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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
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB39 - Residential Service Agencies - Reimbursement - Personal Assistance Services (Homecare Worker Rights Act of 2024)

January 24, 2024

Thank you Chair Peña-Melnyk, Vice Chair Cullison, and members of the Health and Government Operations Committee. I am Delegate Robbyn Lewis, testifying today on behalf of HB39, which prevents the misclassification of personal care aides as independent contractors. This is a healthcare workers' rights bill that I am reintroducing. I hope you will support it.

Residential Service Agencies (RSAs) are businesses that employ or contract individuals to provide home health care. RSAs employ personal care aides, also known as homecare workers, to assist older adults and people with disabilities with activities of daily living. Their care protects the dignity of many elders and folks with special needs. Homecare workers are crucial to the health of our ageing population, they should be compensated and afforded the social safety net and protections all healthcare workers deserve.

Misclassification of homecare workers harms patients by reducing the size of the available workforce and decreasing their access to quality home care. It negatively impacts agencies that properly classify their personnel, leaving them to compete with unfair competitors who avoid basic obligations to their workers.

House Bill 39 addresses these problems by authorizing the Maryland Department of Health to reimburse RSAs for in-home care provided under certain Medicaid programs, only when the aides are classified as employees. This will prevent misclassification before it occurs, and it will

tackle Maryland's health care workforce shortage by strengthening this much needed cadre of care.

This bill does not apply to programs under the Developmental Disabilities Administration, nor in 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 will also underscore that the U.S. Department of Labor and the Maryland Department of Labor have made it a national initiative to protect homecare worker rights in November 2023. The initiative urges employers to stop misclassifying workers. Governor Moore, the Maryland Attorney General, and the State Comptroller have also made this a priority.

Thank you for your consideration of this much needed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robbyn Lewis', with a long horizontal flourish extending to the right.

Delegate Robbyn Lewis