

Senate Joint Memorial 6 Task Force

Phase 1 Q&A

**Q&A on
New Mexico Medicaid Programs
Related to
Fair Labor Standards Act
“Home Care Rule” of 2015**

**Presented to
New Mexico
Legislative Health and
Human Services (LHHS) Committee**

Prepared by



**NEW MEXICO
DIRECT CAREGIVERS
COALITION**

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1. What is New Mexico Senate Joint Memorial (SJM) 6?

Senate Joint Memorial (SJM) 6 of the 2017 New Mexico Legislature directed the creation of a statewide Task Force to recommend to ensure that the state complies with federal law, implements policies that best meet the needs of individuals receiving long-term supports and services and promotes a stable workforce to meet the needs of seniors and individuals with disabilities who rely on these services.

2. What does this report ask us as legislators to do?

This is the first report of the Task Force. We ask that LHHS Committee review this report then develop directives, requests and laws pertaining to Medicaid HCBS in light of federal rules that were extended to direct care workers in 2015.

3. What is a “direct care worker”?

A direct care worker is a Nursing Assistant; Personal Care Aide; Home Health Aide or other related direct care occupations. Together, they are the fastest-growing profession in the State of New Mexico. This workforce—88% of whom are women and largely women of color--performs the invaluable, life-saving work of caring for those who are elderly and those with disabilities. There are more than 61,000 in New Mexico; this number does not include all workers caring for persons served by self-directed programs.

4. How do recommendations of SJM6 Task Force connect to Fair Labor Standards Act? Why is this report being written now?

Federal Fair Labor Standards Act (FLSA) sets standards that require payment of at least minimum wage, overtime pay and pay for time traveling between clients in the course of the caregiver’s workday. In 2015, the U.S. Department of Labor (DOL) recognized “the changes to the home care industry and workforce”¹ and revised FLSA regulations to extend minimum wage and overtime protections to the nearly 4 million homecare workers in the United States. The NM Legislative directive makes NM one of only a handful of states to address these issues at a state level.

5. Will the work of SJM6 Task Force continue after this report?

Yes. The Task Force is charged with preparing a second report of recommendations on promoting long-term stability, retention and expansion of the direct care workforce to meet the growing needs of New Mexicans needing those services.

6. How do I get the full report or talk to for more information?

For more information, contact Adrienne R. Smith at New Mexico Direct Caregivers Coalition, Ph. 505-867-6046, www.nmdcc.org or write info@nmdcc.org.

NMDCC advocates for direct care workers’ education, training, benefits, wages and professional development so they may better serve people who are elderly and those with disabilities.

¹ Preamble to Final Rule, 78 Fed. Reg. 60454 (10/1/2013).