



Missouri Alliance for HOME CARE

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March 25, 2020

The Honorable Eugene Scalia
Secretary
U.S Department of Labor
200 Constitution Ave, N.W.
Washington, D.C. 20210

Re: Families First Coronavirus Response Act-Definition of "Health Care Provider"

Dear Secretary Scalia:

On March 20, 2020, the U.S. Department of Labor held a Town Hall event regarding the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act as included in the Families First Coronavirus Response Act. We wish to offer the following comments regarding the Department's development of regulations and guidance on the application of the exclusion of employees that qualify as a "health care provider."

The Missouri Alliance for Home Care has been the leading association in Missouri representing the interests of home health, hospice, and home care providers across the state, including home caregiving staff and the patients and families they serve. Our members are providers of all sizes and types – from small rural agencies, government-based providers, hospital agencies, non-profit, privately owned & public corporations. The provision of high-quality, life-enhancing care to vulnerable individuals, and education and support to their loved ones, is central to our collective purpose. Our members employ the individuals who provide health care in the homes of the wide range of persons needing their services to stay safe in their own residence, recovering from numerous forms of illness, rehabilitating from injuries and surgeries, maintaining themselves at home with multiple comorbidities, struggling from dementia, and seeking palliative care at the end of life. These employees care for prematurely born children with technology dependent conditions, persons with life altering disabilities, and vulnerable elderly. The work performed by the employees of home health; hospice & home care companies is essential to the health of over 12 million people each year who wish to recover and/or remain at home. Without it, their patients and clients face acute exacerbation in their conditions, slowed recover, deterioration in bodily functions, rehospitalizations, and death.

For anyone who has experienced care in the home, it is readily apparent all the workers discussed herein are essential. It is also clear that those workers are providing care essential to the health of the individual under their care. At the same time, it is readily apparent that the federal health care system recognizes all the disciplines of caregiver discussed as providing health care. These programs are designed to pay for health care and health care only.


The purpose of the exclusion of a “health care provider” under the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act is to have care available to the infirm while the nation copes with the pandemic crisis. If these crucial caregivers are pulled from care, over 12 million individuals receiving health care from them will be put in jeopardy. These essential caregivers are serving those afflicted with COVID-19 as well as millions more who have unrelated care needs while also at the risk of contracting COVID-19. They are health care providers to the core from their training to their services. They must be included in the categories of health care providers to be subject to exclusion in the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act.

MAHC wants to echo each & every concern outlined in the March 23, 2020 [letter](#) you received from the National Association for Home Care & Hospice. MAHC also recommends that the following employees be excluded from the definition of “eligible employees” as they are all a “health care provider.”

Any employee of an entity who provides health care services in the place of residence of an individual including, but not limited to nurses, physical therapists, speech-language pathologists, occupational therapists, therapy assistants, medical social workers, home health aides, home care aides, homemaker-home health aides, personal care attendants, hospice chaplains, home medical equipment technicians, pharmacists, and individuals providing administrative and management supports to direct care employees.

Thank you for considering this urgent request.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Hudspeth", with a stylized flourish at the end.

Carol Hudspeth
Executive Director
Missouri Alliance for Home Care