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Health and Government Operations
Committee

Subcommittees

Health Occupations and Long Term Care

Public Health and Minority
Health Disparities

House Chair

Joint Committee on Program Open Space
and Agricultural Land Preservation

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB489 - Residential Service Agencies - Reimbursement -
Personal Assistance Services**

February 21, 2023

Thank you Chair Peña-Melnyk, Vice Chair Kelly, and members of the Health & Government Operations Committee, I am Delegate Robbyn Lewis testifying on behalf of HB489, which prevents the misclassification of personal care aides as independent contractors. This is a healthcare workers' rights bill and I hope you will support it.

Personal care aides, also called home care workers, care for older adults and people with disabilities. This bill will help to improve home care job quality and professionalize the workforce by preventing the misclassification of personal care aides as independent contractors. These workers are employees under the law, not independent contractors. Misclassification of these workers as independent contractors has broad effects in the workforce.

Firstly, misclassification hurts workers by declining job quality, reducing access to a social safety net and imposing a higher "self-employment" tax burden. It hurts patients who depend on care by shrinking the size of the workforce and decreasing access to in-home care. It hurts homecare agencies that do not misclassify and face unfair competition from profit-focused agencies avoiding basic employer obligations.

HB489 would address these problems by authorizing the Maryland Department of Health to only reimburse residential service agencies for in-home care provided under certain Medicaid programs if the aides are classified as employees. This will prevent misclassification before it occurs.

This is a rare bill that brings together the whole gamut of stakeholders – businesses, workers, older adults, people with disabilities, think tanks, and others. It is supported by Maryland's home care trade association, the Maryland National Capital Homecare Association, and by Maryland's leading home care agencies.

This bill does not apply to programs under the Developmental Disabilities Administration, nor the private sector. It only applies to Medicaid home care provided under the Department of Health's Office of Long-Term Services and Supports.

I look forward to working with the Maryland Department of Health, stakeholders, and members of this committee to finalize the provisions of this bill and ask for your favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Robbyn Lewis". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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