October 22, 2015

Dear Provider:

This letter is to inform you about the recent Fair Labor Standards Act regulations issued by the United States Department of Labor (US DOL) and how it might impact you. As individual providers of in-home client services for the Aged and Disabled Waiver, Personal Assistance Services, and the Social Services Aged and Disabled (SSAD) programs you may be eligible for overtime and compensable travel time in certain circumstances.

The Fair Labor Standards Act requires that employers pay their employees the minimum wage and that overtime and travel time is paid if employees work more than forty (40) hours a week. While previously exempt, US DOL recently has extended these to include individual providers of home and community-based services. The Nebraska Divisions of Medicaid & Long-Term Care (MLTC) and Children and Family Services (CFS) are developing policies and procedures to administer the payment for overtime and compensable travel time. These efforts include centralizing the payment of these in-home service claims. More information will be forthcoming on the details of claims submission and reimbursement policies.

Thank you for the services you provide to clients with Nebraska Medicaid and SSAD coverage. Please check the website at http://dhhs.ne.gov/Pages/hcs_providers.aspx for more information and updates as the rule is implemented. Please direct any questions about these changes to DHHS.MedicaidOTTravel@nebraska.gov or call 1-844-331-3681.

Thank you.

Sincerely,

Calder A. Lynch, Director
Division of Medicaid and Long-Term Care
Department of Health and Human Services

Doug Weinberg, Director
Division of Children and Family Services
Department of Health and Human Services