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Maryland Statewide
Independent Living
Council

NATIONAL DOMESTIC
WORKERS ALLIANCE



April 2, 2020

Honorable Lawrence J. Hogan, Jr.
Governor, State of Maryland
100 State Circle
Annapolis, MD 21401-1925

Re: Urgent actions needed to protect essential direct care workers, older adults, and people with disabilities in Maryland

Dear Governor Hogan,

The undersigned advocates for direct care workers, older adults, and people with disabilities write to ask that your Administration take the urgent actions set out below to protect these populations, which face heightened risk during the COVID-19 pandemic.

1. **Require that all home care agencies, including but not limited to OHCQ-certified residential service agencies, inform their direct care workers that the Governor has designated them as essential workers, and they are entitled to free childcare.** On March 25, 2020, you ordered that long-term care providers be deemed “essential persons,”¹ and Superintendent Salmon provided that essential personnel are eligible for state-funded childcare.² These are critically important steps for workers, older adults, and people with disabilities, and we applaud you for taking them. However, long-term care workers such as personal care aides and home health aides are unlikely to know of your Order and the steps Superintendent Salmon has set out for workers like them to obtain childcare. Accordingly, we ask that your Administration (i) create a short document for these workers explaining that long-term care workers (including personal

¹ <https://governor.maryland.gov/wp-content/uploads/2020/03/Child-Care-Access.pdf>

² <https://earlychildhood.marylandpublicschools.org/state-funded-child-care-essential-personnel%C2%A0>

care aides, home health aides, and related workforces) are now entitled to state-funded childcare because they have been designated “essential persons,” and explaining how they can arrange for state-funded childcare, and (ii) require that home care agencies, including but not limited to OHCQ-certified residential service agencies, distribute that document to their direct care workers. It would also be helpful to create a one-stop online resource with up-to-date information concerning which workers have been deemed essential, what resources such workers are entitled to, and how they may obtain those resources.

2. **Require that all home care agencies, including but not limited to OHCQ-certified residential service agencies, provide their direct care workers with personal protective equipment (PPE), soap, and hand sanitizer.** Direct care workers have frequent, direct interaction with older adults and people with multiple comorbidities—those who are at highest risk of the complications from COVID-19. Many workers provide services to multiple individuals in a single day. If workers are not provided adequate PPE, it heightens the risks for workers, consumers, and larger communities. However, home care agencies are not required to provide their direct care workers with critically important PPE such as gloves, masks, and gowns, or with soap and hand sanitizer. Accordingly, we ask that your Administration take emergency action to require that home care agencies, including but not limited to OHCQ-certified residential service agencies, provide their direct care workers with these critically important supplies, and require them to notify the state of any PPE they are unable to provide because of shortages. For PPE currently in short supply that home care agencies are unable to provide, we ask that your Administration develop a plan to provide such PPE to these home care agencies as quickly as possible.
3. **Create clear guidance for personal care aides, home health aides, and other long-term care workers on pandemic-specific issues, and require that all home care agencies, including but not limited to OHCQ-certified residential service agencies, distribute it to their workers.** Training requirements vary across direct care occupations and long-term care settings, but in all cases, workers need access to clear, high-quality training on caring for older adults (including the over 110,000 Marylanders with dementia), for people with disabilities, and for themselves during the COVID-19 pandemic. This training should include a guide on proper use of PPE, as well as training on caring for individuals with dementia during the pandemic. Accordingly, we ask that your Administration develop and disseminate competency-based, adult learner-centered training on this topic that can be accessed remotely, both in writing and in a mobile-friendly video. Home care agencies such as OHCQ-certified residential service agencies should be required to distribute this training to their direct care workers.
4. **Increase wages for home care workers at OHCQ-certified residential service agencies through a wage pass-through.** Frontline home care workers are putting themselves at risk and incurring increased expenses to go to work during this national

emergency. However, most are paid at or near minimum wage. A wage pass-through—an additional allocation of funds provided through Medicaid reimbursement coupled with the express requirement of increasing compensation for direct-care workers—will provide a modest incentive to help Maryland maintain the home care workforce it needs.

5. **Increase outreach, services, supports, and training to family caregivers who may be experiencing increased demands due to the stretched capacity of the direct care workforce.** Family caregivers, especially “sandwich generation” caregivers, should be named as essential personnel, opening them up to receive supports including access to PPE, training, testing, and treatment.

Thank you for considering these urgent suggestions. Should you have any questions, or if anyone in your Administration would like to discuss these issues further, please contact David Rodwin, staff attorney at the Public Justice Center, at rodwind@publicjustice.org.

Sincerely,



David Rodwin
Attorney, Public Justice Center

Signatory organizations:

1199SEIU
Alzheimer's Association, Greater Maryland Chapter
Caring Across Generations
Caroline Center
LeadingAge Maryland
Maryland Association of Centers for Independent Living
National Domestic Workers Alliance
National Employment Law Project
Public Justice Center
SEIU Local 500

cc: Secretary Robert R. Neall, Maryland Department of Health
Secretary Carol A. Beatty, Maryland Department of Disabilities
Secretary Rona E. Kramer, Maryland Department of Aging
Acting Director Marlana R. Hutchinson, MDH Office of Long-Term Support Services
Sen. Paul Pinsky, Chair, Education, Health & Environmental Affairs Committee
Sen. Cheryl Kagan, Vice-Chair, Education, Health & Environmental Affairs Committee
Del. Shane Pendergrass, Chair, Health & Government Operations Committee
Del. Joseline Peña-Melnyk, Vice-Chair, Health & Government Operations Committee
Del. Ariana Kelly, Chair, Health Occupations & Long-Term Care Subcommittee