

Finding & Maintaining Good Caregivers For Aging Parents

By Twyla Sketchley, Esquire

Most elders who need care and assistance live at home.¹ Providing the necessary assistance often becomes the responsibility of family members who provide the care themselves or hire someone to provide assistance. Hiring someone to care for a frail aging parent can be nerve-wracking, and the consequences of hiring an inappropriate caregiver can be catastrophic. Everyone has heard at least one story of a bad caregiver harming or taking advantage of someone's vulnerable loved one. Although the stress of hiring in-home care cannot be eliminated, following these few simple steps can reduce the likelihood of hiring bad caregivers and reduce the stress to you and your loved one:

1. Know what you need. Determine exactly what kind of care or assistance your loved one needs. In-home care services can be divided into four categories: personal care (bathing, eating, toileting, dressing, etc.); homemaker services (cooking and cleaning); health care (medication management, therapy, nursing services); and, emotional care (conversation, activities and companionship).² These services require varying skills, abilities and licensure. For example: A housekeeper may not have the necessary training or licensure to assist with bathing or medication management.

Many in-home care services are available through agencies or businesses that provide home health care, companion services and housekeeping. Additionally, some healthcare services may be paid for by Medicare or private insurance, depending on your loved one's circumstances.

If you know the kinds of services your loved one needs, but do not know where to find them, contact the Florida Elder Helpline at (800) 963-5337. The Elder Helpline is a statewide information and referral service that can direct you to services and assistance in your local area.

If you are unsure what services may be needed, a free evaluation of your loved one can be sought from the Florida Department of Elder Affairs, CARES program.³ One objective of the CARES program is to assist in finding in-home and community services so that Floridians can remain in their homes as long as possible. Finally, private geriatric care managers or case managers can also conduct needs assessments, make referrals to local providers, and help coordinate in-home care.

2. Create a written description of job duties. Next, based on the services your loved one needs, write a job description. This written job description provides you with a set of criteria for hiring and a guide by which to judge the caregiver's performance. If you are hiring a caregiver from an agency, carefully review the agency's written job description to be sure that it includes the services listed in your job description.

3. Have a contract. Whether it is a private contract drafted by your attorney or a contract with an agency, make sure that you have a written contract with the caregiver. A contract sets the boundaries of the relationship and informs both parties of their rights and responsibilities. It should include the rate of compensation, the description of services provided, bonding or insurance requirements, the termination process, and any other expectations you or the caregiver have. It should also state whether the caregiver is an employee or independent contractor. Make sure you know the legal effects and limitations of both.

4. Gather and verify information about the potential caregiver. Before you hire a caregiver, ask for references and past employers, these are common requests for caregivers and

should not offend them. Always check references and employment histories. Always ask the references how they know the potential caregiver and for how long. Bad employment histories, criminal records and references who do not know the potential caregiver in a care-giving setting may be warning signs of a bad caregiver. If the potential caregiver claims to hold licenses, verify those licenses and whether there have been any complaints against them.

In addition to basic employment and licensure information, require a criminal background check. With a caregiver's social security number and date of birth you can check his/her Florida criminal history and with a finger print you can check his/her national criminal history with the FBI through the Florida Department of Law Enforcement.⁴ Obviously, you should not hire an individual with a criminal history, particularly of abuse, neglect, exploitation, violence, fraud, dishonest, theft, etc. Make sure that any agency from which you are hiring a caregiver conducts similar background checks on its employees and can verify for you that it has done so.

5. Interview. Interview all potential caregivers, even if you are hiring the individual from an agency. An interview gives you an opportunity to get to know the person, determine if he/she can meet your loved one's needs, and learn about his/her background. Ask about the individual's job history, licensures, experience and education, arrests, and previous accusations of abuse, neglect or exploitation. Pay attention to the caregiver's questions, too. For instance: A caregiver asking to be paid "under the table," can indicate future legal trouble for you and/or the caregiver.

6. Hire a caregiver with appropriate experience and knowledge. Make sure that the caregiver you hire understands and has experience with the type of care needed. For example, if a potential caregiver is providing care for an elderly person with Alzheimer's disease, make sure

that the caregiver knows about the disease progression and understands the behaviors associated with it. This helps prevent injury to your loved one and to the caregiver. There are community organizations that can provide training and education for family members and caregivers dealing with a variety of diseases and disabilities.

7. Monitor the caregiver. Once you have hired a caregiver, you must supervise and monitor them. Make unexpected visits when the caregiver is on duty. Talk to the caregiver about your loved one and the care provided. Watch for physical signs that care is not being provided. For example, if the caregiver is to do laundry, check to make sure the laundry is done. Ask your loved one about the care they receive and how they feel about the caregiver, even if your loved one is incompetent. Watch for signs of physical and/or mental deterioration, changes in your loved one's behavior or personality, or isolation by the caregiver. Watch your loved one's finances for sudden changes in spending habits or out of the ordinary gifts. These are all warning signs that the caregiver may not be appropriate or may even be harming your loved one.

8. Always have a backup plan. Never become completely dependent upon the caregiver. Have a written backup plan and provide the caregiver with a copy so he/she can implement it in case of emergency or illness. This helps prevent your loved one being left without care. It also allows the caregiver to address his/her illnesses and emergencies without personal hardship. A backup plan also helps ensure that a caregiver cannot use his/her position to take advantage of you or your loved one by threatening to or withholding care and/or other services.

9. Never Give the Caregiver Financial or Medical Decision-Making Authority. Never allow caregivers to have control of the finances or authority to make medical decisions for your loved one. Such arrangements are impossible to monitor and leave the caregiver vulnerable

to accusations of wrong-doing and your loved one vulnerable to harm. Make sure the decision-making processes and protections are in place before the caregiver assumes his/her duties. Make sure the caregiver knows what those processes are in case decisions must be made. If petty cash is needed for your loved one's care, make arrangements with the caregiver to handle only small amounts of money and account for all expenditures with receipts.

10. Finally, fire bad caregivers and report suspected abuse, neglect and exploitation immediately. Fire caregivers who fail to do their jobs. Your written contract should provide for the process by which this is done. Also, abuse, neglect and exploitation are crimes and should be immediately reported to Adult Protective Services, law enforcement and any agency employing the offending caregiver. Reporting can help protect your vulnerable loved one and future adults who may come in contact with the caregiver. The hotline to report abuse is toll-free. Your name and contact information is protected by law and the hotline is available 24 hours a day: 1-800-96-ABUSE.

¹ National Aging in Place Council citing U.S. Dept. Health and Human Services 2003, Alzheimer's Association 2005

² Family Caregiver Alliance, Fact Sheet: Hiring In-Home Care.

³ <http://elderaffairs.state.fl.us/english/pdfs/CARESdir.pdf>

⁴ <http://www.fdle.state.fl.us/CriminalHistory/>

Twyla Sketchley is the managing attorney for The Sketchley Law Firm, P.A. The Sketchley Law Firm, P.A. focuses its practice on providing support and guidance to individuals with special needs and their families through elder law and guardianship.