

REPORT TO THE LEGISLATURE

Individual Provider Overtime Annual Expenditures

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

September 1, 2022

Aging and Long-Term Support Administration
PO Box 45600
Olympia, WA 98504-5600
<http://www.dshs.wa.gov/altsa/>

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1 Executive Summary

This is the annual report for state Fiscal Year 2022 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, 2021 – June 30, 2022. The key findings include:

- The average overtime hours claimed by IPs for this annual period is 3.01 percent of all hours. This is down from 3.31 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 stabilized at 3%.

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

The Consumer Directed Employer (CDE) program was implemented October 1, 2021, and this report includes data from the CDE contractor (Consumer Direct Washington) in addition to the data generated by the DSHS-administered individual provider program. The Department’s assessment of the data’s consistency and integrity across the two sources (DSHS and CDWA) is that there are no material differences in form, trends, or proportions.

2 Purpose

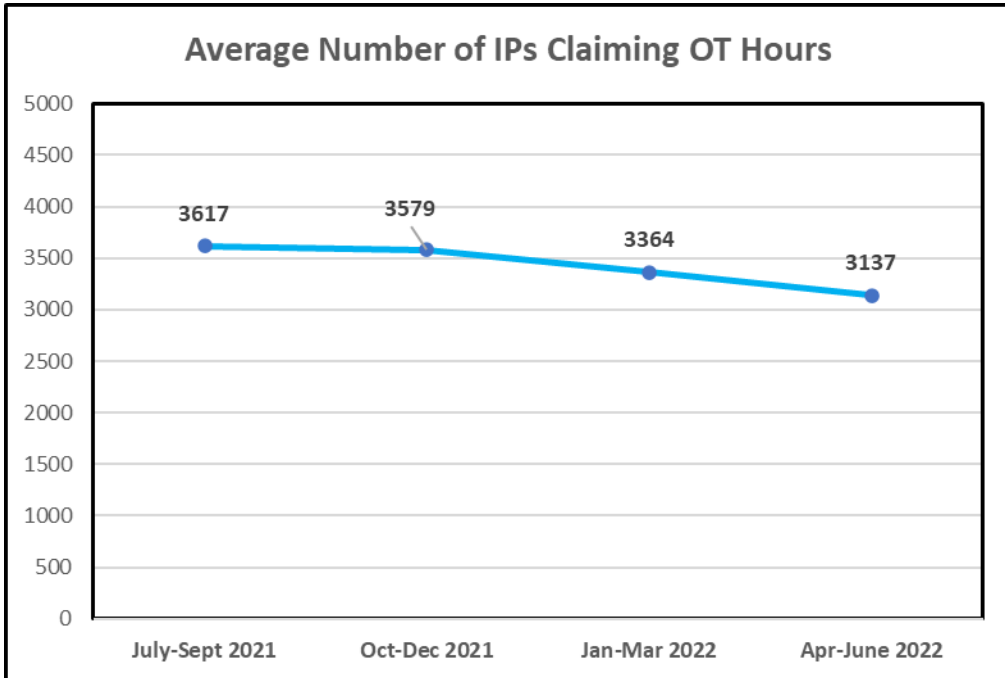
In accordance with RCW 74.39A.275 and 2016 sp.s. c 30 s 3 as outlined in Section 26, each annual expenditure report will contain the:

- 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 (ALTSA, 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.

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

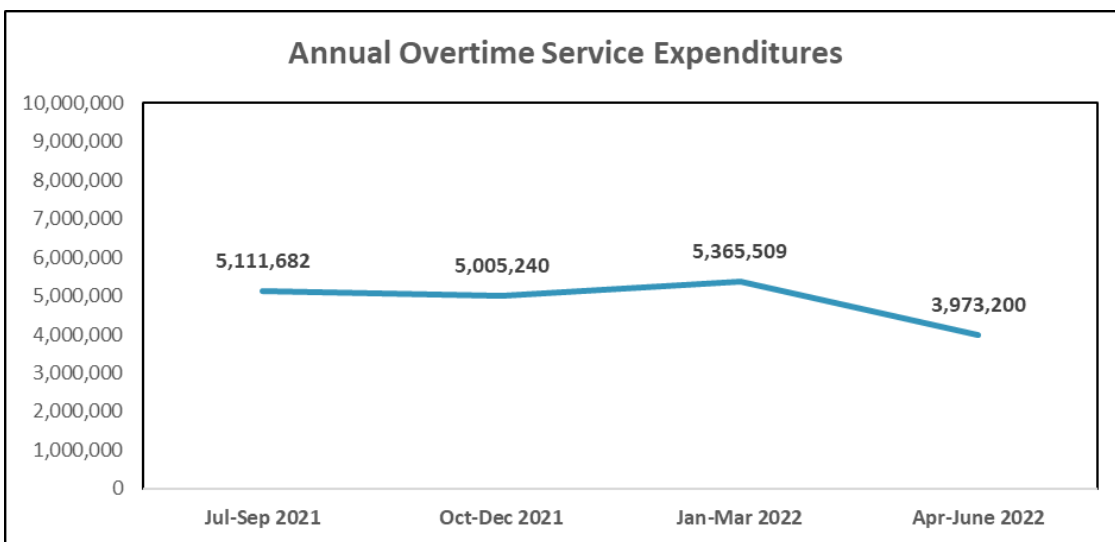
An average of 3,424 IPs claimed overtime hours each quarter for this reporting period.



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

A. Total Amounts

Expenditures in state fiscal year 2021 are .07 lower than expenditures in state fiscal year 2020.

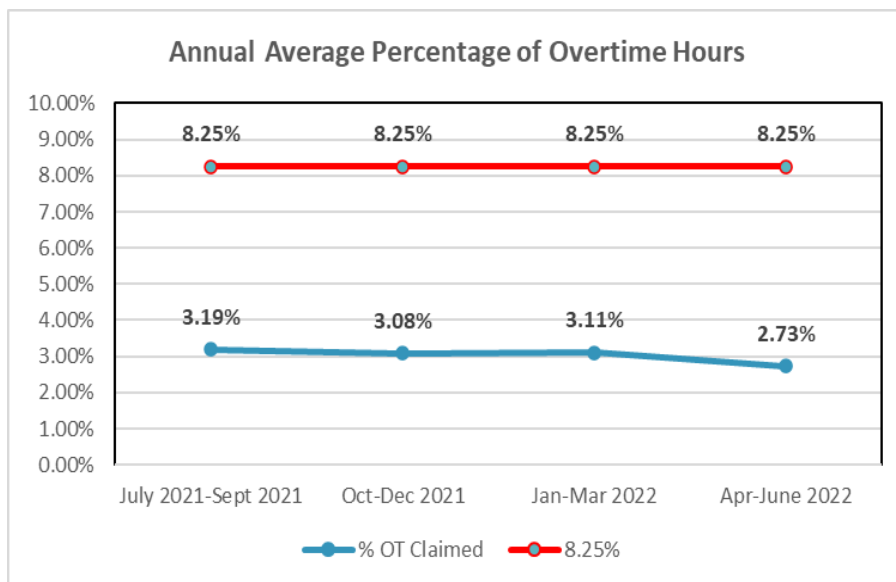


B. Averages

The chart below illustrates the percentage of overtime hours claimed. It continues to be well below the 8.25 percent limit.

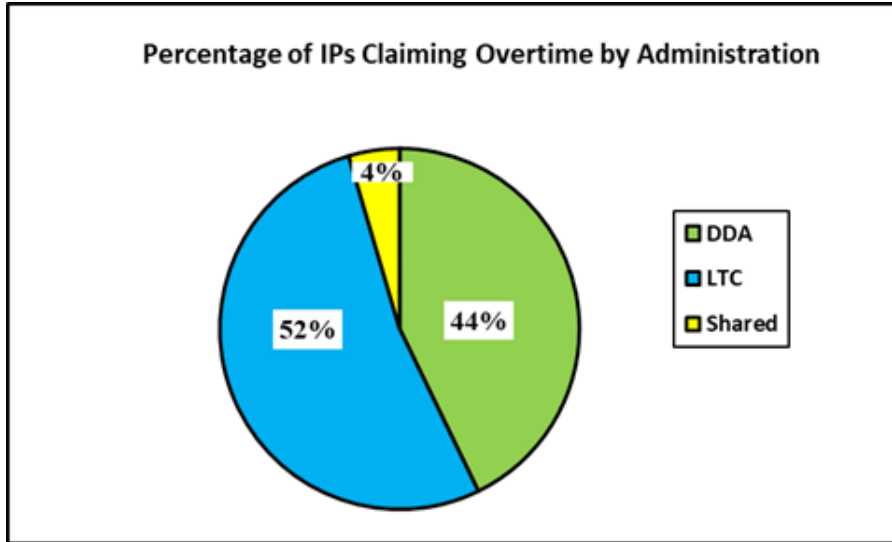
Work Week	Total IP Hours	Total OT Hours	Average OT Hours
7/4/2021	1,219,201	39,804	3.26%
7/11/2021	1,155,755	36,597	3.17%
7/18/2021	1,166,682	33,954	2.91%
7/25/2021	1,033,166	30,496	2.95%
8/1/2021	1,249,704	40,412	3.23%
8/8/2021	1,218,876	36,566	3.00%
8/15/2021	1,178,569	35,443	3.01%
8/22/2021	1,125,467	28,287	2.51%
8/29/2021	1,091,640	43,603	3.99%
9/5/2021	1,224,689	40,703	3.32%
9/12/2021	1,169,477	40,372	3.45%
9/19/2021	1,191,867	37,157	3.12%
9/26/2021	1,120,416	39,314	3.51%
10/3/2021	1,250,605	38,803	3.10%
10/10/2021	1,196,443	34,318	2.87%
10/17/2021	1,201,735	33,843	2.82%
10/24/2021	1,111,870	30,154	2.71%
10/31/2021	1,226,879	40,538	3.30%
11/7/2021	1,248,371	38,842	3.11%
11/14/2021	1,210,137	41,170	3.40%
11/21/2021	1,170,800	35,501	3.03%
11/28/2021	1,180,231	43,898	3.72%
12/5/2021	1,263,071	39,355	3.12%
12/12/2021	1,185,360	36,654	3.09%
12/19/2021	1,167,624	31,282	2.68%
12/26/2021	1,008,080	30,984	3.07%
1/2/2022	1,252,863	39,603	3.16%
1/9/2022	1,222,583	34,847	2.85%
1/16/2022	1,205,247	43,289	3.59%
1/23/2022	1,136,190	28,131	2.48%
1/30/2022	1,396,780	52,062	3.73%

2/6/2022	1,436,400	58,350	4.06%
2/13/2022	1,468,735	47,659	3.24%
2/20/2022	1,439,448	42,428	2.95%
2/27/2022	1,508,870	43,320	2.87%
3/6/2022	1,455,310	56,089	3.85%
3/13/2022	1,411,632	37,982	2.69%
3/20/2022	1,356,687	33,850	2.50%
3/27/2022	1,361,133	33,214	2.44%
4/3/2022	1,849,186	89,489	4.84%
4/10/2022	1,807,301	44,116	2.44%
4/17/2022	1,655,563	40,799	2.46%
4/24/2022	1,487,825	38,598	2.59%
5/1/2022	1,997,686	96,636	4.84%
5/8/2022	1,981,346	44,575	2.25%
5/15/2022	1,734,909	39,342	2.27%
5/22/2022	1,699,505	35,159	2.07%
5/29/2022	1,636,318	40,050	2.45%
6/5/2022	2,086,034	44,258	2.12%
6/12/2022	1,810,607	38,032	2.10%
6/19/2022	1,850,025	40,795	2.21%
6/26/2022	1,554,721	44,258	2.85%
Totals	74,369,616	2,144,978	3.01%



C. Distribution of the Amounts

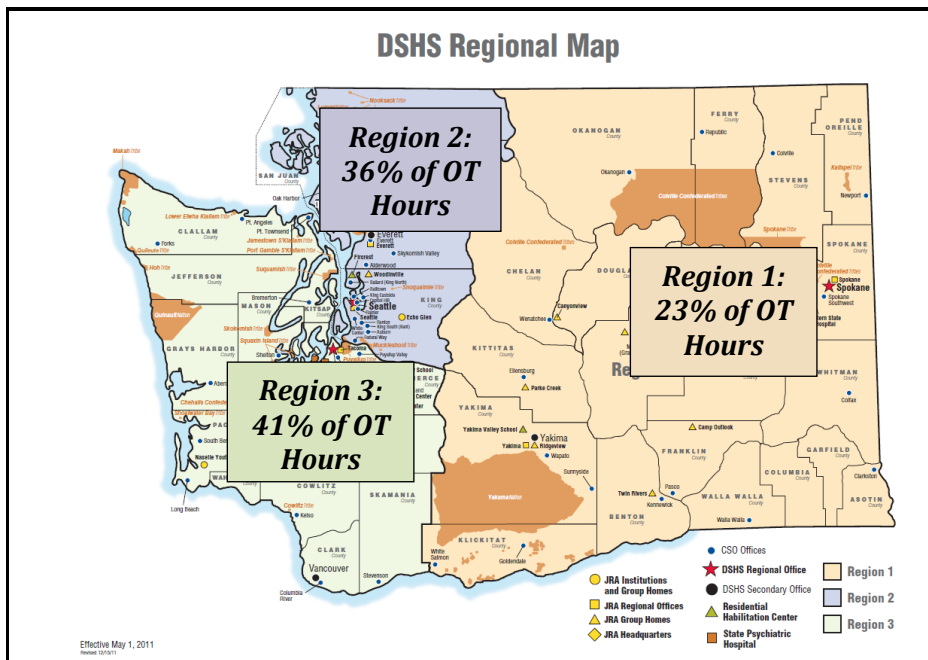
Overtime hours worked are split across DDA and AL TSA at a rate of 44 percent to 52 percent respectively, with the remaining 4 percent shared by IPs who work for consumers in both administrations.



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:



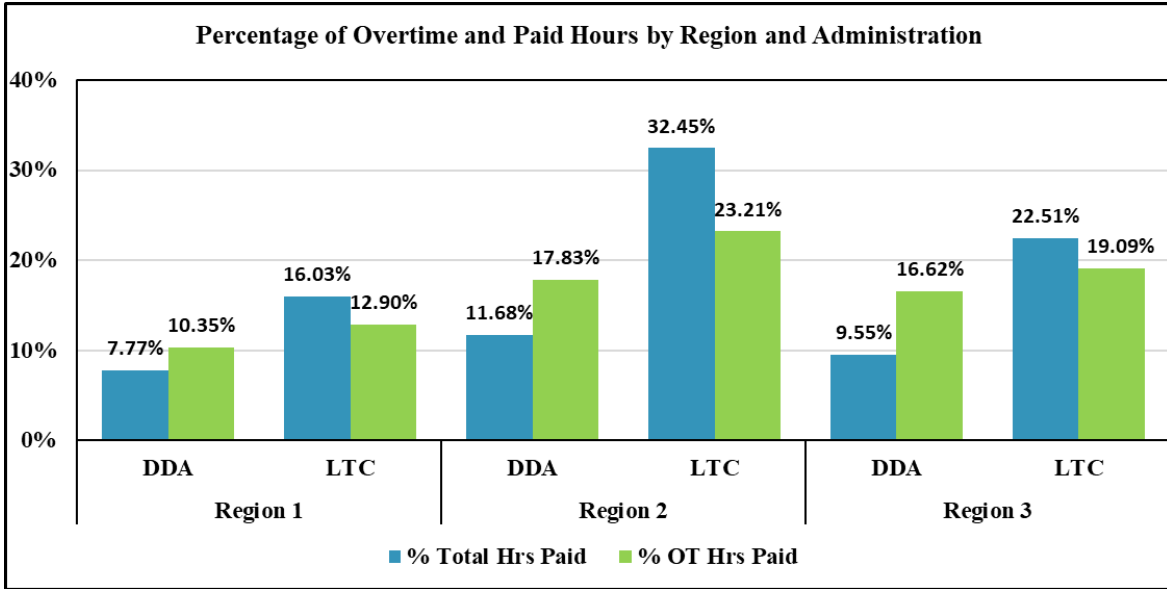
B. County of Consumer

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	0.32%	0.32%	0.32%	Lewis	0.92%	0.89%	1.16%
Asotin	0.29%	0.33%	0.47%	Lincoln	0.15%	0.14%	0.09%
Benton	3.50%	3.74%	3.92%	Mason	0.62%	0.59%	0.34%
Chelan	0.77%	0.77%	0.98%	Okanogan	0.72%	0.73%	1.03%
Clallam	0.92%	0.86%	1.08%	Pacific	0.42%	0.41%	0.56%
Clark	9.77%	9.53%	10.37%	Pend Oreille	0.22%	0.21%	0.17%
Columbia	0.08%	0.07%	0.12%	Pierce	10.54%	10.73%	12.05%
Cowlitz	1.88%	1.93%	1.68%	San Juan	0.05%	0.06%	0.01%
Douglas	0.33%	0.40%	0.69%	Skagit	1.23%	1.16%	1.26%
Ferry	0.19%	0.19%	0.22%	Skamania	0.17%	0.14%	0.11%
Franklin	1.73%	1.82%	1.42%	Snohomish	9.93%	9.97%	9.98%
Garfield	0.02%	0.02%	0.00%	Spokane	7.15%	6.84%	5.93%
Grant	2.01%	1.95%	2.25%	Stevens	0.76%	0.75%	0.93%
Grays Harbor	1.89%	1.81%	2.07%	Thurston	2.78%	2.63%	2.92%
Island	0.59%	0.60%	0.89%	Wahkiakum	0.08%	0.08%	0.26%
Jefferson	0.30%	0.29%	0.31%	Walla Walla	0.91%	0.86%	0.62%
King	29.57%	30.11%	26.55%	Whatcom	2.22%	1.94%	1.99%
Kitsap	2.07%	2.20%	3.04%	Whitman	0.20%	0.18%	0.19%
Kittitas	0.38%	0.31%	0.27%	Yakima	4.09%	4.22%	3.60%
Klickitat	0.23%	0.23%	0.16%				

C. Department Program

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

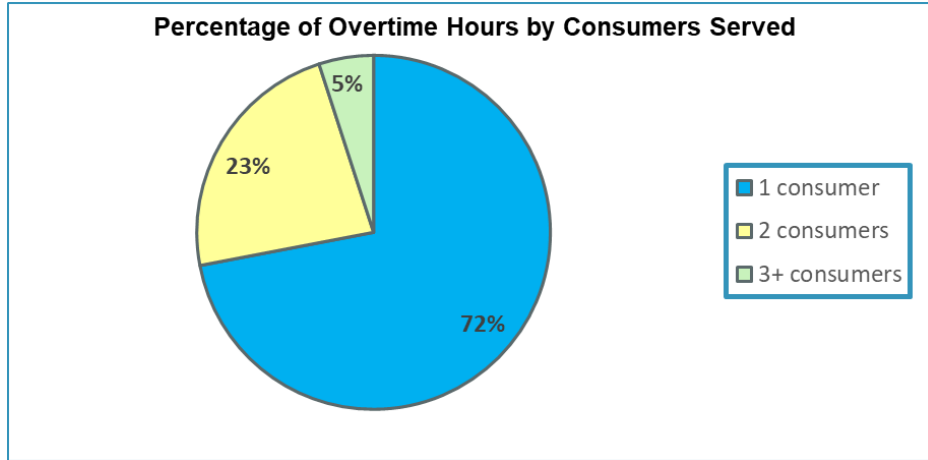


D. By Number of Consumers Served per IP

Work Week	OT Hours IPs Serving 1 Consumer	OT Hours IPs Serving 2 Consumers	OT Hours IPs Serving 3+ Consumers
7/4/2021	29,545	9,541	2,233
7/11/2021	25,560	8,186	2,109
7/18/2021	25,551	8,537	1,923
7/25/2021	19,739	5,821	1,359
8/1/2021	31,063	10,149	2,325
8/8/2021	27,812	9,292	2,169
8/15/2021	26,646	8,430	2,158
8/22/2021	23,648	7,155	1,737
8/29/2021	21,641	6,882	1,567
9/5/2021	28,236	9,437	2,081
9/12/2021	26,955	8,672	1,923
9/19/2021	27,214	9,138	1,918
9/26/2021	24,451	7,264	1,708
10/3/2021	29,115	9,350	2,156
10/10/2021	23,515	8,591	2,286
10/17/2021	26,268	8,540	1,932
10/24/2021	22,882	6,745	1,928
10/31/2021	26,808	8,699	1,985

11/7/2021	27,922	9,047	623
11/14/2021	27,655	8,578	1,843
11/21/2021	25,519	7,771	1,580
11/28/2021	25,704	7,916	1,812
12/5/2021	28,737	9,600	1,908
12/12/2021	25,337	8,098	1,729
12/19/2021	24,481	7,718	1,640
12/26/2021	18,713	5,125	1,079
1/2/2022	30,598	9,631	1,942
1/9/2022	27,871	8,924	1,870
1/16/2022	26,826	8,629	1,814
1/23/2022	22,940	6,848	1,514
1/30/2022	19,821	5,891	1,038
2/6/2022	20,410	6,958	1,119
2/13/2022	29,522	8,300	1,338
2/20/2022	34,742	9,826	1,258
2/27/2022	27,076	7,878	1,259
3/6/2022	5,529	6,626	1,143
3/13/2022	19,655	5,771	1,049
3/20/2022	5,606	5,424	939
3/27/2022	7,364	1,617	271
4/3/2022	3,522	883	355
4/10/2022	7,159	1,136	374
4/17/2022	2,581	583	286
4/24/2022	4,544	883	198
5/1/2022	6,564	1,447	200
5/8/2022	8,871	1,323	236
5/15/2022	2,777	923	169
5/22/2022	6,728	1,367	214
5/29/2022	2,295	493	135
6/5/2022	9,886	1,488	263
6/12/2022	2,754	1,274	150
6/19/2022	8,468	1,326	231
6/26/2022	2,274	546	134
Averages	19,560	6,129	1,292

Approximately 72 percent of overtime hours paid were to an IP working with one consumer, and 23 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 5 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:

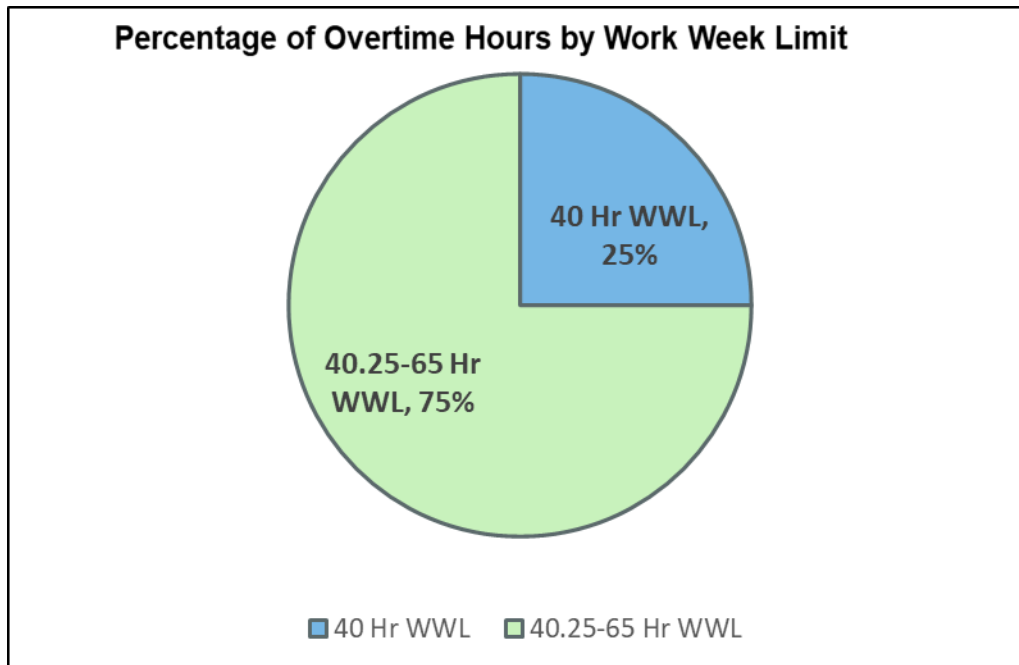
- (a) As described in Washington Administrative Code 388-114-0080; if the Department determines it is necessary, due to a lack of available providers who are able to meet a client’s care needs, because:
 - there is an overall shortage of providers in the client’s specific geographic region,
 - the client 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 75 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 25 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
7/4/2021	0.60%	1.52%
7/11/2021	0.48%	1.36%
7/18/2021	0.47%	1.38%
7/25/2021	0.31%	1.07%
8/1/2021	0.68%	1.55%
8/8/2021	0.51%	1.50%
8/15/2021	0.54%	1.37%
8/22/2021	0.37%	1.30%
8/29/2021	0.40%	1.14%
9/5/2021	0.54%	1.50%
9/12/2021	0.51%	1.41%
9/19/2021	0.50%	1.47%
9/26/2021	0.43%	1.28%
10/3/2021	0.57%	1.51%
10/10/2021	0.48%	1.39%
10/17/2021	0.51%	1.37%
10/24/2021	0.39%	1.20%
10/31/2021	0.55%	1.36%
11/7/2021	0.52%	1.47%
11/14/2021	0.54%	1.42%
11/21/2021	0.41%	1.38%
11/28/2021	0.70%	1.30%
12/5/2021	0.60%	1.47%
12/12/2021	0.50%	1.31%
12/19/2021	0.44%	1.29%
12/26/2021	0.30%	0.98%
1/2/2022	0.69%	1.48%
1/9/2022	0.54%	1.44%
1/16/2022	0.58%	1.34%
1/23/2022	0.39%	1.47%
1/30/2022	0.49%	0.84%
2/6/2022	0.49%	1.57%
2/13/2022	0.83%	1.63%

Work Week	% of OT with 40 HR WWL	% of OT with 40.25 - 65 HR WWL
2/20/2022	1.21%	1.78%
2/27/2022	0.77%	1.55%
3/6/2022	0.49%	1.54%
3/13/2022	0.49%	1.44%
3/20/2022	0.40%	1.41%
3/27/2022	0.25%	0.81%
4/3/2022	0.61%	1.71%
4/10/2022	0.41%	1.67%
4/17/2022	0.35%	1.60%
4/24/2022	0.32%	1.43%
5/1/2022	0.56%	1.77%
5/8/2022	0.43%	1.77%
5/15/2022	0.28%	1.65%
5/22/2022	0.29%	1.59%
5/29/2022	0.21%	1.30%
6/5/2022	0.46%	1.81%
6/12/2022	0.25%	1.70%
6/19/2022	0.35%	1.74%
6/26/2022	0.21%	1.41%
Grand Total	25.25%	74.75%



V. Conclusion

Overall utilization of overtime has consistently decreased due to the historical education and management practices by DSHS. CDWA will continue to follow RCW 74.39A.525, managing IP overtime consistent with the law, while providing flexibility for clients and providers, which will continue to support clients to remain in the least restrictive setting of their choice.