



February 12, 2024

House Committee on Early Childhood & Human Services

Re: Support of House Bill 4129

Questions: [Miranda Miller](#) & [BethAnne Darby](#), **Strategies360**

Dear Chair and Committee Members,

I represent Consumer Direct Care Network (CDCN), a family of companies that provides care and support to people in their homes and communities across 13 different states. I am testifying in support of House Bill 4129, as our organization has seen the benefits of the proposed program for people with disabilities, the home care workforce, the state agency, taxpayers, and stakeholder groups. CDCN implemented a similar program in the State of Washington and believes it has shown significant improvements in access, capacity, and capabilities over their previous structure.

HB 4129 proposes what is considered an "Agency with Choice" (AWC) model program. This model affords a person receiving services the ability to be more engaged in the home care they receive – managing, selecting, and scheduling workers among several other self-directed aspects. Simultaneously, the program still deploys a legal employer agency to ensure accountability for program requirements, accurate payroll, taxes, reporting, and general compliance. The client and their workers have more flexibility and direct connection to the service while still having access to the benefits and security of an agency. This model is typically less expensive than traditional home care.

The benefits of the proposed model are clear:

- **For the individual receiving in-home services and supports (Individual)**, the model blends autonomy, personalization, and direct caregiver relationships with the security and professionalism of agency oversight. Recipients benefit from the ability to select and manage their caregivers, allowing them the greatest choice and control over their personal care needs and schedules. *Please note, the term "Individual" is used as it is in the amendment and includes the individual's authorized representative.*
- **For the direct support worker (DSW)**, the model boosts caregiver job satisfaction by allowing personal connections with individuals and autonomy in their roles, attracting new entrants to the profession. It also ensures essential benefits like health insurance, benefits, and training through a legal employer agency, providing security and support.
- **For Oregon**, the model reduces the state's liability risk through third-party legal employer agencies and enhances service quality, as evidenced by higher customer satisfaction and an expanded caregiver workforce that supports self-directed care. Additionally, this model addresses the demand for self-directed services and ensures modern accountability standards, while preserving workers' rights to unionize, thereby striking a balance between flexibility and regulatory compliance.

The proposed model would be an excellent choice for Oregon. I am also attaching a slide deck that we shared with the Governor's office and the interim legislative committee in November. We would be happy to share more details or recommendations from our experiences in other states.

Respectfully,  
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406-532-2001



# Agency with Choice – A Model For Oregon

October 19, 2023





# Mission

To provide care and support to people in their homes and communities

# Vision

To help people live the life they want

# Values

Respect, Integrity, **Service**, **Excellence**

# Consumer Direct Experience and Trust

- ❖ 89,000 Consumers
- ❖ 112,000 Direct Care Workers
- ❖ Serving 13 states
- ❖ Over 30 years' experience supporting home care services
- ❖ Stood-up Washington State Program as provider agency.



\* As of 10/15/2023

# Experts in Self-Directed Services

**Largest most experienced provider of self-directed services in the nation providing all models of personal care.**

- ❖ Participant-focused customer service
- ❖ Experienced, collaborative partner with states and MCOs
- ❖ Enterprise-scale technology, that is flexible, scalable, and secure
- ❖ Long-standing and stable leadership team

**Industry leaders in self-direction advocacy for Consumers and Workers.**

- ANCOR
- RAISE Council
- Applied Self Direction
- Peer Network

# Models of Personal Care

By offering multiple models of personal care, participants receive care in the model that meets their needs.



# Models of Personal Care – Agency with Choice

## Agency with Choice

- ❖ Balance of self-directed philosophy and security of larger, legal employer
- ❖ Co-employer relationship
  - ❖ Consumer serves as the managing employer – selects, schedules, and manages workers
  - ❖ Provider agency retains responsibilities of being a legal employer
- ❖ Provider agency accountable for worker and participant qualifications, program reporting, and DHS deliverable / compliance
- ❖ Typically, less expensive than traditional services, but more expensive than FEA service model

# Policy Goals of a Move to the CDE

**Transfers the administrative functions and responsibilities of IP management from state and contracted case management staff to the Consumer Directed Employer.**

## Clients

Retain self-direction functions (assign tasks, identify schedule, dismiss caregivers).

## Case Management Staff

Have more time for assessment, service planning, service plan monitoring and working with clients to support activities to maintain their health and wellbeing.

## Individual Providers

Work with a single, expert entity for payroll, tax reporting, credentialing, and other concerns.

*\*\* graphic provided by Washington Department of Social and Human Services*

# Benefits For the Consumer

- ❖ Self-directed philosophy
- ❖ Person centered approach
- ❖ Security and safety of agency involved
- ❖ Increased engagement in services
- ❖ Caregiver choice
- ❖ Addresses workforce needs
- ❖ Possible wage decision
- ❖ Schedule control and flexibility
- ❖ Highest satisfaction among homecare models



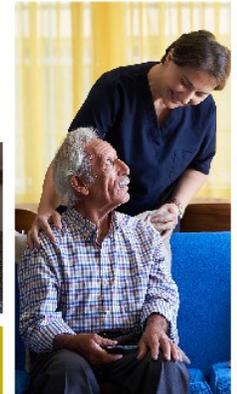
# Benefits For the Worker

- ❖ Managed directly by consumer / representative
- ❖ Legal employees of an agency
- ❖ Continued access to health insurance
- ❖ Continued access to workers' compensation
- ❖ Consistent training requirements
- ❖ Maintain union access
- ❖ Highest satisfaction among homecare models



# Benefits For the State

- ❖ Eliminates risk of being joint employer
- ❖ Addresses needs to support self-direction
- ❖ Increased caregiver workforce
- ❖ Provider agency accountability and reporting
- ❖ Maintains collective bargaining
- ❖ Community engagement by employers
- ❖ Highest satisfaction among homecare models





# Recommendations for Oregon

# Consumer Choice / Model Education and Information

- ❖ Providing the Consumer with education on program choices
- ❖ Processes to easily move between models as life changes
- ❖ Case Manager
  - Education / Understanding of model and program
  - Knowledgeable of process for Consumer and worker
  - Assess appropriateness for self-direction



# Simplify Enrollment and Hiring Requirements

- ❖ Direct Referral Process
- ❖ Caregiver training
- ❖ Quick background check process (barrier offenses and exception process)
- ❖ Client enrollment and documentation
- ❖ Electronic service authorization and eligibility
- ❖ 6+ month authorization
- ❖ Family caregiver options and exceptions



# Provider Agency Qualifications

- ❖ 5 years' experience with AWC programs and best practices
- ❖ Experience transitioning similar sized programs and populations
- ❖ Local presence and support
- ❖ Consumer and caregiver-centered customer service model
- ❖ Collective bargaining experience
- ❖ System capabilities, security, and data exchange validation / audit
- ❖ Pass DHS compliance audit
- ❖ Able to meet DHS-defined performance metrics
- ❖ Implementation team – demonstrate experience, expertise, capacity



# Provider Agency Responsibilities

- ❖ Approved implementation and change management plans
- ❖ Regular cycle of stakeholder collaboration
- ❖ Timely and accurate payroll and benefits
- ❖ Communication plans and approval
- ❖ Consumer enrollment, training, and backup planning
- ❖ Caregiver onboarding and requirement tracking
- ❖ Consumer tools to self-direct
- ❖ Regular and ad hoc reporting
- ❖ Employer responsibilities and risks



# Adequate Rate and Balance

- ❖ Competitive wages and benefits for Caregivers
- ❖ Savings for State (over traditional services)
- ❖ Necessary costs and returns for provider agency
- ❖ Implementation costs and expectations
- ❖ Extended contract term





# Thank you

