caregivers to provide continuous supervision.

Caregivers with a Nurse Registry are not insured:

If someone tells you this you are being intentionally misled. The professional care providers who obtain client opportunities through Nurse Registries commonly maintain their own professional liability insurance. This is an important question to ask when requesting a caregiver referral from a nurse registry. Nurse registries typically ascertain whether a caregiver seeking client referrals maintains insurance, so clients who seek this insurance protection and coverage can be referred only caregivers who maintain the coverage.

Workers Compensation will protect the consumer if a caregiver is injured:

A Nurse Registry that refers professional caregivers to clients is not required to carry Workers' Compensation Insurance. However, Workers Comp does not always provide consumers the protection they might expect. If a caregiver who is an employee of an agency is injured in a client's home, Workers Comp prevents the caregiver from suing the agency. In turn, it provides the caregiver with some coverage for medical expenses and lost wages. It does not necessarily prevent the injured caregiver from suing the client, however. Workers Comp only protects the employer (Agency) from litigation, not the consumer. In some cases, a consumer could be recognized as a "special employer" and also be protected, but this will depend on the specific facts of an arrangement. Furthermore, if workers' compensation is involved and pays a claim to an injured caregiver, a client could be exposed to the risk of legal action from both a caregiver and the workers' compensation legal team. The most appropriate protection for a consumer is their homeowner's policy. Such policies generally are available that include protection for injuries occurring in the home. Umbrella policies are also available that provide consumers even more robust protection.

If you use a Nurse Registry you will be responsible for your caregivers taxes:

Please get your tax advice from a tax professional, not someone who is trying to get your business under false pretenses. Nurse Registries refer professional caregivers who work as Independent Contractors. These caregivers have 1099 forms issued to them and the IRS to document their annual earnings. Past IRS data demonstrates that Independent Contractors who receive a form 1099 have a 97% compliance rate. Employees who receive a W-2 have a 99% compliance rate. Statistically, the difference between the two is nominal.*

*IRS data indicates that employees who receive Forms W-2 generally report 99 percent of the income appearing on those forms. E.g., IRS National Headquarters Office of Research, Interactive Tax Gap Map for Year 2001, 22-23 (Feb. 24, 2004) With respect to Forms 1099, The Government Accountability Office has testified that: Past IRS data have shown that independent contractors report 97% of the income that appears on information returns.