alzheimer's association ®

Chair Kelley and Vice-Chair Feldman,
Thank you for the opportunity to submit testimony on Senate Bill 600, legislation which requires residential service agencies (RSAs) receiving Medicaid reimbursement for the provision of home care, or similar services by personal care aides, to report by October 1 each year to the Maryland Department of Health (MDH) information as to the personal care aides' hourly pay rate, whether the aides are classified as employees or independent contractors, wheth]er the aides have health insurance and are covered by worker's compensation through the agency, and whether the aides have earned sick and safe leave provided by the agency.

The Alzheimer's Association strongly supports this legislation and protections for Maryland's home care workforce, so that we can maintain build a more high-quality workforce for those treating Marylanders with Alzheimer's and other forms of dementia. According to the Public Justice Center, Maryland's 30,000 personal care aides are often misclassified as independent contractors, denying them access to the social safety net and reducing job quality when Maryland faces a shortage of these essential workers.
   • A 2018 study found that Maryland will need nearly 40 percent more care workers over the next ten years due to our aging population. But poor job quality is causing a shortage. The shortage is worsening during the pandemic, as many care recipients seek to leave nursing facilities.
   • Misclassification occurs when employers wrongly call personal care aides "independent contractors" (meaning they are self-employed and have their own businesses) instead of employees.
   • Misclassification cuts workers out of social safety net protections like workers' compensation and unemployment insurance that are available to employees but not independent contractors.
   • Some employers misclassify their workers because they rely on "word of mouth" in the industry rather than legal advice. Correcting misclassification will improve job quality and attract more personal care aides to the field at a time when our state needs them more than ever.

In 2021, this Committee passed legislation which requires the Office of the Attorney General, in consultation with the MDH and the Maryland Department of Labor (MDL), to produce a guidance document concerning the application of employee protection laws to the use of "personal care aides" by residential service agencies (RSAs). The guidance document must be annually provided to each RSA.

Our organization is thrilled that this document, according to stakeholders involved in the process, has been completed and is being promulgated to RSAs. As we move forward however, into the next legislative session, it is crucial to take more substantive steps. Senate Bill 600 lays out those steps, moving beyond solely providing information to RSAs, and now requiring them to act and proactively report to MDH.

REQUESTED AMENDMENT
That said, part of the accountability needed to sustain the quality of RSAs is not just ensuring this workforce is classified correctly, but also that it is trained properly. **As such, following the language on page 2 and line 8 of SB 600, we ask for an insertion which reads, "Whether the residential service agency, under Chapter 488 of 2021, has ensured that mandated direct care and supervisory staff receive three hours of initial online or in-person training on dementia, and two hours of online or in-person continuing education training regarding Alzheimer's disease and dementia each calendar year."**

Thank you again for the opportunity to submit testimony. We ask for a favorable report, with this amendment included to the existing text of Senate Bill 600. We believe it an important necessary addition to strengthen the RSA workforce, and improve the adherence to Chapter 488 of 2021, which this Committee passed last year.