

**H.640/S.397 An Act to Improve Infection Control in Massachusetts Home Care**  
**Public Hearing: June 26, 2023**  
**Joint Committee on Elder Affairs**  
**Submitted By: Home Care Alliance of Massachusetts**

On behalf of the Home Care Alliance of Massachusetts' over 200 members, we appreciate the opportunity to offer testimony on H.640/S.397 An Act to Improve Infection Control in Massachusetts Home Care.

We will offer two substantive concerns with the legislation as drafted, as well as a perspective on the policy and current environment on the ground.

First, substantively, we want to alert the Committee to the fact that home care agencies under contract with Aging Service Access Points (ASAPs) already have infection control requirements as part of their contracts in the home care program. These require training during employee onboarding and on an annual basis as part of their in-service requirements. In addition, federally certified home health agencies also have infection control requirements as part of the Federal CMS Conditions of Participation.

Therefore, it is our belief that this legislation and proposed new mandate would prove duplicative and unnecessary.

We propose adding an amendment that would exclude home care agencies contracting with ASAP entities and exclude home health agencies as defined in the Massachusetts general laws section 51K. This amendment would read:

*"Section 1a is hereby amended by inserting in line 13 after the words, ASAP entity as defined in section 4B of chapter 19A, the following:  
"a home care agency who contracts an ASAP entity and a home health agency as defined in section 51K;"*

We want to be clear: the Home Care Alliance and its membership wholeheartedly support adequate infection control measures, education, and training. That is why we support an infection control requirement within Senator Jehlen and Representative Stanley's legislation to license home care agencies (H.649/S.380). We believe that between the requirements within the ASAP Home Care Program, CMS' Conditions of Participation, and the requirement in the proposed licensure legislation, would subject all home care providers to infection control requirements. From private pay home care to state and federal funded providers.

Our second drafting concern with the legislation has to do with section 1(b) which instructs EHS to establish contracts with labor-management training funds, community colleges and other entities. While home care agencies *could* be considered part of the 'other entities' category, we believe the legislation should be more specific to allow home care agencies themselves to conduct any such training. Third-party training programs may benefit personal care attendants in the PCA program who do not have the infrastructure of a traditional employer model, but it is critical that home care agencies themselves be

able to develop and meet any training requirements. Given the incredibly high turnover in this industry, we believe the commonwealth should do everything possible to strengthen the employee-employer relationship – and training is one of the most effective ways to do that. It does not make much sense given the high turnover, for a home care agency to hire a new caregiver, and then require that new hire to be trained elsewhere. Strengthening the bond and trust between an employer and its new employee is one of the greatest things we can do to improve retention in this industry.

And lastly, we will offer a perspective on the proposed legislation as it relates to the current environment and the past three years. When COVID gripped the health care industry in March 2020, there was a rapid race to overhaul existing infection control mechanisms and care delivery. The single greatest challenge for home care agencies and their workforce at the outset was adequate *access* to personal protective equipment. Not adequate understanding and training on infection control. Legislation should aim to solve policy issues. By all accounts, infection control in the home care setting was extremely effective as compared to facility-based settings. We remind the committee that during this time there was a significant effort to expand access to home care services due to it being a safer setting. But due to a lack of licensure in our state for these services, home care and home health agencies struggled to establish adequate PPE supply chains. And we struggled to get priority access to state and federal PPE stockpiles because of this. So, one question that is important to consider, is are we looking to fill an educational training gap because infection control is somehow failing in the home care setting? Or, should we focus our attention to licensing these services to ensure that home care providers and their direct care workers are on the radar for PPE when the next pandemic hits.

We need to remember that our direct care workers continue to practice enhanced infection control measures in the home care setting compared to pre-pandemic. There is a lot of fatigue, frustration, and angst about topics like PPE, mask mandates, vaccination mandates among direct care workers. Quite frankly, they're exhausted, and we've asked a lot of them throughout the pandemic. And they are still dealing with the virus on a day-to-day basis. That doesn't mean we don't need to improve our understanding of infection control, or ensure we have adequate standards. But it's important - as we consider new requirements - to keep in mind the incredible work that our home care providers and their direct care workers have done in keeping workers and their patients safe for three long years.

As legislation like this is considered, we need to ensure we are filling the correct gaps in policy, and not duplicating existing requirements.

**We respectfully request the committee not act on this legislation while the Home Care Alliance, Legislature and other stakeholders continue to work toward a reasonable licensing structure for home care services.**

Please do not hesitate to reach out to us with any questions.

Sincerely,

Jake Krilovich  
Executive Director  
Home Care Alliance of Massachusetts