



House Bill 5001, An Act Supporting Connecticut Seniors and the Improvement of Nursing and Home-Based Care

Aging Committee

March 5, 2024

Home Care Association of America Connecticut represents more than one hundred home care agencies that employ thousands of caregivers who provide essential, quality and affordable in-home care to seniors, veterans and persons with disabilities across the state. To ensure quality care, HCAOA Connecticut advocates for employer-based agencies that screen, employ, train and supervise caregivers; create a plan of care for the client; and work toward a safe and secure environment for the person at home. HCAOA Connecticut supports industry standards that improve the delivery of in-home care to clients.

HCAOA Connecticut appreciates the opportunity to provide comments to the Aging Committee concerning House Bill 5001. The Chapter looks forward to working with the committee to craft policies that address the objectives of the legislation while protecting not only consumers, caregivers and clients but supporting home care agencies, small businesses and the economy. Chapter members would like to serve as a resource to the committee and the legislature as you address the important public policies underlying the bill.

While the goals of House Bill 5001 are laudable – to improve oversight of home care and protect seniors– it may have the unintended effect of driving up the costs of care for the very persons it is intended to help: consumers of Medicaid home care services who can least afford it. It demonstrates a further need to properly reimburse Medicaid home care providers for their services. HCAOA Connecticut continues to seek an increase in Medicaid reimbursement to offset these and other costs, including an increase in minimum wage in January, and to continue to provide essential services to seniors and employ and pay caregivers fair wages.

Additionally, measures that would address the caregiver shortage would help, such as a benefits cliff pilot program established by House Bill 5369 before the Human Services Committee. The pilot program would support the economic self-sufficiency of certain assistance program beneficiaries by gradually reducing,

instead of automatically eliminating, assistance program benefits when income from employment causes beneficiaries to exceed income eligibility thresholds for the assistance programs. This is very common in the home care industry where caregivers work for multiple agencies. If caregivers are eligible for the pilot program, it would help immensely in addressing the workforce shortage.

If these other policies are not addressed, the bill risks imposing a significant burden on small home care providers that consumers seek as a cost-effective, high-quality alternative to institutional care that costs the state significant funds and would impair the ability of agencies to attract and retain workers.

Home care provider registry and data processing system

Section 1 of the bill requires the Commissioner of Social Services, in consultation with the Commissioners of Public Health and Consumer Protection, to develop and maintain a home care provider registry and data processing system. The bill is not clear if one of the system's functionalities will, or is designed to, offer a caregiver registry.

HCAOA Connecticut does not oppose a registry of home care providers, if properly implemented and carefully managed, that connects persons seeking home and community-based services with qualified home care providers. The Chapter supports the recruitment and retention of qualified caregivers. However, the registry raises other questions, such as administrative costs and who will pay for it, maintenance, and how its data and information will remain current and up to date. The current Medicaid program registry of home care workers is often out of date.

Additionally, the provider registry is limited to the state's Medicaid program and doesn't appear to apply to participants in other waiver programs or to private pay clients.

If the bill establishes a caregiver registry, HCAOA Connecticut would oppose it. A caregiver registry would create significant uncertainty for clients and unintended consequences for the home care industry in Connecticut, put home care agencies at risk and violate workers' privacy. A caregiver registry does nothing to strengthen home care services; indeed, it would weaken home care by increasing costs for consumers and hindering employment opportunities for caregivers. Similar legislation has been considered in Connecticut in the past and has been rejected. It has also been considered by other states where labor unions are trying to gather personal information about employees to organize the industry workforce. Publishing detailed caregiver or employee information opens workers up to fraud, identity theft, poaching, and safety issues, undermining privacy and the ability of home care agencies to keep their workforce safe.

A caregiver registry has no particular purpose or benefit for clients. If one is implemented, home care agencies should be able to access the registry and report employees who are terminated for gross misconduct for abuse or neglect of elderly clients.

Caregiver training

Sec. 3 of the bill requires home care agencies, prior to hiring a caregiver, to require her to complete training that teaches techniques to recognize and respond to harassment, abuse and discrimination by clients. Many home care agencies already provide similar training to caregivers before they are placed in a client's home but not before they are hired. HCAOA Connecticut supports caregiver training to recognize and respond to these issues but home care agencies shouldn't have to bear the burden and risk of paying for training before hiring employees who can then take those skills and training with them to a new agency. This seems unfair and inequitable and could put senior consumers at risk.

The provision may conflict with a requirement adopted in Public Act 23-48, which requires the Secretary of the Office of Policy and Management to develop a plan and proposed timeline to transfer homemaker-companion agency registration and oversight responsibilities from the Department of Consumer Protection to the Department of Public Health. The plan must also include recommendations on training standards that exemplify best practices for providing home care services; include instruction and specialized training benchmarks for caring for clients with Alzheimer's disease, dementia, and related conditions; and ensure a high level of care for home care agency clients.

Employee identification

Sec. 12 of the bill requires all home care agencies to send a photograph of each caregiver scheduled to provide services to a client to the client via registered or certified mail, email or text message at least one day prior to the caregiver's scheduled appointment with the client. Caregivers must wear a badge that includes the employee's name and photograph while working with a client. If the Commissioner of Consumer Protection determines that a home care agency has failed to comply, the agency can be subject to disciplinary action, including revocation or suspension of the agency's certificate of registration.

HCAOA Connecticut supports the photo or badge identification requirement, which most agencies already currently require. Our members make every effort to be transparent and try to prevent identity theft while protecting the safety of caregivers and clients. However, the one-day notice requirement to send a photo to the client is unreasonable, onerous and impractical given the nature of the home care industry, particularly if a caregiver needs to be placed immediately in the home. Clients typically call home care agencies to add visits on the same day or

next day. Caregivers call out when sick and due to COVID, agencies are extra cautious and don't want to place a caregiver in a home with vulnerable clients.

A requirement to provide the caregiver's photo prior to any visit raises a number of logistical problems and may result in canceled visits, discriminatory practices or other unintended consequences. It would not be practical and most people hire agencies because they know they are going to send a screened and qualified caregiver. Also, certified mail is not practical when there is short notice to provide services and it would be challenging if clients don't use email or text messaging, which is not uncommon. How would this be managed with fill-in caregivers or last-minute changes? Most agencies call to notify when a substitute is covering and provide their name, so verbal notice should be adequate and work in practice. Additionally, some clients may decide to turn away a caregiver based on appearance only, exposing agencies to a complaint of discriminatory practices. A photo ID sent within 24 hours would be impossible without upgrades to providers' technology system platforms at significant cost and limited benefit.

Perhaps the provision can specify, 'upon request' or be consistent with Conn. Gen. Stat. sec. 20-679(a), as amended by sec. 19 of Public Act 23-99, which requires agencies to disclose in writing to a person scheduled to receive services (or his or her authorized representative), the full legal name of the employee who will provide the services, before the employee enters the client's home.

Please contact Marlene Chickerella, Chairperson of HCAOA Connecticut, at (203) 932-9966, for additional information or with any questions.