



# Live-in Service Planning and Travel Time Policy and Process

EFFECTIVE JANUARY 1, 2016

PRESENTED BY APD MEDICAID LONG TERM CARE

# The Live-in Lists

- ▶ Before we begin...
- ▶ Thank you so much for your work on the live-in lists!!
- ▶ These lists were really important to work on to avoid as many potential payment issues as possible in the future.

# Why are these changes occurring?

- ▶ The US Department of Labor (DOL) issued a “Final Rule” in several key areas that impact APD work:
  - ▶ Overtime
  - ▶ Minimum Wage
  - ▶ Recordkeeping
  - ▶ Travel Time
  - ▶ Live-in Provider

These regulation changes are between the consumer (employer) and the provider. However, APD has been determined to be a “third party employer” with the consumer. DOL requires third party employers to also implement these changes.

# Live-in Requirements from DOL

- ▶ Hours worked must be paid at least minimum wage.
- ▶ A HCW that works a 24 hour shift (live-in HCW) must be paid 16 hours per shift (including ICP).
- ▶ A HCW must be paid when the HCW's sleep time is interrupted by providing direct care to the consumer.
  - ▶ APD policy allows the HCW to claim up to three hours per shift for this need (for a total no exceeding 19 hours per shift). Prior-authorization not required.

# Live-in Requirements from DOL

- ▶ A HCW that must provide care above 19 hours in one 24-hour shift must be paid all 24 hours per the DOL requirements.
- ▶ APD policy does not permit this to occur unless there is an emergent need. These payments must be approved by Central Office.

# Service Plan Authorizations

- ▶ On January 1, 2016, authorization for live-in plans will change. Authorization will move from an hourly authorization to a daily authorization.

# Live-in Changes Before January 1, 2016:

Hours paid to a live-in HCW were the same regardless of how many days they worked in a pay period.

- ▶ A 5 day live-in HCW is authorized 195 a hours a month on the 546N.
- ▶ The HCW works 11 full days in the first pay period.
- ▶ The HCW works 12 full days in the second pay period.



# Live-in Changes January 1, 2016 and after

Hours paid to a live-in HCW are paid by the number of days worked in the pay period.

- ▶ A 5 day live-in HCW is authorized 195 a hours a month on the 546N.
- ▶ The HCW works 11 full days in the first pay period.
- ▶ The HCW works 12 full days in the second pay period.
- ▶ Payment is calculated at 16 hours per day worked.



# Remarks in the 546N

- The hours in the live-in service plan are to demonstrate the individual's needs for service planning purposes and documentation.
- However, the authorization comes from the remarks section. It is important to indicate when a live-in HCW is being authorized and for how many days per week.
- In the future, we may have another method that allows you to select the number of days per week instead of typing it in.

Section 2: Provider		
Name:	<b>TO BE SELECTED</b>	Provider:
Address:	HSB	
City and State:	SALEM OR	Zip code: 97301
Phone:	- -	
Section 3: Remarks		
This is a 7-day live-in HCW, effective 01/01/16. Thanks!		

# Independent Choices Program (ICP)

- ▶ The 546ic form is currently being updated with the forms department and will be posted no later than December 21<sup>st</sup> for CMS cutoff of December 28<sup>th</sup>.
- ▶ A transmittal will be sent out once the 546ic form has been posted to the forms server detailing the need for all ICP cases to be updated with the new wages and tax rates before CMS cutoff.
- ▶ Only individuals assessed under the new live-in rules that went into effect 8/31/15 may be increased to 496 hours per month.

# Current Service Planning

Hours Authorization Segment

In Home Hours      Status: Pending      Begin Date: 01/01/2016      End Date: 12/31/2016

Type	Need	Assist level	Asmt Hrs	Alwd Hrs	Rem Hrs	Excp Hrs	Reason
Live-In	Live-In Services	Full	268	159	129	0	Not available
ADL	Bath/Personal Hygiene	Full	25	25	0	0	
	Bowel/Bladder	Full	25	25	0	0	
	Cognition	Full	20	20	0	0	
	Dressing/Grooming	Full	20	20	0	0	
	Eating	Full	30	30	0	0	
	Mobility	Full	25	25	0	0	
IADL	Breakfast	Substantial	8	8	0	0	
	Dinner / Supper	Substantial	16	16	0	0	
	Housekeeping	Full	20	20	0	0	
	Lunch	Substantial	8	8	0	0	

	ADL Min	ADL Sub	ADL Full	IADL	Live-In Services
Total Allowed Hours	0	0	145	63	159
Total Exception Hours	0	0	0	0	0
Total Authorized Hours	0	0	145	63	159

Approved Date: 00/00/0000      Created Date: 12/01/2015      Last Modified Date: 12/01/2015  
 Approved By:      Created By: hstrng4      Last Modified By: hstrng4

OK      Cancel

145 ADL + 63 IADL + 159 Live-in= 369 hours

# Future Service Planning

- ▶ Any plans with an effective date of January 1, 2016 will require a different method of service planning.
- ▶ Existing service plans do not have to be updated until the plan changes (unless the days per week authorization is incorrect).
- ▶ When creating a new service plan for a 7 day live-in HCW that was previously authorized above 496 hours, the plan is reduced to 496. This is not a plan reduction as the HCW will still have the opportunity to claim additional hours.

# Future Service Planning (Jan 2016)

Hours Authorization Segment

In Home Hours      Status: Pending      Begin Date: 01/01/2016      End Date: 12/31/2016

Type	Need	Assist level	Asmt Hrs	Alwd Hrs	Rem Hrs	Excp Hrs	Reason
Live-In	Live-In Services	Full	288	288	0	0	
ADL	Bath/Personal Hygiene	Full	25	25	0	0	
	Bowel/Bladder	Full	25	25	0	0	
	Cognition	Full	20	20	0	0	
	Dressing/Grooming	Full	20	20	0	0	
	Eating	Full	30	30	0	0	
	Mobility	Full	25	25	0	0	
IADL	Breakfast	Substantial	8	8	0	0	
	Dinner / Supper	Substantial	16	16	0	0	
	Housekeeping	Full	20	20	0	0	
	Lunch	Substantial	8	8	0	0	

	ADL Min	ADL Sub	ADL Full	IADL	Live-In Services
Total Allowed Hours	0	0	145	63	288
Total Exception Hours	0	0	0	0	0
Total Authorized Hours	0	0	145	63	288

Approved Date: 00/00/0000      Created Date: 12/01/2015      Last Modified Date: 12/01/2015  
 Approved By:      Created By: hstrng4      Last Modified By: hstrng4

OK      Cancel

- This is a plan for a 7 day live-in HCW with no hourly HCW's.
- Capturing exceptional hours for the live-in HCW is not required.
- For a 7 day live-in, the hours under the "Alwd Hrs" column must equal 496.

145 ADL + 63 IADL + 288 Live-in= 496 hours

# Future Service Planning (Jan 2016)

Hours Authorization Segment

In Home Hours      Status: Pending      Begin Date: 01/01/2016      End Date: 12/31/2016

Type	Need	Assist level	Asmt Hrs	Alwd Hrs	Rem Hrs	Excp Hrs	Reason
Live-In	Live-In Services	Full	288	288	0	0	
ADL	Bath/Personal Hygiene	Full	25	25	0	20	
	Bowel/Bladder	Full	25	25	0	0	
	Cognition	Full	20	20	0	0	
	Dressing/Grooming	Full	20	20	0	0	
	Eating	Full	30	30	0	0	
	Mobility	Full	25	25	0	20	
IADL	Breakfast	Substantial	8	8	0	0	
	Dinner / Supper	Substantial	16	16	0	0	
	Housekeeping	Full	20	20	0	0	
	Lunch	Substantial	8	8	0	0	

	ADL Min	ADL Sub	ADL Full	IADL	Live-In Services
Total Allowed Hours	0	0	143	63	288
Total Exception Hours	0	0	40	0	0
Total Authorized Hours	0	0	185	63	288

Approved Date: 00/00/0000      Created Date: 12/01/2015      Last Modified Date: 12/01/2015  
 Approved By:      Created By: hstrng4      Last Modified By: hstrng4

OK      Cancel

- This is a live-in service plan with an hourly HCW.
- Exception hours are only utilized for hourly HCW's for the following reasons:
  - Two person tasks; or
  - To allow for the live-in HCW to get an adequate amount of sleep (up to 5 hrs/shift)\*

\*If there is care that prevents the live-in HCW from getting 5 hours of sleep, an hourly HCW is required!

**185 ADL + 63 IADL + 288 Live-in = 539. Of this amount, 40 are assigned to the hourly HCW.**

# Live-in HCW Hour Assignments in Oregon Access

- ▶ 7 day: 496
  - ▶ 6 day: 432
  - ▶ 5 day: 352
  - ▶ 4 day: 288
  - ▶ 3 day: 208
  - ▶ 2 day: 144
  - ▶ 1 day: 64
- 
- ▶ As a reminder, this is just for service planning purposes only. The authorization is by the day.
  - ▶ Service plans that don't authorize 7 days a week of live-in HCWs (i.e. 5 day live-in and 2 day hourly) must be prorated appropriately.

# Live-in Voucher Changes

- ▶ All HCWs that are designated as a live-in HCW will receive a different voucher starting on the January 1<sup>st</sup>-15<sup>th</sup> pay period.
- ▶ Hours **will not** show on the voucher.
- ▶ Authorized days per week **will** show on the voucher.
- ▶ The HCW must indicate which day(s) they worked for the individual. They may also claim how many minutes of care was provided when the HCW's sleep is interrupted.
- ▶ The following slide has an example of a segment of the live-in voucher may look like. Please note that it may be modified to include capturing time off (more to come).

# New Live-in Voucher (Draft)

Services Authorized (see front of voucher for definitions): Live-in HCW

Live-in ADL/IADL Hourly Wage \$9.25 Authorized days per week: 2

\*\*\* Mark the calendar days that your SHIFT STARTED during the authorization period.

Days: 01 \_\_\_\_\_ 02 \_\_\_\_\_ 03 \_\_\_\_\_ 04 \_\_\_\_\_ 05 \_\_\_\_\_ 06 \_\_\_\_\_ 07 \_\_\_\_\_ 08 \_\_\_\_\_

09 \_\_\_\_\_ 10 \_\_\_\_\_ 11 \_\_\_\_\_ 12 \_\_\_\_\_ 13 \_\_\_\_\_ 14 \_\_\_\_\_ 15 \_\_\_\_\_

Total Days \_\_\_\_\_

\*\*\* If your client required direct assistance while you were sleeping and you had to get out of bed, mark the number of MINUTES care was provided next to the matching SHIFT START DAY.

Days: 01 \_\_\_\_\_ 02 \_\_\_\_\_ 03 \_\_\_\_\_ 04 \_\_\_\_\_ 05 \_\_\_\_\_ 06 \_\_\_\_\_ 07 \_\_\_\_\_ 08 \_\_\_\_\_

09 \_\_\_\_\_ 10 \_\_\_\_\_ 11 \_\_\_\_\_ 12 \_\_\_\_\_ 13 \_\_\_\_\_ 14 \_\_\_\_\_ 15 \_\_\_\_\_

Total Minutes \_\_\_\_\_

# Live-in Plan Requests

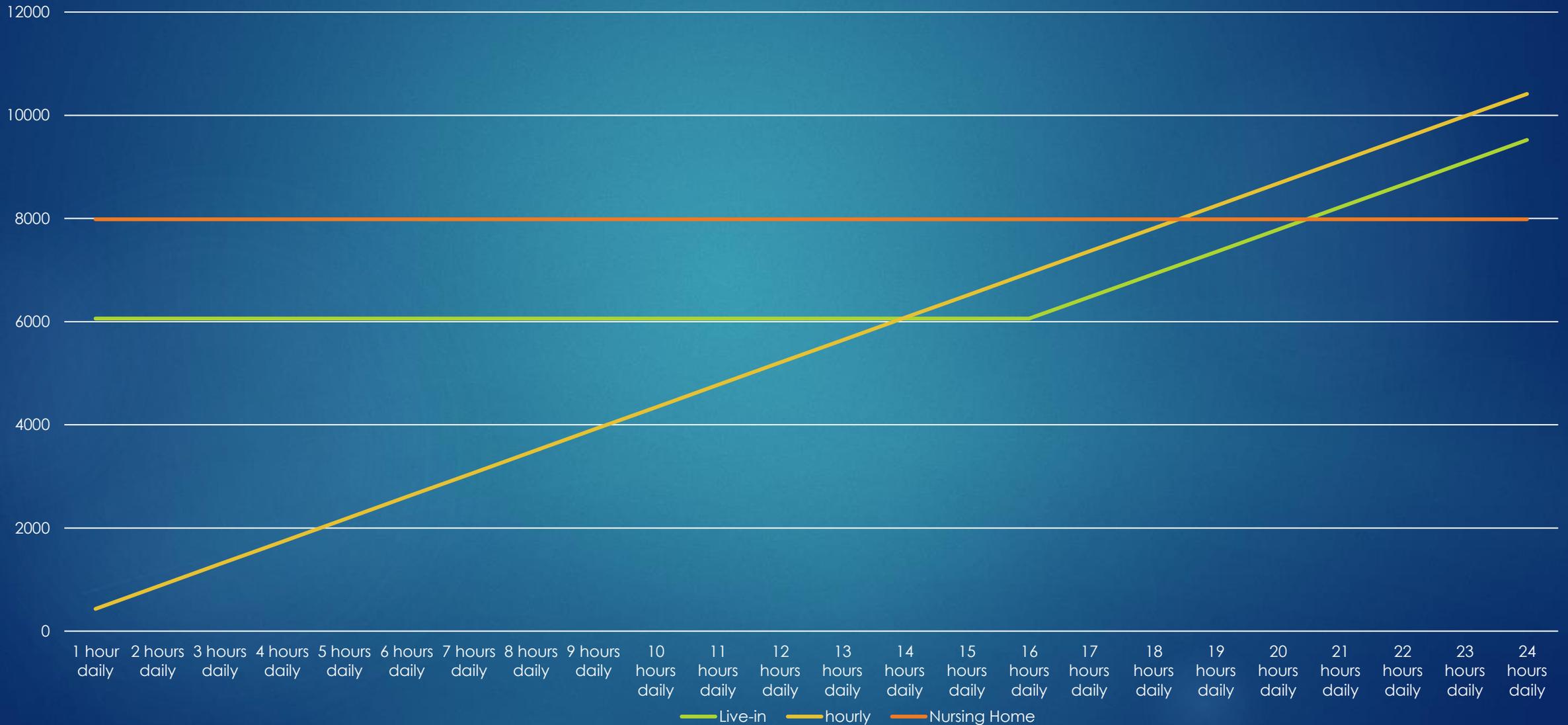
New thinking required:

We are shifting our thinking 180 degrees

- ▶ Live-in is now among the most costly of plans
- ▶ Live-in plans will be strictly scrutinized and are the plans of last resort
- ▶ Even if “technically” eligible for live-in we need to be good stewards and build the most cost effective plan that can meet the individual’s needs

# Live-in Plan requests

## Live-in plan vs hourly plan monthly costs



# Live-in Plan Requests

Considerations when building plans

- ▶ Meet major care need times first: Morning/Noon/Night
- ▶ Set-up for independence between meals and at night when possible
- ▶ Natural supports, Durable Medical Equipment, Assistive Devices, Home Modifications, Emergency Response Systems, Community Services, Home Delivered Meals etc.
- ▶ Agency help for short care periods: 1-2 hours care

Agency at one hour is less costly than a HCW at two hours.

Agency 1 hour = \$21    HCW 2 hours = \$28

# Travel Time Policy – APD-PT-042

- ▶ On January 1 forward, all providers will be able to claim hours worked when they are traveling directly between two individuals. The individuals can be served under APD (including OPI individuals), Office of Developmental Disabilities, or Health Services (Mental Health).
- ▶ Only the time it should take when traveling directly from one individual to the next is paid. Brief stops that are required, such as for gas or to use the restroom, may be included in the travel claim.
- ▶ Only hours worked are reimbursed, not mileage.

# Travel Time Policy

- ▶ Reasonable modes of transportation other than a vehicle may be utilized and claimed when traveling.
- ▶ Breaks in time that exceeds one hour is not considered direct travel and is not paid.
- ▶ Travel payments may not exceed 10% of the total wages earned by the provider during that pay period (exceptions will be allowed in limited circumstances).
- ▶ Travel to and from the provider's home is not paid.

# Travel Time Process

- ▶ Providers will fill out a separate form to claim the time spent traveling directly between individuals.
- ▶ The forms will be available for printing by the local office to hand out to providers. A link to this form will soon be provided. The providers will also have the opportunity to access this form themselves.
- ▶ Providers will have the option of either mailing or faxing the form to a centralized location for processing. They may also drop it off at the local office to have forwarded for processing.

# Travel Time Process

- ▶ Payments for valid claims will be one month in arrears. For example, a claim for the pay period 1<sup>st</sup>-15<sup>th</sup> will not be paid out until the payday that occurs after the 16<sup>th</sup>- 31<sup>st</sup> pay period.
- ▶ Calls regarding claim processing will also be directed to a centralized location.
- ▶ The form and contact information regarding the processing of travel time claims will be provided in a future communication.

# Summary of Changes

- ▶ There are a lot of recent changes!
- ▶ We will soon post on CM Tools a document that provides resource information to all of the recent changes. Be on the lookout for this document under the “Recent Updates” section of CM Tools.
- ▶ The changes include:
  - ▶ Live-in changes (including Spousal Pay and Independent Choices Program)
  - ▶ Hourly Cap
  - ▶ Paid time off
  - ▶ New Vouchers
  - ▶ Payment cycle

# Policy Contact Information

- ▶ In-Home Policy:
  - ▶ Mat Rapoza [Mathew.G.Rapoza@state.or.us](mailto:Mathew.G.Rapoza@state.or.us) or 503-945-6985
- ▶ HCW Policy:
  - ▶ Chris Ellis [Christopher.M.Ellis@state.or.us](mailto:Christopher.M.Ellis@state.or.us) or 503-945-7035
- ▶ ICP Policy:
  - ▶ Kelsey Weigel [Kelsey.C.Weigel@state.or.us](mailto:Kelsey.C.Weigel@state.or.us) or 503-779-6849
- ▶ Spousal Pay Policy:
  - ▶ Darwin Frankenhoff [Darwin.J.Frankenhoff@state.or.us](mailto:Darwin.J.Frankenhoff@state.or.us) or 503-947-5162
- ▶ This webinar (including materials as well as the audio presentation) is posted on the [Mandatory Case Manager In-Service Webinar](#) site.