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**TESTIMONY OF JOHN D. SHULANSKY
TO THE LABOR AND PUBLIC EMPLOYEES COMMITTEE
MARCH 13, 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-5527. As written, this bill has serious impacts on a significant and mostly frail elderly population and those with chronic debilitating illnesses.

At the outset, this bill would effectively:

- reduce consumer choice;
- increase consumer cost;
- 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; and,
- promote noncompliance, since is it likely impossible for an individual consumer to comply with the provisions of the bill on October 1, 2014.

Regrettably, the issues raised by this bill cannot be addressed in three minutes. Fundamentally, the bill needs more attention to definition of terms and scope, and to understand the burdens the bill places on the frail elderly. There also are significant discrepancies between this bill, Federal law, and other bills that have been raised this session by this Committee.

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-5527 vacates these Federal findings developed after years of analysis.

Labor and Public Employees Committee
Testimony by John D. Shulansky
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To my knowledge, New York State is the only state with a similar regulatory scheme. Many states have other approaches to domestic workers that offer comprehensive alternatives and examples of best practices. These states include California, Florida, and Pennsylvania.

These are our most frail of citizens. They have few advocates. They also are the largest and fastest growing component of our demographic and they will increasingly require dedicated home care as funding and availability of skilled nursing facilities diminish.

Ideally, we should take a complete and strategic view of this issue in concert with representatives of affected constituencies and public agencies. Luckily, Section 14 of this bill establishes a Task Force to study the issue of domestic workers in Connecticut. This is a valid and much needed Task Force. I would urge the Committee to consider that any matter relating to domestic workers influences or directly impacts both medical and non-medical care services delivered at home. As a result, the membership of the Task Force should include a much larger and representative group that includes the representatives from the Departments of Aging, Consumer Protection, Public Health, Social Services, and Commission on Aging, as well as licensed Home Health Agencies, and Homemaker Companion Agency Registries.

Thank you for your time and consideration.