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## **Waiver Personal Care Services (WPCS) Overtime Violations Frequently Asked Questions (FAQs) for Waiver Providers**

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### **1. What is an overtime or travel violation?**

Overtime and travel violations are given to a provider who does not follow the Waiver Personal Care Services (WPCS) or In-Home Supportive Services (IHSS) program overtime and travel time rules.

### **2. Why would I get overtime or travel violation?**

**You must follow the overtime and travel time rules for the WPCS and IHSS programs. Be sure you have approval before you work more hours. You will get a violation if any rules below are not followed:**

- If the participant you work for is only allowed to get services for 40 hours or less per work week, you cannot work more than 40 hours in a workweek for that participant, without prior approval. Your WPCS or IHSS participant must first get approval from the county or the Department of Health Care Services (DHCS) for any extra hours; or
- You cannot work more overtime hours in a month than your weekly authorized hours, without approval. Your WPCS or IHSS participant must first get approval from the county or DHCS; or
- You cannot work more than 66 hours in a workweek, even if the participant is allowed to receive more than 66 hours per workweek. This is also the rule for providers who work for more than one WPCS or IHSS participant; or
- You cannot have more than 7 hours travel time in a workweek. This rule is for both the WPCS and IHSS programs.

### **3. If I travel more than 7 hours per workweek, will I still be paid?**

Yes, you will be paid. But you will get a violation. If you get 4 violations, you will not be able to work in the WPCS or the IHSS program for one year.

### **4. When will you start to send violations?**

Violations start on May 1, 2016. Violations will be for the services rendered during the month of May.

## **5. What do I do if I get a violation?**

When you get a violation, you will get a notice in the mail. It will tell you why you got the violation. It will also tell you about your right to dispute. This is your right to tell us why you should not get the violation. You may dispute your 1<sup>st</sup> violation. You have 10 calendar days from the day you got the letter to tell us you think it was a mistake. Please call the WPCS hotline at (916) 552-9214, if you have any questions.

## **6. What do I do if I get a 2<sup>nd</sup> violation?**

You will get a notice in the mail. You will have 2 choices:

1. You can choose to get an educational material packet about the workweek and travel time limits. We want to make sure you know all the overtime and travel time rules. You must read and fill out the forms in the packet within 14 calendar days from the date on the notice. Show us that you filled out the forms in the packet. Then we will remove your 2<sup>nd</sup> violation.

Or

2. You can choose to not fill out the educational material forms in the packet. If you do not fill out forms within 14 calendar days, you will get a 2<sup>nd</sup> violation notice. It will have information about your right to dispute. You may dispute this violation. You have 10 days from the day you got the letter to tell us you think it was a mistake. If you have questions, call the WPCS hotline at (916) 552-9214.

## **7. What do I do if I get a 3<sup>rd</sup> violation?**

You will not be allowed to work as a provider for the WPCS and IHSS programs for 3 months. This starts on the date of the letter. You may dispute this violation. You have 10 calendar days from the day you got the letter to tell us you think it was a mistake. Your dispute will be denied or approved. If it is denied, you can ask for a State Administrative Review. You have 10 calendar days from the date on the denied notice to ask for this review. You will be paid while your dispute or State Administrative Review is pending.

## **8. What do I do if I get a 4<sup>th</sup> violation?**

You will not be allowed to work as a provider for the WPCS and IHSS programs for 1 full year. This starts on the date on your notice. You may dispute this violation. You have 10 calendar days from the day you got the letter to tell us you think it was a mistake. Your dispute will be denied or approved. If it is denied, you can ask for a State Administrative Review. You have 10 calendar days from the date on the denied notice to ask for this review. You will be paid while your dispute or State Administrative Review is pending.

## **9. What if I do not get a violation notice after May 1, 2016, but I should have?**

Violations are given when a provider does not follow overtime or travel time rules. If you did not follow overtime or travel time rules, you should get a violation. Even if you did not get one in the mail, the violation will still be on your record.

## 10. What if I get 2 violations in the same month?

If you get 2 violations in the same month, it will only count as one. You may get up to 4 violations in one year. If you get 4 violations, you will not be able to work in the WPCS or the IHSS program for one year.

## 11. How do I dispute the 1<sup>st</sup> and 2<sup>nd</sup> violations?

WPCS violations:

- You will get a Provider Violation Notice in the mail. You will also get a Provider Right to Dispute Violation Form.

You need to fill out the form and send it back to DHCS, In-Home Operations (IHO). The DHCS mailing address is on the form. You must send it within 10 calendar days from the date on the notice. IHO has 10 calendar days to review your form. Then IHO will tell you if your dispute was denied or approved.

IHSS violations:

- Go to this link for dispute information:  
<http://www.cdss.ca.gov/agedblinddisabled/PG3651.htm>

## 12. How do I dispute the 3<sup>rd</sup> and 4<sup>th</sup> violations?

WPCS violations:

- You need to fill out the dispute form and send it back to DHCS, IHO. The DHCS mailing address is on the form. You must send it within 10 calendar days from the date on the notice. IHO has 10 calendar days to review your form. Then they will tell you if your dispute was denied or approved.
- You will get a State Administrative Review form in the mail if you disagree with the dispute decision. For a 3<sup>rd</sup> violation, it may come with a 90-day suspension. This means you cannot work for 3 months. For a 4<sup>th</sup> violation it may come with a 1-year termination notice. This means you cannot work for 1 full year.

You must fill out the State Administrative Review form and send it back to the California Department of Social Services (CDSS). You need to send it within 10 calendar days from the date you got the notice. DSS has 14 business days to review your form from date received the request for a State Administrative Review. Then they will tell you if your request was denied or approved.

IHSS violations:

- Go to this link for State Administrative Review information:  
<http://www.cdss.ca.gov/agedblinddisabled/PG3651.htm>

**13. How long will violations stay on my WPCS and IHSS records?**

If you go a full year without getting a new violation, IHO will remove 1 of your old violations from your record. Each year that you do not get a new violation, we will remove an old one. We will do this until you have no violations.

**14. I got 4 violations and cannot work for 1 year. Can I still be a WPCS or IHSS provider after that 1 year is over?**

Yes, but you must re-enroll. You must fill out and send in a new application. You will have to do a new criminal background check. You will also have to go to the provider information meeting at your local county office. If your application is approved, you can be a provider again. Your record will be reset. So you will start with no violations.