



Testimony of Deborah Chernoff
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Before the Labor and Public Employees Committee

Supporting: SB 210, 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 am Public Policy Director for District 1199. We represent approximately 6,800 Personal Care Attendants, often referred to as PCAs, in Connecticut and I am testifying in favor of Senate Bill #210, *An Act Concerning Workers' Compensation Liability for Individuals Receiving Services from Personal Care Attendants*.

WHO SB #210 AFFECTS:

- People with physical, developmental or age-related disabilities who qualify for Medicaid, are assigned a budget for services, and receive home care services under one of Connecticut's Medicaid waiver programs
- **~3,500 of these individuals choose to self-direct their care:** they hire, train, and supervise their own PCAs, rather than go through an agency. Connecticut pays Fiscal Intermediaries (FIs) to handle payroll using state Medicaid funds on behalf of these consumers
- **~6,800 Personal Care Attendants** provide care and support at home to these consumers

THE WORKERS COMPENSATION PROBLEM FOR HOME CARE WORKERS:

This bill would close a critical gap in our state's workers' compensation law that puts both dedicated PCAs providing home care services and supports, and the individuals they serve at serious risk. Existing state statute from the 1970's excludes all individuals who provide in-home services in one private home for fewer than 26 hours per week from workers'

compensation coverage requirements. This exclusion counteracts today's goals of empowering consumers and expanding home care, because:

- **It forces consumers to choose between two bad options** –
 - either purchasing an expensive individual policy out of their services budget
 - CT consumers who purchase individual policies are paying a minimum or **\$850 per policy**, which includes a \$200 administrative fee;
 - **the average cost is about \$1,200** per policy;
 - **OR** hiring multiple attendants part-time to avoid hitting the 26 hour per week trigger.

It also puts consumers at risk of being sued by injured people or being pursued by bill collectors for unpaid medical bills.

- **Most PCAs who serve self-directed consumers are not covered for injuries on the job**
 - no insurance for medical bills;
 - no source of income; *thereby*
 - discouraging recruitment and retention of the very workforce the state is trying to build to meet the growing needs and desires of our aging population.

THE SOLUTION – SB #210

The solution is before you in this legislation, which would change the outdated state law and create a group insurance policy to provide workers' compensation coverage to state-funded, self-directed home care consumers and their PCAs. The legislation would:

1. amend the statute to include Medicaid waiver self-directed home care services
2. authorize an entity to serve as the “employer” for the purpose of providing a group policy, and
3. allocate funds for initial policy costs sometime in FY 2017.

Other states with similar Medicaid waiver programs and a self-directed care component do provide workers compensation coverage to home care workers in those programs.

Massachusetts, California, Illinois and Oregon all provide such coverage. In Massachusetts, for example, the average cost per consumer under their group plan is only \$250 as opposed to the current average of \$1200 in Connecticut.

The success of self-directed services depends on a healthy and adequate workforce. Providing workers comp coverage will help recruit and retain PCAs and give consumers more freedom to choose the person they truly want to assist them. SB #210 will help ensure that homecare workers injured on the job get the medical attention and support they need to recover

- eliminate pressure on consumers to choose between cost and the dedicated full-time caregiver they want and
- reduce per-person costs with one group policy, instead of paying for hundreds of individual policies
- dedicate consumers' budgets to services, not insurance fees, and advance Connecticut's goal of rebalancing our long-term services and supports.

On behalf of our PCA workforce and the thousands of Connecticut parents, grandparents, neighbors and friends that they support in their own homes and communities, we urge your support for this important bill.