

# Elimination of the Arbitrary Hourly Limits for Personal Caregivers

Prepared by



*Supported by Coalition Protecting Auto No-Fault (CPAN), Michigan Brain Injury Provider Council (MBIPC), Michigan HomeCare and Hospice Association (MHHA), Home Care Association of America (HCAOA), Brain Injury Association of Michigan (BIAMI)*

Family, friends and others providing home care are a very important support to Michigan's post-catastrophic care system. There are incredible shortages of nurses and health aides, and Personal Caregivers (family/friends) step in to cover their care. Family members may choose to dedicate their lives to the care of their injured loved one, or they may have no other choice due to a number of factors including cultural norms, family dynamics and values, privacy, and/or lack of alternative care providers in their home. An hourly limitation on reimbursement to family members and other Personal Caregivers is arbitrary and unnecessary given other elements of the Auto No-Fault reform law.

## Why Families Might Need to Provide Care

- **Cultural and Family Values:** It may be against family values or cultural traditions to require people outside the family to provide care.
- **Labor Market:** Nursing and health care aide shortages may necessitate family care to keep the injured loved one in the home.
- **Location:** A lack of commercial agencies in rural areas may necessitate family care to keep the injured loved one in the home.
- **Injured Person's Behavior:** Commercial agencies may decline to serve an injured person if they demonstrate aggressive behaviors (verbal, physical and/or sexual). These behaviors may be more controllable with familiar care providers such as family members.
- **Personal Choice:** A person may wish to dedicate their life to providing care and quality of life to their injured loved one, necessitating leaving a job and career to do so.

## Why An Arbitrary Limit is Unnecessary

- **PIP Choice Plans:** Limits on benefits imposed by capped plans inherently limit access to family provided attendant care. Individuals should retain the right to choose their provider and retain discretion of how to allocate their benefits.
- **Anti-Fraud Unit:** The establishment of a criminal justice agency in the department, dedicated to prevention and investigation of criminal and fraudulent activities in the insurance market should suffice as the enforcement mechanism to investigate any suspected abuse and fraud within the system.
- **Utilization Review:** Utilization review provides another layer of protection from inappropriate or unreasonable use of family provided attendant care.
- **Cost Containment:** Personal Caregivers cost less than commercial agencies.

**The Solution: Removal of the arbitrary and unnecessary 56-hour per week reimbursement limit on Personal Caregivers.**