**Section 686.1530 Overtime Exceptions**

a) An Individual Provider working under HSP shall not work more than the maximum hours in a work week as defined within the currently effective Collective Bargaining Agreement (CBA), unless the Customer meets one of the following exceptions described in this Section.

1) Provider Capacity Exception: A Customer may apply for this exception when an IP no longer works for the Customer, is unfunded, no longer meets qualifications, has expired credentials, and/or there is no qualified IP within 45 miles of the Customer's service location who is able and willing to provide needed services.

A) This exception must be applied for in advance or within two weeks of the Customer's need.

B) This exception will be renewed after one year and automatically renewed for successive one-year periods unless and until HSP determines not to renew the exception pursuant to the CBA.

2) Unique/Complex Needs Exception: A Customer may apply for this exception when the Customer's health and safety would be compromised by adding additional IPs to the Service Plan, which may include court-ordered service plans, Customers with a DON score at or above 70, Customers who cannot tolerate multiple IPs because of medical or behavioral needs, and Exceptional Care Customers.

A) This exception must be applied for at the time of the Customer's application to HSP or when the exception is first known to the Customer.

B) This exception will be renewed after one year and automatically renewed for successive one-year periods unless and until HSP determines not to renew the exception pursuant to the CBA.

3) Out-of-Town Situations Exception: A Customer may apply for this exception when the Customer requires care to ensure their health and safety while out-of-town and it is not feasible for the Customer to bring additional IPs.

A) This exception must be applied for in advance of the out-of-town travel date.

B) The Customer may be approved to use this exception up to 14 days per year. Approval for this exception applies to personal care services as noted in 89 Ill. Adm. Code 684.60(c).

4) Emergency Need Exception: A Customer must apply for this exception when an urgent need for care arises and working more than the maximum hours defined within the currently effective CBA in a work week is unavoidable without risking the health and safety of the Customer.

A) This exception must be applied for within two weeks of the Customer’s need arising.

B) This exception may be approved up to four times per year for up to 10 hours per pay period.

b) To apply for an exception, the Customer must submit a request for exception form to HSP Central Office Policy Unit. The Customer will be notified in writing if they are approved or denied for an exception under this Section. The Customer has the right to appeal the determination under 89 Ill. Adm. Code 510.

c) If a Customer wishes to submit a request for exception form, applications should be submitted by the options listed on the DHS HSP Overtime website page or mailed to the address below:

Illinois Department of Human Services

Division of Rehabilitation Services

Home Services Program, Policy Unit

100 S. Grand Ave. East

Springfield, IL 62794

d) If a complete exception form has been submitted and no determination has been made within 30 days, the Individual Provider shall be deemed conditionally approved to work the overtime hours until the determination is made.

(Source: Amended at 46 Ill. Reg. 20865, effective December 19, 2022)