

Lilia Teninty

Authorized Signature

Number: APD-PT-16-030
Issue date: 8/1/2016

Topic: Developmental Disabilities

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: _____

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input checked="" type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children’s Residential Services | <input checked="" type="checkbox"/> Other (<i>please specify</i>): Service Coordinators, Personal Agents, Brokerage Directors, SEIU, OHCC |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	PSW Weekly Hours Limitations		
Policy/rule number(s):		Release no:	
Effective date:	September 1 st , 2016	Expiration:	
References:			
Web address:			

Implementation/transition instructions:

Effective September 1, 2016 Personal Support Workers (PSWs) will have limitations to hours authorized to work. Personal Support Workers weekly hours limitations will apply to PSWs who work for multiple individuals.

PSW weekly hours limitation will be based on the following categories:

- PSWs may be authorized to work up to 40 hours per work week if:
 - The PSW was initially credentialed on or after June 1, 2016

- The PSW was credentialed prior to June 1, 2016 and worked **less** than an average of 40 hours per week in March, April, and May 2016
- PSWs may be authorized to work up to 50 hours per work week if:
 - The PSW was credentialed prior to June 1, 2016 and worked **more** than an average of 40 hours per week in March, April, and May 2016
- Regardless of the number of hours a PSW is eligible to work, a PSW may not work more than the authorized amount unless there is an emergent need. Emergent need is defined as an unplanned urgent need for care that would endanger the health and safety of the individual if not provided immediately.

“Hours worked” includes hourly care, relief care and travel time between individuals on the same date.

“Work week” is defined as 12:00AM on Sunday through 11:59PM on Saturday

PSW may not work more hours, than is identified above, as soon as the first individual whom they work for has their ISP renewed. A PSW may not begin working with a new individual if the hours will put them over their allowable number of hours each week. PSWs are responsible for working within their weekly hour limit as identified above even when working for multiple employers.

PSWs must inform employers of restrictions to the number of hours that they can work to ensure that individuals can plan for additional resources to meet their identified support needs. PSWs who repeatedly work over their weekly limitations may have action taken against their provider number up to and including termination.

ODDS continues to expect that the Service Coordinator or Personal Agent follow the guidance in the [Limit on authorized hours a PSW may work FAQs](#) when it is known that a PSW has worked more than their weekly limitation.

PSW authorizations must be in accordance with the work week caps as ISPs renew and all PSW authorizations must be adjusted no later than June 30, 2017.

Communication between case management entities will be critical if a PSW is working for multiple individuals. The first individual ISP that renews may impact another individual's PSW hours.

ODDS recognizes there will be situations requiring an exception to the weekly hour limitations. ODDS will continue to use the criteria and process found in the [PSW Hour Limits Exceptions Worker Guide](#) to make decisions regarding these situations.

ODDS is exploring and developing eXPRS enhancements to assist with limiting PSWs

hours during a work week.

Training/communication plan:

7/29/2016:

- PT-PSW Relief Care
- PT-PSW Hours Limitations

8/5/2016:

- ODDS will send PSWs Retroactive Overtime Pay Letter
- ODDS will send customized PSW Weekly Hour Limitation Letter
- ODDS will send Employer Letter with information on the weekly limitations
- PSW Hour Limits Spreadsheet for CMEs
- PSWs Crossing Individuals Spreadsheet for CMEs

8/12/2016:

- Updated [PSW Hours Limits Exceptions Worker Guide](#)
- Updated [Limit on authorized hours a PSW may work FAQs](#)
- AR-Authorizing Relief Care for PSWs
- Authorizing Relief Care Worker Guide

8/19/2016:

- PSWs Cap Violations Worker Guide
- PSW Cap Violations form letter

9/1/2016

- OAR 411-375 Temporary Changes

Local/branch action required:

Central office action required:

Field/stakeholder review: Yes No

If yes, reviewed by: Sarah Jane Owens, Katie Rose

Filing instructions:

If you have any questions about this policy, contact:

Contact(s):	Chrissy Fuchs		
Phone:	503-947-4241	Fax:	
Email:	Chrissy.fuchs@state.or.us		