

7. Before August 1, 2017, when DHS imposed the weekly 45 hour cap on work hours, I regularly worked more than 50 hours per week for my son to provide all the care he needed under his service plan. In fact, to provide the care he needs, I really provide care for him around the clock, seven days a week, but I limited my billing to HSP to the hours in his service plan.

8. I am now my son's only home care provider, and there is no one else in our family who can help us.

9. My son and I have attempted to hire additional personal assistants to provide care for him, but we have not been able to find any providers who were willing or able to work for him after they found out the details of his condition and his service needs. We have conducted interviews with approximately five potential other providers and none of them worked out.

10. For a number of weeks after DHS reimplemented the overtime policy, I continued to bill HSP for hours more than 45 per week that I worked caring for my son. I continued to work more than 45 hours per week because my son has no one else to care for him. I also hoped that DHS would cancel the overtime policy, as it did in 2016, and, therefore, I would not receive discipline.

11. In or about the beginning of September, I received a notice from DHS, dated August 31, 2017, stating that DHS had issued to me a first occurrence under the HSP overtime policy for working approximately 56 hours between August 6 and 12, 2017.

12. Then on or about September 12, 2017, my son's DHS case manager came to our house. We discussed that we could not find another provider. Even though the HSP case manager knew that I am my son's only provider, she told me that if I continued to bill more than 45 hours per week I would receive another discipline under the overtime policy.

13. Fearing more discipline because of the overtime policy, on or about September 13, 2017, I began not to bill HSP for more than 45 hours per week for the services I provided my son. I, however, continued to work all of the hours in my son's service plan, because there was no one else to care for him to ensure his safety.

14. I assisted my son to apply for an exception to the overtime policy because we could not find another provider, but DHS denied the application.

15. I could not live three months without pay, if I am suspended by DHS for violating the overtime policy. I would have to find another job and would, therefore, not be able to continue to provide the more than full-time care my son needs to live safely in our home. I fear my son will be forced into a nursing home against his will putting his health, safety, and well-being at risk.

16. Already the loss in pay I will receive because I am only billing for 45 hours per week will create a significant hardship for me and my son. We rely on my HSP income to pay the mortgage on our home, pay the utilities and all the other bills, and put food on the table. With the cut in my HSP income, I do not know how I will be able to afford all of our necessary expenses to remain in our home. I would not be able to work a second job to make up the hours because my son needs me at home to provide care even if I am not being paid. If we cannot make it work financially, I fear we will have no choice but to place him in a nursing home.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

10-19-17
Date


Alice McKittrick