



## Division of Specialized Care for Children

### Provider Notice Licensed Parent/Legally Responsible Adult (LRA) & Overtime Updates

2/3/2023

Dear Nursing Agency,

Thank you for your continued service to those enrolled with DSCC's Home Care program that is operated on behalf of the Illinois Department of Healthcare and Family Services (HFS).

As you know, allowing parents who are licensed nurses to be paid caregivers and allowing for billing of overtime have been flexibilities that have been helpful during the public health emergency. DSCC has been working with state and federal partners to make both flexibilities permanent for Home Care participants. We are excited to announce that both are now permanent changes and will continue past the end of the public health emergency! See below regarding guidelines and parameters.

**Licensed (RN or LPN) Parent/LRA Paid Caregivers:** Parents or legally responsible relatives, including foster parents, can provide skilled nursing services to their child if they hold an active RN or LPN license. This approval extends to all children approved for Home Care services, regardless of the child's age. Licensed parent/LRA's can be nurse paid caregivers for both waiver and non-waiver participants.

- The licensed parent/LRA must be a nurse employee of a DSCC approved nursing agency. The nursing agency determines the number of hours the parent can work each week.
- Services may begin on the date of hire of the licensed parent/LRA.
- The licensed parent/LRA must meet all provider qualifications and training required by the nursing agency.
- The licensed parent/LRA can work overtime hours. Anything over 40 hours a week is considered overtime.
- The licensed parent/LRA must hold an active RN or LPN licensure.
- Licensed parent/LRA's may not provide respite services under the waiver.
- Licensed parent/LRA's will not be approved to receive reimbursement for nurse training.
- The total nursing hours may not exceed the approved resource allocation.

The DSCC Home Care Quality Improvement team will collect information on the number of licensed parent/LRA's during the annual re-approval process with nursing agencies.

**Overtime:** Nursing agencies will be reimbursed permanently for providing overtime hours to Home Care participants. Paid overtime can be billed from the resource allocation for waiver and non-waiver participants.

- In accordance with the Fair Labor Standards Act, anything over 40 hours a week is considered overtime.
- The Nurse Practice Act prohibits working more than 16 hours in a 24-hour period. An 8-hour break in between shifts is also required.
- Overtime is defined as time-and-a-half.
  - LPN: \$56.25/hr
  - RN: \$67.50/hr
  - CNA: \$37.50/hr
- Overtime reimbursement comes from the resource allocation. The amount billed cannot exceed the approved resource allocation.
- Respite hours cannot be billed at an overtime rate.
- Parents who are paid caregivers can work overtime.
- The 40 hours worked is attached to the nurse. Overtime will not be paid when the nurse is working a case where private insurance is the payer. Overtime can only be applied when the nurse is working the overtime when Medicaid is the payer.
- Nursing agencies have the responsibility to track overtime hours and submit accurate claims after review and confirmation of each nurse's timesheet.

We thank you for your continued service to the participants that we jointly serve. If you have any questions, please contact your DSCC nursing agency liaison.