



1201 15th Street NW
Suite 350
Washington, DC 20005
Phone 202-898-2578
Fax 202-898-2583
www.nasuad.org

Statement from Martha A. Roherty, NASUAD Executive Director, regarding the opinion from the U.S. Court of Appeals for the D.C. Circuit in the case of Home Care Association v. David Weil

Today, the U.S. Court of Appeals for the D.C. Circuit released its opinion in the case of Home Care Association v. David Weil (No. 1:14-cv-00967). The ruling dealt with the Fair Labor Standards Act Home Care Final Rule from the Department of Labor, which was invalidated by a lower court earlier this year. NASUAD believes that home care workers are a vital part of our nation's LTSS and HCBS system, and should be adequately and appropriately compensated for their work. However, as we have noted several times, the rule presents significant financial, policy and operational issues and may lead to unintended consequences that negatively impact both workers and beneficiaries.

Most state legislative sessions have ended, and at this time there are only two states without a finalized FY2016 budget enacted. Previously, DOL indicated that they would exercise discretionary enforcement of the regulation between July and December of this year. We strongly encourage DOL to refrain from enforcement and to continue to work with states regarding implementation. We also encourage DOL to increase flexibility in order to preserve innovative models of service delivery, such as shared living arrangements.

We look forward to working with the Department of Labor, the Centers for Medicare & Medicaid Services (CMS) and our state members to ensure that implementation occurs in a manner that does not negatively impact beneficiaries or direct care workers.

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To read the opinion, visit:

[http://www.cadc.uscourts.gov/internet/opinions.nsf/4F1B05FAF98FCC6E85257EA8004E9BD0/\\$file/15-5018-1569088.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/4F1B05FAF98FCC6E85257EA8004E9BD0/$file/15-5018-1569088.pdf)

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