



EldersChoice of Connecticut, LLC

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TESTIMONY OF JOHN D. SHULANSKY TO THE LABOR AND PUBLIC EMPLOYEES COMMITTEE – MARCH 11, 2014

Distinguished Chairmen and members of the Committee:

My name is John Shulansky. I am a partner in EldersChoice of Connecticut, LLC that is registered with the Department of Consumer Protection as Homemaker Companion Agency and classified as a Registry; and, registered with the Department of Labor as an Employer Fee Paid Employment Agency. EldersChoice refers trained individuals to provide extended live-in non-medical care support at home for the frail elderly and adults with chronic illnesses.

I appear before you today to speak in opposition of HB-5313. The principal impacts of this bill are to:

- reduce consumer choice;
- increase consumer cost; and,
- raise costs to the State, as consumers in need of basic support more rapidly spend down assets and accelerate eligibility for Medicaid and placement in a nursing home.

This is wrong. We provide an important choice to the consumer. A choice that assures compliance with State regulations for non-medical care to assure consumers have adequate rights and protections. Our mission is to provide an optimal quality of life for the frail elderly at home and avoid a more restricted and institutional living environment.

Should this bill become law, I will be forced to call these individuals my employees, which they are not. These caregivers work for the family, and should this bill become law, businesses like mine will have to close. And...consumers will be left with two choices: hire a caregiver who is paid by an Agency, or hire a caregiver on the underground market.

Hiring a caregiver through an Agency will increase the costs to the consumer by as much as 60 percent for overtime, so as a frail individual needs more help with cooking, dressing, toileting, and basic activities of daily living, the cost increases exponentially. Alternatively, the frail elderly will be exposed to a series of different caregivers every day or two.

Labor and Public Employees Committee
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Hiring a caregiver online, by word of mouth, or through local advertising is risky at best. The consumer has none of the benefits of state regulations – regulations to which both Agencies and Registries must and do comply, including background checks and other important consumer protections.

This bill is also in direct conflict to changes in the US Department of Labor Fair Labor Standards Act effective January 1, 2015. These revisions took over two years to issue following many years of analysis and nearly 50,000 public comments to the original draft regulations. As a result of these significant efforts, live-in direct care workers are the ONLY home care workers exempt from FLSA. The US DOL recognizes that these live in direct care workers fill a specific need that requires special treatment in the law. HB-5313 vacates these new Federal findings developed after years of analysis.

Today, you also are hearing testimony on HB-5453, which in part establishes timekeeping rules and particularly the calculation of sleep time. This bill is flawed, because it is not in harmony with the new FLSA regulations, which addresses sleep and all sorts of timekeeping issues. For the most part, we are small businesses and compliance with conflicting Federal and State regulations is especially burdensome. Further, the State bill places significant recordkeeping burdens on individuals without relief contained in Federal law.

There are alternatives. Many states have comprehensive approaches to non-medical home care that offer examples of best practices. These are our most frail of citizens. They also are the largest and fastest growing component of our demographic. They have few advocates. We owe more to the elderly and infirm of our state and want to work collaboratively with the Departments of Consumer Protection, Labor, Aging and Social Services to craft a comprehensive solution.

Thank you for your time and consideration.