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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 2. LICENSING PROVISIONS [1200 - 1796.70]** ( *Division 2 enacted by Stats. 1939, Ch. 60. )*

**CHAPTER 13. Home Care Services [1796.10 - 1796.70]** ( *Chapter 13 added by Stats. 2013, Ch. 790, Sec. 1. )*

**ARTICLE 1. General Provisions [1796.10 - 1796.12]** ( *Article 1 added by Stats. 2013, Ch. 790, Sec. 1. )*

**1796.10.** This chapter shall be known, and may be cited, as the Home Care Services Consumer Protection Act.

(*Added by Stats. 2013, Ch. 790, Sec. 1. (AB 1217) Effective January 1, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.*)

**1796.11.** The State Department of Social Services shall administer and enforce this chapter.

(*Added by Stats. 2013, Ch. 790, Sec. 1. (AB 1217) Effective January 1, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.*)

**1796.12.** For purposes of this chapter, the following definitions shall apply:

(a) "Affiliated home care aide" means an individual, 18 years of age or older, who is employed by a home care organization to provide home care services to a client and is listed on the home care aide registry.

(b) "Child" or "children" means an individual or individuals under 18 years of age.

(c) "Client" means an individual who receives home care services from a registered home care aide.

(d) "Department" means the State Department of Social Services.

(e) "Director" means the Director of Social Services.

(f) "Family member" means any spouse, by marriage or otherwise, domestic partner, child or stepchild, by natural birth or by adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons, even if the marriage has been terminated by death or dissolution.

(g) "Home care aide applicant" means an individual, 18 years of age or older, who is requesting to become a registered home care aide and the department has received and is processing the individual's complete home care aide application and nonrefundable application fee.

(h) "Home care aide application" means the official form, designated by the department, to request to become a registered home care aide.

(i) "Home care aide registry" means a department-established and department-maintained Internet Web site of registered home care aides and home care aide applicants, which includes all of the following: the individual's name, registration number, registration status, registration expiration date, and, if applicable, the home care organization to which the affiliated home care aide or affiliated home care aide applicant is associated.

(j) "Home care organization" means an individual, 18 years of age or older, firm, partnership, corporation, limited liability company, joint venture, association, or other entity that arranges for home care services by an affiliated home care aide to a client, and is licensed pursuant to this chapter.

(k) "Home care organization applicant" means an individual, 18 years of age or older, or a firm, partnership, corporation, limited liability company, joint venture, association, or other entity where the individual or individuals applying for the license are 18 years of age or older and are requesting to become a home care organization licensee and the department has received and is processing the complete home care organization application and nonrefundable application fee.

(l) "Home care organization application" means the official form, designated by the department, to request to become a licensed home care organization.

(m) "Home care organization licensee" means an individual, 18 years of age or older, firm, partnership, corporation, limited liability company, joint venture, association, or other entity having the authority and responsibility for the operation or management of a licensed home care organization.

(n) "Home care services" means nonmedical services and assistance provided by a registered home care aide to a client who, 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, feeding, exercising, personal hygiene and grooming, transferring, ambulating, positioning, toileting and incontinence care, assisting with medication that the client self-administers, housekeeping, meal planning and preparation, laundry, transportation, correspondence, making telephone calls, shopping for personal care items or groceries, and companionship. This subdivision shall not authorize a registered home care aide to assist with medication that the client self-administers that would otherwise require administration or oversight by a licensed health care professional.

(o) "Registered home care aide" means an affiliated home care aide or independent home care aide, 18 years of age or older, who is listed on the home care aide registry.

(p) "Independent home care aide" means an individual, 18 years of age or older, who is not employed by a home care organization, but who is listed on the home care aide registry and is providing home care services through a direct agreement with a client.

*(Amended by Stats. 2014, Ch. 29, Sec. 30. (SB 855) Effective June 20, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.)*