

Exceptions to Homecare Worker (HCW) Hourly Cap

Updated: April 2, 2026

Introduction

The purpose of this document is to define what an exception to the hourly cap is, when they are appropriate and the information needed for a request. Central Office will review all submitted exception requests. All approvals are limited to a maximum of 90 days at a time or when relief can be found, whichever comes first. Refer to rule [OAR 411-030-0072](#) for Exceptions to the HCW cap.

Exceptions to hourly cap chart

Reason	Definition	Example	Local office approval	Central office approval
Provider capacity exception	In the individual's geographic area there is an insufficient number of HCWs to meet the	Sue lives in a rural area and there are no agencies or HCWs that are willing accept her	No local level exceptions at this time.	Request must have documentation of: 1. Referrals made to contract agencies

Reasons for Hourly Cap Exceptions

Reason	Definition	Example	Local office approval	Central office approval
	individual's service plan, and, despite efforts to find or identify providers, no other resources are available, including in-home agencies, to meet the need.	referral to provide the attendant care above 40 hours per week. Sue is asking for an exception to allow her current HCW to work more than 40 hours per week.		or other local resources 2. An effort made by the individual (employer) to recruit additional providers
Provider unable to work	A HCW has quit or has been terminated. The exception is valid for the specified time period in the notice of cap exception	Tom has two HCWs. HCW one works 30 hours per week; HCW two works 25 hours per week. HCW one is	No local level exceptions at this time.	Request must have documentation of: 1. Referrals made to contract agencies or other local resources

Reasons for Hourly Cap Exceptions

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	approval, or until a replacement HCW can be hired, whichever comes first.	terminated by APD. Tom is asking for an exception to allow the HCW two to work all of the hours while he searches for a new HCW.		2. An effort made by the individual (employer) to recruit additional providers
Out of town situations	The individual is traveling out of town and needs just one of the HCWs to accompany them.	Tyler is going on a trip starting Monday through Saturday. He has an assessed need of support 16 hours per day. It is only feasible for	No local level exceptions at this time.	Request must have documentation of: 1. Dates must be defined

Reasons for Hourly Cap Exceptions

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		Tyler to bring one of his HCWs on his trip. Tyler is asking for an exception to allow the HCW that he is bringing on his trip to work 30 hours more than the 50-hour limit during the trip.		
Relief or substitute care	A HCW does not show up when scheduled due to weather, illness, or any reason and needs are time-	HCW one called in sick for her shift. Tiffany needs assistance with taking her medications. HCW	Local offices may approve up to 8 additional hours per month.	Requests reviewed when there is more than 24 hours per quarter.

Reasons for Hourly Cap Exceptions

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	sensitive and would risk harm to the individual if a delay in services occurs. The circumstance meets criteria in OAR 411-030-0070(7).	two has already worked 60 hours this week; however, HCW two is the identified back-up provider for Tiffany if HCW one is unavailable. Tiffany is asking for an exception to allow HCW two to exceed 60 hours to provide services critical to her health and safety.	The individual's critical need must be documented in case narration. Effective 12/31/23, HCWs can work up to 60 hours per week. Review APD-PT-23-029 for more information.	Request must have documentation of: 1. Reassessment (if need is due to a change in support needs) OR 2. Referral to or development of additional resources (if need was due to not having sufficient back up providers that do not exceed the limits or

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				increased support needs) OR 3. Counseling with employer and provider as needed (if the employer needs more training to manage their employer duties or the provider needs support to provide only the authorized amount of service).
Emergent need	An urgent need for care arises and	Charles broke his leg on Friday	Local offices may approve up to 16	Requests reviewed when there is more

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	exceeding the limit is unavoidable without risking the health and safety of the individual.	evening; he usually does not need paid supports on the weekends. His HCW has already worked 60 hours this week. Part of Charles's back-up plan is to call his HCW in an emergency. Charles is asking for an exception to allow his HCW to work more than 60 hours to	additional hours per month. This can be approved no more than four times per year without central office approval. The individual's critical need must be documented in case narration. Effective 12/31/23, HCWs can work up to 60 hours per week. Review APD-	than 48 hours per quarter. Request must have documentation of: 1. Reassessment (if need was due to a change in support needs) OR 2. Referral to or development of additional resources (if need was due to not having sufficient back up providers that do not exceed

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		provide supports for an emergent need.	PT-23-029 for more information.	the limits or increased support needs) OR 3. Counseling with employer and provider as needed (if the employer needs more training to manage their employer duties or the provider needs support to provide only the authorized amount of service).

Reasons for Hourly Cap Exceptions

Reason	Definition	Example	Local office approval	Central office approval
Unique / complex needs	The individual has specific ADL or IADL needs requiring care from a trained existing provider until additional providers are found and trained.	Danielle has a fragile immune system and a complex medical regiment that requires a specially trained provider to provide services in her home. Danielle is asking for an exception to allow her specially trained HCW to provide all of her supports to mitigate her risks	No local level exceptions at this time.	Request must have documentation of: 1. Complex care needs that cannot be met by additional providers; and 2. Back-up plan; and 3. An effort to develop a service plan that does not exceed the limitations.

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Reason	Definition	Example	Local office approval	Central office approval
		of contracting life-threatening infections and maintain her medical regiments until additional workers can be properly trained.		

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