



Dear House Committee on Labor and Workplace Standards Members,

My name is Brenda Linden, and I serve as the State Director for Dungarvin Oregon, LLC, a provider that supports adults and children who experience intellectual and developmental disabilities (IDD). I am writing in strong opposition to HB 3838. This bill introduces unnecessary and confusing bureaucracy into an already highly regulated environment. HB 3838 will lead to higher costs that are not supported by funding, while providing no discernible benefit to people with disabilities or the staff who support them.

Concerns Shared by the IDD Community

This bill presents several significant concerns that will negatively impact both service providers and the individuals we support:

1. Fails to Recognize the Unique Nature of ODDS Services

Unlike nursing homes or other institutional settings, services for individuals with IDD are highly individualized. Staffing patterns, schedules, and activities are dictated by each person's unique needs and choices, often within private homes. HB 3838 attempts to impose a one-size-fits-all workforce model that does not align with the reality of ODDS services. It undermines person-centered support and fails to account for the critical role DSPs play in supporting informed decision-making and personal choice. Furthermore, the bill misrepresents DSP responsibilities—for example, stating that DSPs "serve but do not prepare meals," when in reality, they often prepare meals alongside the individuals they support. This demonstrates a fundamental misunderstanding of the work DSPs do.

2. Creates a New and Costly State Bureaucracy

HB 3838 establishes a powerful regulatory board with unprecedented authority, akin to a state agency but without the necessary oversight. This adds yet another bureaucratic layer to a system already regulated by multiple entities, including ODHS, OSHA, BOLI, OHA, CDDPs, Brokerages, and Ombudsmen. Instead of streamlining processes to improve efficiency, this bill introduces additional overlapping regulations that make compliance more burdensome and costly. These resources should be used to improve direct care services rather than funding another layer of government oversight.

3. Increases Costs and Reduces Access to Services

At a time when Oregon desperately needs expanded access to care, HB 3838 would do the opposite. It raises costs for Medicaid-funded providers and consumers without securing any new funding. The additional financial burden could force providers to close, limit services, or stop

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accepting Medicaid altogether. This will only exacerbate the existing workforce crisis and leave individuals with disabilities with fewer care options.

4. Redundant and Overly Complex

IDD services are already regulated by multiple state and federal agencies. Instead of simplifying processes to improve efficiency, HB 3838 introduces overlapping regulations that will make compliance more difficult for providers and reduce service efficiency.

5. Breach of Employee Confidentiality

HB 3838 mandates that employers hand over employees' personal contact information—including names, email addresses, phone numbers, and home addresses—to unions without their consent. This is a direct violation of employee privacy rights and sets a dangerous precedent for government-mandated disclosure of personal information.

6. Unelected Board with No Checks and Balances

The board created under HB 3838 is given excessive legal authority, including the ability to subpoena, depose employees, and initiate legal action—all without sufficient checks and balances. Additionally, the board lacks representation from key stakeholders, including individuals with disabilities, their families, and community providers. Decisions impacting thousands of workers and individuals with disabilities should not be made without meaningful input from those most affected.

7. Circumvents the Normal Unionization Process

Unionization should be a voluntary, grassroots effort—not something mandated through legislation. Historically, SEIU has opposed DSP wage increases, yet now seeks control over this workforce. Furthermore, many unionized DSPs in Oregon receive little advocacy or support from SEIU, calling into question the claim that union oversight improves working conditions.

8. Diverts Resources Away from Direct Supports

Rather than investing in higher wages and better benefits for DSPs, HB 3838 would divert funding into regulatory expenses and union influence. The real issue at hand is chronic underfunding—this bill does nothing to solve that.

9. No Guaranteed Funding for New Standards

If HB 3838 results in new wage thresholds, benefits, or workplace standards, there is no guaranteed funding to support these changes. Unlike other industries, IDD services rely entirely on state funding, with no private pay options. Many providers already pay wages beyond the state-funded reimbursement rate and are struggling to stay operational. Legislators must recognize that meaningful workforce improvements require dedicated funding, not additional regulations.

10. Irreversible Regulatory Burden

Under HB 3838, new standards can only increase over time and cannot be reduced, even if they prove ineffective or burdensome. This guarantees permanent regulatory creep and ensures that

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providers will face increasingly complex compliance requirements without the flexibility to adapt.

11. Lack of Representation from Key Stakeholders

HB 3838 grants a small regulatory body sweeping authority over workforce standards, yet fails to include ongoing representation from providers, families, and individuals with disabilities. Any changes affecting thousands of workers and vulnerable individuals should be made with meaningful input from those directly impacted.

12. Curriculum and Training Standards Should Be Set by Experts, Not a Politically Driven Board

ODDS and other regulatory agencies already manage worker training and safety requirements. Workforce regulations should be informed by those with direct experience in the field—not dictated by political interests.

Conclusion

HB 3838 raises costs, reduces access to care, and adds unnecessary bureaucracy without improving wages for DSPs. Oregon should focus on direct workforce investments rather than creating a redundant regulatory body that will only complicate an already strained system.

The most effective way to support this workforce is to fund DSP wage increases directly, not to add another administrative hurdle that benefits interest groups rather than the people who rely on these essential services.

For these reasons, I strongly urge you to oppose HB 3838. Thank you for your time and consideration.

Sincerely,



Brenda Linden
State Director, Dungarvin Oregon, LLC