

April 9, 2009

The Honorable Michael N. Castle
1233 Longworth House Building
Washington D.C. 20515

Dear Congressman Castle:

I write on behalf of the State Council for Persons with Disabilities (SCPD) regarding H.R. 868, the Direct Support Professionals Fairness and Security Act of 2009 sheet. The legislation was introduced on February 4, 2009 and referred to the House Committee on Energy and Commerce. SCPD endorses the proposed legislation and respectfully requests that you sign on as a co-sponsor. Council has the following observations.

First, the "Findings" section of the bill notes there is a current shortage of direct support professionals which will worsen over time. It recites that "(by 2010, more than 780,000 additional workers must be found to fill long-term direct support staff positions."

Second, the bill addresses this problem by providing states with funds to promote improved compensation for direct support professionals. The goal is to achieve parity with similar caregiver positions within state facilities. The attached ANCOR fact sheet includes the following statistics:

- The average hourly wage for a direct support professional is \$9.85, compared to the average hourly wage for DSPs employed by a state government of \$15.48;
- Direct support professional hourly wages increased only \$1.55 from 1996 to 2006, versus an increase of \$2.92 for public direct support positions during the same period;

Third, initially, states could apply for planning grants to develop an implementation plan in collaboration with stakeholders. States would then be authorized to submit an implementation plan to HHS which would describe how the State intends to use funds under the Act to increase the hourly wage at the end of a 5-year implementation period to equal the average hourly wage of reference direct support professionals (state facility staff). Federal funds would be provided through the Medicaid program. The plan must also

include assurances that the state effort will not lapse after the expiration of the 5-year period. This is achieved through a state commitment to increase DSP wages annually “by a percentage that is not less than the annual percent increase in the employment cost index (as published quarterly by the Bureau of Labor Statistics). States would file an annual assessment and report demonstrating progress. The GAO would conduct a national study and submit a report to Congress in the third and fifth years of the program. See Section 1936(h).

Fourth, from the perspective of states, there is no significant “downside” to the legislation during the 5 year implementation period. The Division of Developmental Disabilities’ ICAP system is already designed to upgrade DSP wages with linked provider rates being periodically (although not annually) adjusted.

Thank you for your consideration.

Sincerely,

Daniese McMullin-Powell, Chair
State Council for Persons with Disabilities

Attachments

Cc: The Honorable Edward E. Kaufman
The Honorable Thomas R. Carper
Center for Disabilities Studies/University of Delaware
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens