

SENSE OF CONGRESS ON CRISIS IN RECRUITING AND RETAINING DIRECT SUPPORT PROFESSIONALS -- (House of Representatives - November 04, 2003)

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Mr. *McKEON*. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 94) expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other development disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce, as amended.

The Clerk read as follows:

H. Con. Res. 94

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities, including mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in two or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas for the past two decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed their desire to live and work in their communities, joining the mainstream of American life;

Whereas the Supreme Court, in its *Olmstead* decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas the demand for community supports and services is rapidly growing, as States comply with the *Olmstead* decision and continue to move more individuals from institutions into the community;

Whereas the demand will also continue to grow as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand;

Whereas outside of families, private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, and housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead a self-directed family, community, and social life;

Whereas private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work, and higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas annual turnover rates of direct support workers range from 40 to 75 percent;

Whereas high rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission, which is the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas direct support staff turnover is emotionally difficult for the individuals being served;

Whereas many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community; and

Whereas this workforce shortage is the most significant barrier to implementing the Olmstead decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Direct Support Professional Recognition Resolution".

SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DIRECT SUPPORT PROFESSIONALS TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

It is the sense of the Congress that the Federal Government and the States should make it a priority to promote a stable, quality direct support workforce for individuals with mental retardation or other developmental disabilities that advances our Nation's commitment to community integration for such individuals and to personal security for them and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. *McKeon*) and the gentleman from Michigan (Mr. *Kildee*) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. *McKeon*).

GENERAL LEAVE

Mr. *McKEON*. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. *McKEON*. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 94, which expresses the sense of the

Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis of recruiting and retaining direct support professionals.

I want to congratulate and thank my friend, the gentleman from Texas (Mr. *Sessions*), for introducing this resolution to highlight a very serious problem facing this country and the disability community.

As the resolution states, it is vitally important that our Nation increase its attention on recruiting and retaining these support personnel who work directly with individuals with disabilities and help them to become a contributing member of society.

From developing the skills of existing personnel to preparing new leaders and researchers to replace those who are leaving or retiring from the field, we must expand our capacity to recruit new and retain existing personnel.

Last month, the Department of Health and Human Services announced five new demonstration grants aimed at helping recruit, train, and retain direct service workers to aid those who need help with eating, bathing, dressing, and other activities of daily living. These grants will also test offering health insurance benefits to workers to determine if that helps keep workers on the job.

These grants were offered through the President's New Freedom Initiative which promotes the goal of removing barriers to community living for people with disabilities. Under this initiative, 10 Federal agencies have collaborated to remove barriers to community living for people with disabilities. Secretary Thompson and others who have championed the New Freedom Initiative should be commended for their hard work to improving the lives of individuals with special needs.

But we all know that much more needs to be done. As a Nation, we have a commitment to improve the opportunities available for all of our citizens, especially individuals with disabilities.

Over the past 30 years, we have made important strides in enhancing the lives of individuals with disabilities. The Workforce Investment Act, the Vocational Rehabilitation Act, and the Assistive Technology Act are a short list of the important laws that the

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Congress has passed since 1998 to better the lives of our fellow citizens with disabilities.

We know that those individuals with mental retardation or other developmental disabilities face significant challenges and obstacles in participating in their community and in the workforce. But every day, every week, and every year we continue to make more progress.

I am particularly pleased with the improvements we have made to support individuals with disabilities through the Workforce Reinvestment and Adult Education Act of 2003 which passed the House in May. In this legislation, State workforce investment boards and local workforce investment areas must develop strategies to address the employment needs of individuals with disabilities consistent with the goal of community integration. In addition, by increasing the coordination among employment and training programs in the one-stop centers created under the Workforce Investment Act, this reauthorization legislation seeks to ensure appropriate services are available to all job seekers, including those with disabilities. Through this legislation, we will give individuals with disabilities the opportunity to participate more fully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

Next year, I hope to work with my colleagues to improve the Assistive Technology Act so that we can

provide greater access to technology that improves the quality of life for individuals with disabilities. We will work to ensure that the program is focused on the needs of individuals to secure technology for them so that they can participate in their community and at work.

I am pleased to support this important resolution to improve the opportunity for individuals with mental retardation and developmental disabilities to participate more fully in society, and I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 94. This resolution expresses our concern that there should be an adequate supply of direct care providers to provide services to individuals with disabilities in community-based settings.

Individuals with disabilities, including those with mental retardation or other developmental disabilities, have long sought to work and live in their communities. This allows them to join with the rest of society in being productive and contributing citizens.

Access to services in the community, rather than institutional-based services, is critical to many individuals with disabilities. The U.S. Supreme Court, as part of the Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care. Unfortunately, there is a shortage of direct care providers.

Low pay and other factors are leading to a high turnover and a struggle by service providers to maintain a full complement of support staff and quality supports. High turnover rates can result in major negative implications, including heightened stress levels, injury, and the inability to live in the community.

With the advancements we have seen to date as a result of the Olmstead decision, many individuals with mental retardation and related developmental disabilities live in community-based residences. Nevertheless, many more are listed on waiting lists for community-based services.

I believe this resolution is the first step in Congress recognizing the significance of the problem in this area.

Our colleagues, the gentleman from Texas (Mr. *Sessions*) and the gentlewoman from California (Mrs. **CAPPS**) should be recognized for bringing this issue to our attention.

Mr. Speaker, in closing, I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. *McKEON*. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Texas (Mr. *Sessions*), the author of this bill and one who speaks about this subject from the heart.

Mr. **SESSIONS**. Mr. Speaker, I also would like to thank the gentleman from California, who has had personal relationships in his life where he dealt with people who might well be impacted very directly by this bill, and his kindness and his insight is not only appreciated, but also respected.

Mr. Speaker, I am pleased that the majority leader, the gentleman from Texas (Mr. *DeLay*), has given us time to recognize H. Con. Res. 94, the Direct Support Professional Recognition Resolution which highlights a growing national crisis affecting community integration for individuals with mental retardation and other developmental disabilities.

[Time: 16:45]

Mr. Speaker, I will include for the **RECORD** one piece of supportive data.

Mr. Speaker, in one of his first acts as President of the United States on February 1, 2001, our great President, George W. Bush, announced his groundbreaking New Freedom Initiative, a nationwide effort to remove barriers to community living for people with disabilities.

This New Freedom Initiative represents an important step in working to ensure that all Americans have the opportunity to learn and develop skills, engage in productive work, and choose to work and live in a participatory and a productive community life.

The goals of this initiative include increasing access to newly developed assistive technologies, expanding educational opportunities, promoting home ownership, integrating Americans with disabilities into the workforce, expanding transportation options, and promoting full access to community living.

If the President's New Freedom Initiative is to be successful over the long term, it is critical for there to be an adequate qualified, skilled workforce in place to help people with mental retardation and other developmental disabilities to help them live a self-directed life within their community. Indeed, in September of 2002, in a speech to private providers of community supporters and supports of services, the United States Labor Secretary, Elaine Chao, observed the following: "The paraprofessional long-term care workforce is the cornerstone of America's long-term care system. Direct support workers are critical to the success of the New Freedom Initiative."

In recognition of this reality, H. Con. Res. 94 calls on the Federal Government and States to make it a priority to promote a stable quality direct support workforce for individuals with mental retardation and other developmental disabilities that advances this Nation's commitment to community integration for such individuals and to personal security for them and their families. Direct support professionals are critical to fulfilling the national promises of community living made to people with mental retardation as articulated in the President's administration policy as outlined in the New Freedom Initiative.

These valuable front line workers provide a wide range of supportive services on a day-to-day basis to people with disabilities, including habitation, health needs, personal care, hygiene, employment, transportation, recreation, housekeeping, and other home management-related assistance. Without them, these people with mental retardation would not be able to live their lives in communities where they could enjoy the mainstream of the American life.

Unfortunately, today there is a national crisis in securing an adequate supply of qualified direct support professionals. Severe staffing shortages and turnover rates in the direct support workforce is now threatening the quality and continuity of community-based supports and services for these people who they serve, all this at a time when demand for community support and services is growing rapidly as States move more and more individuals from institutions into a community-based setting and aging parents find it necessary to seek outside support for the care of the children whom they love.

Tough work, increased demand for services, and aging population, all of this is threatening the quality and continuation of community support for

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services for people with mental retardation and leaving parents extremely fearful that there will be no one there for their children.

It is my hope that each of our colleagues will join me in expressing sincere appreciation for the very important work performed by our Nation's direct support workers, and let us vow to put our heads together to develop a national strategy to address the recruitment and retention of this crisis that is affecting community support for people with developmental disabilities.

Mr. Speaker, I hope that each of my colleagues will join in not only the vote that they make here today, but by going back home and giving a pat on the back to those health care professionals and others who are engaged in the services for each of these people who are important to each and every one of us.

Tonya Simmons' Remarks to the American Association of the Mentally Retarded (AAMR) Region 9 Service Award for Contributions for Improving Services for People with Developmental Disabilities Living in a Community Setting

I am very grateful and thankful for this award. It is an honor. I was new to the human services field 2 years after graduating from the Baltimore County Community College and the AmeriCorps Program. I began working at Spectrum Support without the knowledge of what it was and without the required training: but it was okay because of the training I received and the knowledge that would come from hands-on experience. I was ready and excited about a new challenge. I was successful because I was committed, passionate, strong, and caring. I have a heart. I have feelings, I am concerned, but most of all, this job made me realize that I am a leader. My only brother died this year and what I found from the individuals that I support was that they were now supporting me. Many people do not believe or understand that when you love people they will love back. I received phone calls, they had the staff bring them to visit and they were at the services. I will always remember an individual saying to me, "If you need anything, Tonya, I'll be here for you. It's going to be all right." At that moment I realized that my job was appreciated, that I was appreciated, respected and loved. This is all because this is what they receive from me.

I am working in an underpaid position, working 140 hours bi-weekly between jobs that support adults with disabilities, attending Coppin State College all to support my family. It's okay. I enjoy what I do and look forward to going to work each and every day. Why? Disabilities do not mean inability and I believe in what we do where I work. The individuals that I support and the program are not just my friends but family as well. It's because of them that recently I have learned so much more about myself. I am afraid of public speaking but because of being able to work in the wage campaign, I am overcoming that fear. Thank you for giving me an opportunity to advocate for Direct Support Staff in the Campaign for Increased Wages. At Spectrum Support I am in training everyday where I am encouraged and allowed to grow. I am learning from the best because we are the best. We believe that people can achieve their life goals. We recognize, respect and celebrate each person's contribution to his or her community and believe that each person has unexplored talents that when discovered lead to amazing outcomes. Co-workers we are growing, changing all while moving forward. We will continue to do our best.

- [Begin Insert]

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H. Con. Res. 94, which expresses the sense of the Congress that community inclusion and enhanced lives for the 8 million Americans who have mental retardation or other developmental disabilities is at serious risk due to a professional shortage of direct support professionals.

I was proud to join Mr. **SESSIONS** and Ms. **CAPPS** in introducing the Direct Support Professional Recognition Resolution earlier this year, because I know the impact that the work of direct support professionals has on the families of people with developmental disabilities. America has come a long way from the days when warehousing of people with mental retardation and other disabilities was painfully routine. Today, seasoned professionals and families alike are deeply grateful for the advances of self-determination that many Americans with developmental disabilities enjoy through living and working within their communities.

Unfortunately, this progress is jeopardized by a real and immediate workforce shortage. As the demand for community supports and services has grown, so has the demand for Direct Support Professionals, people who devote their lives and careers to providing the day-to-day supports necessary for individuals with mental retardation or developmental disabilities to live and work in their communities. This support is crucial for people with disabilities to enjoy the daily freedoms and rights the rest of us take for granted. The current workforce shortage, reflected in high turnover and vacancies, will only worsen with an increased demand for long-term supports as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand.

Mr. Speaker, we must make it a national priority to ensure a quality, stable direct support workforce that advances this Nation's commitment to community integration and personal security for people with mental retardation and other developmental disabilities, and their families. The recruitment and retention of quality, trained direct support workers is essential to providing quality supports and services to people with disabilities. I hear far too often from parents in Rhode Island who fear there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities as they grow older--and I know their situations represent so many more across the country. While this resolution takes a small step in recognizing a professional shortage in the field, it is my sincere hope that it represents a commitment on the part of every Member of the House of Representatives to take bigger steps toward realizing the goal of community inclusion. We must do all we can to support the quiet heroes that choose this noble line of work.

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Con. Res. 94, the Direct Support Professional Recognition Resolution. I was pleased to join Representative **SESSIONS** and Representative **LANGEVIN** in introducing this resolution. They have been tireless in their efforts to pass it and deserve credit for their leadership on this issue.

Right now more than 8 million Americans have mental retardation or other developmental disabilities. Though they need some degree of assistance, they deserve to live the fullest, most complete lives possible. And they can, with the help of America's direct support professionals.

But it is harder and harder for community-based homes and other institutions to find and keep men and women who want to do this kind of work. There are not enough new people taking up this calling and too many are leaving the field. Though this line of work can be very rewarding, it is also very challenging. Those in the field now are overworked and often underappreciated by our society. Those who commit themselves to it should be recognized and honored for their dedication.

But we need to do more to ensure that our support network for the developmentally disabled does not collapse in the face of this problem. That is what this resolution is about.

Demand for these services, and for direct support professionals will also continue to grow in the coming years. But right now our Nation's long-term care system relies on a variety of public and private funding sources that may not be reliable in the long run.

Medicaid supports many of these programs, but the amount of their support varies from State to State. And now some critics of Medicaid are trying to make sweeping reforms that may jeopardize the support this system has now.

Congress needs to take a serious look at this problem and begin developing solutions. We cannot afford to have a shortage of direct support personnel. I urge my colleagues to give these men and women the support they deserve. I urge my colleagues to dedicate themselves to helping avoid a shortage. And I urge my colleagues to support this resolution.

Mr. BOEHNER. Mr. Speaker, over the past few decades, our Nation has made tremendous progress in improving the opportunities of individuals with disabilities I am proud to say that Congress has significantly

improved the ability of individuals with disabilities to become more involved in their communities.

We have passed historic legislation securing the rights of individuals with disabilities, including the Individuals with Disabilities Education Act and the Americans with Disabilities Act. We have clearly demonstrated our support for individuals with disabilities, and continue to be committed to improving opportunities for all individuals with disabilities.

However, we know that there are millions of individuals with disabilities that face significant challenges in their daily lives. Those individuals with mental retardation and developmental disabilities who want to maximize their ability to live independently, find meaningful employment, and join the mainstream of American life continue to need our support and commitment.

As a Congress, as a Nation, we must strive to help these individuals explore new and challenging opportunities. We must encourage people to pursue careers working with individuals with disabilities. We must provide opportunities to individuals with disabilities to make meaningful decisions about the jobs they pursue, the places they live, and the education they receive.

We have made important reforms to key pieces of legislation this past year. In the Improving Results for Children with Disabilities Act, we have provided greater coordination of services for students as they transition away

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from school to postsecondary education, the workforce, or community living. We have made it easier for States to provide quality services, and enhanced the ability of individuals with disabilities, and their families, to choose what services they receive.

In the Workforce Reinvestment and Adult Education Act, we have given individuals with disabilities the opportunity to participate more meaningfully in the workforce by enhancing their ability to receive training, and we have increased the emphasis on serving individuals with disabilities.

I strongly support this important resolution, and I encourage my colleagues to support it as well.

- [End Insert]

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. *McKEON*. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. *Boozman*). The question is on the motion offered by the gentleman from California (Mr. *McKeon*) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 94, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. *McKEON*. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

END