



PROFILE

Hi, my name is Damon Leivestad, I'm a 50-year-old Mechanical Engineer and Disability Advocate from Plymouth, MN. I was born with Spinal Muscular Atrophy which is a degenerative neurological disorder that causes muscle deterioration and weakness as it progresses. I began using a wheelchair full-time when I was ten years old, and I have been using PCA home care services since 1992.

Due to the overall difficulty of finding home care workers I have begun to rely more and more on my parents to provide for my care. This solution, however, is not sustainable as my parents are now in their late 70's and have much less ability to help me than they once did. Many of my cares that are easily done by one home care worker requires both of my parents working together to accomplish. This has left me increasingly concerned about their and my safety as well as what the future has in store for me.

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DIRECTION TO COMMISSIONER OF HUMAN SERVICES; REIMBURSEMENT FOR PERSONAL CARE ASSISTANTS AND COMMUNITY-FIRST SERVICES AND SUPPORTS WORKERS. SF4043 & HF4675

(1) up to eight hours of overtime per week per worker beyond the current maximum number reimbursable hours per month

- Allowing overtime would enable current homecare workers to provide extra care during the ongoing worker shortage which would help keep clients healthy and out of expensive hospitals or long-term care facilities. The more help a person can find the more security and stability they will have in their lives, something which most people take for granted. Due to the inability to staff homecare workers disabled client's health, safety, and dignity needs have not been met. Without these basic needs being met, it's impossible to know what their future will look like. Planning for employment, time with family and friends, or getting involved in their communities have been set aside because survival has become their primary task.

(2) asleep or awake staffing overnight in the same manner as direct support professionals under the brain injury waiver, community alternative care waiver, community access for disability inclusion waiver, and developmental disabilities waiver; and

- The U.S. Department of Labor – Wage and Hour Division (WHD) – In chapter [31b12c](#) clearly states that **shifts OVER 24 hours long with SLEEP are permissible and payable** as does the Minnesota Labor and Industry Department [5200.0121](#) Sleeping time and certain other activities.
- DHS already offers [night supervision services](#) for BI, CAC, CADi and DD waiver plans. These night supervision services can be awake or sleep positions, but they are not allowed under traditional PCA services.
- Allowing home care workers to be on the clock while earning their normal wage for overnight shifts would greatly benefit clients with 16-to-24-hour care. Recipients with these amount of care hours typically use some type of overnight respiratory device such as a ventilator or Bi-Pap. In these situations, it would be common for the worker to be woken up every two to three hours to help the client adjust their respiratory device, clear airways with a suction machine, reposition, roll over, or use the bathroom.
- It's very difficult, if not impossible, to find homecare workers who will work awake overnight shifts, which leaves many clients with few safe options at night.
- If a client can offer overnight sleep shifts it would give them more flexibility and access to more potential caregivers. If someone has a full-time day job a sleep overnight position would allow them to pick-up additional work as homecare worker and keep their regular job.

(3) services in shifts of up to 80 consecutive hours when otherwise compliant with federal and state labor laws.

- Due to the home care workforce shortage and the inability to schedule workers more than 24 hours a shift, clients are forced to restrict their life, safety, and travel. People with disabilities have the right to travel out of town for a vacation, the quintessential Minnesota pastime – up north to the cabin, or for any reason they see fit. The biggest barrier preventing home care clients from using PCA hours the way they choose, in accordance with the [Olmstead Act](#), is the right from DHS.
- Some homecare workers want to work one long shift every week or every other week. Some caregivers may have other jobs, school, or they might watch their children during the week so working a Friday night to Sunday night shift when they don't work, have school, or when their spouse can watch their kids would be a flexible benefit that could draw people to the home care industry.