

NURSING & PERSONAL CARE

Home Care Providers (W-2) Employees vs. Independent Contractors

Risks Associated with Use of Nurse Registries and Independent Contractors as Care Givers

In an article of the Home Healthcare Nurse, it explains:

“Because registries and companies that place private personnel do not actually employ the care providers, their in-home placements pose a greater client risk in a variety of areas:

When a registry or privately place care provider is in a private home, supervision, monitoring, government-mandated taxes, and workers’ compensation coverage usually fall on the consumer.

Because the registry does not employ the caregivers, they do not supervise them, and the workers are not trained.

Unmonitored, unsupervised care means a greater likelihood that care providers can exert undue influence on a frail person for personal financial gain, or the possibility of emotional or physical abuse.

People who choose to hire a caregiver from a registry or an independent provider should be aware that in most cases they are responsible for the following:

Payroll taxes and other employer-mandated liabilities, including Social Security, Medicare, and federal and state unemployment insurance. When the individual or family is the employer and none of these taxes are being paid, the government may assign the individual, family, or estate for back taxes and penalties.

Worker-related injuries. Many individuals incorrectly assume their homeowners’ insurance will cover this type of loss. Homeowners’ insurance usually specifically excludes employees in the home.

Abuse and exploitation. Whether an individual is hired personally or a nursing registry is used, it is imperative to be sure that not only have references been checked, but a criminal background check also has been conducted on the worker.”

Further, according to the National Private Duty Association, “There are many unexpected or hidden issues that consumers and workers face when dealing with companies that place workers who they (the company) do not employ. One major issue is that there IS an employer-employee relationship that is created in most of the care situations – it is between the worker and the consumer.”

More reasons, why is it NOT OK, to use Registries and Independent Contractor Companies for In-Home Nursing & Personal Care, are because there are multiple levels of skills, that are utilized for the In-Home Care continuum, ranging from, at the Top, the

Professionals which are the Licensed Registered Nurses, (RN's) and the Licensed Practical Nurses (LPN's) both of which are also regulated by a State Licensing Board, down to the multiple non-licensed lower skill levels, which are the Personal Care Assistants (Home Care Aides), Home Managers, Companion/Sitters, Mothers Helpers, and Baby Sitters, all of which must be screened, and supervised by the Always-Care Nursing Service (ACNS) RN & LPN Supervisors .

The "Professional" RN's & LPN's are not the problem, because they also have a License to loose for improper care! **THE MAJOR PROBLEM WITH USING INDEPENDENT CONTRACTORS TO PERFORM IN-HOME NURSING AND PERSONAL CARE IS THAT MOST OF THE SERVICES (APPROX. 80%) ARE PROVIDED BY the Non-Licensed HOME CARE AIDES *** and - lower skill levels, which must have proper screening and supervision, by Professional Nurse (RN & LPN) Supervisors for good quality of care.

* Source US. Department of Labor. Bureau of Labor Statistics, National Industry-Occupational Employment Matrix, data for 1998. [Writers Remarks: This is based on Number of Home Health Care Workers, RN's & LPN vs. Home Care Aides. In actuality, the non-licensed care giver % will be much more than 80%, I would guess, up to 95% because it does not included those persons who provide care that are not even at the skill level of the Home Care Aides, such as Home Mangers/Makers, and Companion/Sitters, Mothers Helpers, Nannies, or persons hired off the street, which are therefore not counted in the official data collected.]

Always-Care ® Nursing Service (ACNS) uses only (W-2) Employees for In-Home Nursing Care, Personal Care and other services.