



The Honorable Jason Dawkins
Majority Chairman
House Labor & Industry Committee
150 Main Capitol
Harrisburg, PA 17120

The Honorable Ryan E. Mackenzie
Minority Chairman
House Labor & Industry Committee
209 Ryan Office Building
Harrisburg, PA 17120

June 24, 2024

Dear Chairmen Dawkins and Mackenzie,

On behalf of the undersigned providers associations and representatives, we write to share feedback on House Bill 2356, sponsored by Representative Kristine Howard, which would require employers to provide at least 30 minutes of rest after five hours of continuous work. Additionally, workers would have the freedom to leave their workplace for their meal breaks.

The Pennsylvania Homecare Association (PHA), the Pennsylvania Association of Home and Community-Based Services (PA-HCBS), the Rehabilitation & Community Providers Association (RCPA), and ProVantaCare collectively represent thousands of participants and caregivers in Pennsylvania's Medicaid Home and Community-Based Services (HCBS) program. We are dedicated to ensuring that our workforce is supported while maintaining the highest standards of care for the individuals we serve.

While we understand the intent behind House Bill 2356 to ensure workers receive adequate rest, we would like to highlight several concerns regarding the implementation of mandatory meal breaks within our sector, and the significant potential risks to the consumers we serve.

Home and community-based services are critical for a vulnerable population that relies on caregivers or support workers to remain safe and independent in their home and community settings. Frequently, these individuals cannot be left alone without oversight and support. Requiring meal breaks for the workforce who care for this population would create undue workforce and financial burdens for this industry. The break periods would need to be backfilled with alternative workers, often necessitating sending these backup workers to remote worksites, as home and community-based services typically occur in individuals' homes on a 1:1 care basis.

The primary challenge across the caregiving continuum is retaining workers in a field with an average turnover rate of 50 – 70% each year. Introducing mandatory meal breaks would exacerbate these challenges by adding additional travel burdens for workers, ultimately diminishing their total take-home pay on a fixed-hour shift and disrupting the continuity of care for the individuals receiving services. These disruptions could further strain an already overstretched workforce, exacerbating current shortages and making it even more difficult to retain dedicated caregivers.

Similarly, the mandated meal breaks are very disruptive and administratively cumbersome, especially in the Office of Long-Term Living (OLTL) and the Office of Developmental Programs (ODP) settings where Electronic Visit Verification (EVV) is required. The rigid structure of EVV complicates the scheduling and tracking of meal breaks, potentially leading to compliance issues and unintended consequences for both employees and the individuals they care for.

The meal breaks are also problematic in group home settings, where consumers receive Residential Habilitation Services, for Intellectual and Developmental Disabilities (IDD) or Brain Injury Services settings, where there is often only one staff member on duty for long periods. In these settings, caregivers cannot leave or ignore the individuals they are responsible for, as doing so would compromise the safety and well-being of those in their care. The nature of this work requires continuous presence and immediate responsiveness, which is incompatible with the requirement for off-premises meal breaks.

The implementation of these regulations would also create an unfunded mandate, which would be the equivalent of a 10% increase for un-reimbursable expenses.

We believe that any legislation affecting the Home and Community-Based (HCBS) care sector should consider the unique challenges and operational realities faced by our caregivers. Instead of a one-size-fits-all mandate, we recommend exploring and funding solutions that ensure rest for workers without disrupting the essential services provided to vulnerable populations, and creating undue administrative burdens on their employers. Alternatively, we strongly recommend the exclusion of HCBS services from this proposed legislation.

Thank you for considering our feedback on House Bill 2356. We look forward to engaging in further discussions on this important matter.

Sincerely,



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CEO
PHA



Fady Sahhar
President/CEO
ProVantaCare



Richard S. Edley
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RCPA



Carl Berry
President
PA - HCBS

