



## **Kansas City Star**

*As I See It Column – guest editorial submission*

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### **Understanding Responsibilities in Home Care**

A recent article (“What do we do with Dad? America’s rising ‘old old’ population strains the health care system” by Jerald Winakur) touched upon the increasing elderly population and the challenges faced by their loved ones in finding and providing care for them. As America’s aging population rises, the number of people turning to private duty home care as an alternative to nursing homes also increases. Thanks to the availability of more advanced technology in the home, specialized staff and government support for home care, more Americans are able to be cared for in the comforts of their own homes.

Unfortunately, because the private duty home care industry remains unregulated in most states including Missouri, the quality of care between providers can vary greatly. This leaves consumers of home care victim to fraud, abuse or financial pitfalls. With a little knowledge about the differences in models of home care and what that means for the client, consumers can rest assured that they are choosing safe, reliable and trustworthy caregivers.

### **Models of Private Duty Home Care: Registry vs. Agency**

Most private duty providers fall into one of two categories: a registry that uses independent contractors, also known as a referral service or a nursing registry, or a private duty agency. The key difference comes down to the issue of who employs the caregiver and the differences in these two models of home care can have important consequences for the consumer legally, financially and even physically.

Registries act as “matchmaker” services, assigning independent contractors to clients who need home care by matching the client with a care worker from their list of workers who are registered with them. The worker is never hired by the registry as an employee; instead the registry serves as a middle man to match an independent worker to a person who is seeking home care services.

Since registries and companies who place private personnel do not actually employ their care providers, they don’t assume the same responsibility for the worker as someone who is employing a caregiver does. Instead when a client hires an



independent home care provider the client becomes the legal employer of the caregiver. This means that the client is liable for things such as workers compensation, unemployment taxes and social security. Additionally, since the home care worker is a contract worker, the company who helped place them cannot manage them and in some cases does not perform background checks on the worker. This puts the consumer at risk for abuse and fraud without any legal protection from an agency.

Private duty agencies however, employ their workers and take full responsibility for the supervision and training of those workers. Agency caregivers are bonded, insured and, if need be, licensed. The agency also does the accounting and bookwork, provides the supervision and discipline, carries the insurance and tries to ensure that all shifts are covered.

### **For More Information**

The National Private Duty Association (NPDA) is an excellent source for finding a company that uses the agency model of care. The NPDA represents agencies that believe in taking responsibility for their workers and that are committed to the safety and best interests of the frail and usually elderly client. Members comply with industry standards to protect patients and help prevent problems arising from unsupervised care providers. They train their staff, monitor their work in private homes and facilities, complete criminal background and abuse checks on all staff, and are responsible for most potential liability issues. The NPDA also provides a checklist of questions to ask potential providers and additional resources.

National Private Duty Association  
[www.privatedutyhomecare.org](http://www.privatedutyhomecare.org)

