Policy Transmittal

Developmental Disabilities Services

Lilia Teninty
Authorized Signature

Number: APD-PT-16-030
Issue date: 8/1/2016
AMENDED 2/12/2018

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):

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

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

Corrected February 12, 2018 to replace obsolete link

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 PSW Violating Hours Worker Guide 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](#)
- 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  |
| Email:      | Chrissy.fuchs@state.or.us |