

# COMMUNITY HOMECARE CONSORTIUM

CABS Home Attendants Service, Inc • Chinese-American Planning Council Home Attendant Program, Inc • JASA Care • New York Foundation for Senior Citizens Home Attendant Services, Inc • RAIN Home Attendant Services • RiseBoro Home Care • Rockaway Home Attendant Services • Selfhelp Community Services • St. Nicks Alliance Home Care • Sunnyside Community Services

## Community Homecare Consortium:

The Community Homecare Consortium (CHC) consists of **10 nonprofit home care agencies**. Collectively, we **serve nearly 11,000 community members** a year across the five boroughs of New York City and surrounding counties, **employing nearly 14,000 New Yorkers**.

County	Clients
Bronx	1,689
Kings	3,345
New York	2,689
Queens	2,251
Richmond	290
Other (Dutchess, Nassau, Orange, Putnam, Suffolk, and Westchester)	183

Nonprofit home care providers have faced particular challenges. Specifically, Medicaid, the largest payer of home care and long-term care in New York State, has exacerbated the home care crisis through chronic low reimbursement rates. Nonprofit home care agencies are beholden to the rates and requirements laid out by Medicaid and NYS. We cannot compensate our workers justly or run the best quality programs when faced with inadequate Medicaid reimbursement.

## Background:

New York State (NYS) has the fourth oldest population in the nation, with 3.7 million people aged 60 and over. By 2030, [5.2 million people](#) in the state will be 60 and older, with 1.81 million New Yorkers who will be 75 or older. The rapid aging of the population will cause an unprecedented demand for home care.

An estimated [seven out of 10](#) people over the age of 65 will need some kind of long term care. In addition, there are over a million New Yorkers with disabilities, chronic illnesses, or other functional complications that require direct and immediate care, creating a significant population in NYS that require direct care support to live and age in dignity. Care that takes place in homes and in communities is often preferred by consumers, as it is higher quality, and less costly overall than institutionalized care.

Because of the growing needs of people with disabilities and an increasingly aging population, the home care sector is the largest employer in the nation. Yet, it continues to face shortages. NYS has over 330,600 home health care workers, with [187,000 home care workers](#) servicing NYC alone. A 2018–2019 statewide survey of home care agencies has shown that [17 percent of these positions were left unfilled due to staff shortages](#). With growing demand, New York is the epicenter of a national home care worker shortage, [with a projected shortage of 83,000 workers by 2025](#). These jobs are overwhelmingly filled by women, people of color, and immigrants.

## FY 2023-2024 Core Policy Priorities:

At a time when racial, economic and gender justice need to be addressed as a top priority, we have laid out the following policy priorities within the nonprofit home care sector that highlight how nonprofit community-based home care providers, their workers, and the communities they serve can receive equitable support and resources:

1. **Fully Fund Recent Home Care Wage Increases for Providers** – While community-based home care providers were pleased to see investments in wage increases to home care workers in the FY 2022-23 Enacted Budget, because the full Fair Pay for Home Care bill was not implemented, these increases came without guaranteed full funding for providers. Instead, providers have had to rely on MLTCs and MCOs to adjust the rates, which have been insufficient for many providers and has created an untenable funding shortage for nonprofits. We urge the State to ensure that MCOs and MLTCs provide sufficient rates to cover these increases, and to pass the full Fair Pay for Home Care bill to ensure that future increases are covered.
2. **Pass Fair Pay for Home Care** – Nonprofit community-based home care providers work hard to ensure that the home care workers we employ are representative and reflective of the communities we serve. We believe the best care comes from providers who understand and represent the same values and cultural understandings of our communities and patients. We also believe that those providers are best able to deliver quality care when the value of their work is fully acknowledged through fair compensation. To combat the current and projected workforce shortages, improve wages in order to boost worker recruitment and retention, and meet growing demand, the legislature must pass [Fair Pay for Home Care \(S.3189 May/A-.TBD Paulin\)](#) and ensure it is fully funded in the State Budget. While the \$3/hour raise over two years adopted in the FY 2022-23 budget is a good start, this legislation would raise home care worker pay to 150% of the regional minimum wage across the State. This investment in the home care workforce would wipe out the [home care workforce shortage in less than five years](#) – creating 20,000 additional home care jobs per year for the next decade. Fully funding this bill is estimated to cost between \$3 and \$4.5 billion, and could be supported with federal funds. The State should set minimum requirements for payments from Medicaid managed care plans to home care providers; create incentives for investing in the workforce through improved compensation, training, advancement opportunities, and generate other innovations. NYS should also conduct an industry-wide analysis to determine compensation levels and corresponding reimbursement rates at every level (inclusive of nurses, therapists, social workers, and administrative staff in addition to all aides) to competitively recruit and retain a talented home care workforce.
3. **Fully Fund 24-hour Home Care** – The “13-hour rule” has been set and enforced by the State since the 1970s, and unfairly has home care workers assigned to unsafely long shifts without adequate compensation. Per this rule, home care workers are being assigned 24-hour shifts by Medicaid where they are only paid for 13 hours of work, with 8 hours of unpaid sleep time and 3 hours of unpaid meal time. NYS determines home care regulations and compensation from contracts with NYC Human Resources Administration (HRA), local agencies, MCOs and MLTCs; support by court decisions; and 1199SEIU union agreements. Because of these pre-existing contracts, nonprofit home care organizations *must* accept 24 hour live-in cases. However, because of Medicaid reimbursement, providers can only compensate those workers for the 13 hours unless a worker documents and reports interruptions, which imposes yet an additional burden on the workers. Home care agencies must comply with the Department of Labor (DOL) regulations and their contracts, which are funded from rates set by the Department of Health (DOH) using a formula based on a 13-hour work day (as originally set by DOL). In order to provide worker compensation for all hours on the job, ensure that patients get needed and adequate care in the least restrictive setting in accordance with the Olmstead Act, and not impose onerous reporting requirements on home health aides, we recommend that the State reimburse all 24 hours of a 24-hour shift. **We are supportive of Assemblymember Epstein’s bill A.3145A of 2022 and Senator Persaud’s bill S.359A of 2022 which would end the 24-hour shift in favor of making 12-hour split shifts the industry standard.** It is critical to ensure that this bill does not reduce care hours for patients and continues to provide care in the least restrictive setting, is fully funded, and makes allowances for certain cases where 24-hour continuous care is appropriate (such as in certain cases of dementia, or by live-in family caregivers), although those 24-hours should then be fully compensated, including breaks. NYS should allocate at least \$1.1 billion in Medicaid to better support patients who require 24-hour care and their workers and to enact the Epstein/Persaud bill. It is also critical that this bill is paired with measures like Fair Pay for Home Care to ensure that we are simultaneously addressing the workforce shortage so that there can be enough workers to fill these shifts.

For more information, including our full policy platform, please contact Wayne Ho, President and CEO, Chinese-American Planning Council at (212) 941-0920 x 143 or [who@cpc-nyc.org](mailto:who@cpc-nyc.org).