



Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

House Economic Matters Committee

February 8, 2019

HB 166: Labor and Employment - Payment of Wages - Minimum Wage and Enforcement (Fight for Fifteen)

Position:

Support community service provider rate increases linked to minimum wage increases

The Maryland Developmental Disabilities Council is a public policy organization dedicated to advancing the inclusion of people with disabilities in all facets of community life. HB 166 will ensure that as the minimum wage in Maryland rises, rates for community service providers will also increase. Without this linked rate enhancement, the developmental disability service system workforce crisis will worsen.

Reports & research consistently find that wages impact service quality in significant ways

- ❖ The President's Committee for People with Intellectual Disabilities (PCPID) selected the Direct Support Professional (DSP) “workforce crisis” as its top priority for its 2017 report.ⁱ The report states that the **DSP workforce crisis puts “people with ID who need assistance at great risk of harm...The direct support workforce and the service system that supports it are in a crisis that will result in catastrophic outcomes for people with ID and their families unless significant and immediate responses are implemented.** Solutions to the direct support workforce crisis are critical to ensuring that people with ID can live, work and contribute to their communities.”
- ❖ PCPID’s first recommendation is: “The U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services should ensure through review of Home and Community-Based Services Waivers or regulation that **states include sufficient Direct Support Professional wages and compensation packages in their rate-setting methodologies for long-term services and supports to people with intellectual and developmental disabilities.**”
- ❖ A national direct support professional wage study found that “**lower wages correlate with higher turnover and lower retention.**”ⁱⁱ Similarly, another study concluded, “wages are consistently associated with higher turnover rates.”ⁱⁱⁱ
- ❖ As far back as 2003, a Joint U.S. House/Senate Direct Support Professional Recognition Resolution^{iv} was issued in which Congress noted that “**private providers and the individuals for whom they provide support and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce**” and that “it is the sense of the Congress that the Federal Government and the **States should make it a priority to promote a stable, quality direct support workforce** for individuals with mental retardation and other developmental disabilities that advances our nation’s commitment to community integration.”

Who relies on direct support professionals in Maryland?

- ☞ Nearly 25,000 children and adults with developmental disabilities are projected to receive support through the Developmental Disabilities Administration (DDA) in FY2019.^v People receive a variety of services, including residential, day/employment, and support services.

(over)

- ☞ In FY 2019, nearly 6500 people with developmental disabilities were expected to receive residential supports, close to 14,000 will receive day/employment supports, and over 8900 are projected to receive support services.^{vi}
- ☞ People with a range of disabilities (including autism, intellectual disability and cerebral palsy) and with different support needs (ranging from drop-in to 24/7 awake overnight) depend on the community service providers and DSPs that are funded by DDA.
- ☞ Intensity and type of needs vary and can include support with all activities of daily living like dressing, using the toilet, bathing, and eating, as well as medication administration and behavioral support and intervention. None of this can be dependent upon a minimum wage worker. The responsibility and need for quality and consistency demands high competency.

The demand for quality community supports grows each year

- ☞ Approximately 600 youth with developmental disabilities exit the school system at age 21 and enter the DDA adult service system each year. They need extensive day and employment services to help them continue to gain community living skills and/or obtain employment.
- ☞ As of January 2019, there were 98 people in the Crisis Resolution priority category and 255 in the Crisis Prevention category on DDA's Waiting List for services. Each year additional people are added to the Waiting List. Currently there are over 4800 people with developmental disabilities waiting.^{vii} When they come off the list they will need support from competent, qualified direct support professionals.

The impact when direct support professionals are not adequately paid

When not paying direct support professionals a decent income that reasonable exceeds minimum wage, people with developmental disabilities and their families – and the provider organizations chosen to support them – experience great difficulty recruiting and retaining highly-qualified direct support professionals. This directly impacts the quality of the support people with developmental disabilities receive and, therefore, the quality of their lives. Service providers are required to ensure each individual's health and safety, as well as provide an array of individualized support for maximum independence and community integration. DSPs play a crucial role. If the minimum wage increases without increases to the provider rate, these significant challenges will be magnified.

If the minimum wage continues to rise in Maryland, community service provider rates must also increase. People with developmental disabilities cannot rely on minimum wage workers.

ⁱ The President's Committee for People with Intellectual Disabilities (PCPID) 2017 report, *America's Direct Support Workforce Crisis: Effects on People with Intellectual Disabilities, Families, Communities and the U.S. Economy*. PCPID includes representatives from several federal agencies and 13 citizen members.

ⁱⁱ The American Network of Community Options and Resources (2009). *Direct Support Professionals Wage Study*.

ⁱⁱⁱ Hewitt, A. (2006). The direct care support workforce and individually controlled budgets. *New Directions* 4(3), 1-4.

^{iv} S. Con. Res. 21/H. Con. Res. 94 referenced in "Congress Recognizes Crisis in Direct Support: Remedial Legislation Proposed"; C. Lakin, Director of the Research and Training Center on Community Living, University of Minnesota.

^v M00M; Analysis of the DDA FY2019 budget by the Dept. of Legislative Services budget analyst.

^{vi} *ibid*. People who receive residential services also receive day/employment services so they are reflected in both figures.

^{vii} DDA data; January 3, 2019