

Opposition Testimony on HB 3838 and the HCBS Worker Standards Board Representative Bowman, Vice Chairs, and Members of the Committee,

Hi,

My name is Heather Holloway, I am executive director/ Owner of SERP Enterprises a provider organization that offers services for individuals who experience I/DD. I am writing this testimonial in opposition of HB 3838.

HB 3838 takes the wrong approach to workforce challenges.

While intended to improve conditions for DSPs, the bill does not address the core issue: the urgent need for direct investment in DSP wages and benefits. Instead, it proposes creating a costly, duplicative, and burdensome new bureaucracy that will divert resources away from direct services, increase costs, and limit access to care—without ensuring any real improvements in compensation for the workforce.

If the goal is to support wage increases, there are simpler, more effective, and transparent ways to achieve it. If the goal is to promote unionization, those discussions should happen openly and fairly, not through sweeping legislative mandates that sidestep the normal unionization process.

HB 3838 misunderstands the nature of I/DD services.

Unlike other healthcare settings, I/DD services are highly individualized. Staffing patterns, schedules, and support activities are determined by each person's choices, often delivered in private homes and community settings. Applying a one-size-fits-all workforce model undermines person-centered practices and severely restricts providers' flexibility to meet individuals' unique needs.

Moreover, the bill inaccurately portrays the role of DSPs and overlooks their critical work supporting decision-making, independence, and daily living skills—including activities like meal preparation that are essential to quality supports.

HB 3838 creates a redundant and costly regulatory body without proper oversight.

This proposed board would have unprecedented legal authority, akin to a state agency but without the necessary transparency and accountability. Oregon's I/DD system is already heavily regulated by numerous bodies, including ODHS, OSHA, BOLI, OHA, and others. Instead of streamlining processes, HB 3838 adds another layer of regulation, increasing complexity and administrative overhead at the expense of service delivery.

At a time when Oregon faces a significant workforce crisis, the added costs and regulatory burdens imposed by HB 3838 would likely force providers to limit services, stop accepting Medicaid clients, or close altogether—further worsening access to critical supports for people with disabilities.

HB 3838 violates privacy and mandates inappropriate information sharing.

The bill requires employers to provide unions with sensitive employee information, including home addresses, pay rates, and personal deductions, regardless of whether employees have

chosen union representation. This deeply concerning breach of confidentiality undermines worker privacy and autonomy.

HB 3838 promotes unionization at the expense of meaningful workforce investment.

The bill circumvents the natural unionization process, favoring a political agenda over genuine support for workers. Despite claims of improving workforce conditions, the unions backing HB 3838 have historically opposed efforts to secure dedicated funding for DSP wage increases—raising serious concerns about the true priorities behind this proposal.

The real solution: direct workforce investment.

The most pressing need is not new regulations, but direct, sustained investment in DSP wages and benefits. The independent HCBS rate study commissioned by the legislature identified a \$530 million funding gap for community-based provider organizations alone. Closing this gap should be the priority—not layering on new mandates that providers are not funded to meet.

Without legislative funding attached to new standards, HB 3838 will only force providers to make cuts to the very programs, supports, and employee benefits that keep staff committed and individuals with disabilities thriving.

HB 3838 limits flexibility, silences critical stakeholders, and cements permanent regulatory creep.

The board created under this bill would be empowered only to increase standards, not reduce or modify them based on changing realities. Decisions affecting thousands of workers and people with disabilities would be made without ongoing input from providers, families, or service recipients—those who know the system best. Curriculum and workforce standards should be driven by field experts and those with direct service experience, not by politically appointed boards disconnected from day-to-day realities.

In conclusion:

HB 3838 is not the answer. It raises costs, reduces access to care, breaches worker confidentiality, and complicates an already strained service system—all while failing to deliver what our workforce needs most: direct investment in fair, competitive wages and benefits. Oregon must focus on funding real solutions that support DSPs, preserve person-centered services, and strengthen our system—not on building a new bureaucracy that benefits special interests rather than the people we serve.

Thank you for the opportunity to share my opposition to HB 3838.

Sincerely,

Heather Holloway

Executive Director SERP Enterprises.