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A JOINT MEMORIAL

REQUESTING THE NEW MEXICO DIRECT CAREGIVERS COALITION TO  
CONVENE A TASK FORCE TO STUDY ISSUES RELATING TO THE  
DIRECT-CARE WORKFORCE IN NEW MEXICO AND TO RECOMMEND MEASURES  
FOR IMPLEMENTATION OF FEDERAL REQUIREMENTS IN THE STATE  
MEDICAID PROGRAM.

WHEREAS, seniors and persons with disabilities make up a  
large and growing proportion of New Mexico residents, with  
persons over age sixty-five making up fifteen percent of  
New Mexicans, a number that is expected to double by 2030;  
and

WHEREAS, an additional thirteen percent of New Mexicans  
ages eighteen to sixty-five are persons with disabilities;  
and

WHEREAS, many seniors and persons with disabilities  
require assistance with activities of daily living in order  
to live independently and participate in their communities;  
and

WHEREAS, the assistance of direct-care workers allows  
those individuals with disabilities to live with dignity,  
safety and independence in their own homes and communities  
and in the most integrated settings appropriate to their  
needs and preferences; and

WHEREAS, home- and community-based services provided by

1 direct-care workers provide lower-cost alternatives to  
2 institutional care and reduce rates of hospitalization for  
3 the individuals they serve; and

4 WHEREAS, the direct-care workforce is the single most  
5 significant factor in delivering quality home-care services;  
6 and

7 WHEREAS, an increasing number of direct-care workers  
8 will be needed to provide home- and community-based services  
9 as the demand for these services increases with the growth of  
10 the population of seniors and persons with disabilities  
11 living in New Mexico; and

12 WHEREAS, New Mexico is currently experiencing a shortage  
13 of direct-care workers, and the median caregiver turnover  
14 rate has been found in some studies to be as high as sixty  
15 percent; and

16 WHEREAS, the lack of sufficient caregivers and turnover  
17 of caregiver staff are linked to interruptions in continuity  
18 of care, reduced quality of care, poorer health outcomes,  
19 reduced quality of life and a heavier strain placed on  
20 already overburdened family caregivers; and

21 WHEREAS, the lack of sufficient caregivers and turnover  
22 of caregiver staff are also linked to increased costs for the  
23 state due to preventable crises, individuals being forced to  
24 enter higher-cost institutional care and the loss to the  
25 workforce of family caregivers, especially women, who must

1 make up for the lack of adequate caregiving resources; and

2 WHEREAS, family caregivers are often forced to quit  
3 their jobs or reduce employment hours to provide needed  
4 services; and

5 WHEREAS, the direct-care workforce is the  
6 fastest-growing employment sector in the state; and

7 WHEREAS, the majority of New Mexico's direct-care  
8 workers live in poverty and often must rely on public  
9 benefits to supplement their salaries; and

10 WHEREAS, efforts to extend basic workforce wage and  
11 overtime protections are essential to improving the  
12 sustainability of the direct-care workforce; and

13 WHEREAS, the medicaid program is the single largest  
14 payer for long-term services and supports in the state  
15 through programs such as the developmental disabilities  
16 waiver program and the community benefit program in  
17 centennial care; and

18 WHEREAS, the United States department of labor has  
19 issued new regulations under the federal Fair Labor Standards  
20 Act of 1938 that include requirements that most direct-care  
21 workers providing assistance in the home be paid at least the  
22 federal minimum wage and that they be paid for overtime and  
23 travel expenses; and

24 WHEREAS, the Americans with Disabilities Act of 1990 and  
25 *Olmstead v. L.C.* require that state programs must serve

1 individuals with disabilities in the most integrated setting  
2 appropriate for their needs and preferences; and

3 WHEREAS, in implementing the new federal Fair Labor  
4 Standards Act of 1938 regulations, the state medicaid program  
5 must review its policies and programs to ensure that they  
6 comply with the Americans with Disabilities Act of 1990 and  
7 the *Olmstead* decision;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
9 STATE OF NEW MEXICO that the New Mexico direct caregivers  
10 coalition be requested to convene a task force to study  
11 direct-care programs in the state medicaid program and make  
12 recommendations for both short- and long-term actions to  
13 ensure that the state is in compliance with all applicable  
14 federal laws; and

15 BE IT FURTHER RESOLVED that the task force be requested  
16 to make recommendations to promote a stable and growing  
17 workforce to meet the needs of New Mexico's seniors and  
18 persons with disabilities who need long-term services and  
19 supports to live independently in their communities; and

20 BE IT FURTHER RESOLVED that the task force include,  
21 among others, representatives of the medical assistance  
22 division of the human services department; the developmental  
23 disabilities supports division of the department of health;  
24 the aging and long-term services department; the workforce  
25 solutions department; organizations and individuals that

1 represent New Mexico direct-care workers and agencies  
2 employing caregivers, direct-care workers who have taken  
3 leadership roles in improving working conditions; senior and  
4 disability rights organizations that represent the interests  
5 of consumers of direct-care services; persons with  
6 disabilities and seniors who employ or direct the work of a  
7 direct-care worker; groups that represent family caregivers;  
8 persons who act or have recently acted as family caregivers;  
9 and other interested parties; and

10 BE IT FURTHER RESOLVED that the task force in its first  
11 report be requested to include recommendations for near-term  
12 changes to the state's home- and community-based services  
13 medicaid programs to comply with recent federal regulatory  
14 provisions; and

15 BE IT FURTHER RESOLVED that the task force be requested  
16 to include in its second report recommendations to promote  
17 long-term stability and expansion of the direct-care  
18 workforce to meet the growing needs of New Mexico residents  
19 for those services; and

20 BE IT FURTHER RESOLVED that the task force be requested  
21 to submit its first report to the interim legislative health  
22 and human services committee by October 1, 2017; and

23 BE IT FURTHER RESOLVED that the task force be requested  
24 to submit its second report to the interim legislative health  
25 and human services committee by October 1, 2018; and

1 BE IT FURTHER RESOLVED that copies of this memorial be  
2 transmitted to the governor, the executive director of the  
3 New Mexico direct caregivers coalition, the secretary of  
4 health, the secretary of human services, the secretary of  
5 aging and long-term services and the secretary of workforce  
6 solutions.

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