

MEMORANDUM

A.5115 (Stern)/S.674 (Martinez)

AN ACT to amend the Public Health Law in relation to home care worker wage parity

LeadingAge New York supports this legislation’s intent to strengthen wage parity compliance provisions for home care workers by replacing the requirement for an “independently-audited financial statement” with an “independent accountant’s report on applying agreed upon procedures” (AUP) in wage parity certification filings submitted to the Department of Health.

Ensuring compliance with wage parity for home care workers is essential to the stability of the workforce and the integrity of New York’s home care system. Currently, licensed home care services agencies subject to wage parity are required to submit a full independently-audited financial statement for their wage parity certification filings, which can be financially prohibitive and duplicative. Smaller home care agencies find this particularly burdensome, especially when they are already working with external auditing professionals.

Allowing an “independent accountant’s report” to demonstrate compliance with wage parity requirements would ensure an appropriately audited verification of wage parity payments, while also allowing home care agencies to direct more of their time and resources to direct patient care and their staff. This bill balances operational feasibility with accountability. Allowing an AUP report conducted by an independent accountant is a rigorous and widely accepted tool for verifying compliance. AUP engagements are consistent with professional accounting standards and provide the Department of Health and Department of Labor with proper assurance that funds are being used as intended.

LeadingAge New York supports A.5115 (Stern)/S.674 (Martinez) and requests it be passed.

LeadingAge New York represents over 350 not-for-profit and public long-term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

Contact: Sarah Daly, sdaly@leadingageny.org, 518 867-8845