

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 39

BY REPRESENTATIVES BUTLER AND ECHOLS

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health to study barriers to hiring of direct support professionals who provide Medicaid-covered services to people with disabilities and to report findings of the study to the legislative committees on health and welfare and the Joint Medicaid Oversight Committee.

WHEREAS, providers of Medicaid-funded home- and community-based services (HCBS) and intermediate care facilities for persons with intellectual and developmental disabilities (ICFs) deliver long-term supports and services to people with disabilities; and

WHEREAS, HCBS providers and ICFs are invaluable resources for helping individuals with disabilities to meet their health, education, employment, community participation, and quality of life goals; and

WHEREAS, the disability services system in Louisiana is in the midst of a years-long workforce crisis that continues to worsen due to inadequate Medicaid reimbursement rates and the effects of the COVID-19 pandemic; and

WHEREAS, disability service organizations are unable to hire and retain the qualified direct support professionals they need to serve the people in their care due to various barriers to employment that potential workers face; and

WHEREAS, the most significant of these barriers relate to criminal histories, as disability service organizations are prohibited by law, R.S. 40:1203.3, from hiring an individual as a direct support professional if a background check reveals that the person has been convicted of one or more enumerated criminal offenses; and

WHEREAS, this prohibition does not contemplate possible mitigating factors such as the following:

- (1) The nature and seriousness of the offense.
- (2) The nature of the direct support position's particular duties and responsibilities.
- (3) The amount of time that has passed since the conviction.

(4) Facts relevant to the circumstances of the offense, including any aggravating or mitigating circumstances or social conditions surrounding the commission of the offense.

(5) Evidence of rehabilitation or treatment undertaken by the person since the conviction; and

WHEREAS, transportation-related issues also function as barriers to employment of direct support professionals because these persons, as a condition of their employment, are required to have a driver's license and reliable transportation; and

WHEREAS, employers are finding that many direct support professional candidates do not have current driver's licenses due to a number of factors including the cost of driver's education classes and the suspension of licenses due to unpaid fines and fees; additionally, many prospective employees are not able to maintain the requisite automobile insurance due to its cost; and

WHEREAS, the workforce crisis in Louisiana's disability services system remains an immediate problem which is in need of immediate solutions.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana Department of Health to study barriers to hiring of direct support professionals who provide Medicaid-covered services to people with disabilities.

BE IT FURTHER RESOLVED that on or before February 1, 2023, the department shall submit to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the Joint Medicaid Oversight Committee, and the David R. Poynter Legislative Research Library a report of its findings from the study called for in this Resolution and recommendations for addressing the workforce crisis in the disability services system in the most expeditious ways possible.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health and the executive director of the Community Provider Association.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE