



Independent Women Supports the Ensuring Access to Affordable and Quality Home Care for Seniors and People with Disabilities Act

April 10, 2025

Dear Members of Congress,

Independent Women strongly applauds the introduction of the Ensuring Access to Affordable and Quality Home Care for Seniors and People with Disabilities Act (H.R. 2304) by Representative Mary Miller. Independent Women fights for women and their loved ones by effectively expanding support for policy solutions that aren't just well-intended, but actually enhance people's freedom, opportunities, and well-being.

The Ensuring Access to Affordable and Quality Home Care for Seniors and People with Disabilities Act reverses misguided Department of Labor regulations governing caregiving arrangements and reinstates the previous, long-standing definition of companionship services exemption standard for minimum wage and overtime pay under the Fair Labor Standards Act (FLSA).

The current regulatory framework under the Department of Labor's 2013 **Home Care Final Rule**, which went into effect in 2015, is not only arbitrary but impractical, especially for vulnerable groups who rely heavily on companionship services. As Independent Women highlighted in **this policy focus**, the narrowed definition of "companionship services" makes it difficult, if not impossible, for in-home caregivers to qualify for a companionship exemption. Prior to 2015, in-home caregivers providing these vital services were not subjected to such restrictive (and unrealistic) regulations.

The rule states that if a caregiver allocates more than 20% of their time to "care" services, such as assisting an elderly or disabled person with getting dressed or preparing a meal, they forfeit their eligibility for the companionship exemption. The remainder of the time must be devoted to "fellowship," encompassing activities such as conversation, games, or reading, or "protection," which includes accompanying the person on walks or errands.

The rule also imposed onerous recordkeeping requirements, requiring household employers to document the duration and nature of the tasks performed by caregivers on a weekly basis. Furthermore, caregivers employed through third-party

employers are automatically excluded from the caregiving exemption, further diminishing the already limited pool of available caregivers.

Overly strict regulations will not guarantee the fair treatment of workers. Rather, they encourage both parties to operate (illegally) outside of the framework completely, known as “off the books” caregiving, or deter people from entering into caregiving relationships altogether.

These restrictions negatively impact disabled and elderly Americans, as well as independent caregivers in search of work on their own terms. By removing these unreasonable restrictions and restoring the previous companionship exemption standard, the Ensuring Access to Affordable and Quality Home Care for Seniors and People with Disabilities Act can provide much-needed assistance to these key groups.

Now more than ever, elderly and disabled Americans need greater access to affordable in-home care options. The Ensuring Access to Affordable and Quality Home Care for Seniors and People with Disabilities Act would help to achieve this while still ensuring fair treatment for those providing care. We applaud Representative Miller for her leadership on this issue and urge all members to join her and work toward the bill's swift passage.

Respectfully,

A handwritten signature in black ink that reads "Heather Madden". The signature is written in a cursive, flowing style.

Heather Madden
Policy Staff Director
Independent Women's Voice