Companionship Exemption

• January 2016
• New Federal Rule – Fair Labor Standards Act
• Impacts agencies employing Direct Care Workers providing in-home services
  o Attendant Care
  o Personal Care
  o Homemaker
  o Respite
• A total 1,800 (74%) members live in their own home
• There are 67 agencies providing in home services (50 are not contracted by an MCO)
What is different?

• Agencies must pay DCWs overtime if they work over 40 hours per week
  - If a DCW makes $9.00 per hour, they must get paid $13.50 for each hour worked over 40 hours per week.

• Agencies must pay DCWs for time they spend traveling from work with one member to work with another member.
What is NOT different?

The new rule does not change the number of services and service hours authorized by the Case Manager and outlined on the member’s service plan.
Agency and Member Decisions

- Agencies can decide whether or not to allow DCWs to work more than 40 hours per week.
  - If an agency decides not to allow DCWs to work more than 40 hours per week, members may have to make decisions about the DCWs providing their care.

A priority must be placed on the preservation of the member’s services and service hours and their preferences for the DCW(s) providing their care.
AHCCCS Work Plan

• Collect information from agencies [March/April 2016]
  o Plans to comply with new rule
  o Number of members who may need to make new decisions about who is providing their care
  o Number of DCWs who had hours reduced

• Send Member notice [April 2016]

• Evaluate current compensation rate structure based upon analysis of costs potentially incurred by providers to comply with the new ruling [Ongoing]
Thank You.

Reaching across Arizona to provide comprehensive quality health care for those in need