

REPORT TO THE LEGISLATURE

Individual Provider Overtime Annual Expenditures

RCW 74.39A.275 enacted by ESSB 6199 in the 2018 Legislature

September 1, 2021

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1 Executive Summary

This is the annual report for state Fiscal Year 2021 expenditures submitted by the Department of Social and Health Services (identified as “the Department” in this report) to meet the requirements outlined in RCW 74.39A.275. It provides data on the overtime hours worked by Individual Providers (IPs) for the reporting period July 1, 2020 – June 30, 2021. The key findings include:

- The average overtime hours claimed by IPs for this annual period is 3.28 percent of all hours. This is down from 3.94 percent in the prior year and remains below the limit of 8.25 percent.
- The number of overtime hours claimed and the number of providers claiming overtime has begun to stabilize between 3% and 4%.

The Department continues to monitor the number of provided hours compared to authorized hours.

2 Purpose

In accordance with RCW 74.39A.275 and 2016 sp.s. c 30 s 3 as outlined in Section 26, each annual expenditure report will contain the:

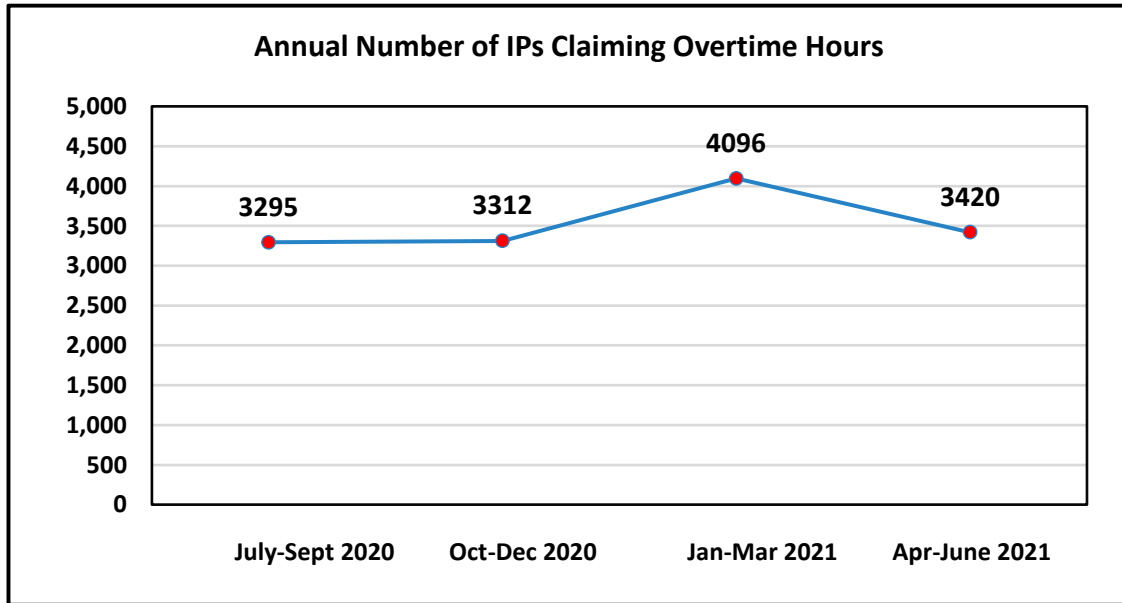
- I. Number of providers receiving payment for more than 40 hours/week
 - a. Including the number of providers who are meeting conditions of [RCW 74.39A.525](#)
- II. Number of hours paid and the amount paid for more than 40 hours in a workweek including the:
 - a. Total amounts
 - b. Averages
 - c. Display of the distribution of the amounts
- III. Display of data by:
 - a. Department Region (1, 2 or 3) of consumer
 - b. County of consumer
 - c. Department program (AL TSA, DDA)
 - d. Providers by the number of consumers they serve
- IV. Workweek Limit and Impact on Overtime Hours
 - a. IP Overtime Hours Reported Categorized by Workweek Limit
- V. Monitoring of Authorizations and Costs of Hours

See overtime data and findings section, below, for additional information.

***Please Note:** The data provided in this report, particularly the last two weeks of June, is still maturing.

I. Number of providers receiving payment for more than 40 hours/week

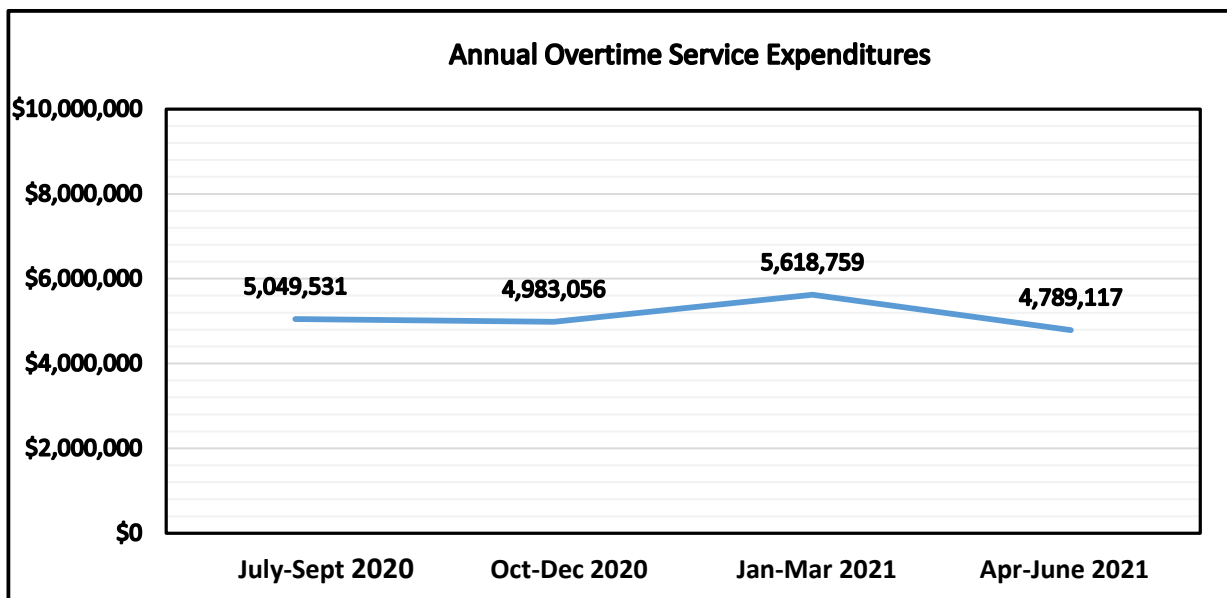
An average of 3,531 IPs claimed overtime hours each quarter for this reporting period. Please Note: The increase in the first quarter of calendar year 2021 is likely due to COVID-19 impacts and the implementation of the Electronic Visit Verification system.



II. Number of hours paid and amount paid for more than 40 hours in a workweek

A. Total Amounts

The expenditures continue to drop each quarter due to controls put into place to ensure providers adhere to the rules. Expenditures in state fiscal year 2021 are .03 percent higher than expenditures in state fiscal year 2020, likely due to COVID-19 impacts and the implementation of the Electronic Visit Verification system in the first quarter of calendar year 2021.

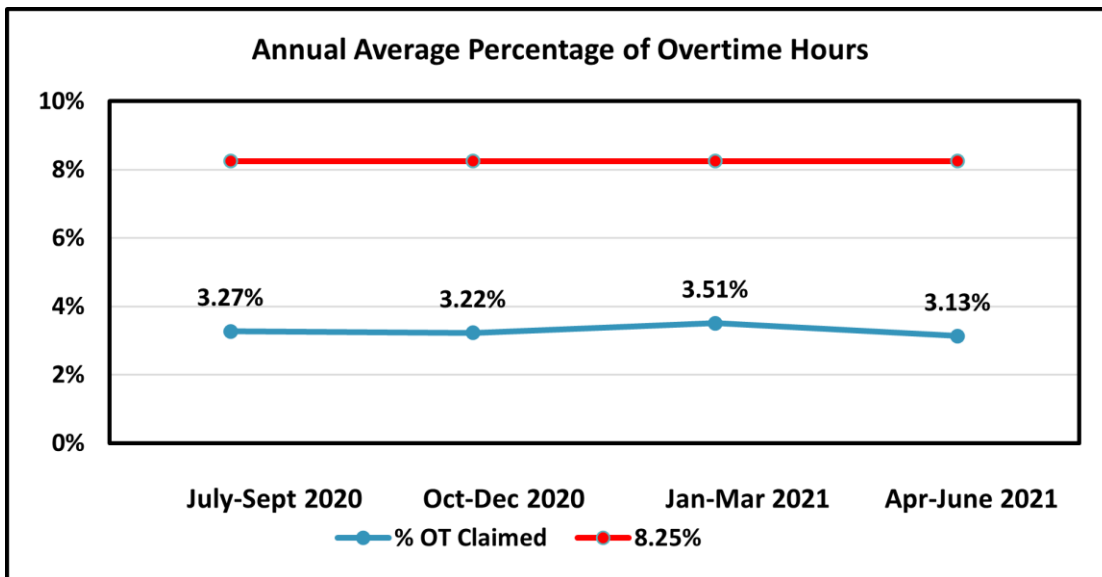


B. Averages

The chart below illustrates the percentage of overtime hours claimed. It continues to be well below the 8.25 percent limit. Note: The increase in overtime hours in February is due to fewer calendar days available to provide the total monthly authorized hours of care for the consumer.

Work Week	Total IP Hours	Total OT Hours	Average OT Hours
7/5/2020	1,166,241	39,850	3.42%
7/12/2020	1,092,668	35,056	3.21%
7/19/2020	1,088,907	34,194	3.14%
7/26/2020	1,006,614	28,400	2.82%
8/2/2020	1,196,377	42,771	3.58%
8/9/2020	1,161,975	39,498	3.40%
8/16/2020	1,134,397	37,751	3.33%
8/23/2020	1,082,753	33,516	3.10%
8/30/2020	1,128,669	35,622	3.16%
9/6/2020	1,178,203	39,616	3.36%
9/13/2020	1,140,503	38,528	3.38%
9/20/2020	1,145,722	38,408	3.35%
9/27/2020	1,112,210	35,379	3.18%
10/4/2020	1,193,029	39,454	3.31%
10/11/2020	1,135,530	35,648	3.14%
10/18/2020	1,128,793	35,219	3.12%
10/25/2020	1,031,952	28,245	2.74%
11/1/2020	1,231,137	44,037	3.58%
11/8/2020	1,199,353	39,665	3.31%
11/15/2020	1,178,172	41,292	3.50%
11/22/2020	1,129,169	36,366	3.22%
11/29/2020	1,175,875	39,263	3.34%
12/6/2020	1,194,556	38,822	3.25%
12/13/2020	1,101,950	36,237	3.29%
12/20/2020	1,029,889	31,683	3.08%
12/27/2020	953,625	26,844	2.81%
1/3/2021	1,163,703	41,449	3.56%
1/10/2021	1,124,683	37,760	3.36%
1/17/2021	1,133,529	38,527	3.40%
1/24/2021	1,061,684	32,827	3.09%
1/31/2021	1,173,127	41,207	3.51%
2/7/2021	1,172,041	40,221	3.43%
2/14/2021	1,209,827	51,805	4.28%
2/21/2021	1,230,613	57,465	4.67%

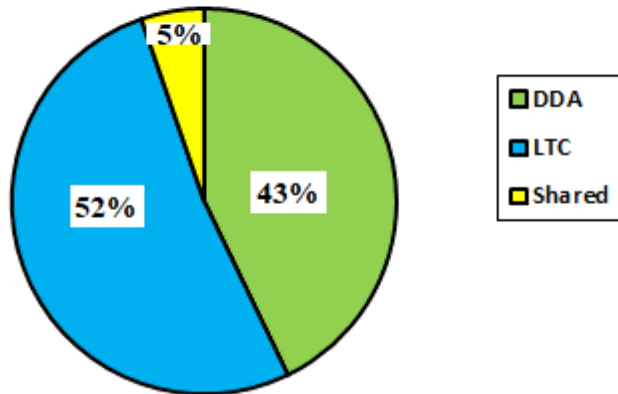
2/28/2021	1,198,635	45,511	3.80%
3/7/2021	1,164,608	38,658	3.32%
3/14/2021	1,117,128	35,095	3.14%
3/21/2021	1,093,633	32,774	3.00%
3/28/2021	1,010,377	27,761	2.75%
4/4/2021	1,192,749	40,820	3.42%
4/11/2021	1,144,204	37,652	3.29%
4/18/2021	1,162,691	39,132	3.37%
4/25/2021	1,082,370	33,638	3.11%
5/2/2021	1,211,614	42,303	3.49%
5/9/2021	1,171,126	37,904	3.24%
5/16/2021	1,154,481	37,185	3.22%
5/23/2021	1,088,145	32,399	2.98%
5/30/2021	1,106,932	33,259	3.00%
6/6/2021	1,177,972	38,927	3.30%
6/13/2021	1,101,629	35,291	3.20%
6/20/2021	1,093,541	35,163	3.22%
6/27/2021	551,895	1,474	0.27%
Totals	58,411,201	1,917,561	3.28%



C. Distribution of the Amounts

Overtime hours worked are split across DDA and ALTSA at a rate of 43 percent to 52 percent respectively, with the remaining 5 percent shared by IPs who work for consumers in both administrations.

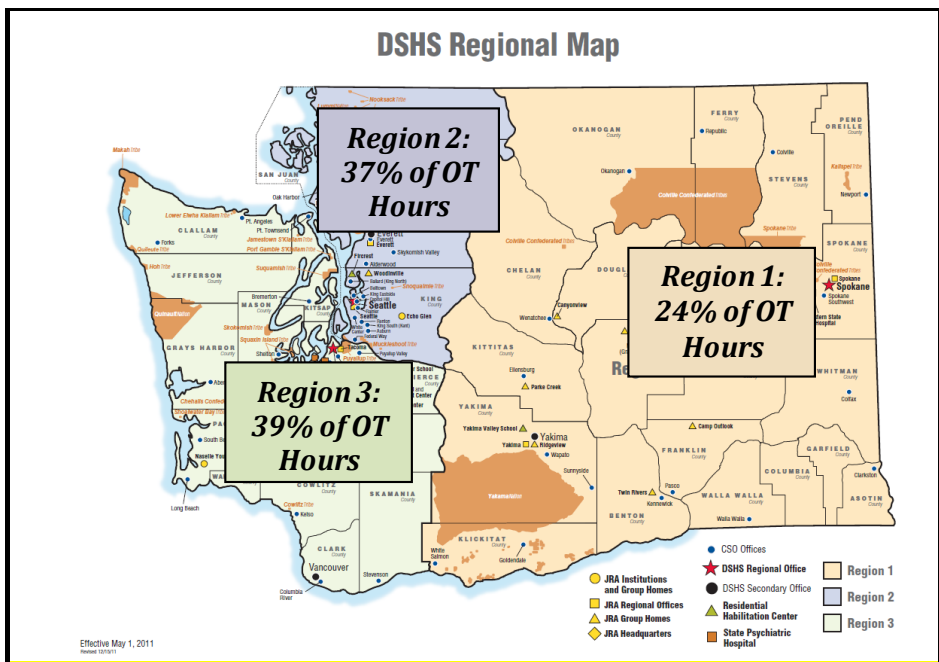
Percentage of IPs Claiming Overtime by Administration



III. Division Data

A. Department Region

The map below illustrates the regional organization of DSHS and the distribution of overtime hours reported in each region:



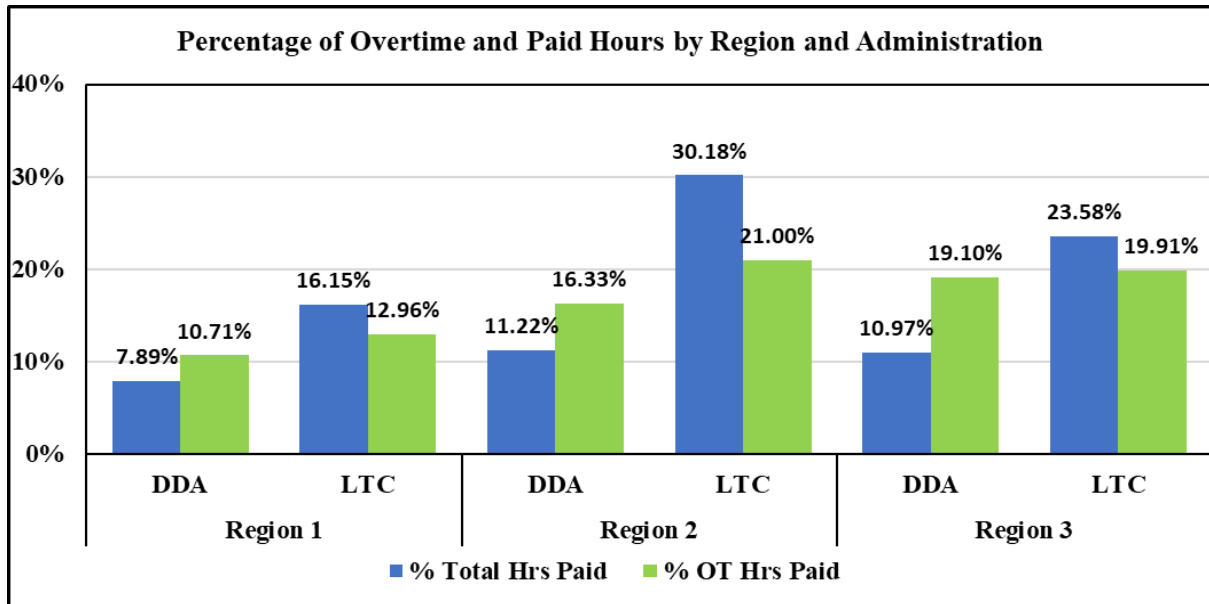
B. County of Consumer

The table below illustrates a breakdown of consumer population, total hours paid, and overtime by the consumer's county of residence for this annual period. It excludes the small number of overtime hours worked by IPs with consumers in multiple counties.

County	Percent Consumer Count	Percent Paid Hours	Percent OT Hours	County	Percent Consumer Count	Percent Paid Hours	Percent OT Hours
Adams	0.29%	0.29%	0.38%	Lewis	1.11%	1.04%	1.57%
Asotin	0.27%	0.31%	0.41%	Lincoln	0.13%	0.14%	0.17%
Benton	3.21%	3.40%	3.57%	Mason	0.66%	0.67%	0.39%
Chelan	0.69%	0.70%	0.74%	Okanogan	0.74%	0.77%	1.09%
Clallam	0.84%	0.78%	0.95%	Pacific	0.45%	0.44%	0.46%
Clark	9.02%	8.69%	9.46%	Pend Oreille	0.27%	0.26%	0.21%
Columbia	0.08%	0.08%	0.12%	Pierce	12.63%	12.98%	14.40%
Cowlitz	1.80%	1.80%	1.45%	San Juan	0.06%	0.05%	0.02%
Douglas	0.28%	0.34%	0.50%	Skagit	1.58%	1.47%	1.76%
Ferry	0.19%	0.19%	0.24%	Skamania	0.15%	0.12%	0.10%
Franklin	1.65%	1.71%	1.35%	Snohomish	8.94%	9.03%	9.23%
Garfield	0.02%	0.02%	0.00%	Spokane	8.21%	7.98%	7.24%
Grant	1.85%	1.79%	1.97%	Stevens	0.78%	0.80%	1.04%
Grays Harbor	1.86%	1.77%	1.93%	Thurston	3.43%	3.31%	3.78%
Island	0.72%	0.73%	0.95%	Wahkiakum	0.06%	0.07%	0.16%
Jefferson	0.30%	0.29%	0.29%	Walla Walla	0.96%	0.87%	0.62%
King	27.21%	27.62%	22.90%	Whatcom	2.68%	2.32%	2.02%
Kitsap	2.52%	2.76%	4.15%	Whitman	0.20%	0.20%	0.29%
Kittitas	0.34%	0.29%	0.28%	Yakima	3.74%	3.89%	3.62%
Klickitat	0.23%	0.22%	0.17%				

C. Department Program

The percentage of overtime paid in each region is consistent with the percentages of authorized hours in each region.

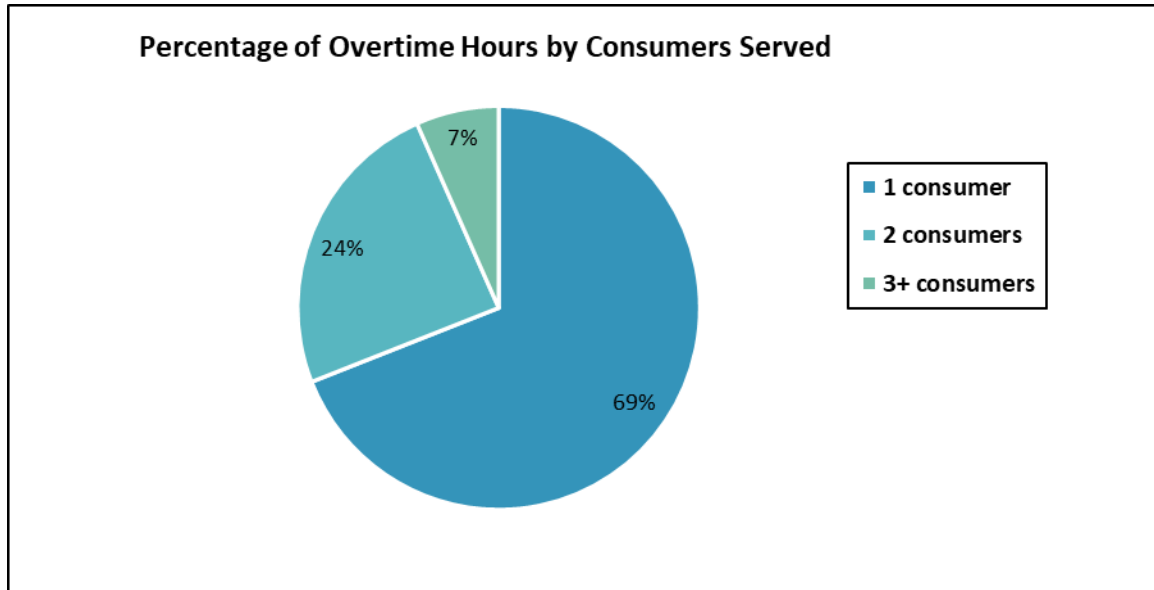


D. By Number of Consumers Served per IP

Work Week	OT Hours IPs Serving 1 Consumer	OT Hours IPs Serving 2 Consumers	OT Hours IPs Serving 3+ Consumers
7/5/2020	27,392	9,836	2,622
7/12/2020	24,382	8,237	2,438
7/19/2020	23,577	8,275	2,342
7/26/2020	19,714	6,859	1,827
8/2/2020	29,179	10,699	2,893
8/9/2020	26,965	9,809	2,724
8/16/2020	25,802	9,268	2,681
8/23/2020	23,297	7,990	2,229
8/30/2020	24,326	8,930	2,366
9/6/2020	27,389	9,666	2,561
9/13/2020	26,770	9,212	2,546
9/20/2020	26,879	9,089	2,440
9/27/2020	24,670	8,471	2,238
10/4/2020	27,024	9,886	2,543
10/11/2020	24,584	8,710	2,354
10/18/2020	24,228	8,654	2,337

10/25/2020	19,723	6,783	1,739
11/1/2001	30,070	11,130	2,837
11/8/2020	27,091	9,932	2,642
11/15/2020	28,511	10,177	2,604
11/22/2020	25,329	8,620	2,417
11/29/2020	27,165	9,551	2,547
12/6/2020	26,878	9,516	2,429
12/13/2020	26,521	7,946	1,770
12/20/2020	24,073	6,316	1,295
12/27/2020	20,327	5,357	1,161
1/3/2021	30,119	9,277	2,053
1/10/2021	27,216	8,540	2,004
1/17/2021	27,078	9,308	2,141
1/24/2021	23,591	7,617	1,619
1/31/2021	29,250	9,653	2,305
2/7/2021	28,790	9,279	2,152
2/14/2021	37,391	12,012	2,403
2/21/2021	41,785	13,039	2,641
8/28/2021	32,306	10,744	2,462
3/7/2021	27,509	9,103	2,046
3/14/2021	25,319	7,978	1,799
3/21/2021	23,782	7,426	1,567
3/28/2021	20,610	5,866	1,285
4/4/2021	28,789	9,697	2,335
4/11/2021	27,006	8,592	2,055
4/18/2021	27,770	9,241	2,122
4/25/2021	24,559	7,437	1,642
5/2/2021	29,956	9,936	2,412
5/9/2021	27,048	8,673	2,183
5/16/2021	26,386	8,644	2,156
5/23/2021	23,209	7,349	1,841
5/30/2021	23,830	7,857	1,572
6/6/2021	27,569	9,203	2,154
6/13/2021	25,127	8,242	1,922
6/20/2021	25,116	8,257	1,791
6/27/2021	1,148	301	25
Grand Total	1,354,116	452,186	111,259

Approximately 68 percent of overtime hours paid were to an IP working with one consumer, and 25 percent of overtime hours were paid to an IP working with two consumers. IPs serving three or more consumers each week accounted for the remaining 7 percent.



IV. Workweek Limit and Impact on Overtime Hours

In accordance with RCW 74.39A.525 (4) (a), the Department established and assigned permanent workweek limits to all IPs based on average hours worked in January 2016. A workweek limit is the maximum number of service hours an IP can provide in a workweek. Service hours are paid to an IP to provide personal care, relief care, skills acquisition training, and/or respite services.

Per RCW 74.39A.525 (3), an individual provider may be authorized to work more than forty hours in a workweek:

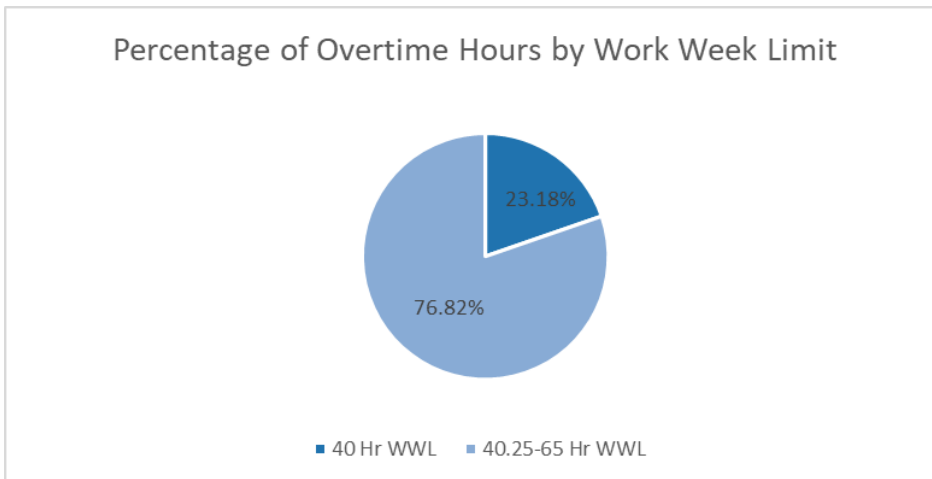
- (a) As described in Washington Administrative Code 388-114-0080; if the Department determines it is necessary, due to a lack of available providers who are able to meet a client's care needs, because:
 - there is an overall shortage of providers in the client's specific geographic region,
 - the client has complex medical or behavioral needs, or
 - the client requires a provider who speaks a specific language.
- (b) If the Department established a permanent workweek limit between forty and one-quarter hours and sixty-five hours for an individual provider, based upon work performed by the individual provider in January 2016, as modified by an appeal, if any; or
- (c) For required training under RCW 74.39A.074, 74.39A.076, and 74.39A.341, and for required travel time between clients.

A. IP Overtime Hours Reported Categorized by Workweek Limit

About 84 percent of the overtime hours worked in this annual period were worked by IPs who, based upon the statute, have a DSHS-assigned permanent workweek limit above 40 hours. (About 16 percent of overtime hours worked in this period were by those IPs with a 40-hour workweek limit who temporarily went above their workweek limit, either with or without approval.) The chart below shows that individuals who have permanent workweek limits above 40 hours work a greater proportion of overtime. Overtime hours reported for these IPs include hours that are within their approved workweek limit as well as hours claimed that are above their limit.

Work Week	% of OT with 40 HR WWL	% of OT with 40.25 - 65 HR WWL
7/5/2020	0.40%	1.67%
7/12/2020	0.34%	1.49%
7/19/2020	0.30%	1.48%
7/26/2020	0.27%	1.21%
8/2/2020	0.51%	1.72%
8/9/2020	0.41%	1.65%
8/16/2020	0.42%	1.55%
8/23/2020	0.29%	1.46%
8/30/2020	0.41%	1.45%
9/6/2020	0.40%	1.67%
9/13/2020	0.43%	1.58%
9/20/2020	0.37%	1.63%
9/27/2020	0.38%	1.47%
10/4/2020	0.40%	1.65%
10/11/2020	0.37%	1.49%
10/18/2020	0.34%	1.50%
10/25/2020	0.26%	1.21%
11/1/2001	0.58%	1.71%
11/8/2020	0.40%	1.67%
11/15/2020	0.51%	1.65%
11/22/2020	0.31%	1.58%
11/29/2020	0.47%	1.57%
12/6/2020	0.38%	1.65%
12/13/2020	0.47%	1.42%
12/20/2020	0.32%	1.34%
12/27/2020	0.30%	1.10%
1/3/2021	0.59%	1.57%
1/10/2021	0.50%	1.47%

1/17/2021	0.50%	1.51%
1/24/2021	0.38%	1.33%
1/31/2021	0.62%	1.53%
2/7/2021	0.50%	1.60%
2/14/2021	0.89%	1.81%
2/21/2021	1.08%	1.92%
8/28/2021	0.74%	1.64%
3/7/2021	0.47%	1.55%
3/14/2021	0.44%	1.39%
3/21/2021	0.35%	1.36%
3/28/2021	0.33%	1.12%
4/4/2021	0.55%	1.58%
4/11/2021	0.49%	1.47%
4/18/2021	0.50%	1.54%
4/25/2021	0.39%	1.36%
5/2/2021	0.62%	1.58%
5/9/2021	0.47%	1.50%
5/16/2021	0.51%	1.43%
5/23/2021	0.36%	1.33%
5/30/2021	0.45%	1.29%
6/6/2021	0.49%	1.54%
6/13/2021	0.46%	1.38%
6/20/2021	0.43%	1.40%
6/27/2021	0.03%	0.05%
Grand Total	23.18%	76.82%



V. Monitoring of Authorizations and Costs of Hours

The Department continues to manage overtime utilization including reviewing requests to temporarily increase workweek limits based upon criteria in the statute related to needs of consumers. The Department has also processed contract actions for IPs working over their workweek limit without a valid approval reason as defined in the statute and WAC.

A. Contract Actions

When an IP has claimed more hours than are allowed and approved by the Department, there is a multi-step contract action process intended to educate the IP and their consumer about the rules and support compliance with the statute. Each contract action remains active on an Individual Provider's contract for one year from the date it was issued.

For this annual period, the following contract actions have been issued to Individual Providers:

- **First Contract Action: 5,501**
 - IP and consumer are notified, in writing, that continuing violations may lead to contract termination.
- **Second Contract Action: 2,323**
 - IP and consumer are notified, in writing that one more violation could lead to contract termination.
- **Third Contract Action/Additional Warning: 981**
 - The Department considers an IP's claiming history and severity of the excess claiming activity and determines if contract termination is appropriate. If the contract is not terminated, the IP and consumer are notified in writing that an additional violation may lead to contract termination.
- **Termination Notices: 52**
 - All IPs who receive a termination notice have 10 days from the date of their contract action notice to request a review of their termination if they believe the Department made an error. If, after the review is completed, it is determined that the Department did not make an error, the termination is effective 30 days from the date of their notice and the consumer is offered assistance in locating a new, qualified care provider.
 - IPs whose contracts have been terminated for excess claiming may request to re-contract with the Department. If a new contract is initiated, the new contract must not begin before 90 days has elapsed from the effective date of the terminated contract.

VI. Conclusion

Overall utilization of overtime has consistently decreased due to education and management practices. The Department continues to explore adjustments in practice, consistent with the law,

that provide flexibility for clients and providers and assists clients to remain in the least restrictive setting of their choice.