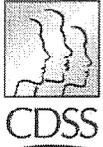


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EDMUND G. BROWN JR.
GOVERNOR

Public Stakeholder Meeting
March 3, 2014
Fair Labor Standards Act Regulations Overtime Discussion
New IHSS Workweek Agreement and
Statewide Provider Back-Up System

FACT SHEET

Background of Federal Overtime Regulations:

On September 17, 2013, the United States Department of Labor released final regulations amending the exemptions from minimum wage and overtime for domestic workers. Effective January 1, 2015, the Final Rule extends the protections of the Fair Labor Standards Act (FLSA) to domestic service workers who were previously afforded exemptions from these provisions. The amended regulations remove the ability of "third party" agencies to claim an exemption for personal care workers from minimum wage and overtime pay as providers of "companionship services" or as live- in providers.

As of January 1, 2015, due to the impositions of minimum wage requirements, new compensable activities will be imposed on the IHSS program. These activities include compensation for providers traveling between multiple recipients, "wait time" that is associated with medical accompaniment, and payment for attending mandatory provider training.

Governor's Proposal to Implement FLSA Changes:

To ensure that services to recipients are maintained, under the proposal contained in the Governor's Budget:

- Providers will be limited to working 40 hours within a workweek;

- Recipients will continue their role as employer and maintain their choice of provider(s) as well as the responsibility to hire, fire, and supervise the work of their provider;
- Recipients and providers will be required to complete a workweek agreement;
- A statewide provider back-up system will be implemented in each county to ensure IHSS recipients do not experience a gap in services due to 40 hours overtime limitation;
- Providers will be required to submit provider timesheets timely; and
- New requirements will be established for recipients who receive Advance Pay to address overtime reconciliation.

Establishment of the Statewide Provider Back-up System:

A key element of this proposal is the development of a Provider Back-up System to be implemented by each county. The Provider Back-Up System is intended to address *Olmstead* considerations, to allow IHSS recipients to continue to live in the most community-like setting appropriate for a recipient's needs.

- IHSS will be provided for extraordinary circumstances, when a recipient's usual provider is unavailable due to the 40 hour overtime limitation and the recipient is at risk of immediate harm.
- The purpose of the Provider Back-up System's will be to provide a back-up provider within 2 hours following the notification of the extraordinary circumstance. Authorized in-home supportive services provided by the back-up provider will be deducted from the recipient's authorized hours.
- A county may contract with a public authority or other entity to provide back-up services.
- The back-up provider may receive a higher hourly wage than a regular IHSS provider.

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Coordinated Care Initiative (CCI)

VOLUNTARY (OPTIONAL) PROVIDER TRAINING CURRICULUM*

This curriculum is a compilation of training resources developed by the CCI Voluntary Provider Training Workgroup in accordance with Welfare & Institutions Code Section 12330. The usage of these and other training resources, by providers, is optional and can help provide consistency, accountability, and increased quality of care for In-Home Supportive Services (IHSS) consumers.

Acknowledgements

Topic 1: Introduction to In-Home Supportive Services

Overview of the IHSS Program; Properly Communicating IHSS Authorized Tasks/Hours; Properly Completing Timesheets; Provider Requirements and Responsibilities; Confidentiality and Mandated Reporting

Topic 2: Working with the IHSS Consumer

Professional/Ethical Caregiving; Building and Keeping Good Relationships; Consumer Rights and Responsibilities; Setting Appropriate Boundaries

Topic 3: Communication Skills

Building Trust; Cultural Competency; Communication Differences for Family and Non-Family Providers; Potential Barriers; Dealing with Challenging Situations; The Health Insurance Portability and Accountability Act (HIPAA) and Confidentiality; Talking About Disabilities (Level of Control, Level of Independence); Communicating with Deaf and Hard of Hearing Consumers; Communicating with Consumers with Speech Impediments; Conflict Resolution

Topic 4: Care for the Caregiver

Proper Ergonomics/Body Mechanics; Correctly Lifting, Bending, and Moving to Continue Providing Care for the Consumer; Alternative Resources and Respite Care to Prevent Caregiver Burnout; Handling Loss and Grief as a Care Provider; Setting Appropriate Boundaries

Topic 5: Injury and Fall Prevention

Consumer Ergonomics/Body Mechanics; Safety in the Home; Transfers

Topic 6: Universal Precautions

Infection Control; Understanding Common Communicable Diseases; Sanitation (Soiled Clothes and Linens; Hands); Resources for Providers

Topic 7: Personal Care

Bowel, Bladder, and Menstrual Care; Bed Baths; Partial Sitting Baths; Tub Baths and Showers; Oral Care; Dressing; Shaving a Consumer; Repositioning

Topic 8: Paramedical Services

Tube Feedings; Suctioning/Tracheotomy Care; Stoma Care; Injections; Medication Management; Ostomy Care; Catheter Care; Cleaning of Equipment; Preventing Pressure Sores; Wound Care; Range of Motion

Topic 9: Food and Nutrition

General Nutrition Considerations (Meals, Medication, Observing Changes); Food Sanitation; Feeding/Choking Risks; Cultural Considerations; Hydration and Hydration Considerations; Use of Assistive Devices; Special Diets

Topic 10: Medication Management

Common Medication Side Effects; Setting Up Medi-Sets/Organization; Pain Management; Natural Medications; Medication Abuse and What To Do About It; Precautions for Providers

Topic 11: Use of Durable Medical Equipment (DME) in the Home

Assistive Devices Available to Consumers; Variations of Equipment; Respect for, Cleaning of, and Limitations of the Equipment; Use of Wheelchair Van Lifts and Other Adaptive Vehicles; Medical Supplies

Topic 12: Working with Consumers with Physical and Mental Health Disabilities

The Ten Most Common Physical Disabilities; The Ten Most Common Mental Health Disabilities; Tips for Effectively Dealing with Consumers' Disabilities

Topic 13: Emergency Procedures

Emergency Preparedness; In the Event of an Emergency; Emergency Contacts

Topic 14: Recognizing, Preventing, and Reporting Abuse and Neglect

Types of Abuse and Neglect; Getting Help

Topic 15: Cardio-Pulmonary Resuscitation (CPR) and First Aid - Layperson Responders

Where to Obtain Training (Optional)

This information can be accessed at:

<http://www.cdss.ca.gov/agedblinddisabled/PG3366.htm>