

# SENATE BILL REPORT

## SB 5976

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As Passed Senate, 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:**

**Floor Activity:**

**Third Special Session:** Passed Senate: 6/30/17, 49-0.

**Brief Summary of Bill**

- Permits the Department of Social and Health Services to pay any single individual provider for up to sixty-five hours each work week through fiscal year 2018.

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### SENATE COMMITTEE ON HEALTH CARE

**Staff:** Kathleen Buchli (786-7488)

**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 consumers to determine their support needs and the amount of services they are eligible to receive. Consumers may choose to receive services either 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 their monthly award identified in their plan of care or individual support plan. There are approximately 35,000 individual providers who provide almost 45 million hours of support to individuals in their own home each year.

In 2014, the United States Department of Labor modified the "Domestic Service Rules" to require third-party employers to pay at least the federal minimum wage and overtime pay to

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all workers employed to perform domestic service employment, including individual providers.

In 2016, the Legislature passed E2SHB 1725 which provided that the number of hours DSHS may pay any single IP is limited to sixty hours each work week if the IP was working more than 40 hours a week during January 2016. Exceptions were provided for fiscal years 2016 and 2017, during which DSHS may pay up to 65 hours each work week if the IP was working more than 40 hours a week during January 2016.

**Summary of Bill:** The exceptions provided for payment of overtime hours for fiscal years 2016 and 2017 are extended to fiscal year 2018. During fiscal year 2018, DSHS may pay up to 65 hours each work week if the IP was working more than 40 hours a week during January 2016.

**Appropriation:** None.

**Fiscal Note:** Requested on June 30, 2017.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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