



**For Immediate Release
September 18, 2013**

**Statement of the NAMD, the NASUAD, and the NASDDDS
Responding to the U.S. Department of Labor Changes to the Fair Labor Standards Act**

Washington, D.C. - The national associations for the state Medicaid, Aging and Disability, and Developmental Disability directors issued the following statement on the Department of Labor's changes to the Fair Labor Standards Act:

The Department of Labor announced it will finalize changes to the Fair Labor Standards Act to improve the wages of in-home care workers that provide services to older adults and individuals with disabilities and enable them to live in their own homes and remain independent. Our associations and our members believe we should support and appropriately value the critically important work of these providers.

We appreciate that the Administration has recognized the complex policy and operational issues this rule presents. Specifically, by establishing a longer transition phase for this rule to take effect, state agencies have more time to thoroughly review their various Medicaid and non-Medicaid home and community-based services (HCBS) programs to ensure these comply with the new rule in a way that minimizes the potential for undesirable impacts on older adults and people with disabilities.

Our associations have engaged Administration officials on multiple occasions to discuss the potential adverse impact these changes could have on individuals who receive Medicaid home and community-based services. We must consider not only the positive impact on workers, but also the potential consequences for the people they provide support to. And we must plan to mitigate those consequences. We are deeply disappointed that the Administration ultimately failed to adopt a rule that balances fair compensation for home care workers with the equally critical goal of assuring the ability of older adults and people with disabilities to maintain their independence at home and in their communities. Implementation of this rule will require additional funding and may result in the cost of supporting people in their own homes becoming prohibitive.

We call upon Congress and the Administration to revisit this issue to advance workable solutions that do not compromise the integrity of the program and undermine the quality of care for some of the most vulnerable Medicaid as well as non-Medicaid populations.

In the meantime, we will continue to work with the departments of Labor, Health and Human Services and Justice to determine whether and how Medicaid agencies will be required to modify their programs to comply with federal rules. In doing so we will seek to minimize to the greatest extent possible any adverse impact that the new rule may pose for Medicaid beneficiaries.

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