

REPORT TO THE LEGISLATURE

Individual Provider Overtime Annual Expenditures

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

September 1, 2020

Aging and Long-Term Support Administration
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1 Executive Summary

This is the annual report for state Fiscal Year 2020 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, 2019 – June 30, 2020. The key findings include:

- The average overtime hours claimed by IPs for this annual period is 3.46 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:

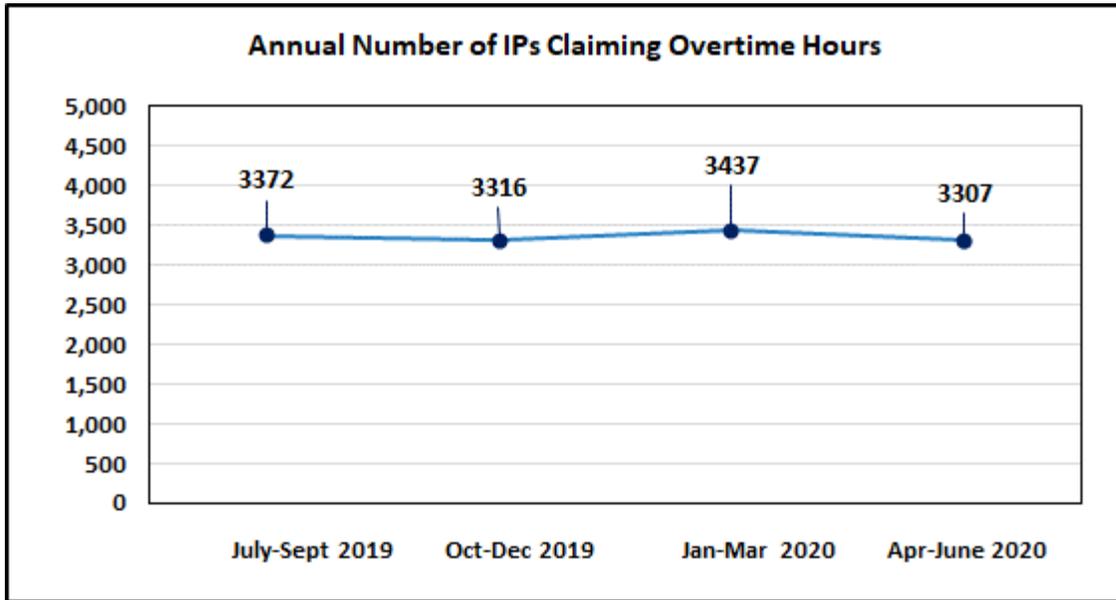
- I. Number of providers receiving payment for more than 40 hours/week
 - a. Including the number of providers who are meeting conditions of [RCW 74.39A.525](#)
- II. Number of hours paid and the amount paid for more than 40 hours in a workweek including the:
 - a. Total amounts
 - b. Averages
 - c. 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. For the purposes of accuracy in this report, we did not include the data for the week of June 28th in our calculations of averages as it would falsely report a lower average.

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

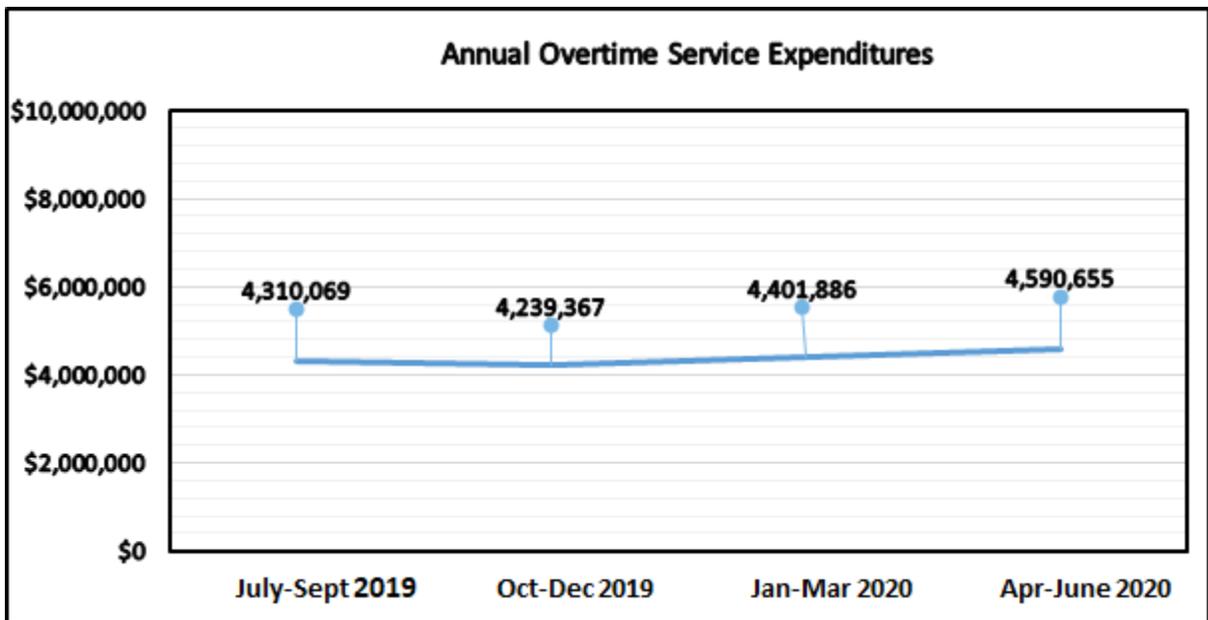
An average of 3,359 IPs claimed overtime hours each quarter for this reporting period.



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

A. Total Amounts

The expenditures continue to drop each quarter due to controls put into place to ensure providers adhere to the new rules. Expenditures in state fiscal year 2020 are .04 percent lower than expenditures in state fiscal year 2019.

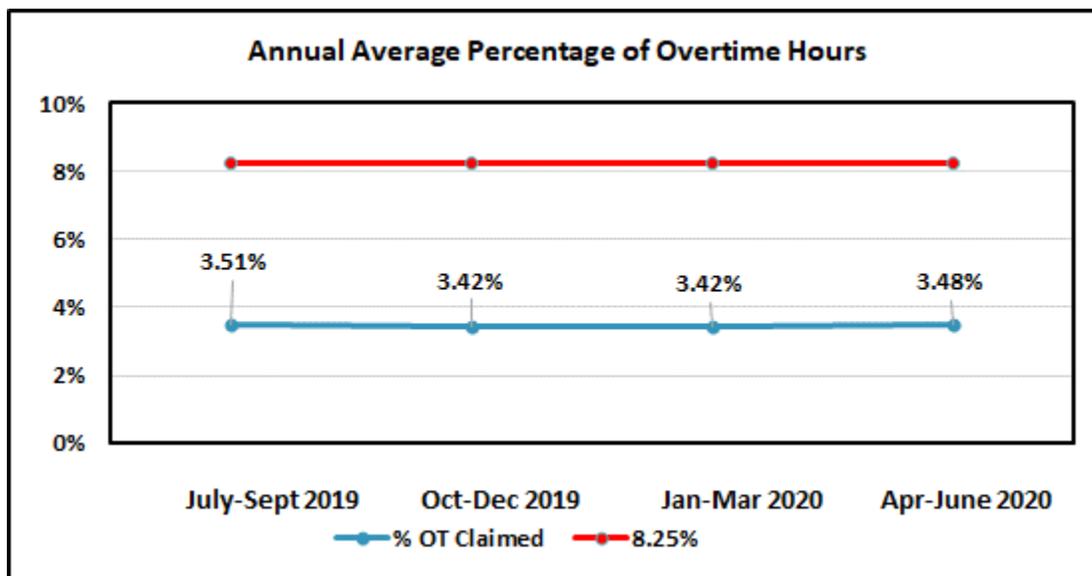


B. Averages

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.

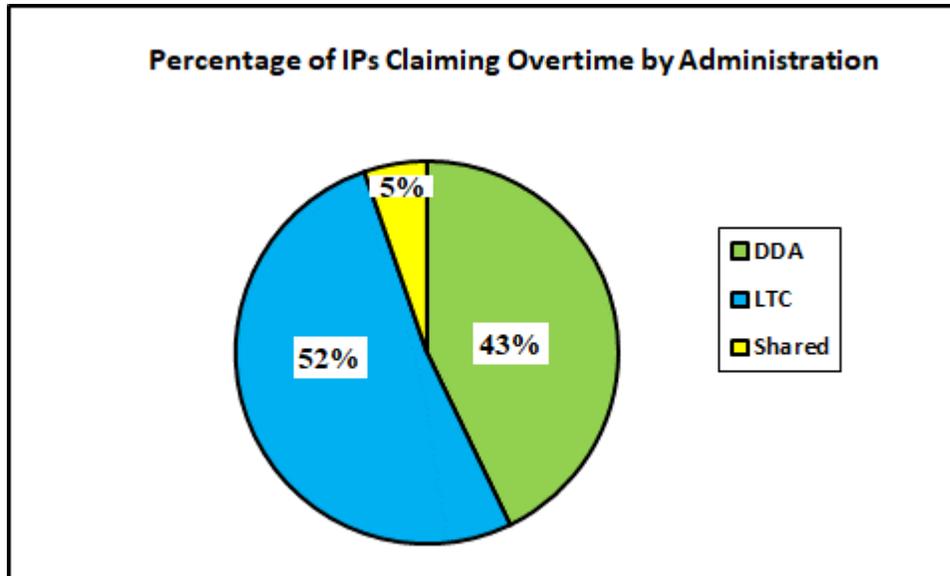
Work Week	Total IP Hours	Total OT Hours	Average OT Hours
7/7/2019	1,093,256	39,804	3.64%
7/14/2019	1,037,575	36,597	3.53%
7/21/2019	1,014,838	33,954	3.35%
7/28/2019	971,004	30,496	3.14%
8/4/2019	1,105,085	40,412	3.66%
8/11/2019	1,055,637	36,566	3.46%
8/18/2019	1,044,727	35,443	3.39%
8/25/2019	956,821	28,287	2.96%
9/1/2019	1,131,284	43,603	3.85%
9/8/2019	1,108,656	40,703	3.67%
9/15/2019	1,085,187	40,372	3.72%
9/22/2019	1,055,770	37,157	3.52%
9/29/2019	1,086,764	39,314	3.62%
10/6/2019	1,105,496	38,708	3.50%
10/13/2019	1,039,505	34,242	3.29%
10/20/2019	1,033,387	33,731	3.26%
10/27/2019	969,710	30,072	3.10%
11/3/2019	1,126,579	40,450	3.59%
11/10/2019	1,094,036	38,739	3.54%
11/17/2019	1,107,485	41,091	3.71%
11/24/2019	1,033,777	35,402	3.42%
12/1/2019	1,152,253	43,768	3.80%
12/8/2019	1,122,308	39,233	3.50%
12/15/2019	1,072,693	36,532	3.41%
12/22/2019	1,001,610	31,138	3.11%
12/29/2019	1,006,396	30,885	3.07%
1/5/2020	1,120,588	39,421	3.52%
1/12/2020	1,048,015	34,847	3.33%
1/19/2020	1,042,623	33,233	3.19%
1/26/2020	969,407	28,131	2.90%
2/2/2020	1,146,511	42,006	3.66%

Work Week	Total IP Hours	Total OT Hours	Average OT Hours
2/9/2020	1,116,695	39,438	3.53%
2/16/2020	1,152,404	45,235	3.93%
2/23/2020	1,109,102	41,661	3.76%
3/1/2020	1,157,474	41,505	3.59%
3/8/2020	1,126,738	37,618	3.34%
3/15/2020	1,072,821	35,332	3.29%
3/22/2020	1,028,428	32,909	3.20%
3/29/2020	1,019,785	31,333	3.07%
4/5/2020	1,127,354	40,213	3.57%
4/12/2020	1,083,134	37,991	3.51%
4/19/2020	1,096,046	38,790	3.54%
4/26/2020	1,053,822	35,952	3.41%
5/3/2020	1,140,158	41,532	3.64%
5/10/2020	1,100,720	38,520	3.50%
5/17/2020	1,092,259	37,330	3.42%
5/24/2020	1,031,147	32,919	3.19%
5/31/2020	1,097,498	37,892	3.45%
6/7/2020	1,103,170	38,177	3.46%
6/14/2020	996,808	35,462	3.56%
6/21/2020	959,684	33,989	3.54%
6/28/2020	354,128	265	0.07%
Totals	54,604,227	1,888,129	3.46%



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.



Work Week	IP OT Hours Worked for DDA	Percentage OT Hours Worked by DDA IPs	IP OT Hours Worked for ALTSA	Percentage OT Hours Worked by ALTSA IPs	IP OT Hours Worked for DDA & ALTSA	Percentage OT Hours Worked by DDA & ALSTA IPs	Total OT Hours
7/7/2019	17,242	0.91%	20,308	1.08%	2,255	0.12%	39,804
7/14/2019	15,705	0.83%	18,950	1.00%	1,942	0.10%	36,597
7/21/2019	15,009	0.79%	17,230	0.91%	1,715	0.09%	33,954
7/28/2019	12,895	0.68%	16,115	0.85%	1,486	0.08%	30,496
8/4/2019	17,271	0.91%	20,905	1.11%	2,237	0.12%	40,412
8/11/2019	15,997	0.85%	18,582	0.98%	1,987	0.11%	36,566
8/18/2019	15,350	0.81%	18,333	0.97%	1,761	0.09%	35,443
8/25/2019	12,472	0.66%	14,567	0.77%	1,248	0.07%	28,287
9/1/2019	18,112	0.96%	23,190	1.23%	2,302	0.12%	43,603
9/8/2019	16,857	0.89%	21,514	1.14%	2,333	0.12%	40,703
9/15/2019	16,536	0.88%	21,656	1.15%	2,180	0.12%	40,372
9/22/2019	15,929	0.84%	19,244	1.02%	1,984	0.11%	37,157
9/29/2019	16,074	0.85%	21,037	1.11%	2,203	0.12%	39,314
10/6/2019	16,569	0.88%	20,020	1.06%	2,119	0.11%	38,708
10/13/2019	14,452	0.77%	17,884	0.95%	1,906	0.10%	34,242

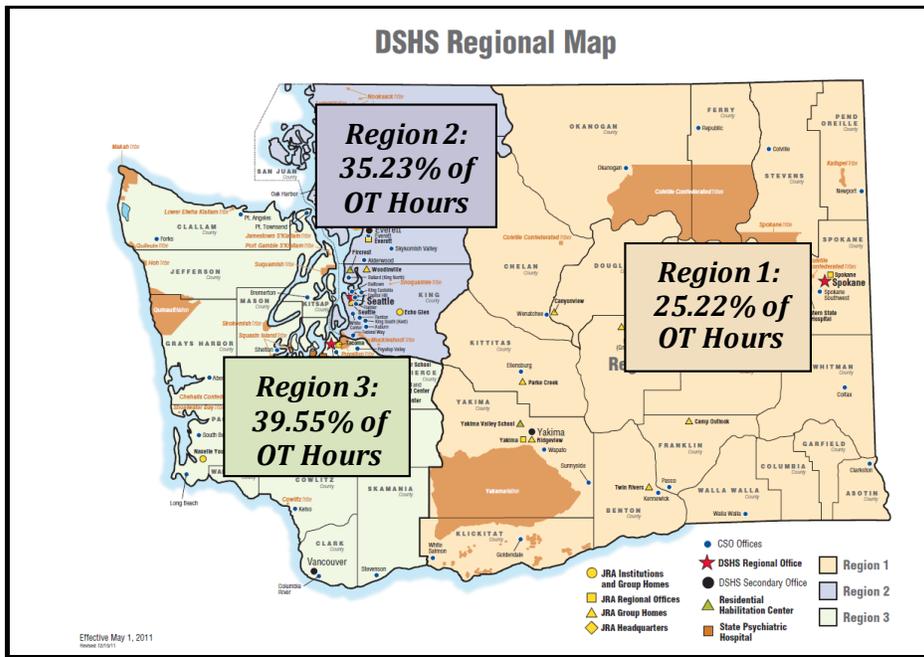
Work Week	IP OT Hours Worked for DDA	Percentage OT Hours Worked by DDA IPs	IP OT Hours Worked for ALSTA	Percentage OT Hours Worked by ALSTA IPs	IP OT Hours Worked for DDA & ALSTA	Percentage OT Hours Worked by DDA & ALSTA IPs	Total OT Hours
10/20/2019	15,082	0.80%	16,845	0.89%	1,804	0.10%	33,731
10/27/2019	13,064	0.69%	15,397	0.82%	1,610	0.09%	30,072
11/3/2019	17,092	0.91%	21,045	1.11%	2,313	0.12%	40,450
11/10/2019	16,295	0.86%	20,230	1.07%	2,215	0.12%	38,739
11/17/2019	16,589	0.88%	22,176	1.17%	2,326	0.12%	41,091
11/24/2019	15,153	0.80%	18,391	0.97%	1,858	0.10%	35,402
12/1/2019	17,417	0.92%	23,816	1.26%	2,536	0.13%	43,768
12/8/2019	16,310	0.86%	20,726	1.10%	2,197	0.12%	39,233
12/15/2019	15,397	0.82%	19,226	1.02%	1,909	0.10%	36,532
12/22/2019	14,163	0.75%	15,492	0.82%	1,483	0.08%	31,138
12/29/2019	13,186	0.70%	16,179	0.86%	1,521	0.08%	30,885
1/5/2020	16,855	0.89%	20,509	1.09%	2,057	0.11%	39,421
1/12/2020	14,598	0.77%	18,391	0.97%	1,859	0.10%	34,847
1/19/2020	14,586	0.77%	16,986	0.90%	1,661	0.09%	33,233
1/26/2020	12,145	0.64%	14,497	0.77%	1,490	0.08%	28,131
2/2/2020	17,265	0.91%	22,390	1.19%	2,351	0.12%	42,006
2/9/2020	16,333	0.87%	21,011	1.11%	2,094	0.11%	39,438
2/16/2020	18,377	0.97%	24,500	1.30%	2,359	0.12%	45,235
2/23/2020	17,235	0.91%	22,405	1.19%	2,021	0.11%	41,661
3/1/2020	16,992	0.90%	22,310	1.18%	2,204	0.12%	41,505
3/8/2020	15,882	0.84%	19,674	1.04%	2,063	0.11%	37,618
3/15/2020	15,440	0.82%	18,029	0.95%	1,863	0.10%	35,332
3/22/2020	14,743	0.78%	16,433	0.87%	1,733	0.09%	32,909
3/29/2020	13,769	0.73%	16,107	0.85%	1,457	0.08%	31,333
4/5/2020	17,866	0.95%	20,236	1.07%	2,112	0.11%	40,213
4/12/2020	16,536	0.88%	19,320	1.02%	2,136	0.11%	37,991
4/19/2020	17,426	0.92%	19,300	1.02%	2,064	0.11%	38,790
4/26/2020	15,721	0.83%	18,580	0.98%	1,651	0.09%	35,952
5/3/2020	17,959	0.95%	21,182	1.12%	2,392	0.13%	41,532
5/10/2020	16,868	0.89%	19,597	1.04%	2,055	0.11%	38,520
5/17/2020	16,647	0.88%	18,617	0.99%	2,066	0.11%	37,330
5/24/2020	14,956	0.79%	16,365	0.87%	1,598	0.08%	32,919
5/31/2020	16,142	0.85%	19,691	1.04%	2,060	0.11%	37,892

Work Week	IP OT Hours Worked for DDA	Percentage OT Hours Worked by DDA IPs	IP OT Hours Worked for ALSTA	Percentage OT Hours Worked by ALSTA IPs	IP OT Hours Worked for DDA & ALSTA	Percentage OT Hours Worked by DDA & ALSTA IPs	Total OT Hours
6/7/2020	17,094	0.91%	18,981	1.01%	2,102	0.11%	38,177
6/14/2020	15,724	0.83%	18,052	0.96%	1,686	0.09%	35,462
6/21/2020	15,291	0.81%	17,078	0.90%	1,620	0.09%	33,989
6/28/2020	165	0.01%	99	0.01%	1	0.01%	265
Grand Total	808,661	42.83%	979,290	51.87%	100,178	5.31%	1,888,129

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

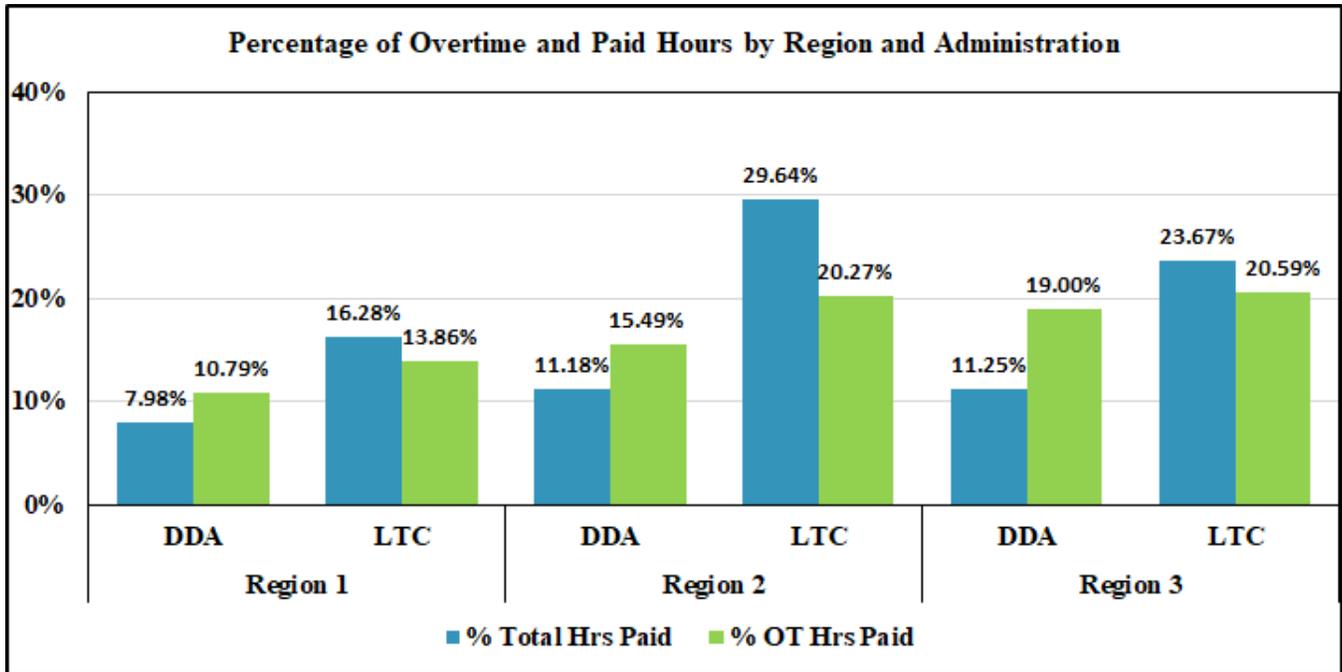
The table below illustrates a breakdown of consumer population, total hours paid, and overtime by the consumer's county of residence for this annual period. It excludes the small number of overtime hours worked by IPs with consumers in multiple counties.

County	Percent Consumer Count	Percent Paid Hours	Percent OT Hours
Adams	0.32%	0.30%	0.39%
Asotin	0.28%	0.31%	0.42%
Benton	3.24%	3.42%	3.60%
Chelan	0.68%	0.70%	0.71%
Clallam	0.88%	0.84%	0.93%
Clark	9.08%	8.71%	9.55%
Columbia	0.08%	0.08%	0.13%
Cowlitz	1.79%	1.84%	1.64%
Douglas	0.27%	0.33%	0.65%
Ferry	0.17%	0.17%	0.18%
Franklin	1.69%	1.80%	1.78%
Garfield	0.02%	0.02%	0.02%
Grant	1.87%	1.86%	2.30%
Grays Harbor	1.93%	1.82%	2.15%
Island	0.75%	0.76%	0.92%
Jefferson	0.34%	0.34%	0.34%
King	26.80%	26.98%	21.41%
Kitsap	2.52%	2.80%	4.27%
Kittitas	0.31%	0.27%	0.25%
Klickitat	0.21%	0.22%	0.16%

County	Percent Consumer Count	Percent Paid Hours	Percent OT Hours
Lewis	1.11%	1.04%	1.57%
Lincoln	0.13%	0.14%	0.17%
Mason	0.66%	0.67%	0.39%
Okanogan	0.74%	0.77%	1.09%
Pacific	0.45%	0.44%	0.46%
Pend Oreille	0.27%	0.26%	0.21%
Pierce	12.63%	12.98%	14.40%
San Juan	0.06%	0.05%	0.02%
Skagit	1.58%	1.47%	1.76%
Skamania	0.15%	0.12%	0.10%
Snohomish	8.94%	9.03%	9.23%
Spokane	8.21%	7.98%	7.24%
Stevens	0.78%	0.80%	1.04%
Thurston	3.43%	3.31%	3.78%
Wahkiakum	0.06%	0.07%	0.16%
Walla Walla	0.96%	0.87%	0.62%
Whatcom	2.68%	2.32%	2.02%
Whitman	0.20%	0.20%	0.29%
Yakima	3.74%	3.89%	3.62%

C. Department Program

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



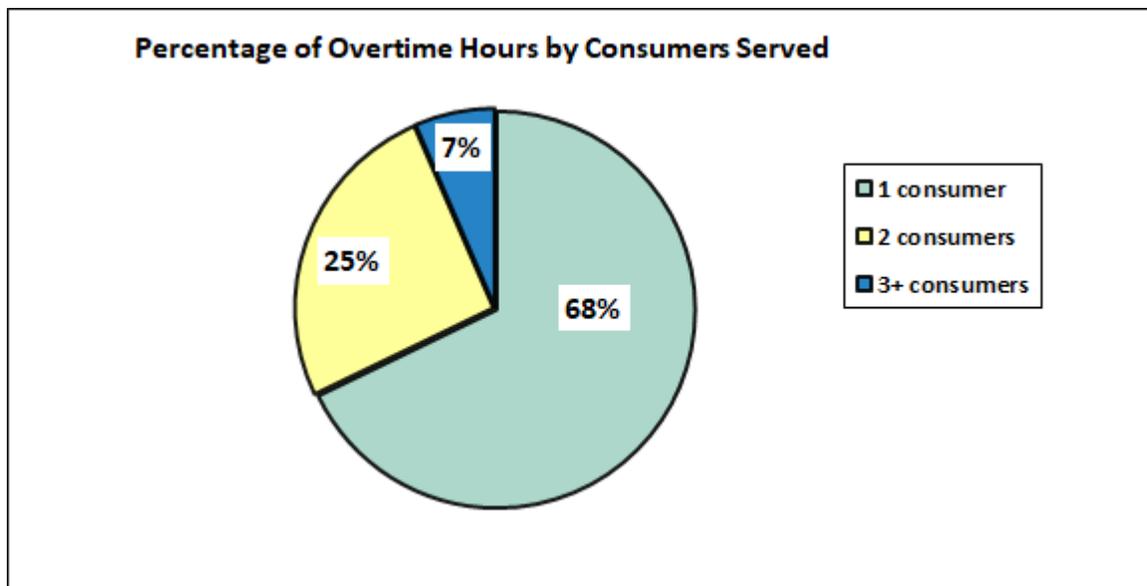
D. By Number of Consumers Served per IP

Work Week	OT Hours IPs Serving 1 Consumer	OT Hours IPs Serving 2 Consumers	OT Hours IPs Serving 3+ Consumers
7/7/2019	26,933	10,199	2,673
7/14/2019	24,897	9,325	2,376
7/21/2019	23,485	8,403	2,067
7/28/2019	21,160	7,529	1,807
8/4/2019	27,255	10,692	2,465
8/11/2019	24,910	9,337	2,319
8/18/2019	23,937	9,185	2,321
8/25/2019	19,286	7,267	1,734
9/1/2019	29,252	11,492	2,859
9/8/2019	27,485	10,404	2,814
9/15/2019	27,228	10,283	2,861
9/22/2019	25,185	9,520	2,452
9/29/2019	26,468	10,024	2,822

Work Week	OT Hours IPs Serving 1 Consumer	OT Hours IPs Serving 2 Consumers	OT Hours IPs Serving 3+ Consumers
10/6/2019	26,414	9,667	2,628
10/13/2019	23,370	8,587	2,285
10/20/2019	23,143	8,381	2,206
10/27/2019	20,549	7,568	1,955
11/3/2019	27,251	10,338	2,861
11/10/2019	26,088	10,047	2,604
11/17/2019	27,580	10,498	3,012
11/24/2019	23,992	9,074	2,337
12/1/2019	29,641	11,086	3,041
12/8/2019	26,399	10,185	2,649
12/15/2019	24,666	9,362	2,504
12/22/2019	21,844	7,516	1,779
12/29/2019	21,412	7,624	1,850
1/5/2020	26,672	10,080	2,669
1/12/2020	23,559	8,777	2,512
1/19/2020	22,643	8,192	2,398
1/26/2020	19,320	6,877	1,934
2/2/2020	28,414	10,559	3,034
2/9/2020	26,694	9,917	2,827
2/16/2020	30,731	11,307	3,198
2/23/2020	28,226	10,608	2,827
3/1/2020	28,193	10,718	2,594
3/8/2020	25,482	9,664	2,472
3/15/2020	24,414	8,830	2,089
3/22/2020	22,797	8,053	2,060
3/29/2020	21,697	7,545	2,091
4/5/2020	27,699	9,920	2,594
4/12/2020	26,069	9,418	2,504
4/19/2020	26,533	9,656	2,601
4/26/2020	25,049	8,675	2,227
5/3/2020	28,153	10,291	3,087
5/10/2020	26,483	9,517	2,520
5/17/2020	25,271	9,400	2,660
5/24/2020	22,570	8,122	2,228
5/31/2020	25,802	9,619	2,472
6/7/2020	26,330	9,354	2,493

Work Week	OT Hours IPs Serving 1 Consumer	OT Hours IPs Serving 2 Consumers	OT Hours IPs Serving 3+ Consumers
6/14/2020	24,521	8,595	2,346
6/21/2020	23,512	8,264	2,213
6/28/2020	226	38	1
Averages	25,229	9,324	2,469

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.

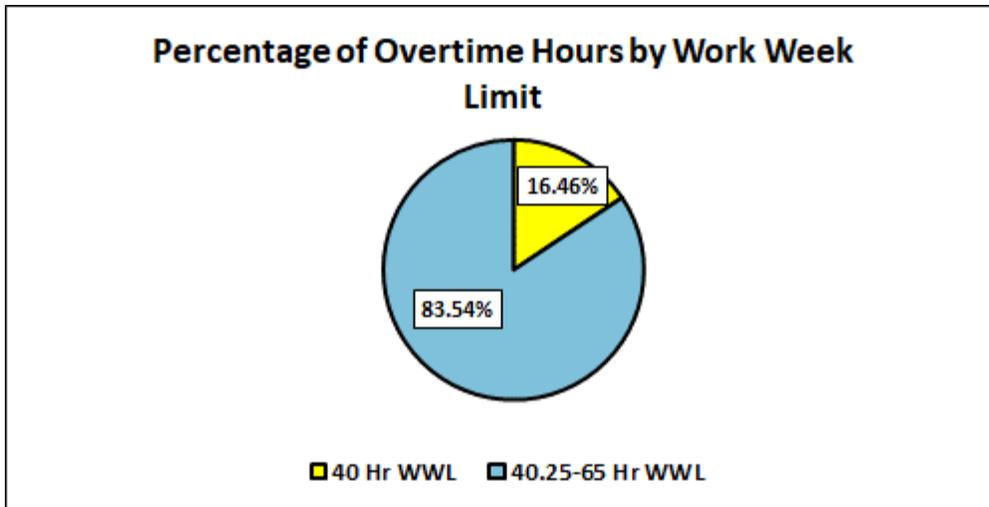
- (b) If the Department established a permanent workweek limit between forty and one-quarter hours and sixty-five hours for an individual provider, based upon work performed by the individual provider in January 2016, as modified by an appeal, if any; or
- (c) For required training under RCW 74.39A.074, 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
7/7/2019	0.29%	1.82%
7/14/2019	0.33%	1.61%
7/21/2019	0.22%	1.58%
7/28/2019	0.28%	1.33%
8/4/2019	0.34%	1.80%
8/11/2019	0.29%	1.64%
8/18/2019	0.27%	1.61%
8/25/2019	0.19%	1.31%
9/1/2019	0.44%	1.87%
9/8/2019	0.35%	1.81%
9/15/2019	0.36%	1.78%
9/22/2019	0.24%	1.72%
9/29/2019	0.40%	1.68%
10/6/2019	0.30%	1.75%
10/13/2019	0.28%	1.54%
10/20/2019	0.22%	1.57%
10/27/2019	0.23%	1.37%
11/3/2019	0.34%	1.80%
11/10/2019	0.32%	1.74%
11/17/2019	0.38%	1.80%
11/24/2019	0.23%	1.65%

Work Week	% of OT with 40 HR WWL	% of OT with 40.25 - 65 HR WWL
12/1/2019	0.49%	1.83%
12/8/2019	0.31%	1.77%
12/15/2019	0.33%	1.61%
12/22/2019	0.15%	1.49%
12/29/2019	0.26%	1.37%
1/5/2020	0.34%	1.75%
1/12/2020	0.29%	1.55%
1/19/2020	0.23%	1.53%
1/26/2020	0.19%	1.30%
2/2/2020	0.42%	1.80%
2/9/2020	0.33%	1.76%
2/16/2020	0.47%	1.92%
2/23/2020	0.35%	1.85%
3/1/2020	0.42%	1.78%
3/8/2020	0.28%	1.71%
3/15/2020	0.32%	1.55%
3/22/2020	0.24%	1.51%
3/29/2020	0.30%	1.36%
4/5/2020	0.39%	1.73%
4/12/2020	0.37%	1.64%
4/19/2020	0.36%	1.70%
4/26/2020	0.37%	1.54%
5/3/2020	0.46%	1.74%
5/10/2020	0.40%	1.63%
5/17/2020	0.39%	1.59%
5/24/2020	0.30%	1.45%
5/31/2020	0.42%	1.59%
6/7/2020	0.34%	1.68%
6/14/2020	0.36%	1.52%
6/21/2020	0.28%	1.52%
6/28/2020	0.00%	0.01%
Grand Total	16.46%	83.54%



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.