

Dangers of Online Care Platforms

Any industry requires some degree of regulation. This is especially true for home healthcare, an industry, which provides care for some of our most valued and at-risk citizens. In 2015, The NJ Division of Consumer Affairs instituted an Accreditation Program that is mandatory for all Home Health Care Service Agencies (HCSF) to adopt policies and procedures which ensure that the best care is given to all clients. Without this accreditation the HCSF will not be allowed licensure to operate. While these regulations are crucial, it is long overdue that the government more tightly regulate this industry in order to ensure that these agencies continue to be protected against internet websites, such as Care.com among others, that offer home health care with no regulations.

New developments in technology have necessitated a re-examination of the government's regulatory approach to the industry. Seemingly convenient and efficient web-based home health care contractors, in their effort to deliver cheap and quick services to as wide an array of people as possible, have allowed problems that previous regulations were meant to address to resurface and worsen. Despite the promise of easily accessible and affordable care, these websites are not beholden to the same regulations that traditional agencies are, nor do they need to acquire and continuously renew their annual license.

The accreditation process is a crucial element within the industry, as it is meant to guarantee that different businesses are held to the same regulatory standards. These standards are numerous and complex, but there are several specific regulations which are of paramount importance and the failure to follow them has led to disastrous results within the industry. For one, accreditation makes it so individual businesses must first do a physical assessment on the patient and institute a specific *care plan* by a registered nurse. This means that the home health care agency must work with the client to outline things like what their services will entail, how often these services will need to be provided, what equipment will be required, and which health care professionals will be administering these services. This guarantees the client and their family have a detailed understanding of how the business will be interacting with the clients, and gives the home health aide a care-plan to work with so that they can carry out their responsibilities efficiently and with accountability. This care plan is reevaluated and adjusted every 60 days as the client's condition changes or advances. The HCSF is also required to have an updated Emergency Preparedness Plan that ensures that the clients are being taken care of in case of emergencies, such as natural disasters or medical complications. These things ensure that the client's dynamic needs are being met continuously.

This nurse, as required by the State of NJ, must have either two years' experience and a bachelor's degree or three years' experience and an associate degree. This ensures that an experienced and trained professional is overseeing any given client's care. These requirements and oversites, which incur a considerable expense to home healthcare agencies, are nonexistent for these websites. These websites have essentially no interaction with the actual clients other than providing a potentially unvetted caregiver. This makes it almost impossible for a caregiver from one of these websites to enter a client's home fully prepared.

These websites also steal much needed revenue from our government through not paying federal and state taxes. By adopting the appearance of a legitimate home healthcare agency but avoiding the complex regulatory infrastructure that provides patient protection, they are circumventing the taxes and financial obligations that formal agencies are subject to. These websites do not have to pay the same insurance, workers compensation, liability insurance, or employer and employee payroll taxes that state approved home healthcare agencies do. In addition to posing significant expenses on the firms which are actually subject to the law, these websites render industry wide regulations and standards useless. These websites claim to offer the services of a certified home health aid, but in reality, allow these unlicensed caregivers to perform any number of tasks that would normally and lawfully require a license, and without the supervision of a registered nurse.

These issues are of course not unique to the home healthcare industry. Perhaps this crisis is most analogous to the phenomenon of “catfishing” that is present in online dating apps. This describes a scenario wherein people will provide surreptitious information on dating websites that mislead others. For instance, they may provide pictures of others, along with false names and occupations. Often, this places the users of these websites in precarious or dangerous scenarios. This can be readily seen in the home healthcare industry today. There are numerous cases of caregivers abusing or robbing their vulnerable clientele (see links below). These cases make clear the need of a registered nurse on staff, who can look for signs of abuse and wrongdoing and help to keep the client safe. The risk for danger and malpractice is only worsened by fact that these online websites offer only rudimentary background checks which are easily circumvented, and offer nothing in the way of things like competency tests, tuberculosis screenings and supervisory visits.

The clientele of the home healthcare industry is not the only group put at risk by these websites eschewing industry wide regulations, however. These websites also offer no liability for workers. If a caregiver working for an unaccredited business and sustains an injury or is in any way mistreated by their client, there is little to no recourse that they can take, other than filing a lawsuit. In short - these practices are bad for everyone other than the websites profiting from them.

It is abundantly clear that if these websites wish to profit from providing aid to our elderly population, they must also be expected to undergo the same rigorous regulatory oversight that traditional agencies are subject to, and be held accountable if they fail to meet those regulations. Agencies can best suit clients' needs because they are regulated to ensure their staff's competency and continuously oversee how care is being carried out. Making these websites do the same is the only possible way to keep this industry's vulnerable clientele safe and ensure industry wide integrity.

Below are some links to articles which showcase the dangers presented by these websites that this paper detailed:

Care.com Puts Onus on Families to Check Caregivers' Backgrounds—With Sometimes Tragic Outcomes - WSJ

<https://www.wsj.com/articles/care-com-puts-onus-on-families-to-check-caregivers-backgroundswith-sometimes-tragic-outcomes-11552088138>

Care.com Settles Lawsuit Claiming It Misrepresented Background Checks, Auto-Renewed Subscriptions - CBS San Francisco <https://www.cbsnews.com/sanfrancisco/news/care-com-settles-lawsuit-claiming-it-misrepresented-background-checks-auto-renewed-subscriptions/>

Care.com: Multiple Deaths and Child Abuses, Fraudulent Billing, and a Harvey Weinstein Babysitter | by Edwin Dorsey | Medium <https://erdorsey2.medium.com/care-com-multiple-deaths-and-child-abuses-fraudulent-billing-and-a-harvey-weinstein-babysitter-7468edb54ea0>

Care.com sued by parents of infants killed while under care of nannies:
<https://www.charlotteinjurylawyersblog.com/care-com-sued-parents-infants-killed-care-nannies/>

State Reaches Settlement With Care.com Over Its Caregiver Background Checks | WBUR News <https://www.wbur.org/news/2018/02/27/care-com-background-check-settlement>

WSJ: Kids Assaulted, Died in Hands of Care.com Caregivers
<https://www.thedailybeast.com/ws-j-kids-assaulted-died-in-hands-of-carecom-caregivers>

Unlicensed caregiver of incapacitated 89-year-old man arrested for theft of thousands of dollars:
https://abcnews.go.com/US/unlicensed-caregiver-incapacitated-89-year-man-arrested-theft/story?id=73213708&utm_source

FTC Takes Action Against Care.com for Deceiving Caregivers About Wages and Availability of Jobs on its Site, Impeding Cancellation Process | Federal Trade Commission
<https://www.ftc.gov/news-events/news/press-releases/2024/08/ftc-takes-action-against-carecom-deceiving-caregivers-about-wages-availability-jobs-its-site>

Babysitter listed on Care.com indicted for raping children while on job:

<https://www.fox10phoenix.com/news/babysitter-listed-on-care-com-indicted-for-raping-children-while-on-job>

Care.com nailed for shallow due diligence: <https://mintzgroup.com/care-com-nailed-for-shallow-due-diligence/>