

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE MEMORIAL 17

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Elizabeth "Liz" Stefanics and Gerald Ortiz y Pino and  
Linda M. López and Brenda G. McKenna

A MEMORIAL

REQUESTING THE HEALTH CARE AUTHORITY DEPARTMENT TO COMMISSION  
AN ANNUAL REPORT RELATING TO THE DIRECT CARE WORKER WORKFORCE  
AND REQUESTING ADJUSTMENTS TO PAYMENTS TO PERSONAL CARE SERVICE  
PROVIDER AGENCIES.

WHEREAS, New Mexico faces serious challenges in providing  
for the needs of those requiring care and recruiting and  
retaining well-trained direct care workers; and

WHEREAS, direct care workers are those workers who provide  
care to New Mexico's disabled and elderly persons and work as  
personal care assistants, home care aides, home health aides  
and certified nursing assistants; and

WHEREAS, direct care workers work in a variety of  
settings, including private homes, assisted living residences,  
adult daycare centers, nursing homes and other residential care

underscoring material = new  
~~[bracketed material] = delete~~

1 settings; and

2 WHEREAS, it is estimated that New Mexico will need to fill  
3 at least sixty-six thousand direct care worker jobs over a ten-  
4 year period; and

5 WHEREAS, persons with disabilities and the elderly suffer  
6 the effects of direct care worker shortages and a high turnover  
7 rate among workers; and

8 WHEREAS, possible reasons for direct care worker shortages  
9 in New Mexico such as low wages, a lack of benefits or  
10 inadequate training opportunities need to be thoroughly  
11 examined and understood in order to devise solutions that will  
12 bring in workers and provide them with the personal and  
13 professional satisfaction to encourage a more stable and  
14 reliable workforce;

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
16 OF NEW MEXICO that the health care authority department be  
17 requested to work in conjunction with the statewide coalition  
18 of New Mexico caregivers to initiate creation of an annual  
19 report examining and detailing information on the direct care  
20 worker workforce; and

21 BE IT FURTHER RESOLVED that the health care authority  
22 department be requested to complete the first direct care  
23 worker workforce annual report by April 1, 2025; and

24 BE IT FURTHER RESOLVED that as part of the direct care  
25 worker workforce report, each personal care service provider

.228324.1

1 agency be requested to submit data regarding direct care  
2 workers, including:

3 A. the number of full-time and part-time direct  
4 care workers employed at any time during the previous calendar  
5 year;

6 B. the percentage of the previous calendar year  
7 that each employee was employed by the agency;

8 C. the total length of employment for each employee  
9 as of the end of the previous calendar year;

10 D. disaggregated demographic information on direct  
11 care workers that includes:

12 (1) age;

13 (2) gender;

14 (3) race and ethnicity; and

15 (4) education level;

16 E. the hourly wage paid to each direct care worker  
17 during the previous calendar year;

18 F. employee benefits provided to direct care  
19 workers in the previous calendar year; and

20 G. the number of vacant direct care worker  
21 positions that the personal care service provider agency had  
22 not filled as of the end of the previous calendar year; and

23 BE IT FURTHER RESOLVED that the format for data reporting  
24 provide for sufficient confidentiality to protect both an  
25 individual direct care worker's identifying information and an

.228324.1

underscoring material = new  
~~[bracketed material] = delete~~

1 individual personal care service provider agency's identity;  
2 and

3 BE IT FURTHER RESOLVED that the health care authority  
4 department be requested to review and analyze the data  
5 submitted by personal care service provider agencies and submit  
6 a report by September 1, 2025 and September 1 of each  
7 subsequent year to the legislative health and human services  
8 committee, the legislative finance committee and the governor  
9 that includes:

- 10 A. the total number of full-time and part-time  
11 direct care workers in the state;
- 12 B. a demographic analysis of the direct care worker  
13 workforce;
- 14 C. the highest, lowest and average hourly wage paid  
15 to direct care workers;
- 16 D. the average length of employment for direct care  
17 workers;
- 18 E. the vacancy and turnover rates for direct care  
19 workers; and
- 20 F. the availability and type of benefits provided  
21 by personal care service provider agencies to direct care  
22 workers; and

23 BE IT FURTHER RESOLVED that the health care authority  
24 department be requested to contract for an independent biennial  
25 cost study for the purposes of determining the cost of

.228324.1

underscored material = new  
~~[bracketed material] = delete~~

1 providing personal care services and recommending reimbursement  
2 rates for personal care service provider agencies to cover  
3 those costs; and

4 BE IT FURTHER RESOLVED that the health care authority  
5 department be requested to execute the contract for the initial  
6 cost study no later than December 31, 2024 and that the  
7 reimbursement rates in the cost study include consideration of:

8 A. the additional costs that would be incurred by  
9 personal care service provider agencies if direct care workers  
10 employed by personal care service provider agencies were to be  
11 paid at least one hundred fifty percent of the state minimum  
12 wage;

13 B. recent and projected changes in costs due to  
14 factors that include direct and indirect costs, inflation and  
15 changes to the applicable minimum wage; and

16 C. direct care worker vacancies that affect  
17 personal care service provider agency costs; and

18 BE IT FURTHER RESOLVED that the health care authority  
19 department be requested for each fiscal year to include  
20 sufficient funding in its budget request to implement the most  
21 recent cost study's recommended reimbursement rates that would  
22 allow all direct care workers employed by personal care service  
23 provider agencies to be paid at least one hundred fifty percent  
24 of the state minimum wage; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

.228324.1

underscored material = new  
~~[bracketed material] = delete~~

1 transmitted to the governor, the secretary of health care  
2 authority, the New Mexico caregivers coalition, the legislative  
3 health and human services committee and the legislative finance  
4 committee.

5 - 6 -  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25