



State of Louisiana

Department of Health and Hospitals
Bureau of Health Services Financing

January 29, 2015

To: Louisiana Medicaid Home Care Providers

From: J. Ruth Kennedy, Medicaid Director
Bureau of Health Services Financing

Re: Fair Labor Standards Act to Domestic Service Rule
Federal Register Volume 78, Number 190 (October 1, 2013)

As you are probably aware, via the above reference rule, the United States Department of Labor has made significant changes to Home Care services. The most significant result of the Home Care Final Rule was to extend minimum wage and overtime protections to applicable home care workers. Prior to the Final Rule taking effect, a lawsuit was filed in Federal Court entitled *Home Care Association of America v. Weil*. As a result of this lawsuit, the United States District Court issued an opinion and order vacating the “third party” regulation amended by the Final Rule on December 22, 2014. On January 14, 2015, the same United States District Court issued an opinion and order vacating the Final Rule’s revised definition of companionship services.

As providers enrolled in the Louisiana Medicaid program, the Bureau of Health Services Financing (BHSF) would like to remind you that it is your responsibility to operate your business in accordance with all applicable state and federal statutes, rules and regulations. This mandate would include rules applying to your employees promulgated by the United States Department of Labor. In order to help assure you are maintaining compliance with the above mentioned rule, our suggestion is that you continually monitor this lawsuit and any further orders issued.

Currently, the United States Department of Labor has filed an appeal to the United States Court of Appeals for the District of Columbia. As of now, briefing is scheduled to be completed in April with a decision sometime after that process. In order to help monitor the situation, in addition to other mechanisms, you can monitor www.dol.gov/whd/homecare.