The Association has been testifying and meeting with State legislators this Session on behalf of home health and home care agency providers. The most pressing issues include three major pieces of legislation that Governor Lamont and the Democratic majority are pushing to improve the State’s economic climate, but their impact - individually and collectively - have a devastating financial impact on provider agencies.

The CT Mirror, an online news outlet, ran two compelling articles this week.

In one, Deborah Hoyt, president and chief executive officer of the Connecticut Association for Health Care at Home, was quoted saying "$21 million, or a 22 percent increase in the Medicaid reimbursement rate, would be needed just to make up for years of flat funding and cuts to her industry. She did not have an estimate for the overall increase required to offset the minimum wage proposal."

One home health agency in her network would need $65,934 more a year to keep up with the mandate, Hoyt said. Another, larger group would need an additional $358,081 annually. "The reimbursement has not kept up with the need to be able to increase the wages," she said. "Most of our home health agencies are just hanging on by their fingernails. They are in the red; they're seeing financial losses. Without an increase in the reimbursement rate, Hoyt added, "agencies will opt-out as Medicaid providers and Medicaid clients will find it increasingly difficult to access cost-effective, home-based care."
"Medicaid reimbursement has not kept up with the need to be able to increase employee wages."
Deborah Hoyt
President, Connecticut Association for Health Care at Home

Read the full article: Minimum wage proposal vexes Connecticut nursing homes

The Mirror ran an opinion-editorial by Tom Falik echoing the negative impact of other legislative proposals on the non-medical home care provider agencies.
Read the article here: Three legislative threats to home care in Connecticut

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PDGM (WHAT YOU NEED TO KNOW)

NAHC and CAHCH Partner on PDGM Webinar Series
Let Us Guide You in the Right Direction

No matter what point you are on your transition to the new PDGM payment system, NAHC has the tools you need to succeed. We’re excited to offer you two new resources to help you along your way. CAHCH members receive a DISCOUNT on any webinar or video purchased!

**PDGM Video**
If you're familiar with PDGM but aren't sure what the first steps are, this 5 ½ hour introductory course is for you. Leading industry experts will equip you with what you need to know to about the most significant change to impact home health in decades. Topics such as clinical, financial, operations, business analytics, and technology will be discussed in detail. It's like attending one of the recent PDGM National Summits, but from the comfort of your home or office. Learn more.

**PDGM Webinar Series**
If you want a deeper understanding of PDGM and how certain components will affect your business, this seven-part series is what you've been looking for. Unlike the some PDGM courses you've seen elsewhere that are barely skin deep, this series builds upon what you already know about PDGM and gets into more granular details. These webinars will focus on all parts of your agency, including risk factors, documentation review, clinical management and more. If you can't attend the live webinar, don't worry each of them will be recorded and available on-demand. You and your staff will have unlimited access. Learn more.

To learn more about our PDGM Education, visit nahc.org/pdgm and get started today!
Happy Nurses Week and Congratulations to Nightingale Award Winners

The Association recognizes and thanks all of the home health and hospice nurses who work so hard year round to care for individuals in the community. Enjoy your celebrations this week along with the statewide Nightingale Award ceremonies. We look forward to running your photos in an upcoming edition of our newsletter.

Recent Court Case Highlights the Need for Proper Companion Care Records

Although not binding in Connecticut, a recent decision of the New York Court of Appeals[1] highlights the need for properly drafted written agreements with caregivers to exclude sleep and meal breaks and the importance of maintaining accurate records of hours worked. The case upheld a New York Department of Labor rule permitting employers to pay home health aides for 13 hours of a 24-hour live-in shift, as long as the aide receives 8 hours of sleep time, five hours of which must be uninterrupted, and three hours of meal breaks. Under this rule, any violation by an employer of the 13-hour rule (i.e., only 4 hours of uninterrupted sleep) negates the applicability of the 13-hour rule and requires the employer to pay the employee for the entire 24-hour shift. The New York decision relied, in part, on USDOL regulations, which govern the requirements for written agreements and the employer's recordkeeping obligations.

To exclude up to 8 hours of sleep time and additional break time from the hours worked by a live-in employee, the employer and the employee must reach an agreement, which should normally be in writing. The CDOL and the USDOL will usually consider an agreement to be "reasonable" when the employee regularly has the opportunity to sleep overnight. In other words, an agreement will not be deemed "reasonable" if the employee does not have the chance to sleep or eat meals regularly because of client care responsibilities.

Although the USDOL and CDOL may on occasion recognize sleep breaks and short meal breaks (for now, as Connecticut statutorily only requires 8-hour sleep-time breaks) in an audit without a written agreement, accurate records are the most important defense to an employee's claim in litigation that he or she was unable to take breaks and remained at a
The client's "beck and call" 24 hours per day, which, if true, may require the employer to pay the employee for 24 hours of work. Even if an employee is regularly able to take sleep and meal breaks, an employer must pay the employee for any interruptions to sleep or meal breaks on any given day despite the existence of any agreement to exclude sleep or meal breaks from hours worked.

Employers must implement appropriate forms, agreements, timesheets and policies and monitor employee compliance to minimize the risk of lawsuits and large back wage assessments following an audit. If you would like assistance in assessing potential areas of liability in this context, or in drafting necessary documents and forms to reduce your potential liability, please contact John Letizia (letizia@laflegal.com) or Phyllis Pari (pari@laflegal.com) at (203) 787-7000.