



SEIU Healthcare® United for Quality Care

Testimony of Deborah Chernoff

Public Policy Director, New England Health Care Employees Union, District 1199, SEIU

Before the Labor and Public Employees Committee, March 5th, 2015

Supporting: House Bill 6878—An Act Concerning Workers' Compensation Liability for Individuals Receiving Services from Personal Care Attendants

Good afternoon, Senator Gomes, Representative Tercyak and members of the Labor Committee. For the record, my name is Deborah Chernoff and I serve as Public Policy Director for the Service Employees International Union, District 1199, representing 25,000 caregivers in Connecticut, including about 6,000 Personal Care Attendants.

I am testifying today in support of HB 6878, which would provide Workers' Compensation coverage for homecare workers.

The problem: thousands of home care workers lack Workers' Comp protections
The Workers Compensation statute from the 1970s *excludes* all individuals who provide home services for fewer than 26 hours per week in *one* home from workers compensation coverage requirements. This outdated language counteracts the goals of today's model of self-directed homecare services for seniors and people with physical or developmental disabilities.

Most individual homecare workers (aka personal care attendants, or PCAs) who provide individual DSS or DDS consumers with in-home supports are not covered for injuries on the job. They have no insurance to pay medical bills and, if they cannot work while recovering, no source of income. This *discourages* recruitment and retention of the workforce the state is trying to build.

Ironically, homecare *agencies* are required by law to provide workers comp, and the cost is already built into their Medicaid reimbursement rates. Only homecare workers for *self-directed consumers* are left largely unprotected.

Consumers who want to hire their own homecare workers are forced to choose between two bad options: pay for workers comp insurance from their waiver budget (DDS-funded) or out of their own personal monies, OR split hours between multiple workers to avoid hitting the 26 hour per week trigger.

That leaves consumers at risk of being sued by injured people, and pursued by aggressive bill collectors trying to collect on unpaid medical bills.

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HB 6878: Promoting a healthy workforce for self-directed consumer services

Under this bill, Connecticut will provide workers compensation insurance to cover state-funded personal care attendants employed by a consumer or their surrogate. Bill #6878 directs DAS, together with DDS and DSS, to research and implement the most effective method to:

- ✓ Ensure homecare workers injured on the job get the medical attention and support they need;
- ✓ Eliminate pressure on consumers to choose between cost and the dedicated full-time caregiver they want; and
- ✓ Devote consumers' budgets to services, not insurance fees.

Experience in other states: affordable policies

Massachusetts, California, Illinois, Oregon and other states already provide workers comp coverage to homecare workers and have been able to use group purchasing power to make the policies affordable.

The current system in Connecticut of consumers each buying individual policies is far more expensive per consumer than one group policy. For example, consumers now are paying at least \$650/year plus a \$220 administrative fee for a workers comp policy. But in Massachusetts, which provides a group plan, the cost is only \$250/year per consumer and their experience has been that utilization rates are also quite low. With a pool of almost 34,000 PCAs, over the last five years there have been an average of 100-110 cases per year.

Connecticut already pays for providing Workers Comp coverage for agency-employed home care workers through Medicaid reimbursement and includes it in the budget for some DDS clients getting services at home. It's time to extend coverage for the workers who have been excluded from protection for workplace injuries incurred while supporting our state's efforts to expand home- and community-based services.

The success of self-directed services depends on a healthy workforce. Providing workers comp coverage will help recruit and retain committed homecare workers to this industry, and give consumers more freedom to choose the homecare worker they truly want.

Thank you for the opportunity to testify on this important bill today.