

Direct Care Job Quality Improvement Act Section-by-Section Summary

Section 1. Short Title

- This Act may be called the “Direct Care Job Quality Improvement Act of 2011.”

Section 2. Findings.

- Describes the critical role that direct care workers have in the delivery of quality long-term care; poor working conditions for direct care workers will make it a challenge to meet the increasing demand for care and services; and some of the factors contributing – such as inadequate wages, benefits, workforce monitoring, and training – to high turnover and low job satisfaction.
- In the next ten years, millions of Americans will need long-term health care.
- The United States is dealing with a shortage of direct care workers to provide long-term care because of a high turnover rate due to low pay and lack of access to health insurance, benefits and training.
- Almost half of all direct care workers in the United States live at or below the poverty level and receive public benefits such as food stamps and Medicaid.

Section 3. Limitation to Exemption Under the Fair Labor Standards Act.

- Amends the FLSA Act to apply its protections to home care workers.
- Stipulates that FLSA protections apply to home care workers who work more than 5 hours per week or for a time period that has extended beyond twelve weeks in a calendar year.

Section 4. Long-Term Services and Supports.

- Establishes a Direct Care Workforce Monitoring Program that will monitor the capacity and quality of the direct care workforce in all relevant Federal healthcare programs.
- Establishes a minimum standard for data collection and reporting across all long-term care settings, including specifying the number of full-time and part-time workers, turnover rate, vacancies, average wage and typical benefits package.

Section 5. Prioritizing Analysis by National Healthcare Workforce Commission.

- Establishes the direct care workforce as high priority area for the Commission to review, analyze and make recommendations to effectively track workforce supply, demand and shortages.

Section 6. Grants and Technical Assistance for Data Collection and Monitoring.

- The Secretary of Health and Human Services will award grants to states, Indian tribes and tribal organizations to develop data collection and monitoring systems to evaluate the capability and stability of the direct care workforce to meet current and future demand for long-term services and supports.

Section 7. Direct care Workforce Recruitment, Retention, and Education Grant Program.

- Establishes a grant program under the direction of the Secretary of HHS for States and other eligible entities to improve the recruitment, retention, and education of the direct care workforce.
- Stipulates that grants be used to increase and improve training programs, improve data collection, expand recruitment and retention, or promote the role of direct care workers.
- Defines the grant application process, eligibility, and reporting requirements.

Section 8. Reports by Secretary.

- The Secretary of Health and Human Services will prepare and submit to Congress a report describing the effectiveness of grants awarded under sections 6 and 7, including the effectiveness of the programs funded by grants in reducing turnover rates in the direct care workforce.

Section 9. Definitions.

- The term “direct care worker” includes Home Health Aides, Psychiatric Aides, Nursing Assistants, and Personal Care Aides.