

HOUSE BILL REPORT

SB 5976

As Passed House:
June 30, 2017

Title: An act relating to wages or hours of individual providers.

Brief Description: Addressing wages or hours of individual providers.

Sponsors: Senators Rivers and Liias.

Brief History:

Committee Activity:

None.

Third Special Session

Floor Activity:

Passed House: 6/30/17, 93-0.

Brief Summary of Bill

- Permits the Department of Social and Health Services to pay certain individual providers of home care services up to 65 hours total per week in fiscal year 2018 rather than up to 60 hours total per week.

Staff: Mary Mulholland (786-7391).

Background:

Individuals with long-term care needs and/or developmental disabilities who meet financial and functional eligibility criteria are eligible to receive in-home personal care and respite services. The Department of Social and Health Services (DSHS) assesses these eligible persons (consumers) to determine the level of their in-home care needs. Consumers may choose to receive services from an individual provider (IP) or agency provider (AP). Consumers have the right to select, hire, supervise the work of, and terminate any IP providing services to them as long as they do not exceed the maximum hours within their plan of care determined by the DSHS. There are approximately 37,000 IPs who provide almost 50 million hours of in-home care each year.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2014 the United States Department of Labor modified a "domestic service rule" that requires third-party employers, such as the state, to pay overtime (150 percent of the hourly wage) when home care workers such as IPs provide over 40 hours per week of authorized care.

In 2016 the Legislature established work week limits on the number of hours IPs may work without authorization by the DSHS. For IPs who worked in excess of 40 hours total per week on average in January 2016, the work week limit is 60 hours. Exceptions were provided for this group of IPs in fiscal year (FY) 2016 and FY 2017, during which the work week limit is 65 hours.

Summary of Bill:

The exceptions provided for payment of overtime hours for FY 2016 and FY 2017 are extended to FY 2018. During FY 2018, the DSHS may pay up to 65 hours total each work week to IPs who worked more than 40 hours total per week on average in January 2016.

Appropriation: None.

Fiscal Note: Requested on June 30, 2017.

Effective Date: The bill contains an emergency clause and takes effect immediately.