



DIVISION OF DEVELOPMENTAL DISABILITIES

*Sent on Behalf of Dr. Laura L. Love
Assistant Director / Chief Executive Officer*

Please do not reply to this message

TRANSMITTAL DATE: 1/7/2016

TOPIC: Data Request: DOL Companionship Exemption Information [Data due by COB,
Thursday, January 14, 2016]

All Qualified Vendors

As you know, beginning January 1, 2016, the United States Department of Labor will enforce a new requirement for agencies that employ Direct Care Workers (DCW) who provide in-home services such as attendant care, personal care, homemaker and respite services. Agencies will be required to pay DCWs overtime for hours worked over 40 hours per week as well as time they spend traveling from work with one member to work with another member. Members and Fiscal Intermediaries are required to comply with the Fair Labor Standards Act (FLSA).

Requested Data Information

AHCCCS has asked the Division to assist it in understanding the direct impact of this new requirement on members and DCWs. AHCCCS is requesting the following data on members served by contracted DCW Agencies. Therefore, for each agency, please report the following:

Member Data

- How many members may have to make new decisions on who is going to provide their care?
 - The number of members who get close to, at, or more than 40 hours of care per week by the same DCW and the agency does not plan on paying overtime.
 - The number of members who get care from a DCW(s) who works for other members with a combined total of more than 40 hours per week
- How many members made the decision to forgo service hours to keep a worker?

DCW Data

- How many DCWs had hours reduced as a result of the agency's decision not to pay overtime?
 - How many DCWs are family members?
 - How many DCWs are not family members?

- What is the number of hours reduced per week for the DCWs? [Aggregate reporting should be the average number of hours]
 - How many DCWs are family members?
 - How many DCWs are not family members?

Please use [the attached spreadsheet](#) to provide the requested information to the Division. Only report aggregate data on the spreadsheet. Therefore, data in certain columns will need to be averaged. A note is provided in the column as a reminder. Please note the spreadsheet includes a tab labeled "Member" and a tab labeled "DCW." There are also columns directed at members served by an agency and members served under Self Directed Attendant Care (SDAC). Please do not use the column for members served under SDAC.

Member Letter

AHCCCS will be sending out a letter to all ALTCS members notifying them of the new FLSA requirements. The letter has been drafted and is in the process of being translated into Spanish. The letter will inform members they may need to make some new decisions about who provides their care as a result of the new FLSA requirements. The letter clearly states that the new rule does not change the number of services or service hours on their service plan and authorized by the Support Coordinator. Following the brief letter, is a listing of Frequently Asked Questions. Members will be directed to contact the agency that provides their services to learn about whether or not the new requirements impact them. If they are impacted and need assistance in making decisions about the DCWs providing their care, the letter will encourage them to contact their Support Coordinator.

AHCCCS will provide a copy of the letter for reference prior to mailing it. Upon receipt, the Division will forward a copy to Qualified Vendors.

AHCCCS is only asking for data on members and DCWs impacted as a result of decisions made by agencies to either limit and/or not allow overtime hours. If an agency has decided to allow for overtime, there is no data to report on members served by and DCWs working for those agencies.

Please contact the Provider Relations unit at 1-866-229-5553 with any questions related to this request. Please send the data on the attached spreadsheet to DDDProviderRelations@azdes.gov **no** later than **COB, Thursday, January 14, 2016.**

Thank you.