

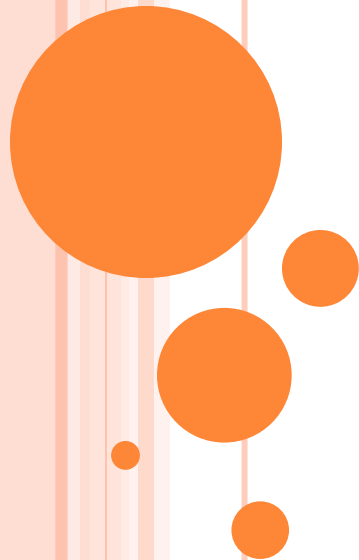
NEW MEXICO CAREGIVERS COALITION

2025 AGENDA FOR CAREGIVERS

SEPTEMBER 24, 2024



NEW MEXICO
CAREGIVERS
COALITION





**NEW MEXICO
CAREGIVERS
COALITION**

WHAT IS NM CAREGIVERS COALITION?

NMCC advocates for direct care workers' education, training, benefits, wages and professional development so they may better serve people who are elderly and those with disabilities



TOWN HALLS LED TO OUR FORMATION

- Developmental Disabilities Council provided seed funding to identify voice of caregiver
- Town halls or Listening Sessions held across state to hear from them about challenges and solutions
- Intentional decision that the caregiver is the organizational voice
- Our organizational LENS is workforce development





NEW MEXICO CAREGIVERS COALITION TODAY

- Convene stakeholders: caregivers, care recipients, employers, elected officials
- We **KNOW** there are better ways for caregivers to work
- Test and fail, test and succeed
- Small staff so we can turn the ship
- **LENS is WORKFORCE DEVELOPMENT**



New Mexico Caregivers Coalition develops trainings that recognize the personal and professional contributions of caregivers. Then we deliver trainings—to paid professionals and unpaid family members

Sample trainings:

- infection prevention
- safe transfer and mobility
- communications skills
- ethical and legally responsibilities
- financial literacy
- navigating Medicare
- history of home- and community-based services and workers' rights

Training provided tuition-free to caregivers. See

<https://www.nmdcc.org/training-for-caregivers/>



Click to learn more



Provided by



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Public Assistance Benefits Test

Now there's an easy way to determine online how state and federal benefits may change if a caregiver decides to continue their education or look for a better opportunity.

Click to learn more



A Winning Hand
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Partnered with Federal Reserve Bank to determine how state and federal benefits change if worker continues his/her education or looks for better job.

Portal developed by the Federal Reserve of Atlanta to assist job-seekers, HR and state policymakers.

Simulates educational attainment and career pathways, demonstrating what happens to one's public assistance benefits as a result.

Developed for New Mexico Caregivers Coalition FOR ALL New Mexicans, using state workforce and benefits data.

Go to: <https://www.nmdcc.org/public-assistance-benefits-test/>



Any student, worker or retiree wanting to work as respite caregiver can enroll in online, self-paced program results in Certificate of Completion — tuition-free to the caregiver.

Developed by ARCH National Respite Network, course builds knowledge and skills required for becoming a New Mexico RESPITE caregiver.

7-hour course focuses heavily on care for service to persons with developmental disabilities.

Go to: <https://newmexico-respitecarewi.talentlms.com/index>

Caregiver Certification

Students, potential caregivers and volunteers seeking work as caregivers can now take an online, self-paced program that results in a Certificate of Completion – all at no cost to the user.

Click to learn more



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LEGISLATIVE PRINCIPLES

Recognize and advance caregivers

Make publicly-funded systems more transparent

Benefit ALL caregivers when and if possible

Advance equity and equitable systems

Seek to “do no harm” to care recipients or consumers



GREATEST IMPACT ON CAREGIVERS WORKING IN PUBLICLY-FUNDED SYSTEMS

Direct Support Professionals (DSPs)

work in Developmental Disabilities (DD) Waiver system to support individuals in home, ensure safe environment, foster personal choice in acquiring social, behavioral, interpersonal skills. Workers work for DD Waiver providers contracted with State (SB 85, SB 203/HB 395)

Personal Care Services (PCS) Caregivers

help care recipients remain in own homes. Workers work for PCS-funded provider agencies contracted with Managed-Care Organizations which are, in turn, contracted with State (HB 94 which did not pass)





HB 395 “DIRECT SUPPORT PROFESSIONAL WORKFORCE STABILIZATION” BILL

- Required New Mexico Department of Health Dev Disabilities Supports Division to collect workforce data annually (volume, stability and compensation)
- Required DDS to report that data publicly for greater transparency
- Required DDS to conduct Rate Studies biennially (every two years), valuing DSP at 150% of state minimum wage



HISTORICAL PERSONAL CARE SERVICES (PCS) PROVIDER REIMBURSEMENT RATES

1999	\$18.00
2002	\$16.00
2003	\$15.50
2004	\$13.50
2007	\$13.50
2008	\$13.16
2009	\$12.88
2012	\$12.88
2013	\$12.88
2014	\$12.88
2015	\$13.40
2016	\$13.27
2017	\$13.27
2018	\$13.27
2019	\$13.40

Source: New Mexico Association for Home and Hospice Care, Presentation to Legislative Health and Human Services Committee 2024.



NEW MEXICO COMMUNITY BENEFIT “TURQUOISE CARE”

- Like DD Waiver, New Mexico’s Home and Community-Based Services (HCBS) Long-Term Care program: “Turquoise Care”
- Funded by Medicaid; unlike DD Waiver programs, PCS passed through to provider agencies by Managed-Care Organizations
- Goal—like DD Waiver--help PCS care recipients (“members”) remain in their own homes and communities
- On Aug 15, 2024, 23,927 care recipients (“members”) enrolled in Agency-Directed CB program
- On Aug 15, 2024, 2,023 care recipients (“members”) enrolled in Self-Directed CB program



NEW MEXICO CAREGIVER INITIATIVES: EXECUTIVE

Community Benefit Benchmarking Study

- Health Care Authority concerned about “parity,” i.e., paying caregivers of one system differently from another (e.g., DD Waiver Direct Support Professionals vs. CB Personal Care Services (PCS) caregivers)
- Health Care Authority conducting “Benchmarking” Study for PCS caregivers of Community Benefit program
- Health Care Authority states it will establish Fee Schedule for CB program that considers parity with DD Waiver Direct Support Professionals’ wages, valuing them at 150% of NM minimum wage as result of HB 395



NEW MEXICO CAREGIVER INITIATIVES: FEDERAL/STATE

- Ensuring Access to Medicaid, or "Access" Rule signed by President
 - Improve access and outcomes for Medicaid beneficiaries and for caregivers
 - Increase transparency and accountability of how reimbursement payments are made to provider agencies
 - Standardize collection and publication of workforce data
 - 80% of provider payments must go to caregivers
 - All states must come into compliance 2026 Centers for Medicare and Medicaid Services

Centers for Medicare and Medicaid Services: <https://www.cms.gov/newsroom/factsheets/ensuring-access-medicaid-services-final-rule-cms-2442-f>



NEW MEXICO'S CAREGIVER INITIATIVES: EXECUTIVE

Health Care Authority: Change to Agency-Based CB Respite

- On July 1 Managed Care Policy Manual removed restrictions on who can provide CB respite services, allowing more family members and natural supports to become respite caregivers

Health Care Authority: Legally Responsible Individuals

- On July 1 Managed Care Policy Manual permanently continued policy of Public Health Emergency to allow Legally Responsible Individuals to become paid caregivers

Aging and LT Services Department

- New Medicare/Caregiver Health Program
- Technical Assistance Grant from Administration on Community Living Focused on Direct Care Workforce



NEW MEXICO CAREGIVER INITIATIVES: LEGAL

Class Action Lawsuit DSP Employee Misclassification

- NM Direct Support Professionals (DSPs) class claimed violations under federal Fair Labor Standards Act and New Mexico Minimum Wage Act when DD Waiver agencies failed to pay time-and-one-half hourly rates for hours DSPs worked over forty hours per week they state constituted overtime

- DD Waiver provider(s) denied claims

- Lawsuit recently settled
 - \$1.15 million will be paid by DD Waiver providers into settlement fund to compensate class members for unpaid overtime wages, damages and interest
 - Each class member to receive approximately 138% of the estimated overtime wages



COALITION ADMINISTRATIVE REQUESTS OF HEALTH CARE AUTHORITY & GOVERNOR'S OFFICE



- Collect workforce data annually (volume, stability and compensation) on PCS workforce like HB 395 (Administrative request)
- Report that data publicly, resulting in greater transparency like HB 395 (Administrative request)
- Conduct TRUE Rate Studies biennially (every two years), valuing PCS caregivers at 150% of state minimum wage like HB 395 (Administrative request)
- *\$26 PCS reimbursement rate required to achieve parity with Direct Support Professionals (DSPs)* (Administrative request)





COALITION LEGISLATIVE REQUEST OF LHHS:

- *LHHS Endorsement of bill like HB 94 requiring HCA to collect data & conduct biennial rate studies--like DDS must do as result of HB 395— for PCS caregivers) – bill forthcoming*
- *LHHS Endorsement of \$26 PCS reimbursement rate required to achieve parity with Direct Support Professionals (DSPs) – bill forthcoming*



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