

DATE: December 29, 2015

TO: All individual providers of in-home client services for the Aged and Disabled Waiver program, Personal Assistance Services program, Social Services Aged and Disabled program, and Adult Protective Services.

RE: Overtime and Travel Time

The United States Department of Labor (DOL) has enacted a new rule, effective October 13, 2015, entitling some in-home service providers to overtime and travel time reimbursement in certain situations. Information on the rule can be found at: <http://www.dol.gov/whd/homecare/litigation.htm>. This memo will provide information and outline new processes for Nebraska DHHS providers regarding overtime and travel time reimbursement.

| DHHS In-Home Services Eligible for Overtime and Travel Time | DHHS In-Home Services Not Eligible for Overtime and Travel Time |
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| Medicaid Aged and Disabled Waiver (AD Waiver) Care for Children with Disabilities Respite Services Chore Services | Developmental Disabilities Programs Child Developmental Disabilities Waiver Adult Comprehensive Waiver Adult Day Waiver Developmental Disabilities State Aid |
| Medicaid State Plan Personal Assistance Services | Disabled Persons and Family Support Program (DPFS) Housekeeping Services for Disabled Adults Personal Care |
| Social Services Aged and Disabled (SSAD) Chore Services | Lifespan Respite Subsidy Respite Services |
| Adult Protective Services (APS) Chore Services Adult Day Care in the Home | Disabled Children's Program (DCP) Respite Care Sibling Care |

OVERTIME:

- Effective for dates of service beginning October 13, 2015, the provision of certain services in excess of forty (40) hours each week will be payable at time and one-half.
- Time and one-half will be calculated on your current hourly rate. If you provide service to multiple clients at different hourly rates, any overtime will be calculated weekly using a blended rate of all your hourly rates for that week. The work week will be Sunday through Saturday.
- You do not need to report overtime separately from regular time. DHHS will be reviewing your claims, identifying valid overtime situations and making a supplemental payment when appropriate.
- Approved travel time, discussed below, will be included as time worked when calculating overtime.
- DHHS will be reviewing the claims you have already submitted from the effective date (October 13, 2015) and will begin making supplemental overtime payments in January.

- Claims that are unsigned, are missing, or that have an incomplete “Provider Record of Services” (Form MC-37), will result in the claim being returned to you for correction.

TRAVEL TIME:

- Individual providers who travel to more than one client worksite for an authorized DHHS program or service during the workday can be paid for travel time between each worksite. Only travel between clients receiving certain services (see left column on above table) is reimbursable. If you only provide services to client(s) at one worksite, you will not be reimbursed for multiple trips to the same worksite on one day.
- Only the time necessary to travel directly between two worksites will be paid. You will not be paid for excess time between appointments beyond the time necessary to travel between worksites. For example, if you have two (2) hours between appointments, but it only takes fifteen (15) minutes to drive directly between worksites you can only bill and be paid for the fifteen (15) minutes of travel time.
- Travel time to your first client of the day and from your last client of the day is not billable. Travel to and from your home is not billable, even if you are providing services to a client living at your home address. When completing the claim, always attribute the travel time to the client whom you are traveling to. Travel time does not count against the client’s service limits or budget.
- Travel time reimbursement will be for the most direct route. DHHS will be reviewing and verifying all claims and you may be asked to submit additional supporting documentation.
- Travel time must be documented in fifteen (15) minute intervals and will be paid at your approved rate by the quarter hour for the client billed.
- A new form must be used to document travel time, the “Provider Travel Time Billing Document” (DHHS-35). It is available at <http://public-dhhs.ne.gov/FORMS/Home.aspx>. An example is included.
- To claim travel time, you must add a line to the N-FOCUS Billing Document. Include the client’s first and last name, client ID number, use service code 2456, use the same “service from and service thru” dates as the in-home services you are billing for, the frequency is code QR, the number of 15-minute travel units, the quarter hour rate for the client you traveled to and the total billed (rate multiplied by quarter hour units).
- If your current rate for the client you are traveling to is hourly, divide the rate by 4 for your quarter hour rate.
- To submit a claim for travel time for dates of service from October 13, 2015 to December 31, 2015, you may add a line to your next N-FOCUS Billing Document with the appropriate dates of service. Keep in mind, dates of service may not be longer than a one-month period.

To assist in processing your claims in a timely manner:

- Ensure your forms are complete, signed, and dated. Signature date does need to be after the last date of service recorded for the pay period.
- Bill according to the terms of your authorization.
- Authorizations for overtime and travel will be created upon receipt of your claim.
- Claims with incomplete and/or unsigned forms will be returned by U.S. Mail to the provider.
- Returned claims must be corrected (completion of missing items, attachments, or both) and resubmitted.

Information about payment of overtime and travel time is also available at <http://dhhs.ne.gov/Pages/Medicaid-Home-and-Community-Based-Services.aspx>. Please direct any questions about overtime or travel time reimbursement to DHHS.MedicaidOTTravel@nebraska.gov or call 1-844-331-3681.