

SB 1556 A STAFF MEASURE SUMMARY

Senate Committee On Rules

Action Date: 02/22/22

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 3-2-0-0

Yeas: 3 - Manning Jr, Taylor, Wagner

Nays: 2 - Girod, Knopp

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: C. Ross

Meeting Dates: 2/22

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 registry maintained by DHS, operative December 31, 2023. Specifies minimum requirements for certification. Directs DHS to collaborate with stakeholders to craft certification requirements to improve the direct care profession. Adds report on implementation to DHS's existing legislative reporting requirements. Sunsets collaboration provision and additional reporting requirement on January 2, 2024. Requires DHS to provide direct care professionals with opt-out from public display of information and specifies registry information that may be displayed publicly. Requires prominent display of notices regarding registry's limitations and allows display of other resources. 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
- Equity issues for a primarily female workforce, with a large percentage being women of color
- Codifying existing certification requirements
- Stakeholder efforts and provisions of amendment

EFFECT OF AMENDMENT:

Retools provisions concerning online caregiver registry maintained by Department of Human Services (DHS): limits publicly accessible information; requires DHS to create an opt-out; requires prominent display of notices regarding the registry's limitations; and allows display of other resources and guidance. Requires DHS to collaborate with stakeholders to craft certification requirements to improve the direct care profession and adds a requirement to report on implementation to DHS' existing legislative reporting requirements; sunsets these provisions January 2, 2024. Requires employers to verify employees' training with DHS. Removes DHS' authority to collect fee from private employers. Makes other technical adjustments and refinements such as capturing continuing certifications as well as original; replacing references to "background" checks with "criminal records" checks already described in statute; and replacing "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 and compassion. In many states direct care professionals complete standardized training and meet other certification requirements.

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Training may include basic and specialty training in first aid, safety protocols, infection control, and how to work with individuals in pain, who are confused, or who have mobility issues. It is critical 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 time.

Senate Bill 1556 A 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 registry operative December 31, 2023. One year later, operative December 31, 2024, the measure expands the certification requirement to include direct care professionals in residential care facilities. Finally, the measure requires DHS to collaborate with stakeholders to design certification requirements that help improve the direct care profession and to report to the legislature on implementation.