



From The Association for Home & Hospice Care of North Carolina Archives

Per Visit Pay of RNs and Therapists Has Become Dangerous!

Many agencies simply assume that registered nurses and therapists who are paid on a per visit basis are exempt from minimum wage and overtime pay under the federal Fair Labor Standards Act (FLSA). Unfortunately, that is not the case. In recent years, agencies have rarely been successful in convincing courts that professional employees paid on a per visit basis are exempt. As a result, **the agency is subject to significant penalties including back pay awards for up to 3 years, twice that amount in damages and the employees' attorney fees.**

This webinar will first identify the things which must be proved before an RN or therapist falls into the FLSA's professional exemption from minimum wage and overtime pay. It will then review the court cases which have addressed whether per visit pay under various circumstances meets the requirements for the professional exemption. It will conclude by identifying the options available to agencies in light of the current legal risks as well as the primary compliance issue when nonexempt employees are paid on a per visit basis.

This Webinar Will Cover:

- What must your agency be able to prove before an RN or therapist who is paid on a per visit basis is exempt from minimum wage and overtime pay?
- What is meant by "fee basis of payment?" How is fee basis of payment important to the per visit pay issue?
- Why paying per visit plus additional pay for other work, such as inservices, can cause loss of the exemption?
- Why using a point system to establish the amount of the per visit pay usually does not solve the problem?
- What compensation method avoids the legal risks surrounding per visit pay?
- How do you determine if a per visit employee is a part time employee for purposes of the employer mandate.
- How is overtime pay calculated for a nonexempt employee who is paid on a per visit basis?

Webinar Presenters:

John C. Gilliland, II, is an Employment and Health Law attorney practicing from the office of Gilliland, Maguire & Harper, P.C., Indianapolis, Indiana. Mr. Gilliland received his JD from the Georgetown University Law Center, Washington, DC and was a Rotary Foundation Fellow, Faculty of Law, Queens University of Belfast, Northern Ireland. He practices in the areas of health law, employment law, wage and hour law, and HIPAA. Mr. Gilliland is a frequent speaker for state, local and national health care organizations and publishers concerning his practice areas.

Eileen Maguire is an Employment and Wage and Hour Law attorney practicing from the office of Gilliland, Maguire & Harper, P.C. While based in Indianapolis, Ms. Maguire serves home care, home health and hospice agencies nationwide, assisting with their employment law, and wage and hour compliance needs. Ms. Maguire is a frequent speaker, trainer and author for her practice areas. She received her J.D. from Indiana University, Maurer School of Law, Bloomington, IN.

Your agency will have access to the link until March 1, 2017 so get the most out of your purchase by ordering today. During that time, any member of your staff may access the links for their OASIS education. The link may not be shared outside your agency and is not downloadable. Usage is monitored. If paying by check or credit card mail form with total fees to: AHHC, 3101 Industrial Drive, Suite 204, Raleigh, N.C., 27609. If paying by credit card - fax a copy of this order form with the appropriate credit card information and signature to 919.848.2355. The material is copyrighted.

Just \$99 per recording per location

(Includes link to recording and all relevant handouts!)

Agency Name: _____

Agency Address: _____

Agency City State Zip: _____

Contact Name: _____

E-mail Address _____

(please print)

Phone: _____

Enclosed is my check in the amount of _____
(payable to AHHC - NC Purchasers please add 6.75% sales tax)

Charge _____ to my:



Credit Card Number: _____

Exp. Date: _____ Security Code: _____

Name: _____

(as it appears on card)

Address *(of cardholder)*: _____

Signature *(required)*: _____