A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health to study barriers to hiring of direct support professionals who provide Medicaid-covered services to people with disabilities and to report findings of the study to the legislative committees on health and welfare and the Joint Medicaid Oversight Committee.

WHEREAS, providers of Medicaid-funded home- and community-based services (HCBS) and intermediate care facilities for persons with intellectual and developmental disabilities (ICFs) deliver long-term support and services to people with disabilities; and

WHEREAS, HCBS providers and ICFs are invaluable resources for helping individuals with disabilities to meet their health, education, employment, community participation, and quality of life goals; and

WHEREAS, the disability services system in Louisiana is in the midst of a years-long workforce crisis that continues to worsen due to inadequate Medicaid reimbursement rates and the effects of the COVID-19 pandemic; and

WHEREAS, disability service organizations are unable to hire and retain the qualified direct support professionals they need to serve the people in their care due to various barriers to employment that potential workers face; and

WHEREAS, the most significant of these barriers relate to criminal histories, as disability service organizations are prohibited by law, R.S. 40:1203.3, from hiring an
individual as a direct support professional if a background check reveals that the person has
been convicted of one or more enumerated criminal offenses; and

WHEREAS, this prohibition does not contemplate possible mitigating factors such
as the following:

(1) The nature and seriousness of the offense.

(2) The nature of the direct support position's particular duties and responsibilities.

(3) The amount of time that has passed since the conviction.

(4) Facts relevant to the circumstances of the offense, including any aggravating or
mitigating circumstances or social conditions surrounding the commission of the offense.

(5) Evidence of rehabilitation or treatment undertaken by the person since the
conviction; and

WHEREAS, transportation-related issues also function as barriers to employment of
direct support professionals because these persons, as a condition of their employment, are
required to have a driver's license and reliable transportation; and

WHEREAS, employers are finding that many direct support professional candidates
do not have current driver's licenses due to a number of factors including the cost of driver's
education classes and the suspension of licenses due to unpaid fines and fees; additionally,
many prospective employees are not able to maintain the requisite automobile insurance due
to its cost; and

WHEREAS, the workforce crisis in Louisiana's disability services system remains
an immediate problem which is in need of immediate solutions.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
urge and request the Louisiana Department of Health to study barriers to hiring of direct
support professionals who provide Medicaid-covered services to people with disabilities.

BE IT FURTHER RESOLVED that on or before February 1, 2023, the department
shall submit to the House Committee on Health and Welfare, the Senate Committee on
Health and Welfare, the Joint Medicaid Oversight Committee, and the David R. Poynter
Legislative Research Library a report of its findings from the study called for in this
Resolution and recommendations for addressing the workforce crisis in the disability
services system in the most expeditious ways possible.
BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
secretary of the Louisiana Department of Health and the executive director of the
Community Provider Association.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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