



March 17, 2025

To: Rep Grayber, Chair, House Committee on Labor and Workplace Standards
From: Katie Rose, Executive Director, Oregon Community Brokerages
RE: HB 3838, establishing the Home and Community-Based Services Workforce Standards Board

Chair Grayber, members of the Committee,

Oregon Community Brokerages is an association of the 14 Support Services Brokerages currently operating across the state of Oregon. We serve nearly 8,000 adults with intellectual and developmental disabilities (IDD) living in their own or family homes, providing them with the case management and supports needed to connect them to community resources and direct service providers where they live. Support Service Brokerages have over 20 years of experience supporting adults with IDD to recruit, hire, and manage direct support workers. We also work with thousands of Personal Support Workers (PSWs) statewide to solve payment issues and get what they need to do their jobs.

Direct support workers are very important to the lives of people with IDD. OCB has a long history of supporting SEIU efforts to improve conditions and opportunities for PSWs. People with IDD benefit from a supported, resourced, and well-trained workforce. But considering reforms to the system to meet workers' needs must be done in balance with the rights and needs of the people served by the system. HB 3838 does not find balance but instead describes a wholesale restructuring away from public process and open discourse opportunities to a closed process housed within a member-limited decision-making body. The principles of self-determination direct us to develop processes wherein people with IDD directly inform every level of critical system decision-making, from design to implementation and confirmation. HB 3838 does not reflect those values. For these reasons and more, Oregon Community Brokerages must oppose HB 3838.

The HCBS Board described in HB 3838 is duplicative of existing structures.

HB 3838 establishes a Home and Community Based Services (HCBS) Workforce Standards board and defines its terms and membership. The core responsibilities of the board are detailed within the bill. They include:

- Adopting rules establishing minimum standards that are designed to ensure the health and welfare of workers. But such rules are already considered and adopted by applicable state agencies using due processes that include public opportunities for input.

- Establishing curriculum for education and professional development opportunities for the HCBS workforce. This is already the purview of the Oregon Home Care Commission.
- Investigative authority over a broadly defined area of complaints and violations reports. This is already the responsibility of the Oregon Office of the Long-Term Care Ombudsman.

The HCBS Board as described in HB 3838 is duplicative of other established, funded organizations and processes located around our current human services system. There may be benefits to a holistic look at this output as a whole, but there is no benefit to confusion through duplication, or removing responsibilities from existing resources.

The populations served under HCBS settings are too varied to be well represented by the meager public process and limited representation described in HB 3838.

The Oregon system of HCBS services exists to support people with daily living support needs, including those with disabilities. The group of Oregonians served by the HCBS service system is very diverse, including sub-groups of children and adults with intellectual/developmental disabilities, mental and behavioral health diagnoses, and physical disabilities. The bill defines membership for this sweeping scope of work to be restricted to just 13 members:

- 4 representing the HCBS workforce or worker organizations
- 4 representing employers of individuals or employer organizations
- 2 representing “the interests of individuals who receive services provided by the HCBS workforce”
- 1 representing BOLI
- 1 representing ODHS
- 1 representing the executive department of state government

It is not fair to balance 1:1 representation of paid, organized representation entities like unions and trade organizations against the representation of individuals with the same broad categorical diagnosis of disability or age range. Asking a single person with IDD to represent the needs and voices of all Oregonians with IDD is not reasonable. It does not benefit people served by this system to consolidate key workforce decision-making processes away from their ability to consider, provide input, and guide the development of these decisions.

The HCBS needs and issues covered by this group of 13 members are unlikely to be homogenous within the diverse populations served. When we standardize the support considerations of the populations that use HCBS services, we miss important nuances that should be a part of policy decisions.

Oregon Community Brokerages respectfully submits these comments in consideration of HB 3838. Thank you for the opportunity to contribute to the discussion.