

CAREGIVER INDEPENDENT CONTRACTOR AGREEMENT

This Adult / Senior In-Home Caregiver Agreement is made between [CLIENT NAME] ("Client" / responsible party) and [CONTRACTOR NAME] (the "Caregiver").

***IMPORTANT CLASSIFICATION NOTICE.** Most in-home caregivers are **household employees** under IRS Pub. 926 and FLSA as amended by the 2013 Home Care Final Rule (29 C.F.R. Part 552). Client may owe FICA, FUTA, state UI, minimum wage/overtime, and may need workers' compensation. Consult a qualified professional before relying on this Agreement to establish IC status.*

1. Care Recipient and Scope

The Caregiver shall provide in-home care for [NAME OF CARE RECIPIENT] ("Care Recipient").
Scope: [SERVICES].

Companion / non-medical: companionship, meal prep, light housekeeping, medication reminders (not administration), transportation to appointments.

2. Medication

The Caregiver shall NOT administer medications — only remind the Care Recipient.

3. Mandatory Reporting

The Caregiver shall immediately report suspected elder abuse, neglect, or exploitation to Adult Protective Services and Client.

4. Background Check

The Caregiver consents to fingerprint-based background checks including state elder-abuse registry and federal NSOPW.

5. HIPAA

To the extent the Caregiver qualifies as a "business associate" under HIPAA (45 C.F.R. Parts 160 and 164), the Parties shall execute a Business Associate Agreement.

6. Compensation

****/hr, paid Monthly. Overtime paid per FLSA where the Caregiver is actually a household employee.
Net 30.

Incidental expenses reimbursable; >\$500.00 needs approval.

7. Term and Termination

Either Party may terminate on **30 days'** written notice, or immediately for serious cause (safety, abuse, dishonesty). 10-day cure for curable breach.

8. Governing Law and Disputes

Governing law: [STATE]. Venue: [VENUE CITY]. Fee-shifting.

Cap 1× fees excluding abuse or safety negligence.

Signatures

Client

_____ PRINTED NAME

_____ SIGNATURE

_____ DATE

Caregiver

_____ PRINTED NAME

_____ SIGNATURE

_____ DATE