

Oppose SB 411

Home Care Providers Should Not Be Regulated Alongside Medical Providers

SB 411 seeks to license non-medical home care companies through the Department of Public Health. Non-medical home care companies provide only unskilled, custodial care services for their clients, usually on a private pay basis, including bathing assistance, meal preparation, and companionship. Regulation by the Department of Health is inappropriate, as no medical care is being provided. This introduces undue burdens that do not apply to the industry, including random surveys, on-site visits with clients to observe care provided, and exorbitant fees equivalent to those of companies that provide medical services.

Accreditation Not Appropriate For Home Care

Accreditation by JCAHO or CHAPS is not appropriate for this industry. These organizations provide accreditation primarily to medical providers, not unskilled, temporary services employers. The cost of accreditation will be prohibitive, and is an indication that the state does not have the resources to regulate this industry.

Unreasonable Policy Mandates

The burdensome operational requirements SB 411 imposes are unnecessary for the non-medical home care industry and costly, including an 8 hour annual training requirement for all employees, supervisory visits every 62 days, and mandated hiring guidelines.

Aide Certification Unneeded And Problematic

SB 411 also creates a new Home Care Aide certification administered by the state. Employers will be required to hire only certified Home Care Aides, or pay for employees to obtain the certification. This will create a huge labor shortage upon implementation, as there will be no certified personnel in the employment pool. Companies will be faced with the significant expense of not only certifying all new hires, but existing personnel as well who already have the training, knowledge and experience exceeding the certification requirements.

Public Web Site Unmanageable, Raises Privacy and Cost Concerns

SB 411 also proposes a state-maintained web site listing all Certified Home Care Aides in the state and the company they work for. The non-medical home care industry is traditionally one of high turnover, common among temporary services employers, with employees often working for multiple employers simultaneously or moving from one employer to another based on the availability of work. Maintaining the web site in the manner proposed will be impossible and extremely costly due to these ongoing changes. Furthermore, this is a privacy issue that can impact worker safety when their place of employment is divulged to the general public. No other certification under the Department of Health, including CNAs, CHHAs, LVNs nor RNs, requires a public listing with a particular employer.

IHSS Should Not Be Exempt

The vast majority of home care workers in the state are employed through the In Home Supportive Services program. IHSS workers are exempt from the Home Care Aide Certification requirement, which places the majority of care recipients at risk for improperly trained and screened workers.

Undue Impact On Small Business

Most non-medical home care providers are small family-owned and operated companies, with annual revenues under \$1M and a net profit of 10%. The cost burdens for the average company under the requirements of SB 411 will exceed \$10,000 per year for most companies, given the licensure fees, accreditation fees, certification requirements and training requirements. This cost is unaffordable for small businesses and will give larger corporate providers an unfair advantage who pay the same fees despite their size.

Growth Of The Underground Economy

The underground economy of privately hired home care workers and registry/placements services will not be subjected to the requirements of licensure nor Home Care Aide certification. This will only widen the cost gap between companies who employ their workers, comply with labor regulations, provide liability and workers compensation insurances, and oversee the care being provided in the home. As more clients and families turn to the less expensive option of privately hiring home care workers, they will be placed at greater risk for fraud, abuse and liability, payroll tax revenues will decline significantly, and workers will be left without the protections of workers compensation and unemployment insurances.

