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Nevada Home Care Employment Standards Board

Nevada Home Care Employment Standards Board 2022 Report

Department of Health and Human Services Division of Public and Behavioral Health

For submission to the Director of the Department of Health and Human Services.

No later than one (1) year after the first meeting of the Home Care Employment Standards Board (HCESB) shall the Board submit to the Director of the Department a report of its findings and recommendations.

On behalf of the Board:

Cody Phinney – Chair
Maxine Hartranft – Representing Employers
Kristi De Leon – Representing Employers
Robert P. Crockett – Representing Employers
Shanieka Cooper – Representing Employees
Farren Epstein – Representing Employees
Safiyyah AbdulRahim – Representing Employees
Gerardo Luis Gonzales – Representing Recipients
Stephanie Schoen – Representing Recipients
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Brett K. Harris – Nevada Labor Commissioner

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Introduction

[Senate Bill \(SB\) 340](#) of the 81st Session of the Nevada Legislature, codified into [Nevada Revised Statutes \(NRS\) 608](#), allowed for the creation of the Nevada Home Care Employment Standards Board (HCEsb). This board is tasked with the review and investigation of the improvement of working conditions in the critical home care industry. Home care is non-medical personal care assistance provided by a Personal Care Services (PCS) agency or an intermediary service organization.

HCEsb has strived to meet monthly since December 2021, with the following subcommittees meeting intermittently as needed:

- Subcommittee on the Medicaid Home and Community Based Services Plan
- Subcommittee on Systemic Racism and Economic Injustice

Staff have given reports regarding HCEsb recommendations and activities to the Nevada Silver Haired Legislative Forum and Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, and has garnered support from these councils.

This report fulfills the duty, detailed in NRS 608.640, for HCEsb to submit to the Director of the Department of Health and Human Services (DHHS) a report of its findings and recommendations no later than one year after the date of its first meeting.

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Effects of Home Care on the Overall Health Care Industry

A presentation detailing the [effect of home care on the health care industry](#) and why robust home and community-based services are beneficial to state spending was approved by HCESB for inclusion in this report during its August 23, 2022 meeting.

Nevada has seen a notable increase in PCS agencies from 2017 to 2021 and is currently home to more than 13,000 home care workers who provide older Nevadans and persons with disabilities personal care, attendant care and homemaker, companion, respite and chore services.

Fluctuation of PCS Agencies, 2017-2021

Year	#Active PCS's	#Closed PCS's	Total # PCS's	PCS Increase Difference by Year
2017	148	15	133	
2018	176	25	151	18
2019	199	27	172	21
2020	247	30	217	45
2021	292	24	268	41

HCSEB Surveys

HCSEB created and distributed two surveys, one for [home care employers](#) and one for [home care workers](#), that were open for voluntary participation May through July 2022.

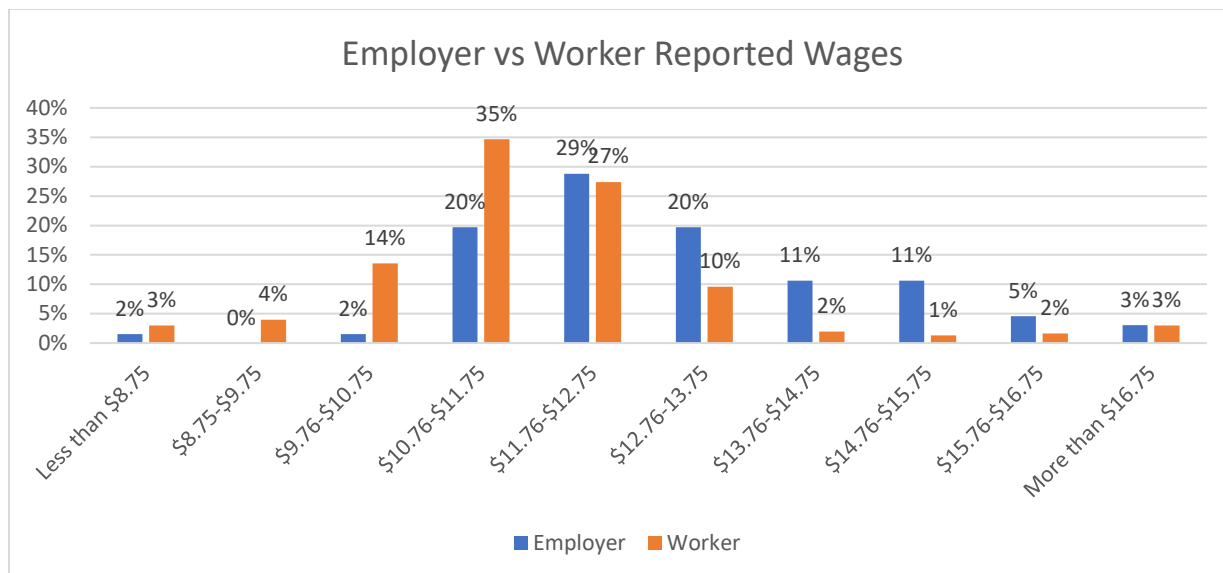
The survey was distributed as follows:

- Emailed to a state listserv consisting of PCS agency licensees and voluntary subscribers asking employers to complete their survey and distribute the worker survey to all employees.
- Campaigns on Division of Public and Behavioral Health social media accounts
- Distribution requests to partners: Nevada Medicaid, Service Employees International Union (SEIU), Office of the Labor Commissioner

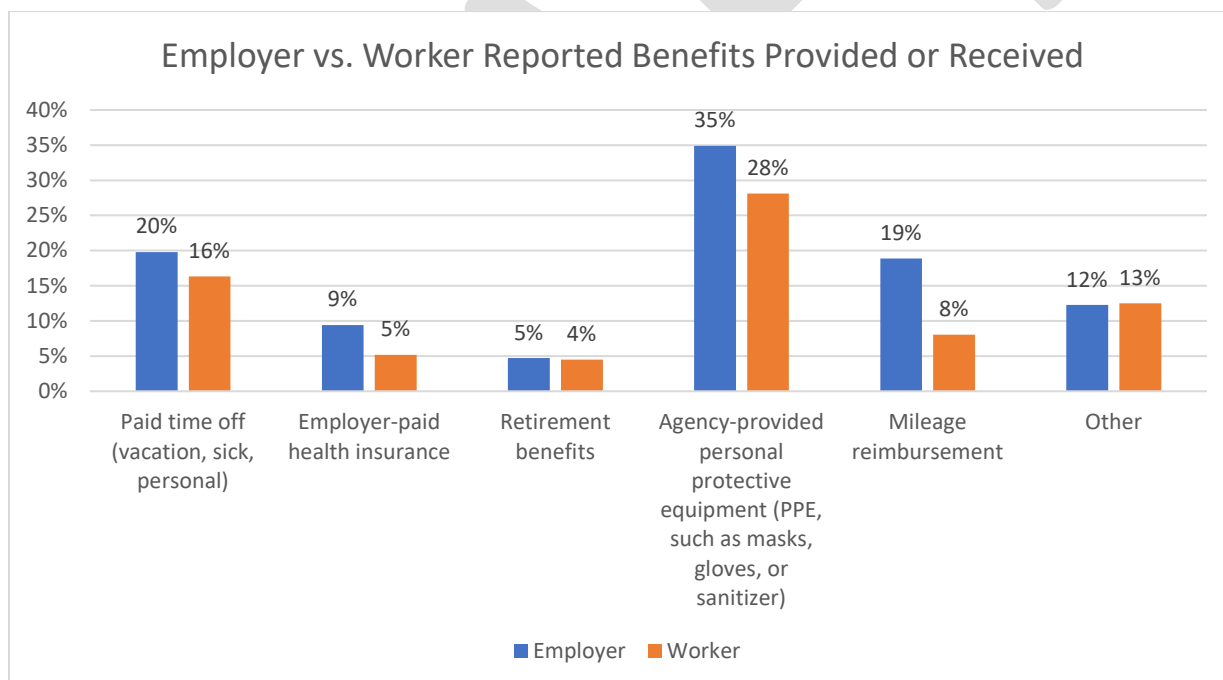
Survey results were used to inform requests for information and recommendations from HCSEB.

Notable Findings

- 78% of home care workers identify as women.
- 61% of home care workers identify as persons of color.
- Average respondent worked 10 years as a home care worker.
- 54% of workers provide home care for a family member.
- 78% of employers are contracted with Nevada Medicaid and report that an average of 70% of their clientele are Medicaid recipients.
- 67% of employers say the current Medicaid reimbursement rates hurt what they pay in personal care worker wages.
- 81% of workers reported that their employer reviews the consumers' service plan with them.
- 23% of workers reported having worked more than 40 hours in a week and not receiving paid overtime.
- 75% of workers who care for more than one client reported not knowing their employer's mileage reimbursement policy.
- Employers reported an average of 74% turnover rate of home care workers in 2021, and 88% of employers report losing personal care workers to higher paying jobs that require fewer skills.



Employers were asked to select the average wage paid to employees and workers were asked to select all wages that apply.



Employers were asked to select benefits provided to their home care workers in 2021. Workers were asked to select which benefits they had received from a PCS agency in 2021.

Caveats and Considerations

Employer Survey

- Responses were received from 48% of PCS agencies.
- Open response, anyone may take survey.

Worker Survey

- Responses were received from 3% of home care workers.
- Responses appear representative of the industry given that the demographic data aligns with data from the [Guinn Center](#) and [PHI](#).
- Possibly could have gotten more responses if able to distribute survey in Spanish; HCESB and supporting staff did not have resources to create a Spanish version of the survey.
- Unable to distribute survey directly to workers. Had to go through employers and request they distribute survey to workers.
- Open response, anyone may take survey.
- Survey heavily features long-time home care workers. Findings may have differed if focused on newer workers.

Recommendations

As each recommendation was approved by the Board, a letter was drafted and submitted by Chair Cody Phinney to DHHS Director Richard Whitley outlining the discussion and recommendation. Upon approval from the Director, implementation and next steps have begun on recommendations, as feasible.

Several topics and themes were present at each HCESB meeting. The most important being the necessity to raise the Medicaid reimbursement rate for personal care services and the minimum wage for home care workers. The Board is in agreement that the recommendation on rates and wages is the most important to come out of the investigation.

NAC 449.3973 – Paid Trainings

At the March 8, 2022 meeting, HCESB made a [recommendation](#) that Nevada Administrative Code (NAC) 449.3973, detailing the duties and responsibilities of a PCS agency administrator, be updated so that required trainings must be paid for by employers to lessen the financial burden of being a home care worker.

The proposed changes are currently undergoing the regulatory process and are expected to continue to the Legislative Commission for approval before the 2023 legislative session.

Medicaid Home and Community Based Services Plan

After receiving ARPA funding, it was announced as part of the Medicaid Home and Community-Based Services Plan that Nevada Medicaid would be offering [\\$500 supplemental payments to Medicaid home care workers](#) who have been on the front lines of the pandemic, as well as [15% supplemental payments to Medicaid PCS providers](#). HCESB found through public comment and reports from Medicaid that a portion of PCS agencies had not applied for the first round of supplemental payments to their employees.

The full HCESB and subcommittee passed [recommendations](#) during the April 26, May 2, and May 24, 2022, meetings regarding the Medicaid Home and Community Based Services (HCBS) Plan to reopen the first round of \$500 supplemental payments to home care workers, make application for these supplemental payments mandatory for home care employers, and to require that Nevada Medicaid obtain mandatory spending reports from PCS agencies detailing how the 15% supplemental payments were spent.

A survey has been sent out by the Division of Health Care Financing and Policy (DHCFP) to enrolled Medicaid providers of personal care services to inquire why an organization did not apply for the first round of \$500 payments. DHCFP has reopened applications for the first round of \$500 payments to survey respondents who expressed interest in applying and has encouraged providers to apply for the second round. HCESB has been informed that it is not within the scope of DHCFP to require personal care employers to apply for the \$500 payments to workers.

DHCFP has developed a voluntary survey to send to all providers who received the 15% supplemental payment that inquires what activities the enhanced funding was spent on by providers.

Rates and Wages

One of the primary goals of HCESB was to address the current Medicaid reimbursement rate for home care services and the minimum wage paid to home care workers. After considerable investigation into current wages of home care workers in Nevada, average wages across similar occupations in the state, average costs of living, and costs of operating a PCS agency, HCESB determined a reimbursement rate of \$25 and minimum wage of \$15 would be a meaningful improvement. The [recommendation](#) was made during the June 28, 2022, meeting.

Since making the recommendation, Nevada Medicaid has taken this direction into consideration when evaluating budget initiatives of the next legislative session. Additionally, DHCFP is utilizing American Rescue Plan Act (ARPA) funding to conduct a rate study. A legislative mandate is necessary for DHCFP to require an enrolled provider to direct a percentage of a Medicaid reimbursement rate to an employee, which the Board hopes will occur in the 2023 legislative session.

Employee Requirements for PCS Agencies

After findings suggested home care workers may be wrongly classified as independent contractors and thus not entitled to the benefits of being an employee, HCESB made a [recommendation](#) during the June 28, 2022 meeting that DHHS request a hearing on the Medicaid manuals that affect personal care to make a change that requires PCS agencies to only be permitted to hire W2 employees and ban the hiring of independent contractors by PCS agencies.

DHCFP has assured the Board that the Division will collaborate with the Bureau of Licensure and Certification to determine potential next steps since the recommendation relates to enrollment of personal care services organizations.

Know Your Rights

Passed at the August 23, 2022 meeting, HCESB has [recommended](#) distributing a Know Your Rights bulletin to all home care workers after the document has been approved by the new Labor Commissioner upon appointment.

Finalization of the Know Your Rights Bulletin is being addressed by the new Labor Commissioner.

Job-Related Expenses

In an attempt to lessen the financial burden of training and hiring on both workers and employers, HCESB passed a [recommendation](#) at the August 23, 2022 meeting to make all required job-related expenses be paid by the employer and for the Bureau of Health Care Quality and Compliance (HCQC) to look for opportunities for regulatory relief that does not compromise health and safety.

Respite

At the October 4, 2022, meeting, the Board made a [recommendation](#) for personal care respite services to be reimbursed at the same waiver rate of the service the respite worker is providing.

Consumer Direction Options Counseling

In order to improve conditions for both personal care workers and recipients, HCESB [recommended](#) the implementation of options counseling by case managers where recipients of personal care services would be educated on the Intermediary Service Organization (ISO) and agency models, and the recipient would be required to sign off on their delivery model selection.

Acknowledgement of Systemic Racism

Following considerations in the Subcommittee on Systemic Racism and Economic Injustice, at the October 4, 2022, meeting, HCESB approved the [recommendation](#) for DHHS to release a public acknowledgement regarding the low wages and systemic racism present in the home care industry.

Investigation of Discrimination

At the October 4, 2022, meeting, HCESB approved a [recommendation](#) from the Subcommittee on Systemic Racism and Economic Injustice for an industry-wide investigation to be conducted with the goal of developing policy solutions to systemic racism.

Functional Assessments

To better the development of adequate care plans for home care recipients, the Board [recommended](#) that DHHS require all Nevada Medicaid Functional Assessment Service Plans to be made available to PCS agencies at the October 25, 2022, meeting.

DHCFP asserted the recommendation is reasonable because Nevada Medicaid already performs the requested action. DHCFP committed to refreshing communications on the topic with providers.

Skilled Respite

At the meeting on October 25, 2022, the HCESB [recommended](#) DHHS commission an investigation into the needs of complex caregiving with the intent of developing policies that serve communities in need of skilled respite services.

HCBS Savings Study

At the October 25, 2022 meeting, HCESB [recommended](#) DHHS commission a study on the savings to Nevada Medicaid due to home and community based services (HCBS).

Cultural Competency Training Requirements

Considering home care workers in Nevada tend to be of a marginalized demographic, the Board [recommended](#) at the October 25, 2022 meeting that HCQC work on specific standards for the home care industry related to the required cultural competency training.

Cultural Competency Training Expenses

HCESB [recommended](#) that DHHS continue to ensure the burden of training, specifically the cultural competency training, not be on the employee at the October 25, 2022, meeting.

This recommendation is being addressed in the pursuit of regulatory changes to NAC 449.3973.

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Additional Goals and Suggestions

The following topics were discussed with great interest by the HCESB, however did not result in a recommendation to the Director of DHHS. The Board has requested the following topics be included in the report to show support for efforts by other entities.

Housing Security

The Board has repeatedly expressed concern over the struggles home care workers face in securing affordable housing. HCESB member, Shanieka Cooper, addressed her personal experience with the issue in an [interview with Las Vegas KTNV Channel 13 Action News](#). The Board hopes to see continued efforts in finding solutions for the current housing crisis.

Medicaid Electronic Visit Verification (EVV) System

HCESB suggests the continual assessment and improvement of the Medicaid EVV system. Board members expressed dissatisfaction with the current system and possible improvements during the [April 26, 2022](#) meeting.

Rates and Wages

The Board stands behind their recommendation for a \$25 Medicaid reimbursement rate for home care services and a \$15 minimum wage for home care workers. After the implementation of this recommendation, HCESB urges continual assessment of the rates and wages in home care and to raise the Medicaid reimbursement rate as needed to allow employers to cover expenses while paying workers competitive wages. Board members expressed strong support for subsequent increases in the Medicaid rate and minimum wage for home care workers in the [June 28, 2022](#) meeting.

Recommendation Implementation

The Board is interested in conducting follow-up investigations into the implementation of approved recommendations.

Systemic Racism

The HCESB thanks Governor Sisolak for declaring racism a public health crisis and urges continued work on addressing injustice in the health care system.

Testimonies



“Family caregivers face so many obstacles from isolation, high levels of stress, exhaustion, lack of respite care, and physical demands no matter what our age or medical situation. I wake up every four hours, every night, to turn my son Evan, who is an incomplete quadriplegic. That interrupted sleep really drains you. We suffer from a lack of hope for our future and our loved one’s future.

“Many of us have given up careers because we couldn’t find help for our loved ones. We have been the ones who have stepped up in this caregiver shortage crisis, especially during

Covid, and we need to be supported. Because of our commitment to our loved ones, we fill in the gaps in the workforce caused by low funding, meager wages, and lack of benefits. We urgently need to raise the Medicaid reimbursement rate to \$25 an hour and set a \$15 minimum wage for caregivers.”

**Remarks by Farren Epstein, home care worker and consumer
Home Care Employment Standards Board member**



“Every day, we are in a desperate struggle to survive on \$11 an hour with the cost of living going through the roof. Every day, we have to make painful choices about whether to feed our kids, pay the rent, pay the electric bill, fill up our gas tank, or buy essential medications. Every day, home care workers are leaving the field to work in other industries that pay double the wages with benefits and less stress.

“We need to all acknowledge that systemic racism is at the heart of why we are so underpaid for our essential work and why we have no healthcare, paid time off, or other benefits. Like the recent Standards Board survey showed, our workforce is 77% women and 61% people of color. Because we’re majority women and people of color, we’ve been exploited, undervalued, underpaid, and held down for so long. The recommendations of the Standards Board have to become a reality to lift up caregivers and address racial inequality in the industry, so we can continue to be there for our clients.”

**Remarks by Safiyyah AbdulRahim, home care worker
Home Care Employment Standards Board member**



"I've been caring for a military veteran since 2013, and we've built a strong relationship. Home care is very intimate work, on both a physical and emotional level. I help my client with bathing, get him dressed, and put lotion on his skin because the air here is so dry. I also talk with him a lot and give him gifts on his birthday. I love what I do because I know it makes such a big difference in his quality of life.

"The pandemic has been very hard on seniors, and home care workers have been a lifeline for our clients. We've risked our lives to keep our clients safe at home and made sure they don't get lonely or isolated. But for my essential work, I only make around \$10.50 an hour, and every day is a struggle to make ends meet.

We've stuck with our clients through the pandemic in order to provide loving, kind, helpful care. Now we need elected leaders to care for us and implement the recommendations of the Standards Board."

Remarks during public comment by Rozetta Love, home care worker



"Home care is one of the most important jobs in America, especially with the aging population, but it is probably one of the worst industries in terms of pay and benefits. It's shameful that we dedicate our lives to providing compassionate healthcare to others' family members, but only 5% of us have employer-paid health insurance for ourselves.

"My family and I recently experienced homelessness because our landlord raised the rent by \$200 and basically gave us three days to pack our bags and get out. My son is paralyzed and in a wheelchair, so he of course couldn't help with the packing or moving. It was a real struggle living out of a hotel room with my son and three young grandchildren. The whole process of the Standards Board has been about speaking out for what we deserve and what

we're worth, and creating urgent solutions."

**Remarks by Shanieka Cooper, home care worker
Home Care Employment Standards Board member**



“Home care clients like myself are facing a healthcare emergency every day, and it’s critical that we do everything in our power to raise standards, funding, wages, and benefits. I’ve had to rely on home care workers, including my mom, in order to have a life of dignity and well-being. My mother’s hard work allows me to continue to live in our home and community. But she’s in her late 70s, and we’re both increasingly worried that, because of the workforce shortage, we won’t be able to find workers to fully take over from her when the time comes.

“We need to solve this crisis so workers are able to survive and provide for their families, and can be there for seniors and people with disabilities like me. When I receive care in my home, I don’t have to go to an expensive nursing home, and that saves taxpayers money. Raising the reimbursement rate and wages will have so many long-term benefits for the health of clients and the economy of our entire state.”

**Remarks by Gerardo Gonzales, home care client
Home Care Employment Standards Board member**



“I’ve cared for seniors and people with physical and mental disabilities in their homes since 2006. Home care work has always been essential, especially during this pandemic, but with some of my clients I only make minimum wage, which was \$9.75 an hour and recently went up to \$10.50. It’s sad that for such important work many of us only get paid the bare minimum. Like most home care workers, I live paycheck to paycheck. I often don’t have the money to pay for utilities; but the bill collectors don’t care, they want their money. Sometimes, I don’t even have enough money to buy food. I used to be on SNAP, the government Supplemental Nutrition Assistance Program, but then they kicked me off because they said I made too much to qualify.

“It takes a special person to do home care work. We’re performing very intimate tasks that take strong muscles, a strong mind, and often a strong stomach. We all know people aren’t lining up to become home care workers. I’m passionately calling for higher wages as soon as possible, which would help solve the workforce shortage and be a major positive step forward for both workers and our clients.”

Remarks during public comment by Dawn Ralenkotter, home care worker



“Consumer Direct Care Network has been honored to be a part of The Homecare Standards Board. With our fellow board members, we have spent the last year discussing significant topics that impact homecare throughout the state of Nevada. Services provided by Personal Care Attendants are crucial in allowing individuals to remain in their homes and live their most fulfilling lives.

The caregiving workforce provides essential services for elderly and people living with chronic illness or disabilities to remain in their home and avoid more costly institutionalization. Currently this essential workforce is severely underpaid due to the state’s inadequate Medicaid rates. Low pay rates for caregivers makes recruiting and retaining caregivers extremely difficult and leads to high caregiver turnover. Without caregivers in our workforce, our most vulnerable are left without the in-home supports they need.

The state must provide a reimbursement system that funds the requirements HCBS Medicaid providers are required to follow. Nevada Medicaid rates for personal care services are incredibly low which make any additional trainings, benefits, or other needs increasingly difficult to administer.

We need a commitment from the state to fund and prioritize the changes that were identified by the Homecare Standards Board. Caregiving is a challenging and unique role that requires a dedicated and well compensated staff.”

**Remarks by Maxine Hartranft, home care employer
Home Care Employment Standards Board member**