



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 197
[2005 Assembly Bill 792]

**Notice from Home Care Placement
Agency to Consumers and Workers**

2005 Wisconsin Act 197 requires a home care placement agency that places a home care worker in the residence of a home care consumer to provide the following notices:

- Notice to the home care consumer of the consumer's duties, responsibilities, and liabilities with respect to the home care worker, unless the worker is temporarily substituting for the consumer's regular home care worker.
- Notice to the home care worker stating the worker's employment status, specifically, whether the worker is an employee of the home care placement agency, an employee of the home care consumer, or an independent contractor.

The Act specifies additional information that must be included for each of the notices, and requires that the notices be on forms prescribed by the Department of Workforce Development (DWD).

The Act allows a home care consumer or worker who is not provided with a required notice to either file a complaint with DWD or commence an action in circuit court to recover specified incurred liabilities and damages from the home care placement agency. If the consumer or worker files a complaint with DWD and the home care placement agency does not pay the amount determined by DWD within 30 days after demand by DWD, DWD may commence an action in circuit court to recover that amount, and the circuit court may order the home care placement agency to pay to the consumer or worker that amount, plus an additional amount equal to 50% of that amount, together with costs and reasonable attorney fees.

Effective Date: The Act takes effect on April 8, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.