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On Behalf Of:	Sunny Oaks
Committee:	House Committee On Labor and Workplace Standards
Measure, Appointment or Topic:	HB3838

To the honorable members of the Committee on Labor and Workplace Standards,

While the concept of a board that develops wages and standards is laudable, this proposal fails to take into account the sheer diversity of what Home and Community based settings and services are. Home and community-based services are provided in a wide variety of settings, by a diverse mix of provider types. We also access funding through a variety of streams, depending on the population that we serve and the crossover of a person's needs between systems. This mixture of funding and service types creates unequal access to resources for providers currently. The basis of this wage board ignores that fact and treats all providers the same. This failure to take into account the complexity of our system and the diversity of what we do risks creating a system where only certain models of care and types of supports receive the benefits this board is supposed to bring and eventually will limit the choices for the type of care a person has. It is notable that that while the proposal talks about improving services to people with disabilities the focus is not on the person or their services, but on the worker themselves.

Currently the majority of the functions of the wage board are already carried out by ODDS, other agencies, and the legislature, and the proposal as written could put providers in an awkward spot. There are already minimum standards put out for staff and training, ODDS already develops rules related to how services are provided within Medicaid and social security rule. We already have OSHA, and BOLI. The oversight mechanisms already exist. If the board issued separate standards in OAR than the ones issued by the regulatory agencies it would create the possibility of confusion and litigation. There is already a rate model that outlines the costs of services and shows that they are underfunded, but the same entities that advocate for a wage board to raise wages, have opposed funding services at the rate model.

While the wage board makes promises about getting money into the pockets of DSPs, funding is directed by the legislature, and providers cannot necessarily just comply with a wage board's recommendations without funding on the legislative side to make it happen. In addition, stakeholders are already a significant part of the rulemaking process, and ODDS has far more stringent guardrails to ensure a broader representation of stakeholders than this board would have. Currently input is sought from Providers, people who provide direct supports, family members, and the people supported. This bill creates another entity that has the ability to rewrite those carefully crafted rules with less stakeholder engagement and limits the voices that get to count

in the lives of people with IDD.

Really improving our system requires acknowledging the reality that we have lost a lot of key experience in our field over the last 12 years both at the state and county levels. There are weaknesses in quality assurance, and while I don't fault the current leadership who have been great, losing key people post COVID after the key losses our field experienced in 2014/15 did not make anyone's jobs easier. Would the wage board really fill that gap in experience at all levels within our system?

If there is a desire to improve the delivery of services and improve the system in terms of wages and benefits for direct care staff, then there are many ways to do that without creating a new government agency that duplicates the functions of other agencies and would need additional funding to exist that would better be spent on services themselves. I think this is especially true in a time when there is so much uncertainty around funding and providers are already facing either feast or famine with access to funds. Currently, the future we are facing in IDD services looks to be a leaner one, and preserving access to services and funding to raise wages should be the priority.