

TO: Representative Dan Noyes, House Human Services Committee  
FROM: Joe Nusbaum, DAIL Division of Licensing & Protection Director  
DATE: March 15, 2023  
SUBJECT: H.171, (Draft 3.1) Caregiver definition

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This memo is in response to today's discussion in the House Judiciary Committee during which a few Committee members expressed concern over the definition of "Caregiver" due to the implications of the definition in other areas of the bill. In response, the Department proposes the added language (highlighted) as follows:

(8) "Caregiver" means:

- (A) a person with a designated responsibility for providing care to another;
- (B) a worker or employee in a facility or program that provides care 11 to an adult who is an elder or has a disability and who has assumed the 12 responsibility voluntarily, by contract, or by an order of the court; or 13
- (C) a person **with a designated responsibility for** providing care to a person that is required because of the person's age or disability.

Including (C) above without the highlighted language would have the effect of including Good Samaritans, household members, or those passing by who happened to provide assistance to an individual, into the definition of caregiver. This would the effect of making the caregiver definition overly broad. The caregiver definition should focus on those whose role has been identified, through some form of an agreement, contract, treatment plan, employment, or through self-identification.

The original language as submitted by the Department had the definition structured with dependent clauses all under a leading clause indicating that a "Caregiver" was an individual with a "designated responsibility". When the proposed language was formatted into the bill as introduced it had the effect of changing the meaning of the definition. The Department does not believe individuals who may have provided assistance in passing but without accepting the role in some manner should be included in the definition of "Caregiver."