



Presented by:

Office of Developmental Disabilities Services

# PSW WEEKLY HOURLY CAP PER ISP EFFECTIVE 9/1/15

# AGENDA

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- ❖ Overview
- ❖ Implementation
- ❖ Examples
- ❖ Transition
- ❖ Exceptions
- ❖ Resources



# OVERVIEW

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- ✘ This change is to limit the amount of authorized hours a Personal Support Worker may work for a single individual on a weekly basis.
- ✘ This change is driven by the Department of Labor (DOL) initiatives for PSWs.
- ✘ The 50 hour weekly limit will begin to be implemented on September 1, 2015.

# IMPLEMENTATION

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- ✘ New Individual Support Plans (ISPs) that begin 9/1/15 or later, PSWs may not be authorized more than 50 hours per week per individual.
- ✘ This policy will apply to PSWs working under Existing ISPs when:
  - + ISPs Annual Renewals with effective dates after 9/1/15
  - + A new PSW is added to an existing ISP after 9/1/2015
  - + All PSWs must not be authorized to work more than 50 hours per week per individual by 8/31/2016

# IMPLEMENTATION

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- ✘ This means that you cannot authorize more than 50 hours per work week for each PSW.
  - + There are exceptions
- ✘ Work Week:
  - + 12:00 a.m. on Sunday through 11:59 p.m. on Saturday



# TRANSITION

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- ✘ How can individuals get their needs met when a PSW was working more than 50 hours per week?
  - + Other qualified PSWs
    - ✘ Oregon Home Care Commission Registry and Referral System
  - + Qualified In-Home Agencies
    - ✘ DD Certified, Endorsed, or Licensed provider organizations
    - ✘ In-Home Agencies licensed by Public Health
    - ✘ Adult Day Care Agencies contracted by APD
  - + Natural supports

# EXAMPLES

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- ✘ Existing ISP effective starting 12/1/15 scenario -
  - ✘ 1 PSW= 60 hrs./wk.
  - ✘ PSW quit on 9/15/15:
    - + 1 PSW 50 hrs./wk.
    - + 1 PSW 10 hrs./wk.
      - ✘ OR any combination as long as a single PSW does not exceed the 50 hour per week maximum.
- ✘ Annual ISP effective starting 12/1/15.
  - + PSW will continue with the same individual
  - + PSW could continue working 60 hrs./wk. through 11/30/15
  - + Effective 12/1/15 -
    - ✘ 1 PSW 50 hrs./wk.
    - ✘ 1 PSW 10 hrs./wk.
      - \* OR any combination as long as a single PSW does not exceed the 50 hour per week maximum.

# PLAN OF CARE

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- ✘ PSW Provider Authorizations may be set up as a weekly authorization of up to 50 hours.
  - + This 50 hour authorization will draw from the ANA/CNA authorized hours in Plan of Care (POC)
  - + All PSWs providing services under a single ISP could have Provider Authorizations of up to 50 hours per week. This allows Employers the flexibility to manage scheduling without having to adjust the POC.

# EXCEPTIONS PROCESS

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- ✘ Exceptions that are able to be made at the CDDPs and Brokerages must be made in accordance with policies established by the CDDP or Brokerage.
  - + A Policy for reviewing Exceptions must be available for QA purposes
- ✘ Exceptions that require ODDS approval will use the current Funding Review and Exceptions process

# EXCEPTIONS TO THE 50 HOUR CAP

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- ✘ Provider Capacity Exception: No qualified In Home provider agency or PSW within 45 minutes of the individual's service location is able to provide needed services.
  - + **CDDP/Brokerage Approval**: up to 120 days while referrals are made to local resources
  - + **ODDS Central Office Approval**: greater than 120 days up to the end of the current ISP

# EXCEPTIONS TO THE 50 HOUR CAP

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- ✘ Provider Unable to Work: A provider quits, is terminated, no longer meets qualifications, or credentials have expired
  - + **CDDP/Brokerage Approval**: up to 120 days while referrals are made to local resources
  - + **ODDS Central Office Approval**: greater than 120 days up to the end of the current ISP

# EXCEPTIONS TO THE 50 HOUR CAP

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- ✘ Out-of-Town Situations: An individual requires care to ensure their health and safety, and it is not feasible to bring additional providers
  - + **CDDP/Brokerage Approval**: up to 14 days per year at the full assessed daily hours
  - + **ODDS Central Office Approval**: additional days beyond the initial 14 and for daily hours above the daily assessed hours

# EXCEPTIONS TO THE 50 HOUR CAP

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- ✘ Relief or Substitute Care: When another provider or caregiver who has been scheduled to provide services becomes unavailable to provide services critical to the health and safety of the individual.
  - + **CDDP/Brokerage Approval**: up to 24 additional hours per quarter
  - + **ODDS Central Office Approval**: more than 24 hours per quarter

# EXCEPTIONS TO THE 50 HOUR CAP

- × Emergent Need: An urgent need for care arises and exceeding the limit is unavoidable without risking the health and safety of the individual
  - + **CDDP/Brokerage Approval**: up to 24 additional hours per quarter
  - + **ODDS Central Office Approval**: more than 24 hours per quarter

# EXCEPTIONS TO THE 50 HOUR CAP

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- ✘ Unique/Complex Needs: The individual's health and safety would be compromised by adding additional providers to the service plan.
  - + **CDDP/Brokerage Approval**: approve up to 120 days while alternatives are explored & an attempt is made to craft a plan that can meet the health and safety needs of the individual.
  - + **ODDS Central Office Approval**: greater than 120 days up to the end of the current ISP

# DOCUMENTATION EXPECTATIONS

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- ✘ CDDP /Brokerage must document that:
  - + Other resources were researched; and
  - + Referrals were made to appropriate resources; and
  - + No other alternatives are available that meet the consumer's needs; and
  - + There is a documented effort to remain within the authorized 50 hour maximum.
    - ✘ Specific documentation requirements for each scenario are outlined in the “Exceptions to Individual Support Plan Hourly Cap for PSWs Worker Guide”

# SOCIAL BENEFIT

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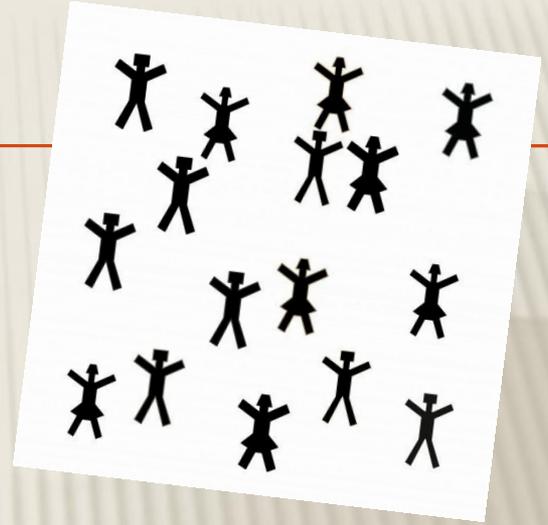
- ✘ Any exception that is granted must meet the definition of a social benefit per OAR
  - + *“Social benefit” means the service or financial assistance solely intended to assist an individual with an intellectual or developmental disability to function in society on a level comparable to that of a person who does not have an intellectual or developmental disability.*

# MULTIPLE PROVIDERS



- ✘ The changes are not intended to limit the number of hours of support individuals are able to receive, as established through the assessment and planning process.

# MULTIPLE CONSUMERS



- ✘ The changes described are not intended to limit the number of hours a PSW may work across multiple individuals.

# RESOURCES

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## ✘ OARs:

- + [OAR 411-320 Community Developmental Disability Programs](#)
- + [OAR 411-340 Support Services for Adults with Intellectual or Developmental Disabilities](#)
- + [OAR 411-308 In-Home Support for Children with Intellectual or Developmental Disabilities](#)

## ✘ Policy Transmittals:

- + [APD-PT-15-021: Limit on authorized hours a PSW may work per Individual Support Plan](#)
- + [APD-IM-15-051: Training for Service Coordinators and Personal Agents on “Limit on authorized hours a PSW may work per Individual Support Plan”](#)

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