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## PCA Workforce Council Views Bill #5312 [not-secure]

**From :** Dawn B. Lambert <Dawn.Lambert@ct.gov>

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**Subject :** PCA Workforce Council Views Bill #5312 [not-secure]

**To :** 'Fonfara@senatedems.ct.gov', 'Eric Coleman <Eric.Coleman@cga.ct.gov>', 'LeBeau@senatedems.ct.gov', 'Cassano@senatedems.ct.gov', 'Bye@senatedems.ct.gov' <'Bye@senatedems.ct.gov'>, 'Gerratana@senatedems.ct.gov' <'Gerratana@senatedems.ct.gov'>, 'John A Kissel <John.A.Kissel@cga.ct.gov>', 'Kevin Witkos <Kevin.Witkos@cga.ct.gov>', 'Doyle@senatedems.ct.gov', 'Harp@senatedems.ct.gov', 'Looney@senatedems.ct.gov', 'Meyer@senatedems.ct.gov', 'Len Suzio <'Len.Suzio@cga.ct.gov'>', 'Slossberg@senatedems.ct.gov' <'Slossberg@senatedems.ct.gov'>, 'Hartley@senatedems.ct.gov', 'Joe Markley <'Joe.Markley@cga.ct.gov'>', 'Crisco@senatedems.ct.gov', 'Maynard@senatedems.ct.gov' <'Maynard@senatedems.ct.gov'>, 'Prague@senatedems.ct.gov' <'Prague@senatedems.ct.gov'>, 'Stillman@senatedems.ct.gov' <'Stillman@senatedems.ct.gov'>, 'Kevin Kelly <'Kevin.Kelly@cga.ct.gov'>', 'Musto@senatedems.ct.gov' <'Musto@senatedems.ct.gov'>, 'Gomes@senatedems.ct.gov' <'Gomes@senatedems.ct.gov'>, 'Michael.McLachlan@cga.ct.gov' <'Michael.McLachlan@cga.ct.gov'>, 'Duff@senatedems.ct.gov' <'Duff@senatedems.ct.gov'>, 'Toni Boucher <'Toni.Boucher@cga.ct.gov'>', 'Leone@senatedems.ct.gov' <'Leone@senatedems.ct.gov'>, 'John.McKinney@cga.ct.gov' <'John.McKinney@cga.ct.gov'>, 'Williams@senatedems.ct.gov', 'Andrew Roraback <'Andrew.Roraback@cga.ct.gov'>', 'Jason.Welch@cga.ct.gov' <'Jason.Welch@cga.ct.gov'>, 'Rob Kane <'Rob.Kane@cga.ct.gov'>', 'Daily@senatedems.ct.gov', 'Len Fasano <'Len.Fasano@cga.ct.gov'>', 'Anthony.Guglielmo@cga.ct.gov' <'Anthony.Guglielmo@cga.ct.gov'>, 'Scott Frantz <'Scott.Frantz@cga.ct.gov'>

Dear Legislators,

This is Dawn Lambert, chair of the PCA Quality Home Care Workforce Council established by Governor's Executive Order No. 10.

Yesterday, you received an email from Nora Duncan of ARC regarding the Council's May 2 meeting. While we respect Nora's opinions, she is not a member of the Council, nor authorized to speak for members. I am writing today to advise you directly about our views on Bill #5312.

Briefly, the Council passed a resolution to suggest revised language to support the bill. The essence of the resolution is below:

- The Council met on May 2, 2012, to review the amendment to House Bill # 5312, file number 586.
- The purpose of the review was to improve the language of the bill not to advocate rejection.
- In fact, the Council views its function regarding these efforts as advisory in nature; the Council does not have a formal position on unionization.
- The Council understands that the proposed language is late in the process for consideration and requests that if the current language passes the Senate, proposed revisions would be considered as part of an Implementer bill.
- **Alternatively, if none of the aforementioned is possible, the Council recommends that assurances be offered in line with the intent of the revised language proposed below and honored in implementation of the bill.**

### Suggested language for Section 5:

Rationale summary:

- The Council feels that the composition of the council as proposed should be comprised of a majority of consumers/persons with disabilities or elders.
- Current language of the draft bill indicates that the potential member of the council be a member of an organization representing interests of the consumer. It does not indicate that the council members be consumers themselves as illustrated in lines 196 through 219. Examples of substitute language consistent with the principles are underlined and bolded below

Language recommendation (additions underlined):

- Sec 5. (NEW) (Effective July 1, 2012) (a) There is established the Personal Care Attendant Workforce Council to ensure the quality of long

term personal home care. **The Council membership should be comprised of a minimum of 51% Employers of personal care attendants or Employers of direct care workers or surrogates of either group of employers.**

- Sec. 5 (5) Three appointed by the Governor one of whom shall be ~~an Employer member of an organization~~ representing the interests of ~~Employers consumers~~ with developmental disabilities **or their surrogate**, one of whom shall be ~~an Employer member of an organization~~ representing the interests of ~~Employers consumers~~ with physical disabilities or their **surrogate**, and one of whom shall be an ~~Employer member of an organization~~ representing elderly consumers **or their surrogate**.
- Similar changes addressing lack of consumer control should be made in Sec.5. Subsection 6 – 11, lines 202 through 219.

#### **Suggested language for Section 7:**

##### Rationale summary:

- The Council's concerns regarding reduction in services are based upon language in Sec. 7 of the current bill. While Sec 7 discusses the requirement of Commissioners to submit and seek approval for waiver amendments necessary to effectuate the provisions of Sec 4 – 6 of the Act, the language of this section is unclear whether the results of collective bargaining agreement will be implemented prior to Federal approval to the Medicaid waiver amendments. If amendments are not approved prior to implementation of collective bargaining, the people we support with these waivers who are at the highest level of need may experience a reduction of hours. Any salary increase without a concomitant approved waiver amendment results in risk to waiver participants.

##### Language recommendation (additions underlined):

- Sec.7. (NEW) (Effective July 1, 2012) The Commissioners of Social Services and Developmental Services shall submit any application for a waiver of federal law necessary to effectuate the provisions of sections 4 to 6, inclusive, of this act, in accordance with the provisions of section 17b-8 of the general statutes. The Commissioners of Social Services and Developmental Services and any other department or agency of the state shall take all actions reasonably necessary to obtain **timely** approval for any such waiver and to ensure the continuation of necessary federal funding. **Implementation of any collective bargaining agreement must be contingent upon successful submission and approval of the DSS and DDS waiver amendments.**

The Council felt strongly that these proposed changes or assurances are critical to a successful implementation of the bill and will benefit all stakeholders involved in the process.

Thank you in advance for consideration.

Respectfully submitted,

Personal Care Attendant Workforce Council

Patti Clay  
 Gregory McMahon  
 Elizabeth Marafino  
 Imla Eubanks  
 Liz Lemiska  
 Michelle Duprey  
 Dawn Lambert, Chairperson

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