



# MassHealth Educational Trainings for the Direct Care Worker (DCW)

## Rules Around the Weekly-Hour Limit for DCWs Providing Self-Directed Waiver Services to ABI/MFP Waiver Participants

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### DCW Weekly 60-hour Limit

#### What is the DCW Weekly 60-hour Limit?

The weekly-hour limit is a rule that says a DCW can only work a maximum of 60 hours per week across all Waiver Participants served.

To align with MassHealth Personal Care Attendant (PCA) Program regulations, and in accordance with HCBS Waiver Provider Bulletin 27, DCWs are prohibited from working more than 60 total hours in a single week. This also applies to DCWs who work for more than one Waiver Participant and those who also work as PCAs.

**DCWs cannot work more than 60 hours per week under any circumstances.**

#### Violation of the Weekly 60-hour Limit Rule

A violation occurs when a DCW's work time exceeds 60 hours in a single week.

Violations reset after five full pay periods (10 weeks) of compliance following a 6-week grace period.

**DCWs** who work for more than one Waiver Participant need to count their combined hours across all of their Waiver Participants to make sure they do not work over 60 hours. If a DCW also works as a PCA, those PCA hours will be counted as part of their combined hours.

**Waiver Participants** should talk to their DCWs. If your DCWs work for other Waiver Participants, they should tell you how many hours they work in total, including any hours they may work as a PCA.

#### What Hours Count Towards the 60 Hours?

The weekly hour limit applies only to the hours a DCW spends providing ABI/MFP Waiver self-directed services as approved in the Waiver Participant's Plan of Care. For DCWs who are also PCAs, it also applies to the time that the PCA spends working as a PCA providing MassHealth PCA covered services approved in the prior authorization for PCA services. Hours that count include:

- i. Regular hours worked
- ii. Overtime hours worked
- iii. Holiday hours worked (if applicable)
- iv. Jury duty hours paid.

The weekly hour limit does not apply to:

- i. Travel time hours
- ii. Paid Time Off (PTO)
- iii. EVV training hours
- iv. New Hire Orientation (NHO) hours
- v. Other training hours paid to PCAs.

## Compliance Process

- a) **Violations.** If a DCW works over 60 hours in a single week, this is a violation.
- b) **Notifications.** The DCW and Waiver Participant(s) will be notified about each violation. The fiscal intermediary (FI) will send a message via Everbridge (email, text) and also mail a notice.
  - i. Notice 1: Informs DCW and Waiver Participant(s) of a first violation
  - ii. Notice 2: Informs DCW and Waiver Participant(s) of a second violation
  - iii. Notice 3: Informs DCW and Waiver Participant(s) of a third violation and refers them to MassHealth for potential termination from the ABI/MFP Waiver self-direction program.

## Termination from ABI/MFP Waiver Self-Direction

MassHealth will terminate DCWs who have violated the weekly-hour limit rule three times. In some circumstances, the Waiver Participant may be terminated from the ABI/MFP Waiver self-direction program.

- Both DCW and Waiver Participant are terminated when the DCW only works for one Waiver Participant, and they have violated the weekly-hour limit rule three times.
- Only the DCW is terminated when they work for more than one Waiver Participant and has violated the weekly-hour limit three times.

MassHealth will inform both the DCW and the Waiver Participant of the termination via mail. DCWs who are terminated for the first time can't work as a DCW or as a PCA for 9 months after the date of termination.

## Expungement Process

MassHealth may reset violations in certain circumstances:

- i. If the Waiver Participant provides proof that the DCW worked over 60 hours because of an emergency or an unforeseen situation.
- ii. After 5 full pay periods (10 weeks) of compliance.

## Readmission to the Program

**DCWs** may return to the DCW workforce 9 months from the date of termination. If they violate the weekly-hour limit three more times, they will be permanently terminated from working as a DCW.

***For example, a DCW was terminated from the program. After 9 months, the DCW is eligible to work as a DCW for Waiver Participants again. After resuming work as a DCW, they continue to violate the weekly 60-hour limit rule and receive 3 violations. They will be permanently terminated from the MassHealth ABI/MFP Waiver self-direction program.***

**Waiver Participants** may be allowed to return to the ABI/MFP Waiver self-direction program at the discretion of MassHealth.

## Additional Resources

For more information about the weekly-hour limit, see the PCA program regulations at 130 CMR 422.422. You can also visit <https://www.mass.gov/regulations/130-CMR-422000-personal-care-attendant-services>

See also HCBS Waiver Provider Bulletin 27 <https://www.mass.gov/doc/hcbs-waiver-provider-bulletin-27-waiver-participant-self-direction-program-rules-for-providers-update-0/download>