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PUBLIC TESTIMONY FOR HB 4129 "Homecare Modernization Act"

FULL DISCLOSURE: I am a SEIU Local 503 Board member, representing thousands of client-employed providers across Oregon. I am not speaking for the union.

This testimony will

- identify the problems with HB 4129;
- identify the real problems with DHS/OHCC;
- identify the solutions.

Problems with HB 4129

"The Act requires OHA and DHS to contract with up to two agencies to provide agency with choice services."

This sets the stage for favoritism, cronyism and corruption. Why only "up to two"? Even worse, by contracting with agencies, money that could be used for care will go in someone's pocket as profit.

This Act will, in actuality, limit the consumer-directed employer's choice. Agencies will be able to send out any provider to provide care without the consent of the consumer.

This Act will cause confusion for the consumer-directed employers and care providers by adding another unnecessary layer that does nothing to enhance care or provide more care. If anything, it will provide less care due to agencies profiting from Medicare/Medicaid.

This Act may allow for the agency to be a "closed shop" which means care providers will no longer have the freedom to choose whether or not to belong to a union. This Act could undue the freedom workers gained in 2014 in the Harris v. Quinn US Supreme Court case. As House Representatives, I implore you to protect worker rights.

Under Oregon Law, care providers are not allowed to strike. This bill does not put the same restrictions on agency workers. Does the Oregon House of Representatives want to open the door for a care provider strike in the future? Perhaps looking at who helped draft this bill might give a clue as to why this glaring omission exists.

There is no "jeopardy" to the "state's proprietary interests" nor is there anything that "substantially interferes with the quality, consistency and reliability of the provision of self-directed home care services in the state." Statements like that are written to cause alarm in the reader's mind but the authors haven't provided evidence, data or statistics to back up the claims. There is no historical evidence showing "disruptions in the provision of self-directed home care services results in additional costs and otherwise avoidable expenditures of public funds". Once again, home care workers can't strike to cause a disruption.

The “likelihood of work stoppages that interrupt the provision of self-directed home care services” by care providers is zero under current Oregon law!

THE REAL PROBLEMS

The real problems are incompetence and negligence on the part of DHS/OHCC management.

Providing incompetent people with a new, “modern” system is only going to make matters worse. The most recent empirical evidence is the disastrous roll-out of the Oregon Provider Time Capture system (ORPTC). I told the ORPTC representatives at the gathering in Eugene before ORPTC was implemented that it would be a disaster from Day One and I would bet my ranch. No one took me up on the bet. And it was and still is a disaster. Before ORPTC, I never had a problem getting paid accurately and on time. That is no longer the case.

I have been a home care worker since January 2016 and have submitted public testimony to the Oregon Home Care Commission (OHCC) over 60 times pointing out DHS/OHCC errors and inefficiencies. There has been little to no action to resolve these issues.

I was the member of the 2018 Homecare Bargaining Team that put the late payment penalty in the collective bargaining agreement. The incompetence and negligence of DHS management has cost the state millions of dollars in late fees. My background is data processing and systems

analysis. I setup payroll programs for a multi million dollar, multi state hotel chain. More than once, I stayed up over night to make sure payroll went out accurately and on-time when there was a payroll system problem. The hotel company made sure maids were paid accurately, on time, every time. There is no way a private company could get away treating their workers the way the state of Oregon has treated care providers over the past two decades.

The Real Solutions

"Unless there are consequences for poor performance, performance will not improve."

DHS/OHCC management must be held accountable when they mess up. It is that simple.

In my February 2024 OHCC Public Testimony, I pointed out that it wasn't a training issue that caused the payment problem. It was incompetent management that was the cause. If you have a newly trained employee, it is up to management to check their work *before* their work is sent out. Error detection/correction should happen before processing to eliminate the errors and impact on workers. This would save "additional costs and otherwise avoidable expenditures of public funds."

What needs to happen is DHS/OHCC needs to eliminate waste, reduce mistakes, and make sure each manager is competent and held accountable. Once a mistake happens, something must be done to prevent it from happening again

and again. There needs to be quality control. Quality is the adherence to standards. As it stands, the standards bar is pretty low.

Summary

HB 4129 does not address the real problems and its implementation will only make matters worse by adding complexity and directing funds intended for care to agency profits. This Act reminds me of BUILD BACK BETTER. Nothing was built and nothing is better. I urge the House to reject this bill in its entirety.

Testimony respectfully submitted by,

Avery T. Horton, Jr.
Home Care Worker,
Citizen, Voter, Taxpayer
State of Oregon
As always, ACTING IN INDIVIDUAL CAPACITY

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