

SB 1556 STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/1, 2/3, 2/8

WHAT THE MEASURE DOES:

Requires individuals who provide direct care for persons receiving home- or community-based services, to be certified by the Department of Human Services (DHS) and to be included in a publicly available online database maintained by DHS, operative December 31, 2023. Specifies minimum requirements for certification and minimum content of database, with an exception to display less information. Requires employers to initiate certification of employees. Authorizes DHS to collect fee from private employers. Requires completion of rulemaking by January 1, 2023. Expands applicability to direct care providers in residential care facilities operative December 31, 2024. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Workforce crisis across the board; severe shortage of providers exacerbated by pandemic, with demand continuing to increase dramatically
- Commitment and compassion on the part of direct care providers
- Underestimating the difficulty of the work and undervaluing the work
- Equity issues: workforce is primarily female, with a large percentage being women of color
- Need to respect and improve supports for the profession, and to build career ladders for long-term retention and improved capacity overall

EFFECT OF AMENDMENT:

[-1 amendment dated 01/26/22] Requires DHS to collaborate with others to craft certification requirements to improve the direct care work force, and adds a requirement to report on implementation to the legislature to DHS' existing reporting requirements; sunsets these provisions January 2, 2024. Makes other technical adjustments and refinements to incorporate existing statutory definition of home care workers; to capture continuing certifications as well as original; and replaces the exception to display limited information on the database with an exclusion from the database altogether if certain criteria are met.

[-2 amendment dated 02/03/22] Duplicates -1 with three additional refinements: replaces references to "background" checks, with "criminal records" checks already described in statute; reverses the words "timely completed," to say "completed timely," and replaces a reference to "worker" with "home or community-based services caregiver."

BACKGROUND:

Direct-care professionals assist a variety of individuals across a range of care settings. They help individuals of all ages and capacities, in assisted-living facilities, memory care facilities, hospitals, and private homes. They assist with activities of daily living, which can include personal hygiene, dressing and eating, as well as with recreational activities, light household chores, and organizational tasks. They offer companionship. In many states direct care is elevated as a profession by standardized training and certification requirements that correspond with higher compensation. Training may include basic and specialty training in first aid, safety protocols, infection control, how to work with individuals in pain, or who are confused, or who have mobility issues. It is critical and compassionate work that impacts the personal dignity of the individual receiving care and it can be demanding on the caregiver, but it does not pay well and turnover is high. Demand is expected to increase significantly over

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time.

Senate Bill 1556 requires the Department of Human Services (DHS) to certify individuals who provide direct care for persons receiving home- or community-based services and to maintain a corresponding database operative December 31, 2023. It also expands the certification requirement to include direct care professionals in residential care facilities operative December 31, 2024.