



MassHealth Educational Trainings for the Personal Care Attendant (PCA)

Rules Around the Weekly-Hour Limit

PCA Weekly 66-hour Limit

What is the PCA Weekly 66-hour Limit?

The weekly-hour limit is a rule that says a PCA can only work a maximum of 66 hours per week across all consumers served.

Under PCA Program regulations, a PCA cannot provide services to one or more consumers for more than 66 hours per week. If a PCA exceeds 66 hours, those services are not covered by MassHealth. This means that billing for PCA services for more than 66 hours per week violates PCA program regulations.

PCAs cannot work more than 66 hours per week under any circumstances.

Violation of the Weekly 66-hour Limit Rule:

A violation occurs when a PCA's work time exceeds 66 hours in a single week. A single violation occurs if a PCA works over 66 hours on both weeks in a single timesheet. Multiple violations can occur consecutively (e.g., two pay periods in a row) or several weeks apart.

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

PCAs who work for more than one consumer need to count their combined hours across all of their consumers to make sure they do not work over 66 hours.

Consumers should talk to their PCAs. If they work for other consumers, they should discuss how many hours they work in total.

For example, John is a PCA who works for two consumers (consumer A and consumer B). John works 30 hours for consumer A. After getting an overtime authorization, he works 36 hours for consumer B. John needs to tell both consumers that he works 66 hours combined. He cannot work any additional hours for either consumer.

If John works more than 66 hours combined, he and his consumers will be in violation of the weekly-hour limit. They will need to lower the number of hours John works.

What hours count towards the 66 Hours?

The weekly hour limit applies only to the hours a PCA spends working as a PCA providing MassHealth PCA covered services approved in the prior authorization for PCA services, including:

- i. Regular hours worked
- ii. Overtime hours worked
- iii. Holiday hours worked
- iv. Jury duty hours paid to the PCA.

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 PCA works over 66 hours in a single week, this is a violation.
- b) Notifications. The PCA and consumer(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 PCA and consumer(s) of a first violation
 - ii. Notice 2: Informs PCA and consumer(s) of a second violation
 - iii. Notice 3: Informs PCA and consumer(s) of a third violation and refers them to MassHealth for potential termination

Termination from the PCA Program

MassHealth will terminate PCAs who have violated the weekly-hour limit rule three times. In some circumstances, the consumer may also be terminated.

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

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

Expungement Process

MassHealth may reset violations in certain circumstances:

- i. If the consumer provides proof that the PCA worked over 66 hours because of an emergency or an unforeseen situation.
- ii. After 5 full pay periods (10 weeks) of compliance following a 6-week grace period.

Readmission to the Program

PCAs may return to the PCA 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 PCA.

For example, a PCA was terminated from the PCA program. After 9 months, the PCA is eligible to work as a PCA for consumers again. After resuming work as a PCA, they continue to violate the weekly 66-hour limit rule and receive 3 violations. They will be permanently terminated from the MassHealth PCA program.

Consumers may be allowed to return to the PCA 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>.