



Seniors Need Better At-Home Care Options

Representative Ryan Mackenzie
Chairman
U.S. House Committee on Education and Workforce
Subcommittee on Workforce Protections
Washington, D.C. 20510

Representative Ilhan Omar
Ranking Member
U.S. House Committee on Education and Workforce
Subcommittee on Workforce Protections
Washington, D.C. 20510

March 25, 2025

Dear Chairman Mackenzie, Ranking Member Omar, and Members of the Subcommittee on Workforce Protections,

Independent Women is the leading national women's organization dedicated to advancing policies that expand people's freedom, opportunity, and well-being.

We are pleased the Subcommittee is presenting this hearing, "The Future of Wage Laws: Assessing the FLSA's Effectiveness, Challenges, and Opportunities." We commend the committee for examining how the Fair Labor Standards Act (FLSA) treats in-home caregiving arrangements for elderly Americans.

Elder care is a crucial concern for many Americans. As the desire to age in place remains strong among an **overwhelming majority** of Americans (88%), the need for affordable in-home caregiving support is more critical than ever. Approximately **one-third** of seniors require such assistance to maintain their independence, yet the average annual cost of **\$60,000** poses a significant financial burden for many, particularly the large portion of seniors who live on fixed incomes.

Many older Americans are also yearning for more companionship. Data from 2023 reveals that **57%** of U.S. adults aged 65 and over reported feelings of loneliness. These feelings, along with social isolation, can significantly impact an individual's health and well-being. They are associated with a range of physical and mental health concerns, including dementia, stroke, heart disease, anxiety, and depression. Live-in

caregiving can be a solution to address social disconnection while also enabling Americans to age in place within their home.

To better address the caregiving needs of seniors, policymakers should advance solutions that are both flexible and budget-neutral. For example, rescinding the 2013 Home Care Final Rule will encourage more caregiving relationships by creating a better regulatory framework for those receiving and providing care. This has been proposed by House Education and Workforce Committee Chairman Tim Walberg, who introduced the **Ensuring Access to Affordable and Quality Home Care for Seniors and People with Disabilities Act** in the 118th Congress.

In 1974, Congress amended the FLSA to extend federal minimum wage and overtime pay protections to in-home workers. However, some workers were exempted from these requirements, including those providing companionship services to elderly or disabled individuals.

The Department of Labor revised its guidance in 2013 with the introduction of the **"Home Care Final Rule,"** which took effect in 2015. This rule narrowed the definition of "companionship services," making it more difficult for caregivers to qualify for the exemption.

Under the new rule, 80% of services provided to an elderly or disabled person must be focused on "fellowship" (conversation, games, reading) or "protection" (accompanying on walks, monitoring). If a caregiver spends more than 20% of their time on "care" services (dressing, meal preparation), they can no longer claim the companionship exemption. The updated guidelines also introduced complex recordkeeping requirements for households employing these caregivers, including keeping detailed records of the actual hours worked.

We must ensure that workers are treated fairly, including in-home caregivers. But needlessly restrictive rules like these price many seniors out of the market – potentially leading them to forgo the companionship care they need – and deny independent caregivers the autonomy to determine their own working relationships with families.

Excessive federal regulation can also encourage people to operate outside of the regulatory framework completely. Those who choose "off the books" caregiving risk legal repercussions for non-compliance with tax and labor laws, as well as exploitation and other harmful outcomes.

For these reasons, we urge Congress to rescind the 2013 Home Care Final Rule and restore the previous companionship exemption standard. While this will not solve every problem related to long-term care for senior citizens in this country, it will remove unnecessary regulatory burdens and make it easier for seniors to get the care they need in the comfort of their own homes. It could also serve as a critical first step toward a better caregiving model that benefits households and caregivers alike.

Thank you again for raising this important issue.

Respectfully,

A handwritten signature in black ink that reads "Heather Madden". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Heather Madden
Policy Staff Director
Independent Women's Voice