



SB19-238: Improve Wages And Accountability Home Care Workers

Alliance Position: **Oppose**

Background

Colorado, like most of the nation, is experiencing a workforce crisis among workers who assist people with intellectual and developmental disabilities (IDD) in the community. This crisis has occurred primarily because the fixed, non-negotiable Medicaid reimbursement rates that fund these supports have not kept up with the cost of service delivery, and IDD providers can't access additional revenues to compensate workers competitively. To begin to address this crisis, the General Assembly passed HB 18-1407, which gave a rate increase to select services and required that these additional funds get passed through in the form of compensation increases. SB 19-238 has very different and problematic requirements.

We agree that workers need and deserve better pay, and that solving the workforce crisis is critical to ensuring continuity of support for individuals with IDD, but this bill will do more harm than good to IDD services.

The Wage Pass-Through Will Harm Access to Services

- Unlike HB 1407, this bill requires a permanent pass-through of 77% of the rate for certain services to *wages, taxes, workers' comp. and unemployment insurance only*, limiting agencies' ability to provide employment benefits such as health insurance, retirement savings, paid time off, and other benefits desired by workers.
- Unlike HB 1407, this bill requires a rate pass-through on a per-employee basis, ignoring standard practices for establishing equitable pay structures and relevant factors like performance, position turnover, or workforce gaps among agency programs.
- Because many workers covered by this bill provide a variety of services, agencies will need to pay the same worker a different wage for services performed for the same individual on the same day, creating pay disparities and significant administrative burden.
- Reimbursement rates are the same statewide, yet the cost of living varies dramatically. As a result, dictating a set wage pass-through statewide would create broad income inequalities between rural and metro areas.
- Because supervisors are not included in the pass-through, the bill will create significant wage compression issues as agencies struggle to pay supervisors more than those they supervise. This will further exacerbate the dearth of career advancement opportunities for these workers.
- The 77% requirement is unsustainable, as agencies would need to cover all other expenses with just 23% of the rate, including wages and salaries for supervisors and administrative staff, health insurance and other benefits, rent, utilities, technology, training, billing costs, etc.
- This bill is not aligned with the requirements of HB 1407, creating an extreme administrative burden for agencies subject to both sets of pass-through requirements.
- The result of this bill will be that many agencies will either stop providing these services or close their doors, disrupting and limiting access to services and leaving many of these workers unemployed.

The Training Registry Violates Privacy Interests of Workers and People with Disabilities

- Colorado precedent favors worker privacy; our registry of workers substantiated for mistreatment is not public despite a strong interest in protecting at-risk individuals from abuse, neglect, and exploitation.
- Bill proponents have not demonstrated a public policy justification sufficient to outweigh these workers' interests in keeping their contact information private, and the opt-out provisions are too cumbersome.
- Transparency of training credentials can easily be achieved by allowing clients to request this information from the provider agency or department(s) directly.
- The bill would publicize information of family members providing supports to their loved ones with IDD, presenting additional HIPPA/privacy concerns for families and individuals receiving services.
- Such a registry would contribute to the instability of the workforce by creating a mechanism for worker poaching.
- Operating the registry will require resources that could be better used to enhance services.

Alliance is a statewide association of Community-Centered Boards (CCBs) and Program-Approved Service Agencies (PASAs) that provide services and supports to individuals with intellectual and developmental disabilities.
www.AllianceColorado.org

Alliance contact: Emma Hudson, Director of Government and Community Relations | ehudson@alliancecolorado.org
1410 Grant Street, Suite 305-B, Denver, CO, 80203

