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SENATE MEMORIAL 17

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Elizabeth "Liz" Stefanics and Gerald Ortiz y Pino
and Linda M. López and Brenda G. McKenna

A MEMORIAL

REQUESTING THE HEALTH CARE AUTHORITY DEPARTMENT TO COMMISSION
AN ANNUAL REPORT RELATING TO THE DIRECT CARE WORKER WORKFORCE
AND REQUESTING ADJUSTMENTS TO PAYMENTS TO PERSONAL CARE SERVICE
PROVIDER AGENCIES.

WHEREAS, New Mexico faces serious challenges in providing
for the needs of those requiring care and recruiting and
retaining well-trained direct care workers; and

WHEREAS, direct care workers are those workers who provide
care to New Mexico's disabled and elderly persons and work as
personal care assistants, home care aides, home health aides
and certified nursing assistants; and

WHEREAS, direct care workers work in a variety of
settings, including private homes, assisted living residences,
adult daycare centers, nursing homes and other residential care

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1 settings; and

2 WHEREAS, it is estimated that New Mexico will need to fill
3 at least sixty-six thousand direct care worker jobs over a ten-
4 year period; and

5 WHEREAS, persons with disabilities and the elderly suffer
6 the effects of direct care worker shortages and a high turnover
7 rate among workers; and

8 WHEREAS, possible reasons for direct care worker shortages
9 in New Mexico such as low wages, a lack of benefits or
10 inadequate training opportunities need to be thoroughly
11 examined and understood in order to devise solutions that will
12 bring in workers and provide them with the personal and
13 professional satisfaction to encourage a more stable and
14 reliable workforce;

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
16 OF NEW MEXICO that the health care authority department be
17 requested to work in conjunction with the statewide coalition
18 of New Mexico caregivers to initiate creation of an annual
19 report examining and detailing information on the direct care
20 worker workforce; and

21 BE IT FURTHER RESOLVED that the health care authority
22 department be requested to complete the first direct care
23 worker workforce annual report by April 1, 2025; and

24 BE IT FURTHER RESOLVED that as part of the direct care
25 worker workforce report, each personal care service provider

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1 agency be requested to submit data regarding direct care
2 workers, including:

3 A. the number of full-time and part-time direct
4 care workers employed at any time during the previous calendar
5 year;

6 B. the percentage of the previous calendar year
7 that each employee was employed by the agency;

8 C. the total length of employment for each employee
9 as of the end of the previous calendar year;

10 D. disaggregated demographic information on direct
11 care workers that includes:

12 (1) age;

13 (2) gender;

14 (3) race and ethnicity; and

15 (4) education level;

16 E. the hourly wage paid to each direct care worker
17 during the previous calendar year;

18 F. employee benefits provided to direct care
19 workers in the previous calendar year; and

20 G. the number of vacant direct care worker
21 positions that the personal care service provider agency had
22 not filled as of the end of the previous calendar year; and

23 BE IT FURTHER RESOLVED that the format for data reporting
24 provide for sufficient confidentiality to protect both an
25 individual direct care worker's identifying information and an

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1 individual personal care service provider agency's identity;
2 and

3 BE IT FURTHER RESOLVED that the health care authority
4 department be requested to review and analyze the data
5 submitted by personal care service provider agencies and submit
6 a report by September 1, 2025 and September 1 of each
7 subsequent year to the legislative health and human services
8 committee, the legislative finance committee and the governor
9 that includes:

- 10 A. the total number of full-time and part-time
11 direct care workers in the state;
- 12 B. a demographic analysis of the direct care worker
13 workforce;
- 14 C. the highest, lowest and average hourly wage paid
15 to direct care workers;
- 16 D. the average length of employment for direct care
17 workers;
- 18 E. the vacancy and turnover rates for direct care
19 workers; and
- 20 F. the availability and type of benefits provided
21 by personal care service provider agencies to direct care
22 workers; and

23 BE IT FURTHER RESOLVED that the health care authority
24 department be requested to contract for an independent biennial
25 cost study for the purposes of determining the cost of

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1 providing personal care services and recommending reimbursement
2 rates for personal care service provider agencies to cover
3 those costs; and

4 BE IT FURTHER RESOLVED that the health care authority
5 department be requested to execute the contract for the initial
6 cost study no later than December 31, 2024 and that the
7 reimbursement rates in the cost study include consideration of:

8 A. the additional costs that would be incurred by
9 personal care service provider agencies if direct care workers
10 employed by personal care service provider agencies were to be
11 paid at least one hundred fifty percent of the state minimum
12 wage;

13 B. recent and projected changes in costs due to
14 factors that include direct and indirect costs, inflation and
15 changes to the applicable minimum wage; and

16 C. direct care worker vacancies that affect
17 personal care service provider agency costs; and

18 BE IT FURTHER RESOLVED that the health care authority
19 department be requested for each fiscal year to include
20 sufficient funding in its budget request to implement the most
21 recent cost study's recommended reimbursement rates that would
22 allow all direct care workers employed by personal care service
23 provider agencies to be paid at least one hundred fifty percent
24 of the state minimum wage; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the governor, the secretary of health care
2 authority, the New Mexico caregivers coalition, the legislative
3 health and human services committee and the legislative finance
4 committee.

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