



# Use a HCA Caregiver (or hire your own?)



**When You Look At The Liabilities,  
Which Choice Really Costs More?**

<b>Liability Issues When You Hire Your Caregiver</b>	<b>Use an HCA Caregiver</b>	<b>Hire Your Own</b>
<p>If you hire a caregiver directly as an “independent contractor” to save money, the caregiver is really an “employee.” That exposes you to all expenses, liabilities and risks of having an employee.</p> <p>Caregivers who work the hours you specify, follow your directions, and use your home and equipment (e.g., dishwasher, washer &amp; dryer, vacuum, kitchen and household equipment) are legally your employees – not independent contractors.</p> <p><b>If the caregiver is injured on the job (for example, a back injury that won’t heal), who is liable?</b></p>	<p><b>HCA is liable</b></p> <p>HCA caregivers are covered by Workers Compensation (WCB) insurance. That is an expense we cover for you.</p> <p>The caregiver cannot make a claim against you or sue you for medical bills, loss of income, or pain &amp; suffering damages. WCB insurance is the caregiver’s exclusive remedy for those things – by law.</p>	<p><b>You are legally liable</b></p> <p>Without WCB insurance, you are liable for your injured caregiver’s damages.</p> <p>Even if you and the caregiver have an agreement that the caregiver won’t sue you, that “agreement” is not legally binding and you are <i>still</i> legally liable for \$10,000’s or \$100,000’s - even if the injury was not your fault.</p>
<p><b>Who has to withhold the caregiver’s income taxes?</b></p>	<p><b>HCA is liable</b></p> <p>The caregiver is our employee and we withhold these taxes from the caregiver’s paycheck and pay the money to the government.</p>	<p><b>You are liable</b></p> <p>The caregiver is your employee. You must withhold the taxes from the caregiver’s pay and pay it to the government.</p> <p>Even if you and the caregiver have an agreement that you won’t be liable, you are still legally liable.</p>

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<p><b>What if a caregiver takes valuables from your home?</b></p>	<p><b>HCA is liable</b></p> <p>First of all, we carefully screen our caregivers and only hire 1 of every 25 applicants.</p> <p>Our caregivers have passed a nationwide criminal background check.</p> <p>If a caregiver takes something from your home, we are insured to make you whole.</p>	<p><b>You are liable</b></p> <p>You would need to check with your insurance company to see if your loss is covered or excluded.</p>
<p><b>Who is liable if a caregiver doesn't provide good care?</b></p>	<p><b>HCA is liable</b></p> <p>We have professional liability insurance to compensate our clients for injuries sustained as a result of caregiver negligence.</p> <p>We screen caregiver applicants thoroughly and conduct national criminal background checks, and we conduct a proprietary psychological screening test.</p> <p>We carefully select caregivers for each client who are trained and experienced in the specific needs of the client.</p> <p>Our caregivers receive ongoing monitoring from one of our Case Managers who is responsible for the client's care.</p> <p>Through HCA University® our caregivers learn the latest in caregiving skills and methods</p>	<p><b>You are liable</b></p> <p>Your homeowner's insurance may not cover this since the caregiver is being paid to work in your home and is legally an employee. You would need to check with your insurance company to see what coverages are included or excluded.</p>