



Oppose HB 3838

Raises costs, reduces access, and ignores real solutions.

HB 3838 would devastate Oregon's systems of care for older adults and people with disabilities by increasing costs, reducing affordability, and diminishing options for care.

Everyone supports raising wages for caregivers, but HB 3838 does not do that.

HB 3838 Does Not Solve a Problem, But It Creates Countless New Ones

- Oregon has a long history of leading the nation in providing high-quality home and community-based services (HCBS), including some of the best training, transparency, and care regulations of any state.
- The three states that have passed caregiver workforce boards all rank lower in quality and wages compared to Oregon, demonstrating that these boards do not fulfill their promises.

HB 3838 Raises Costs for Oregonians and Medicaid Providers

- HB 3838 will increase costs to consumers and providers without the promise of funding through Medicaid or review of the impact on Oregonians who pay for care out-of-pocket.
- HB 3838 has the potential to stifle innovation and delay increase to workers' wages and benefits for years while the board is set up.
- HB 3838 could cause Medicaid providers to close, avoid development in Oregon, or stop admitting Medicaid patients all together. This comes at a time when we desperately need more access to care, especially in rural communities.

HB 3838 Adds Unnecessary and Confusing Bureaucracy

- HB 3838 creates a new, highly empowered regulatory body that is given similar powers to a state agency. It is unlike anything else in state government and would be unique nationally.
- HB 3838 duplicates or conflicts with existing regulatory and enforcement powers of state agencies, including ODHS, BOLI, OSHA, and OHA, most of which are not legally allowed to delegate such authorities.

- HB 3838 does not appropriately account for the varying needs and differences of each care setting across the HCBS system or their direct care workers. This means it would be unrepresentative and lack the required expertise to make informed standards and policies for individuals who may care for only one senior, in buildings serving only a handful of seniors, or in buildings caring for over a hundred seniors or several people with intellectual disabilities sharing a home.

HB 3838 Hands Unprecedented Legal Authority to Interest Groups

- HB 3838 is overly broad with few checks and balances on its legal and authoritative power to regulate workers and providers.
- HB 3838 gives an unelected board of interest groups the power to subpoena, depose, and sue employers through private rights of action.
- HB 3838 allows for labor unions to have unprecedented access and power to organize private sector workers by mandating that only labor unions can provide training to workers.

HB 3838 Disregards the Privacy Rights of Employees

- HB 3838 mandates that employers publicly disclose all their employees' personal contact information (name, email, address, etc.) to the board without the consent of the employee and with no clear or compelling business purpose for doing so.

Medicaid Rates Already Underfund the Cost of Care

A Residential Care Facility in Oregon	Average Monthly Cost of Care, Per Resident	Average Monthly Medicaid Payment, Per Resident	Difference
	\$5,438	\$3,285	\$2,153

Source: Wage and Cost Study of Oregon Assisted Living and Residential Care Providers, 2022, Portland State University.

Wage Growth Requires Real Investment

Average HCBS Direct
Care Giver Wage

\$23.20

(not inclusive of assumed benefits
package totaling ~\$7/hr)

Required New GF Resources to
Fund Medicaid Rate, 2025-27

\$800 million

(\$1.2 Billion Total Funds)

Source: Rate and Wage Study, 2024. Burns & Associates.

Please oppose HB 3838. Lawmakers should invest in wages and access to care by funding Medicaid services and supporting Oregon's regulatory agencies.