

107TH CONGRESS  
2D SESSION

# S. CON. RES. 151

Expressing the sense of Congress that the Federal Government and the States should make it a priority to ensure a stable, quality direct support workforce that provides services and supports for individuals with mental retardation and other developmental disabilities.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 2002

Mr. HUTCHINSON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

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## CONCURRENT RESOLUTION

Expressing the sense of Congress that the Federal Government and the States should make it a priority to ensure a stable, quality direct support workforce that provides services and supports for individuals with mental retardation and other developmental disabilities.

Whereas there are more than 8,000,000 Americans who have mental retardation or other developmental disabilities;

Whereas individuals with developmental disabilities include those with mental retardation, autism, cerebral palsy, Down's syndrome, epilepsy, and other related conditions;

Whereas individuals with mental retardation or other developmental disabilities have a continuous need for individually planned and coordinated services due to substantial limi-

tations on their functional capacities, including limitations in at least 2 of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and economic self-sufficiency;

Whereas for the past 2 decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed a desire to live and work in their communities and to join the mainstream of American life;

Whereas the Supreme Court, in *Olmstead v. L.C.*, 527 U.S. 581 (1999), 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 *Olmstead* and continue to move more individuals from institutions into the community;

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

Whereas our Nation's long-term care delivery system is dependent upon a disparate array of public and private funding sources, and is not a conventional industry, but rather is financed primarily through third-party insurers;

Whereas Medicaid financing of supports and services to individuals with mental retardation or other developmental disabilities varies considerably from State to State, causing significant disparities across geographic regions,

among differing groups of consumers, and between community and institutional supports;

Whereas aside from 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 care, personal care and hygiene, employment, transportation, recreation, house-keeping, and other home management-related supports and services that enable these individuals to 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 as well as 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, undermines the expansion of community integration as called for by President George W. Bush's New Freedom Initiative, and places the community support infrastructure at risk: Now, therefore, be it

1       *Resolved by the Senate (the House of Representatives*  
2       *concurring),*

3       **SECTION 1. SHORT TITLE.**

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

6       **SEC. 2. SENSE OF CONGRESS REGARDING SERVICES OF DI-**  
7                               **RECT SUPPORT PROFESSIONALS TO INDIVID-**  
8                               **UALS WITH DEVELOPMENTAL DISABILITIES.**

9       It is the sense of Congress that the Federal Govern-  
10      ment and the States should work to advance our Nation's

1 commitment to community integration for individuals with  
2 mental retardation or other developmental disabilities and  
3 to advance personal security for such individuals and their  
4 families by making it a priority to ensure a stable, quality  
5 direct support workforce that provides services and sup-  
6 ports for such individuals.

