



## HOME SERVICES PROGRAM (HSP) POLICY COMPLIANCE FORM

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*HSP Customers who utilize Individual Providers (IPs) are responsible for hiring and monitoring the work hours of all IPs who work for them. IPs are also responsible for monitoring their own work hours.*

### **Key points on Home Services Program (HSP) Compliance Policies:**

- IPs shall not work more than sixty (60) hours in a work week, unless HSP approves an overtime exception. This also applies to IPs who work for multiple customers. The combined hours worked for multiple customers shall not exceed sixty (60) hours in a work week.
- Customers cannot approve more hours than are listed on their monthly service plan.
- IPs cannot work more than 16 hours in a 24-hour period; see exceptions below.
- IPs must use an Electronic Visit Verification (EVV) to clock in and clock out of every work shift.
- An occurrence is defined as an individual incident of a customer or IP's failure to follow a compliance policy.

### **Overtime Policy**

*Summary: An IP cannot work more than 60 hours in a work week unless their customer(s) have an approved overtime exception. A work week is defined as Sunday at 12:00am to Saturday at 11:59pm. Not to be confused with a pay period of the 1st-15th or 16th-end of month. Neither the 60-hour overtime limit, nor an approved overtime exception, allow an IP to work more hours than listed on their customer(s) service plan.*

### **Exceptions:**

- Customers may apply for an overtime exception. If approved, their IP(s) can work more than 60 hours in a work week if the customer's monthly service plan has enough hours.
- To apply for an overtime exception, customers can visit [www.dhs.state.il.us](http://www.dhs.state.il.us) and search "HSP overtime", contact [dhs.hspovertime@illinois.gov](mailto:dhs.hspovertime@illinois.gov), or contact their local HSP counselor.
- A Legally Responsible Individual (LRI) cannot work more than the total extraordinary care hours in the customer's monthly service plan or 40 hours in a week, whichever is less. LRIs cannot work more than 40 hours in a week, even if the customer has an overtime exception.

### **Occurrences:**

- IPs will receive an occurrence every time they work more than 60 hours in a work week unless their customer has an approved overtime exception.
- For every 4<sup>th</sup> active OT occurrence in a 24 month period, an IP will be issued a 1-month payment ineligibility period.
- Payment ineligibility periods never expire. After 3 payment ineligibility periods, an IP will be permanently unfunded as an HSP provider.

### **Dispute:**

- Customers may appeal the denial of an overtime exception through the Bureau of Administrative Hearings (BAH).
- IPs may file a grievance with their union for overtime occurrences or periods of payment ineligibility.

### **Contact:**

[DHS.HSPovertime@Illinois.gov](mailto:DHS.HSPovertime@Illinois.gov) (overtime topics only) or visit [www.dhs.state.il.us](http://www.dhs.state.il.us) and search "HSP overtime".



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### **Service Plan Violation Policy (Formerly Over Hours Policy)**

*Summary: A customer cannot allow an IP to work more hours than are authorized on their monthly service plan. The service plan indicates how many days per month specific tasks are required by the customer. Work schedules are set by the customer and, though flexible, should follow the service plan. The service plan is approved by the customer, along with their HSP counselor, or managed care organization (MCO) care coordinators. Weekly service plan hours equal the monthly service plan hours divided by 4.35. Example: 130.5 monthly service plan hours divided by 4.35 equals 30.  $130.5/4.35=30$*

#### **Exceptions:**

- Customers must request and receive pre-approval from their HSP counselor or MCO care coordinator when exceeding their approved monthly service plan.
- Acceptable reasons for overages include:
  - The Customer received prior approval from the HSP counselor or MCO care coordinator for the additional hours.
  - An emergency requiring the IP to work more hours in the evening or weekend when the HSP counselor or MCO care coordinator could not be contacted in advance.

Unacceptable reasons include:

- Failure to keep track of the approximate number of hours worked each period.
- Disagreements between the Customer and Provider over the number of hours worked.
- Disagreement with the number of hours authorized on the service plan.
- Provider working more hours for personal gain when services are not needed.

#### **Occurrences:**

- Customers will receive an occurrence if they approve a provider to work more than the hours listed on the monthly service plan by more than five (5) hours in a month.
- Customers who receive three (3) unexcused overages of more than five (5) hours within a 6-month period may be transitioned from IP services to homemaker agency.

#### **Dispute:**

- Customers may appeal a service plan change to an agency through the Bureau of Administrative Hearings.
- Customers enrolled with a managed care organization may appeal service plan provider changes through the MCO's internal appeal process.

#### **Contact:**

- Customers should contact their local HSP counselor or coordinator.
- Customers enrolled with a MCO should contact the assigned MCO care coordinator.



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### **16 -Hour Policy**

*Summary: An IP cannot work more than 16 hours in a 24-hour period for one or more HSP customers. Pursuant to 89 Illinois Administrative Code Section 686.40*

#### **Exceptions:**

The customer's HSP counselor may grant an exception, should an emergency occur that results in the loss of a paid or unpaid primary caregiver who resides with the customer, and there is imminent danger to the health, safety, and wellbeing of the customer. Customers enrolled with an MCO should contact the care coordinator to request an exception.

Note: The 16-hour limitation does not apply to IPs providing respite services.

#### **Occurrences:**

- Customers will receive an occurrence if they approve an IP to work more than 16 hours in a 24-hour period.
- Customers with 3 or more occurrences of an IP working more than 16 hours in a 24-hour period within 6 months may be transitioned from IP to homemaker agency services.

#### **Dispute:**

- If there is a dispute regarding the application of the 16-hour policy, the local office will verify the provider's EVV data and time sheets.
- If the resulting action is a service plan change, customers may appeal a service plan change through the Bureau of Administrative Hearings (BAH).
- Customers enrolled with an MCO may appeal service plan changes through the MCO's internal appeal process.

#### **Contact:**

- Customers should contact their local HSP counselor or coordinator.
- Customers enrolled with a Managed Care Organization (MCO) should contact the assigned MCO care coordinator.



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### **Electronic Visit Verification (EVV) Policy**

*Summary: Pursuant to Section 12006 of the federal 21st Century CURES Act (42 U.S.C. 1396b(l) and the Illinois SMART Act (Public Act 97-0689, Sec 5-5f (g)), all HSP Individual Providers must use an EVV system to electronically track and document time spent providing services to a HSP customer.*

Customers and IPs are encouraged to sign up for the EVV portal at [www.DRS.Illinois.gov/EVV](http://www.DRS.Illinois.gov/EVV). The EVV Portal allows IPs to view work hours and customers can edit and approve IP work hours. IPs are encouraged to download the Sandata Mobile Connect (SMC) mobile application to easily clock in and clock out. If you would like to receive access to the portal and SMC, you can find more information by visiting [www.dhs.state.il.us](http://www.dhs.state.il.us) and search "Sandata Mobile Connect".

### **Exceptions:**

EVV is mandatory for all IPs providing services to customers in the Home Services Program. Please contact [DHS.EVV@Illinois.gov](mailto:DHS.EVV@Illinois.gov) or your local HSP counselor or coordinator for questions.

### **Occurrences:**

Non-compliance occurs if one or more of the following applies:

1. NO IL488-2251 Home Services Program Time Sheet is submitted
2. NO EVV visits in the EVV Portal
3. MORE THAN 5 visits from the time sheet are missing in the EVV portal
4. MORE THAN 5 visits on the time sheet DO NOT match call times in the EVV portal by ten minutes
5. MORE THAN 5 visits in the portal are from an unregistered EVV telephone number
6. MORE THAN 5 visits in the portal are ADDED/EDITED due to an error made by the IP

Customers and IPs with 3 occurrences listed above within a 6-month period may have their service plan transitioned from IP to homemaker agency services.

### **Dispute:**

- If there is a dispute regarding the application of the EVV policy, the local office will verify the provider's EVV data and time sheets.
- If the occurrences result in a service plan change, customers may appeal this action through the Bureau of Administrative Hearings (BAH).
- Customers enrolled with an MCO may appeal service plan changes through the MCO's internal appeal process.

### **Contact:**

- Customers should contact their local HSP counselor or coordinator or visit [www.DRS.Illinois.gov/EVV](http://www.DRS.Illinois.gov/EVV).