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Protect Yourself From Legal Liabilities When Hiring Caregivers

The often unknown risks of independent contractors

(CITY – Date, 2008) – MY COMPANY has joined forces with a national movement to educate the public on risks—including legal liabilities—associated with employing a caregiver versus hiring an agency that provides caregivers. The Health Care Financing Administration estimates more than 7.6 million Americans require in-home care due to acute illness, long-term health conditions, permanent disability, or terminal illness. Yet despite the large number of people requiring care at home, the private duty home care industry remains mostly unregulated and the quality of care between providers can vary greatly. Often people do not realize that by employing a caregiver through a registry, not only is there the potential for employing a caregiver with an unsavory background, but clients also become responsible for taxes and worker's compensation.

Choices in Home Care

1. Registries, also known as referral services or nursing registries, match independent contractors to clients and patients. These workers **are not employed** by the registry as employees; instead the registry serves as a middle man to match independent workers to clients seeking home care.
2. Private duty agencies, like MY COMPANY, provide caregivers who **are employed**, bonded, insured and, licensed. Such agencies do the accounting/bookwork, background checks, provide training, supervision and discipline, carry insurance, and ensure shifts are covered.

Quality Care versus Cost

At first glance, the hourly rate for a registry caregiver might seem substantially lower than an agency employed caregiver, but **does not** include the additional client expenses of worker's compensation and taxes. An agency's hourly fee **does include** the required taxes and worker's compensation payments because the agency fully employs its caregivers.

Important questions to ask when hiring a caregiver:

- How long has the agency been providing private duty home care?
- Is there a care professional who works with the client and family to develop an individualized plan of care?
- How are emergencies handled after normal business hours?
- How often are caregiver services monitored?
- Does the agency employ a full time nurse, social worker, or other qualified professional to make regular visits to the client's home?
- Who employs the caregiver?
- How does the agency screen and select caregivers prior to an assignment?
- Are references checked and are criminal background, driver's licenses and drug screens conducted on all employees?
- Does the agency manage all payroll and employee related matters and adhere to state and federal guidelines in their employment practices, such as: withholding appropriate taxes, providing worker's compensation, and other benefits?
- Do they also use independent contractors? If so, who employs the person and pays the mandated taxes and withholdings in this case?

If an independent home care provider is hired, the person who hired him or her becomes the legal employer—taking on payroll, tax liabilities, and worker-related

injuries. Many consumers are caught unaware of these employer-related obligations and find themselves paying back-taxes and penalties.

An educated public will understand the differences between registries and agencies and realize the legal liabilities associated with employing a caregiver.

.About MY COMPANY

My Company is . . . and was founded in . . . and its mission is . . .

Further information can be found on [MY COMPANY Web site](#).