

United States Department of Labor Home Care Final Rule to Take Effect on October 13, 2015 - Update

This notification is to update the Texas Medicaid and CHIP managed care organizations (MCOs) of recent developments with respect to the U.S. Department of Labor (DOL) regulations regarding changes to eligibility standards for companionship exemptions to the wage and hour requirements of the Fair Labor

Standards Act (FLSA), known as the Home Care Final Rule. These changes could potentially impact your attendant reimbursement rates.

- On August 21, 2015, the U.S. Court of Appeals for the District of Columbia upheld U.S. Department of Labor (DOL) Home Care Final Rule. For more information on the ruling, see: <http://www.dol.gov/whd/homecare/litigation.htm>.
- The Court of Appeals decision will take effect on October 13, 2015.
- DOL stated it will not begin enforcement of the Final Rule until 30 days after the Court of Appeals decision takes effect, which is November 12, 2015. From November 12 through December 31, 2015, DOL will begin the second phase of previously announced, time-limited non-enforcement policy, during which it will exercise prosecutorial discretion in determining whether to bring enforcement actions, with particular consideration given to the extent to which states and other entities have made good faith efforts to bring their home care programs into compliance with the FLSA since the promulgation of the Final Rule.

For further information about the Home Care Final Rule, see:

<http://www.dol.gov/whd/homecare/>. Please consult with your legal counsel or contact the U.S. Department of Labor with any questions.