

**September 23, 2021**

**ATTORNEY GENERAL RAOUL COMMENDS PROPOSAL TO REVERSE RULE THAT SOUGHT TO WEAKEN RIGHTS OF HOME-CARE WORKERS**

**Chicago** — Attorney General Kwame Raoul, as part of a multistate coalition, today submitted a [comment letter](#) commending the U.S. Department of Health and Human Services' (HHS) action to reverse a rule that would have jeopardized in-home care for older adults and people with disabilities, as well as the jobs of several hundred thousand home-care workers nationwide.

In August 2019, Raoul joined a multistate lawsuit opposing an HHS rule that would have created barriers for states when deducting employee benefits and union dues from home-care workers' paychecks. The rule also would have made it harder for these workers to unite to advocate for their workplace rights and provide quality home and community-based care to those in need. The new proposed rule adopts Raoul and the coalition's position, protecting home-care services and the rights of the essential workers who provide critical in-home care.

"Home-care workers provide critical services that allow older adults and people with disabilities to remain in their homes. Those workers have a right to collectively bargain for health care and better working conditions," Raoul said. "I am pleased HHS has reversed a rule that created an unnecessary barrier for home-care workers advocating for workplace rights and impacted their ability to continue to provide high quality in-home care for Illinois residents."

The new proposed rule confirms that states may continue to deduct benefits that were obtained through collective bargaining, such as health care coverage or voluntary union dues, from home-care workers' paychecks. It recognizes that these benefits strengthen the workforce and improve care for Medicaid beneficiaries who rely on home-care workers for assistance with their personal care needs.

On July 10, 2018, the U.S. Department of Health and Human Services released a proposed rule to reinterpret Medicaid state payment requirements. The rule was primarily based on a supposed need to "eliminate a state's ability to divert Medicaid payments away from providers." Yet, the federal government provided no evidence to suggest that Medicaid payments were being inappropriately diverted. Under Illinois law, Medicaid home-care workers who are hired by seniors and individuals with disabilities to provide personal care services, such as bathing, feeding, dressing and transportation, are authorized to collectively bargain.

In November 2020, a district court ruled in favor of Raoul and the multistate coalition in the lawsuit challenging the rule. The court vacated the rule, finding that it was illegally promulgated. HHS filed a notice of appeal, but the Biden administration asked that the case be put into abeyance pending the outcome of HHS' rulemaking.

Joining Raoul in submitting the comment letter are the attorneys general of California, Connecticut, Massachusetts, Oregon, and Washington.