

## Independent Provider Overtime

Purpose: To provide direction to SSAs and teams on the monitoring and approval of independent provider overtime.

1. Overtime is defined as hours worked in excess of forty in a work week.
2. Work week is defined as seven consecutive days beginning on Sunday at 12am and ending on Saturday at 11:59 pm of each week.
3. DODD, county boards, individuals who receive services and independent providers shall work collaboratively to efficiently use available resources and to the extent possible, reduce the need for overtime.
4. An independent provider shall notify an individual's SSA (by email) of the number of persons for whom the independent provider provides or begins to provide any Medicaid- services-anywhere in the state and the number of hours of service the provider provides in a work week for each person served (this includes ALL Medicaid services).
5. Prior to authorizing services for an independent provider, if not disclosed by the provider, the SSA will ask for the number of persons and hours of all other individuals that the provider is providing Medicaid-funded services for.
  - a. When the independent provider discloses that he/she is scheduled to deliver services in excess of 40 hours, but less than 60 in a work week, the SSA will discuss with the individual and their team individual circumstances and make every effort to reduce hours worked to under 40 by:
    - i. Discussing if more than one provider can provide the services, splitting the time between 2 or more providers
    - ii. Requesting the individual explore additional providers who would not be in overtime status as a result of providing such services
    - iii. Explore the use of remote technology and supports
    - iv. Discussion with the SSAs of others served by that provider to see if other individuals are able to use alternative providers or resources.
6. If the independent provider has worked 60 hours in a work week (no matter the amount in an individuals authorized budget), the provider may only provide additional services/hours in that work week when:
  - a. Planned ahead of time and approved by the SSA of the person for whom the additional services/hours are provided that cause the provider to incur OT over 60 hours
    - i. The team shall identify known or anticipated events or circumstances that will cause a provider to exceed 60 hours
    - ii. Examples:
      1. Scheduled travel or surgery of the individual, individuals family member or provider
      2. Holidays or scheduled breaks
      3. Individual has compromised immune system and may be at risk with multiple providers

4. Provider is the only provider that has been trained by a nurse on delegated tasks or trained by a behavior specialist to implement unique behavior support plans
    5. A shortage of other available providers.
  - iii. Circumstances are added to the notes section of the ISP ahead of the service occurring
    1. Reason for overtime exceeding 60 hours
    2. Rationale for authorization
    3. Specific Dates of service
7. In an emergency situation which has not already been approved by the SSA, the independent provider must notify the SSA within 72 hours of the events or circumstances which caused the provider to exceed 60 hours. This must be added to the Notes section of the ISP.
  - a. Circumstances are added to the notes section of the ISP
    - i. Reason for overtime exceeding 60 hours
    - ii. Rationale for authorization
    - iii. Specific Dates of service
8. The need for a provider to work in excess of 60 hours should not become routine.
  - a. If the need for more than 60 hours per work week is occurring often, the SSA shall work with the individual and the team to develop and implement a plan to eliminate such circumstances.
  - b. If the team cannot agree on a routine level of services under 60 hours, the SSA will assist the individual and the provider in completing the Denial of Overtime Authorization Complaint Regarding Implementation of 5123:2-9-03 Form.
9. When an SSA becomes aware of a provider who has failed to notify the County Board when they have gone into a planned situation of over 60 hours or an emergency situation of over 60 hours, the Independent Provider will be reported to DODD.

**Attachments:**

[Denial of Overtime Authorization Complaint Form](#)