

## **EOHHS Policy and Procedure**

### **Increase in Shift Differential Modifier for Home Nursing Care and Home Care providers**

#### **Statute and Background**

Pursuant to the FY2022 Enacted Budget objective, “EOHHS shall institute a payment methodology change in Medicaid fee-for-service and managed care, for FY 2022, which shall be passed through directly to the direct care workers’ wages that are employed by home nursing care and home care providers (hereafter referred to as “employers”) licensed by Rhode Island Department of Health”, as described below. The statutory objective of this policy is “to promote increased access to and an adequate supply of direct care workers” in order to “assist more beneficiaries requiring long-term services and supports in home- and community-based settings” and in recognition of the fact that “the demand for homecare workers has increased, and wages for these workers has not kept pace with neighboring states, leading to high turnover and vacancy rates in the state's homecare industry.”

A shift differential modifier of \$0.37 per fifteen (15) minute unit of service is currently paid between 3:00 PM and 7:00 AM on weekdays and all hours on weekends and State holidays (referred to herein as “off-shift”) for Personal Care (S5125) and Combined Personal Care/Homemaker (S5125-U1).

Effective July 1, 2021, the existing shift differential modifier shall be increased by \$0.19 per fifteen (15) minute unit of service for Personal Care and Combined Personal Care/Homemaker. Employers must pass on one-hundred percent (100%) of the shift differential modifier increase per fifteen (15) minute unit of service to the Nursing Assistant that rendered such services. This compensation shall be provided in addition to the hourly rate, including shift differential, if any, that the employee was receiving as of June 30, 2021. For an employee hired after June 30, 2021, the agency shall use not less than the lowest hourly rate paid to an employee of similar functions and duties as of June 30, 2021 as the base compensation to which the shift differential modifier increase is applied.

#### **Report and Attestation**

Employers shall submit to EOHHS a Report and Attestation (Attachment A) on July 15, 2022 and annually thereafter, affirming that all eligible employees received one-hundred percent (100%) of the *increase* in shift differential (\$0.76/hour) for all hours worked “off shift” during the preceding July 1 – June 30, in addition to the hourly rate, and any shift differential or other hourly compensation that they were receiving as of June 30, 2020.

Employers must maintain payroll records that itemize the shift differential paid to eligible employees. Such payroll records shall indicate the shift differential, if any, that employees received immediately prior to July 1, 2021, and shall demonstrate that all eligible employees received an *increase* of at least \$0.76/hour for all “off-shift” hours worked between July 1, 2021 – June 30, 2022. Payroll records shall also indicate that employees hired after June 30, 2021 are paid not less than the lowest hourly rate paid to an employee of similar functions and duties as of June 30, 2021 as the base compensation to which the shift differential modifier increase is applied.

**Attachment A**

**Report and Attestation of Pass-through of Increase in Shift Differential Modifier**

Agency \_\_\_\_\_ NPI \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Reporting Period: July 1, 2021 through June 30, 2022

- A. Total off-shift units of service (S5125 and S5125-U1) provided during reporting period: \_\_\_\_\_
- B. Total amount of *increase* in shift differential (\$0.19/15-minute unit of service) received by Agency during reporting period: \$ \_\_\_\_\_ *[Total off-shift units of service shown in Line A X \$0.19]*
- C. Total amount of *increase* in shift differential paid to employees for “off-shift” hours worked during the reporting period: \$ \_\_\_\_\_  
*[Amount in Line C must be equal to amount in Line B.]*
- D. Shift differential paid to Nursing Assistants:
- As of June 30, 2021: Evenings: \$ \_\_\_\_\_/hour    Nights: \$ \_\_\_\_\_/hour    Weekends: \$ \_\_\_\_\_/hour  
As of June 30, 2022: Evenings: \$ \_\_\_\_\_/hour    Nights: \$ \_\_\_\_\_/hour    Weekends: \$ \_\_\_\_\_/hour

I, \_\_\_\_\_, hereby attest, to the best of my knowledge and belief, that all eligible employees received 100% of the increase in the shift differential (\$0.76/hour) for all “off-shift” hours worked between July 1, 2021 – June 30, 2022, in addition to the hourly rate, and any shift differential or other hourly compensation that they were receiving as of June 30, 2020. I have maintained payroll records to support this attestation, and acknowledge that such payroll records may be subject to audit by EOHHS.

Name/Title \_\_\_\_\_ Agency \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_