

The U.S. Department of Labor Home Care Final Rule and Next Steps for Ohio

- In August 2015, the United States Department of Labor (DOL) issued a [Home Care Final Rule](#) that mandates states extend minimum wage and overtime protections to nearly 2 million home care workers across the country. Almost immediately following issuance of the rule, a request for stay was sought by the Home Care Association of America.
- In October 2015, Chief Justice John Roberts of the United States Supreme Court denied an application from the Home Care Association to stay implementation of the DOL Home Care Final Rule. As a result, the Final Rule went into effect on November 12, 2015.
- In December 2015, the Ohio General Assembly clarified in law (H.B. 56) the State's longstanding policy that an independent provider who provides aide or nursing services to a Medicaid recipient is not a public employee based on the provision of those services or due to a provider agreement.
- Currently in Ohio, independent home care providers have wages that already meet or exceed federal minimum wage standards, and the state will enforce this requirement. In addition, the Ohio Departments of Aging, [Developmental Disabilities](#), and [Medicaid](#) are working together to provide a practical and efficient process to report and disburse overtime payments to independent home care providers for implementation early in 2016.
- The actions described above extend wage and overtime protections to independent providers and reinforce the important role they play in the spectrum of home care in Ohio while also making it clear that independent providers are not considered public employees.

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