



MARYLAND COMMISSION ON CAREGIVING

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January 24, 2024

The Honorable Joseline A. Pena-Melnyk
Chair, House Health and Government Operations Committee Room 241, House
Office Building
Annapolis, MD 21401

RE: SUPPORT HB 39 - Residential Service Agencies - Reimbursement - Personal Assistance Services (Homecare Worker Rights Act of 2024)

Dear Chairwoman Pena-Melnyk,

The Maryland Commission on Caregiving is pleased to submit this **letter of support for HB 39 - Residential Service Agencies - Reimbursement - Personal Assistance Services (Homecare Worker Rights Act of 2024)**. This bill will ensure that personal care aides (also known as home care workers) who work for home care agencies (called “residential service agencies” – RSAs – by the Health Code) under certain Medicaid programs are properly classified as employees and not illegally misclassified as independent contractors.

Many people with disabilities and older adults rely on Medicaid-funded personal care services to provide necessary supports to live safely and independently within their homes. As the population ages, people with disabilities live longer, and national policy shifts from institutional towards community-based care, there will need to be substantial improvements in the availability of personal care aides to meet the demand. This has only been exacerbated by the COVID-19 pandemic.

This workforce deserves employee protections and by misclassifying personal care aides who work under Medicaid-funded programs as “independent contractors”, they are cut out of the social safety net and lose protections like sick leave, workers’ compensation, health insurance, and more – and they face a higher “self-employment” tax when they should be getting a tax refund. This has an effect on employee turnover and retention and, ultimately, the availability of trained, consistent support for older adults and those with disabilities who need assistance in completing activities of daily living.

Serving as the ‘voice of the Maryland family caregiver,’ the Maryland Commission on Caregiving (“Commission”) is a 14-member Governor-appointed body charged with recommending policies that positively impact family caregivers, soliciting and responding to their concerns and acknowledging their contributions. The Commission works to ensure that caregivers across the lifespan are equipped with the resources needed to provide safe care to their loved ones. Medicaid-funded personal care programs are essential to supporting family caregivers. Passage of HB 39 would support such efforts which is why the Commission respectfully urges a favorable report.

Sincerely,

Kate Farinholt, Co-Chair, MD Commission on Caregiving

A handwritten signature in blue ink that reads "Kate Farinholt". The signature is written in a cursive, flowing style.