

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

The amended bill removes the exclusion of employees providing consumer-directed services under Titles XIX and XXI of the Social Security Act from the definition of domestic worker. As such, DMAS would be required to pay overtime rates to live-in consumer-directed attendants working up to 16 hours in addition to the 40-hour work week.

Currently, due to their exemption in the Fair Labor Standards Act, live-in consumer-directed attendants may work up to 16 hours a day providing personal care services for a maximum of 112 hours worked weekly. Attendants are paid at their regular rate for all hours exceeding 40 hours/week. However, Item 291 MMMMM. of the introduced budget bill, HB30, includes a 56-hour limit on personal care and assistance services provided under the Community Living and Family and Individual Support development disability (DD) waivers to mirror the 56-hour soft-cap limits in the Commonwealth Coordinated Care Plus waiver. This limit would result in live-in consumer-directed attendants no longer being eligible for reimbursement for hours worked over 56 hours/week. Additionally, Item 291 JJJ. of the introduced budget authorizes overtime at time and a half up to 16 hours after the attendant has worked 40 hours in a week.

In FY 2025, DMAS paid \$31.6 million for 1.9 million hours of consumer-directed personal care for DD waiver attendants working 16 hours above a 40-hour workweek. DMAS expects that amount to grow by 2.5 percent in FY 2026, 3.2 percent in FY 2027, and 3.9 percent in FY 2028. With one month payment lag, DMAS estimates additional expenditures of \$15.9 million (\$7.6 million general fund) in FY 2028. If language in the introduced budget limiting personal care hours is not retained, the cost of this proposal would significantly increase.

Other: This bill is similar to HB27.