



## **Opposition to HB 3838 and the HCBS Worker Standards Board**

### **The Core Issue: A Misguided Approach**

- HB 3838 does not address the fundamental issue: ensuring wage increases for Direct Support Professionals (DSPs). Instead, it creates a bureaucratic mechanism that fails to provide solutions while increasing costs and complexity.
- If the goal is to support wage increases, there are more effective ways to achieve this. If the goal is to promote unionization, the state must engage in transparent discussions with providers.

### **Why This Board is Not the Answer**

- **Fails to Recognize the Unique Nature of ODDS Services**
  - Unlike nursing homes, ODDS services are highly individualized. Staffing patterns, schedules, and activities are dictated by each person's needs and choices, often within private homes.
  - Applying a one-size-fits-all workforce model undermines person-centered support and limits provider flexibility.
  - The bill does not even accurately reflect DSP responsibilities (e.g., it states DSPs "serve but do not prepare meals," though they often prepare meals alongside the people they support). It also fails to recognize the critical role that DSPs make in supporting informed decision making and personal choice.
- **Creates a New State Bureaucracy**
  - HB 3838 establishes a powerful regulatory body with unprecedented legal authority, akin to a state agency but without the necessary oversight.
  - This adds another costly layer of bureaucracy in an already heavily regulated system, diverting resources from direct supports to administrative overhead.
- **Increases Costs and Reduces Access to Services**
  - Raises costs for Medicaid-funded providers and consumers without any guarantee of new funding.

- Could force providers to close, limit services, or stop accepting Medicaid, worsening the existing workforce crisis.
- At a time when Oregon desperately needs expanded access to care, this bill would do the opposite by driving up expenses and limiting options.
- **Redundant and Overly Complex**
  - IDD services are already regulated by multiple agencies, including ODHS, OSHA, BOLI, OHA, CDDPs, Brokerages, and Ombudsmen.
  - Instead of simplifying processes, HB 3838 introduces overlapping regulations, making compliance more difficult for providers and reducing service efficiency.

### **Concerns Over Privacy and Oversight**

- **Breach of Employee Confidentiality**
  - HB 3838 mandates that employers hand over employees' personal contact information including home addresses, rate of pay and personal deductions, by requiring them to turn over paystubs to unions – regardless of representation.

### **Union Overreach and Misaligned Priorities**

- **Circumvents the Normal Unionization Process**
  - Unionization should be a grassroots effort, driven by worker dissatisfaction—not mandated through legislative action.
  - SEIU has historically opposed DSP wage increases, yet now seeks control over this workforce.
  - Many unionized DSPs in Oregon receive little advocacy or support from SEIU, contradicting the claim that union oversight improves conditions.
- **Diverts Resources Away from Direct Supports**
  - Instead of investing in DSP wages and benefits, the bill channels funding into regulatory expenses and union influence.
  - The real issue is chronic underfunding—this bill does nothing to address that.

### **Funding and Workforce Investment Concerns**

- **No Guaranteed Funding for New Standards**
  - Any new wage thresholds, benefits, or workplace standards must be legislatively funded for IDD, as there is no private pay in this system.
  - Many providers are already paying wages beyond the state-funded reimbursement rate, stretching reserves to stay operational.
  - The most pressing need is **not** new regulations but **direct investment in DSP wages**.

- **Legislators Should Focus on Direct Workforce Investments**

- The independent HCBS study commissioned by the legislature identified a **\$530 million funding gap** for community provider organizations alone.
- Resources should be dedicated to addressing this crisis rather than creating unnecessary oversight.

## **Lack of Flexibility and Inadequate Representation**

- **New Standards Can Only Increase, Never Be Reduced**

- The board lacks the ability to roll back ineffective or burdensome standards, ensuring permanent regulatory creep.

- **Lack of Representation from Key Stakeholders**

- Decisions affecting thousands of workers and individuals with disabilities should include ongoing input from providers, families, and recipients of services—not just unions and regulators.

- **Curriculum and Training Standards Should Be Set by Experts**

- ODDS and regulatory agencies already manage worker training and safety requirements.
- Workforce regulations should be guided by those with direct experience, not a politically driven board.

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## **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.