

SUBJECT: Creation of the home- and community-based services workforce council

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Rose, Herrero, Darby, Elkins, Hughes, Legler, Naishtat, Walle

0 nays

1 absent — Hernandez

SENATE VOTE: On final passage, April 9 — 31–0, on Local and Uncontested Calendar

WITNESSES: (*On House companion bill, HB 3263:*)  
For — Dolores Carrillo, ADAPT, PACT; Catherine Cranston, Personal Attendant Coalition of Texas, ADAPT of Texas; Esther Darnell, AARP; Bob Kafka, ADAPT of Texas; Katy Kappel, Texas Silver Haired Legislature; (*Registered, but did not testify:* Jay Arnold, National Multiple Sclerosis Society; Chase Bearden, Coalition of Texans with Disabilities; Melanie Boyte, Keith Lofton, Stephanie Thomas, David Wittie, ADAPT of Texas; Ricky Broussard, The ARC of Texas; Irma Canfield; Consuelo Castillo, Texas Advocates; Jeanne Cecil, Kate Funk, Jeff Garrison-Tate, Community Now!; Ron Cranston, ADAPT of Texas, PACT; Michelle Dooley, for Morgan Dooley, Community Now!; Virginia Eernisse, The ARC of the Gulf Coast; Susanne Elrod, Texas Council of Community MHMR Centers; Rachel Hammon, Texas Association For Home Care; Peter Henning, Special Texas Homes; Richard Hernandez, EduCare Community Living; Jean Langendorf, United Cerebral Palsy of Texas; Loretta Lilley; Linda Litzinger; Noelita Lugo, Texans Care For Children; Jennifer McPhail, ADAPT; Debby Salinas Valdez; Stephen Schoen, Deaf-Blind Multihandicapped Association of Texas; Carole Smith, Private Providers Association of Texas; Robert Smoky Tamanson)

Against — None

BACKGROUND: Home- and community-based services attendants, also known as personal care attendants, provide direct care services to people who are elderly or who have disabilities.

DIGEST:

SB 1850 would establish the Home- and Community-Based Services Workforce Council to study workforce issues relating to the provision of home- and community-based services. The council would make recommendations to the executive commissioner of the Health and Human Services Commission (HHSC) and the Legislature regarding these issues. The council specifically would:

- study issues relating to wages and benefits, turnover, recruitment, and retention of personal attendants;
- review the need for and availability of the home- and community-based services workforce; and
- solicit, review, and make policy and funding recommendations relating to home- and community-based services.

The council would meet at least quarterly and would receive assistance and resources from HHSC, as needed. Council members could be reimbursed for expenses incurred in performing functions as a council member. The council would be composed of 13 members appointed by the HHSC executive commissioner, including:

- two members who were recipients of home- and community-based services;
- one family member of a child who was receiving home- and community-based services;
- three members who provided attendant services to recipients of home- and community-based services; and
- one member each who represented various entities related to people who are aged or disabled, including the Disability Policy Consortium, American Association of Retired Persons, Texas Association of Area Agencies on Aging, Texas Association of Centers for Independent Living, Private Providers Association of Texas, Texas Association for Home Care, Inc., and a local mental retardation authority.

By September 1 of each even-numbered year, the council would submit a report to specified state and legislative officials that would include:

- an analysis of the current and anticipated funding needs for the home- and community-based services workforce and the workforce

- available to meet that need;
- identification of significant problems in the home- and community-based services workforce; and
- policy and funding recommendations.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009. The HHSC executive commissioner would have to appoint the members of the home- and community-based services workforce council within 30 days of the effective date.

**SUPPORTERS  
SAY:**

SB 1850 would establish the Home- and Community-Based Services Workforce Council, which would engage diverse stakeholders in devising recommendations on how to meet the critical need for personal care attendants for the elderly and people with disabilities. The recommendations would integrate the perspectives of recipients of personal care attendant services, personal care attendants, private providers, and advocates. The council membership would represent the individuals and organizations with the most direct interest and expertise in personal attendant workforce issues. The bill would establish requirements for the council to conduct a systematic review of how to maintain an adequate attendant workforce and appropriately compensate this workforce.

Direct-care delivery staff have a difficult and highly responsible job because they care for some of the state's most vulnerable citizens. Despite finding their jobs rewarding, many personal care attendants find the level of compensation they receive makes it challenging to support a single person and often impossible to support a family. Low wages and lack of benefits lead to high turnover rates. The average personal care attendant makes less than \$16,000 per year, is not reimbursed for transportation, and has no paid vacation, sick days, or health coverage. If compensation and other issues persist, the personal care attendant workforce could decline even as the need for their services dramatically increases. By 2030, the number of people over age 65 will more than double and more people with disabilities will need personal care attendant services.

Recommendations from the council could lead to policies that adequately compensated these caregivers in order to retain high-quality staff who ensured the safety and well-being of the Texans in their care. The diverse

council also could propose creative, non-market approaches to maintain the personal care attendant workforce. For example, people seeking training in health professions could gain real-world practical experience by being required to provide personal care services to those in need. Ultimately, providing an adequate personal care attendant workforce would help more people with physical and cognitive disabilities remain in their communities, rather than seeking long-term care in a nursing home, which would increase costs to the state Medicaid program.

**OPPONENTS  
SAY:**

The Home- and Community-Based Services Workforce Council established by SB 1850 would have great potential to devise recommendations that could assure the adequacy of the personal care attendant workforce, but this bill could be improved if the HHSC executive commissioner had more flexibility in the selection of council members. The bill would prescribe who would fill each of the 13 spots on the council, including representatives of specific organizations with an interest in home- and community-based services workforce issues. These representatives would provide diverse, valuable input to the council, yet so could representatives of a variety of other organizations that currently exist or may be formed in the future. The executive commissioner should be given the discretion to appoint a limited number of council members from interested organizations that would not be named specifically in statute.

**NOTES:**

The House companion bill, HB 3263 by Naishtat, was considered in a public hearing by the Human Services committee on April 16 and was left pending.