

Code: Section: [Up^](#) [Add To My Favorites](#)**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 7. Home Care Organization Operating Requirements [1796.42 - 1796.43]** (*Article 7 added by Stats. 2013, Ch. 790, Sec. 1.*)**1796.42.** A home care organization licensee shall do all of the following:

- (a) Post its license, business hours, and any other information required by the department in its place of business in a conspicuous location, visible both to clients and affiliated home care aides.
- (b) Maintain and abide by a valid workers' compensation policy covering its affiliated home care aides.
- (c) Maintain and abide by an employee dishonesty bond, including third-party coverage, with a minimum limit of ten thousand dollars (\$10,000).
- (d) Maintain proof of general and professional liability insurance in the amount of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the aggregate.
- (e) Report any suspected or known dependent adult or elder abuse as required by Section 15630 of the Welfare and Institutions Code and suspected or known child abuse as required by Sections 11164 to 11174.3, inclusive, of the Penal Code. A copy of each suspected abuse report shall be maintained and available for review by the department during normal business hours.

(Added by renumbering Section 1796.41 by Stats. 2014, Ch. 29, Sec. 51. (SB 855) Effective June 20, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.)

1796.43. (a) Home care organizations that employ affiliated home care aides shall ensure the affiliated home care aides are cleared on the home care aide registry before placing the individual in direct contact with clients. In addition, the home care organization shall do all of the following:

- (1) Ensure any staff person, volunteer, or employee of a home care organization who has contact with clients, prospective clients, or confidential client information that may pose a risk to the clients' health and safety has met the requirements of Sections 1796.23, 1796.24, 1796.25, 1796.26, and 1796.28 before there is contact with clients or prospective clients or access to confidential client information.
- (2) Require home care aides to demonstrate that they are free of active tuberculosis disease, pursuant to Section 1796.45.
- (3) Immediately notify the department when the home care organization no longer employs an individual as an affiliated home care aide.

(b) This section shall not prevent a licensee from requiring a criminal record clearance of any individual exempt from the requirements of this section, provided that the individual has client contact.

(Added by renumbering Section 1796.42 by Stats. 2014, Ch. 29, Sec. 53. (SB 855) Effective June 20, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.)