

**Commonwealth of Virginia
Department of Medical Assistance Services
Division of Long-Term Care**

***Consumer-Directed Waiver Services
EMPLOYER MANUAL***



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Telephone: 804-225-4222; FAX: 804-371-4986**

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Partnership for People with Disabilities of Virginia Commonwealth University

Website: <http://www.vcu.edu/partnership/cdservices/index.htm>

The Partnership for People with Disabilities is a university center for excellence in developmental disabilities at Virginia Commonwealth University. VCU is an equal opportunity/affirmative action institution providing access to education and employment without regards to age, race, color, national origin, gender, religion, sexual orientation, veteran's status, political affiliation, or disability. If alternative formats of materials are needed, please contact the Partnership for People with Disabilities at 804/828-3876 or 800/828-1120 (TDD Relay). Support for this initiative was provided through a contract with the Virginia Department of Medical Assistance Services with funding from the U.S. Centers for Medicare and Medicaid Services, Grant No. P-91599/3. However, the contents herein do not necessarily represent the policy of the U.S. Department of Health and Human Services, and you should not infer endorsement by the Federal government.

Transformation Leadership Team (TLT)

(with special thanks to Ms. Julie Stanley, Governor's Office of Community Integration for People with Disabilities, and Mr. Keith Kessler, Founder, Disabled Action Committee)

<http://www.hhr.virginia.gov/Initiatives/SystemsTransformation/Goals/selfDirectionDocs.cfm>

*For more than two years, state agencies, local agencies, providers, other stakeholders from the disability and aging communities, and self advocates have been meeting regularly to provide input and guidance on the development of the grant applications and strategic plans. Now, we are working together to implement these projects. The development and implementation of the **Systems Transformation Grant, Money Follows the Person Demonstration, and State Profile Tool Grant** are all overseen by the TLT. In addition to its advisory role, the TLT is also responsible for the marketing component to the three grants as well as creating a sustainability platform for the initiatives once the federal grant cycles are complete. These initiatives are being implemented over the next few years, but they will have lasting changes for individuals who use long-term supports. Our mission is to bring about a true system transformation that will afford individuals across all ages and populations personal choice and easy access to needed long term supports that are integrated, individualized, and simple to use. With the continued strong commitment from all parties, Virginia will soon have a more integrated system that welcomes seniors and individuals with disabilities, while supporting them as active, valued and productive members of our Commonwealth.*

Public Partnerships, LLC

Department of Behavioral Health and Developmental Services, Office on Intellectual Disability

This manual is available on the DMAS website at: <http://www.dmas.virginia.gov/ltc-home>

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CHAPTER ONE: INTRODUCTION

You have chosen to receive consumer-directed (CD) services. Your decision means that **YOU** or someone you choose will be the employer for the attendants supporting you. With your choice to be the employer, there come many important responsibilities. This manual provides information about the responsibilities and the benefits that come with consumer direction, including hiring, training, supervising, and, if necessary, firing attendants who will be providing CD services to you, the employer.



The individual receiving CD services (or his or her designee) is the employer. In this manual, “individual” refers to the person receiving services, with support from others as needed.

Neither DMAS nor the fiscal agent employs the attendant; the individual receiving CD services is the employer. Please review and refer to this manual as you carry out your responsibilities as an employer. The table of contents makes the manual easy to use. Appendix A offers a list of commonly used terms. Appendix B provides information about the Children’s Mental Health Waiver.

The amounts and types of supports and services that individuals receive from family members, friends, supporters, legal guardians or representatives, and other caregivers, vary greatly from person to person due to individual circumstances and preferences. Throughout this manual, the term “individual” refers to the person receiving waiver services. Because support is provided by family members or other caregivers, the term “individual” often means “with support and assistance from others.”

WHO IS ELIGIBLE FOR CONSUMER-DIRECTED SERVICES?

Individuals must be Medicaid eligible to receive a Medicaid waiver service. The local departments of social services determine Medicaid eligibility. If not yet enrolled in a Medicaid program that offers CD services, the “Virginia’s Medicaid Waivers for Persons with Disabilities, Their Parents, and Caregivers,” published by the Virginia Partnership for People with Disabilities (VPPD), can also help. This guide can be found at www.dmas.virginia.gov/ltc-home.htm and contains an overview of the Medicaid waivers with eligibility and contact information.

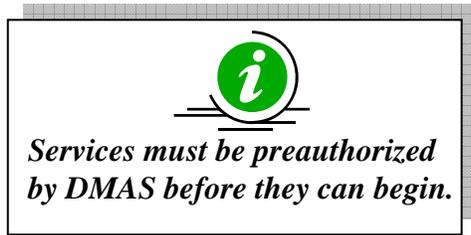
CD services are available in the following waivers:

- ✓ Mental Retardation/Intellectual Disability (MR/ID)
- ✓ Individual and Family Developmental Disabilities Support (IFDDS)
- ✓ Elderly or Disabled with Consumer Direction (EDCD)
- ✓ HIV/AIDS
- ✓ Children’s Mental Health Waivers

An individual may be found NOT to be eligible for CD services if:

- ✓ It is determined that he or she cannot be the employer, and no one else is able to assume this role.
- ✓ The individual wants CD services, but cannot assure health and safety or develop an *emergency back-up plan*.

- ✓ The individual has medication or skilled nursing needs or medical/behavioral conditions that cannot be met through CD services.



These issues will be considered during the preadmission screening process as well as periodically by the SF, case manager, or DMAS or its authorized agent. Attendants cannot be paid with Medicaid funds for any time that the individual is not eligible for Medicaid. **Services must be preauthorized by DMAS before any Medicaid waiver services can begin.**

WHICH WAIVER SERVICES CAN BE CONSUMER-DIRECTED?

Consumer-directed personal assistance services help individuals with their daily needs, such as dressing, bathing, eating, and assistance with self-administration of medication. They may also be used to support individuals with their activities of daily living (ADLs) at work and other places in their communities. This service is available in the HIV/AIDS, EDCD, ID/MR, and IFDDS Waivers.

Consumer-directed respite services provide assistance and supports to individuals that give the unpaid caregiver (for example, family members) time to do things that they need to do for themselves or other members of the family. A respite worker assists the individual at home and in the community with things the family/caregiver normally helps with, giving the family/caregiver the needed time away. However, if skilled services are needed, skilled respite services must be provided, which an aide cannot do. This service is available in the HIV/AIDS, EDCD, MR/ID, IFDDS, and Children's Mental Health Waivers.

Consumer-directed companion services, which are available only for adults (with the exception of the Children's Mental Health Waiver), assist individuals with housekeeping, shopping, and community activities. This support can provide individuals with opportunities to get to know people in their communities and to participate more fully in community activities that interest them. For the ID/MR Waiver, this is also the only CD service that is available to individuals who receive congregate residential services (e.g., who live in a group home). Persons who participate in the ID/MR Waiver can use other CD services when the individual is not receiving congregate services, such as when they are on vacation or are staying somewhere other than the group home such as a visit with relatives. This service is available in the ID/MR, IFDDS, and Children's Mental Health Waivers.

See Appendix B for more information on services provided in the Children's Mental Health Waiver.

THE EMPLOYER OF RECORD (EOR)

For each person receiving CD services, there must be an **EOR**. A parent of a child under 18 years of age, a family member, or caregiver of an adult with a cognitive impairment who is unable to act as an EOR, can serve as the EOR on behalf of the child or family member in using CD services. The EOR is the person who will sign tax paperwork, oversee attendants, and sign timesheets. In many cases, the EOR is the person who is the individual receiving services. In other cases, the EOR is a person who is directing care on behalf of the individual. The EOR cannot be the paid attendant.

The duties of the EOR include:

- ✓ Recruiting, hiring, directing, supervising, and hiring all attendants;
- ✓ Establishing performance evaluation criteria for each attendant;
- ✓ Establishing schedules and tasks to be completed by each attendant;
- ✓ Keeping track of the services provided by the attendant; and
- ✓ Establishing a system for signing and submitting timesheets.

Throughout this manual, the EOR is discussed as if he or she is the individual receiving services; however, the EOR may also be the representative of the individual. See Chapter Nine on the fiscal agent for further information.



In this manual, the EOR is discussed as if he or she is the individual receiving services. The EOR may also be the individual's representative.

THE CD SERVICE FACILITATOR (SF)

The person who supports the individual in managing attendants is the SF. The Code of Federal Regulations, § 441.450(c) requires that SFs are accessible to individuals choosing CD services. The role of the SF is to:

- ✓ Make sure the individual gets the services needed and that they are on the service plan.
- ✓ Review this manual with the individual and the family/caregiver, as appropriate.
- ✓ Train the individual on the required tasks of an employer.
- ✓ Develop, with the individual, service plans and paperwork.

Individuals may discuss employer concerns and questions with the SF at any time. The SF **must** be an enrolled Medicaid provider for service facilitation. Also, the SF **cannot** be:

- ✓ The individual receiving services;
- ✓ The individual's spouse;
- ✓ The individual's parent, if the participant is a minor; or
- ✓ A family member/caregiver who is also the CD employer.

For assistance on choosing a SF, go to: www.dmas.virginia.gov/provider_search.ASP.

THE FISCAL AGENT

Fiscal agent services allow the individual to use DMAS funds to hire and pay attendants. PPL, Inc. is the current fiscal agent. DMAS contracts with a fiscal agent to ensure that payment is within the authorized number of hours of service, keeping records of paychecks and hiring information, and follows all hiring and tax rules on the individual's behalf as employer of an attendant. Neither DMAS, the SF, nor the fiscal agent employs the attendant; the individual receiving CD services does.

The fiscal agent will provide the EOR with the necessary paperwork that must be completed before the attendant begins to work. The SF can assist



The fiscal agent pays attendants on behalf of the individual. The individual is the employer.

with this paperwork, as needed. Once the individual has chosen to participate in the CD program, the fiscal agent will provide the individual with an *Employer Information Packet* that contains all the necessary forms to be completed and instructions. Once the individual has chosen his or her attendant(s), each attendant must complete a separate *Employment Packet: Introduction to PPL Information for Attendants*. This packet may be downloaded from the PPL website. See Chapter Nine for more information about what the fiscal agent does.

THE ATTENDANT

The attendant is the person hired by the EOR who provides CD personal assistance, respite services, or companion services through consumer-direction. The attendant provides those services that are authorized by DMAS or its designated agent (e.g., the Department of Behavioral Health and Developmental Services (DBHDS) or KePro). The individual should remind his or her attendant(s) that the fiscal agent cannot pay for any services until a completed *Employment Packet* is received for his or her work with each employer. PPL will issue paychecks based on properly completed timesheets.

Certain persons are prohibited from serving as the attendant. For the EDCD, HIV/AIDS, IFDDS, MR/ID Waivers, the attendant cannot be the parent if the employer is a minor or the individual's spouse. In addition, for the MR/ID Waiver, companion services shall not be provided by adult foster care providers or any other paid caregivers for an individual living under the same roof.

BENEFITS OF CONSUMER DIRECTION

Consumer-direction, or self-direction, allows the use of supports, flexibility, and accommodates individual needs. The individual is directly responsible for screening, hiring, employing, and firing support staff. Instead of using an agency that is responsible for finding and overseeing staff, CD services afford the individual an extra measure of control over employment decisions. CD services work especially well for those who live far from an agency provider, have tried and been dissatisfied with agency services, or who would like to hire a particular person to provide support.

NEED MORE INFORMATION?

For the MR/ID, IFDDS, or EDCD Waivers, separate workbooks on CD services are available from VPPD. These workbooks are recommended to be used with this manual. To access them, go to: www.vcu.edu/partnership/cdservices/cdservicesworkbooks.htm. They include information about the preadmission screening process and waiver eligibility information, choosing a SF, what to expect at the first visit with the SF, and, maintaining CD services.

Additional information is also available from the Transformation Leadership Team at www.hhr.virginia.gov/Initiatives/SystemsTransformation/Goals/selfDirectionDocs.cfm.

CHAPTER TWO: CHOOSING CONSUMER-DIRECTED SERVICES

PROCESS FOR CHOOSING CD SERVICES

STEP 1: The individual must be screened by the local department of social services and local department of health (for EDCD and HIV/AIDS Waivers), a child development clinic (for IFDDS Waiver), or a community services board (for MR/ID Waiver). At the initial screening, the individual may choose agency-directed (AD) or CD services or a combination of both, depending on his or her needs and preferences. However, this does not allow for services to begin immediately. For Medicaid waivers, there must also be an available waiver slot.

STEP 2: The individual is enrolled in waiver services. When the individual chooses CD services or a combination of CD and AD services, the case manager (CM) (for ID/MR, HIV/AIDS, and IFDDS Waivers) or preadmission screener (for EDCD Waiver) gives the individual the names and telephone numbers of possible SFs. The individual reviews and signs the *Individual Selection of Consumer-Directed Services* form. This form must be signed and maintained by both the SF and the EOR. It is found at the end of this chapter.

STEP 3: When the individual chooses CD services or a combination of CD and AD services, he or she chooses a SF whom the individual selects and contacts directly. The SF and the individual review and sign the *Service Agreement between the Individual and the CD Services Facilitation Provider* form. This document must be signed and a copy kept in the EOR's and the SF's records. It is found at the end of this chapter.

STEP 4: The SF completes the top portion of the *New Consumer Fiscal Agent Services Request Form*, and the individual completes the *Employer of Record* information on the bottom half of the form. This form must be faxed to the fiscal agent at 1-866-709-3319. This must be completed first.

STEP 5: The SF ensures that the individual meets the criteria for CD services (see page 2 for criteria) and assists the individual in the development of a service plan, which explains the services the individual needs. The SF also sends in the service plan and any other appropriate paperwork for approval of CD services. For the MR/ID or IFDDS Waivers, the individual's case manager pursues the approval of waiver services. The SF trains the individual and the individual's family, as applicable, on hiring, supervising, training, and firing attendants. The individual and the SF shall use the *Consumer-Directed Recipient Comprehensive Training Form* as shown in this chapter to indicate that all necessary areas have been addressed in training. Documentation of training must be kept in the EOR's and SF's records.



The individual and the attendant must enroll with the fiscal agent before beginning services.

STEP 6: The individual selects and hires the attendant(s).

STEP 7: The individual and his or her attendant must enroll with the fiscal agent before beginning to provide services. The fiscal agent will send the individual a packet (the *Employment Packet*) that can be

found online at www.publicpartnerships.com/virginia.asp. This packet must be completed and returned to the fiscal agent before the individual can begin receiving CD services. The individual and his or her attendant must correctly complete all employment paperwork provided by the fiscal agent in order to be paid. The original completed packet is mailed to the fiscal agent who makes sure all employment rules are followed for payroll processing.

It is recommended that the attendant not begin to provide services until all information is received by the fiscal agent. Once authorization is completed by KePro or DBHDS, as appropriate, services will be paid back to the date of authorization. If the attendant begins providing services before the authorization is received, and a problem arises (such as the prior authorization for services is not approved or is approved for fewer hours than requested), the attendant will not be paid or paid at the level he or she may have worked. In this case, the individual may be liable for paying the attendant for unauthorized or incorrect hours.

STEP 8: Every two weeks, the individual will verify the attendant's work hours, have the attendant sign a timesheet, sign the attendant's timesheets, and send them to the fiscal agent. It is the employer's responsibility to see that timesheets are submitted to PPL on a regular basis. The individual can assign this task to the attendant, although it is still the individual's responsibility. The individual must maintain copies of submitted timesheets in his or her possession.

STEP 9: The fiscal agent pays the attendant on behalf of the individual receiving services, less applicable taxes and patient pay amount, if appropriate. **The individual is responsible for paying the patient pay amount, if required, directly to the attendant.**

STEP 10: The SF must visit the individual twice within 60 days of the first meeting with the individual to monitor the employment process and at least semi-annually if only respite services or companion services are being provided. The SF must visit the individual once every 30 to 90 days if personal care services are being provided as needed by the individual to provide support. The individual may contact the SF at any time with questions.

STEP 11: The individual reviews the *Family Friendly Report* provided by the fiscal agent. This is a report that provides critical information to the individual on the hours used by service and how much the employee has been paid. This report will be sent to the individual quarterly.

The graph on the next page shows the process to become a CD services employer.



The attendant must not begin to provide services until all information is received by the fiscal agent.

SERVICES EXCLUDED FROM CD SERVICES

CD services do NOT include nursing services, unless they are provided through nursing delegation. If the attendant does any nursing services (e.g., administering medications, performing catheterizations, wound care, tube feeding) during the time that Medicaid is paying for the service, the individual may be removed from CD services, and the attendant may be referred to the Virginia Board of Nursing for investigation. If there are questions about what is a nursing service, talk to the SF. The individual may



CD services do NOT include nursing services.

have skilled needs and receive CD services if the skilled needs are provided by a non-Medicaid provider or a non-paid caregiver, performed by the individual, or

provided through a skilled nursing or home health Medicaid benefit. The SF can assist individuals with locating these services.

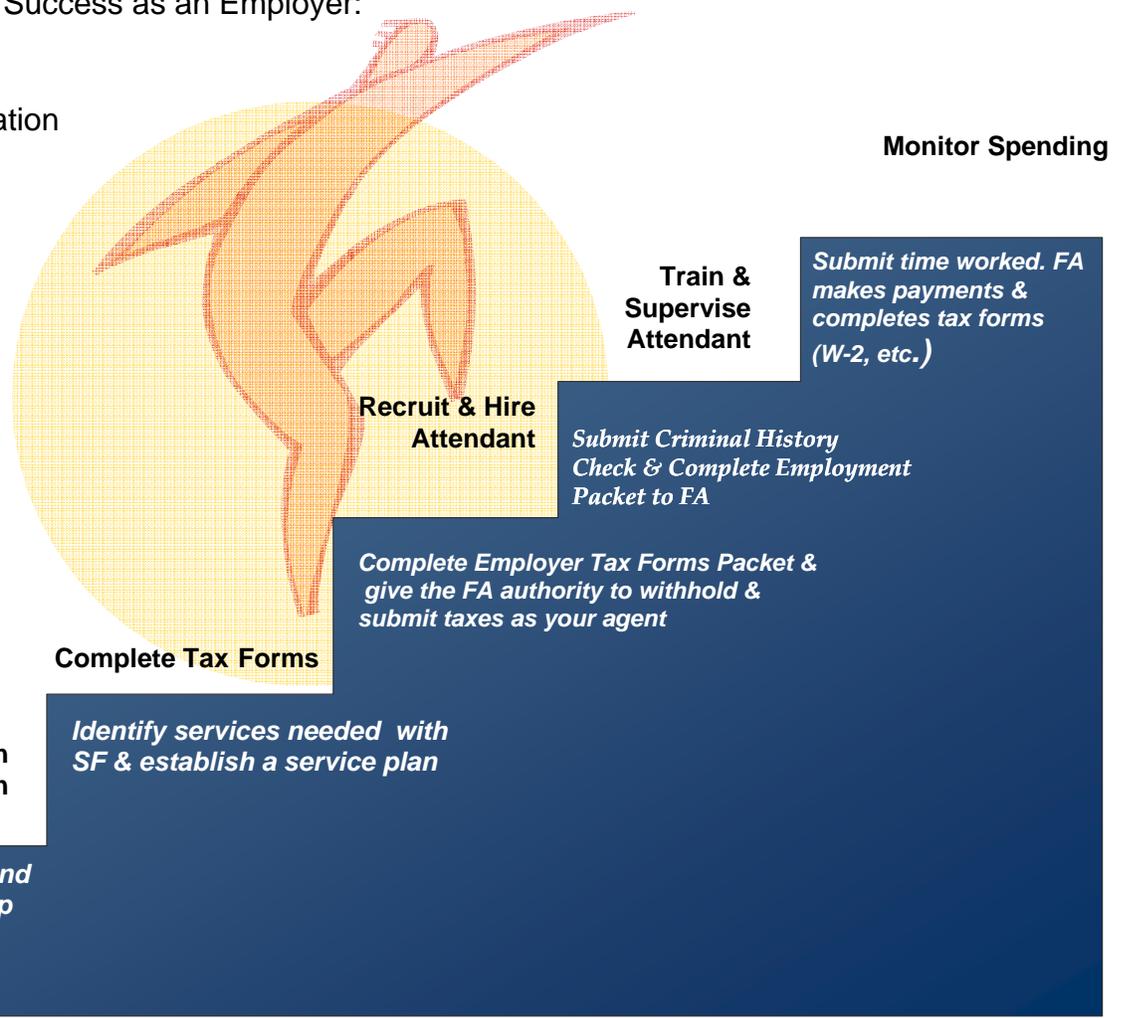
CD attendant services may not be provided to other people in the individual's household unless they are also eligible for CD services. Simultaneous sharing of attendants is not allowed (i.e., the caring of two participants by one attendant at the same time).

CD respite services are only allowed during times when the usual, unpaid caregiver needs a break. The most respite services an individual can have in one calendar year is **720 hours**. This means that whether the individual receives AD or CD respite services, the total hours of both AD and CD services cannot exceed 720 hours in any calendar year (i.e., January 1 through December 31 of each year).

STEPS TO BECOME A CD SERVICES EMPLOYER

Ingredients for Success as an Employer:

- Teamwork
- Education
- Communication



Note: This chart illustrates the steps after authorization for services have been received.

**VIRGINIA DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
INDIVIDUAL SELECTION OF CONSUMER-DIRECTED SERVICES**

I have selected _____ (hereafter referred to as “Service Facilitator”) as the approved Services Facilitation provider to coordinate my consumer-directed (CD) services through the Virginia CD Services Programs. The service facilitator has informed me regarding how much control I have over the employees who will provide my personal assistance, respite, and/or companion services. I understand that the waiver will allow me to exercise my right to direct and supervise my CD services in a manner that is consistent with my needs, capacity, and interest in directing my own services.

Individual as the Employer

1. Under the _____ Waiver (insert name of waiver), I choose to employ the attendant(s) who will provide my services. In selecting CD services, I understand that I choose to be the legal employer of the attendants who will provide my services. As their employer, I have the right and responsibility to hire and direct them in the provision of my services and to perform and fulfill the duties of an employer, including recruiting, selecting, hiring, training, supervision, authorization of the payment of wages, and dismissing employees, as necessary. I understand that I can also receive, at my request as needed, assistance from the service facilitator in performing these tasks. I also understand that the Department of Medical Assistance Services or its designated agent will fulfill my payroll and fiscal duties and obligations as an employer by being appointed as my payroll and fiscal agent, to act on my behalf, by signing the necessary forms in the *Employment Packet*.
2. Once I select and hire an attendant, I will notify the CD Service Facilitator. I will have the attendant sign the required forms in the *Employment Packet*, including a Criminal History Record Request. If the attendant has been convicted a crime as specified as a barrier crime for the waiver in which I am enrolled, I agree to dismiss him or her and search for another attendant.
3. I will establish the attendant’s schedule to provide services within the limits established in my service plan.
4. I understand that I have the primary responsibility for making arrangements for back-up services in the event an attendant is unable to work on a regularly scheduled workday. I agree to use family, friends, and neighbors as sources of back-up services where possible.
5. I am responsible for supervising the attendant’s record of hours worked. The attendant’s and my signatures on the time sheet attest that all times submitted for payment are actual and accurate. I understand that the Virginia CD Services Programs will only pay for hours consistent with my service plan.

My signature indicates that I have been informed of and accept my rights and responsibilities as an employer in the Waiver Program in which I am enrolled.

Individual’s/Employer of Record’s Signature	Date
CD Service Facilitator’s Signature	Date

This form must be signed and a copy maintained in the employer’s and the SF’s records.

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**VIRGINIA DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
SERVICE AGREEMENT BETWEEN THE INDIVIDUAL AND THE
CD SERVICES FACILITATION PROVIDER**

This agreement is made between _____, hereafter referred to as “Consumer-Directed (CD) Service Facilitator” and _____, hereafter referred to as “individual,” for the purpose of establishing the relationship, roles, and responsibilities of the parties. The CD service facilitator is a CD services facilitation provider enrolled in and authorized to provide services through the Virginia CD Service Programs of the waiver services program in which the individual is enrolled. The individual is eligible to receive CD personal care, respite services, and/or companion services, depending upon the services that are allowed in his or her service plan.

A. Individual

1. By this agreement, the individual chooses the CD service facilitator as the qualified provider of services facilitation services that the individual is authorized to receive through the Medicaid Waiver. The individual understands that the services that the CD service facilitator will provide are limited to those activities and tasks related to the individual’s approved service plan.
2. The individual agrees to follow the policies and procedures of the CD service facilitator, of the CD service facilitator’s designees, and of the Virginia CD Services Programs, including:
 - a) Reporting to the CD service facilitator any changes that would affect the individual’s eligibility or need for CD services;
 - b) Receiving training and assistance from the CD service facilitator and participating in training for employees, as necessary, to ensure the individual’s health and safety and the individual’s continued participation in the CD Services Program(s);
 - c) Allowing the CD service facilitator and/or representatives of the Virginia CD Services Program(s) into the individual’s home at least once per month to monitor the individual’s participation in the Program(s); and
 - d) Making available for the CD service facilitator’s inspection and copying documents and records required for the individual’s continued participation in the Virginia CD Services Programs.

The individual understands that failure to follow these policies and procedures may result in the individual’s termination from the Virginia CD Services Program(s).

3. The individual understands his or her right to select employees, make decisions about, direct the provision of, and control the CD service(s) to the maximum extent that the individual desires and is capable. The individual understands that he or she may request and receive assistance and support from the CD services facilitator in coordinating the individual’s CD services.
4. The individual is responsible for timely completion and delivery of employee time sheets according to the payroll schedule established by the fiscal agent. The individual understands that late arrival of time sheets may result in delays in the employee being paid.
5. The individual agrees to pay, through a fiscal agent acting on the individual’s behalf, the employee’s wages in full on a regular schedule for the approved hours worked by the employee.

SERVICE AGREEMENT BETWEEN THE INDIVIDUAL AND THE

CD SERVICES FACILITATION PROVIDER – page 2

6. When an employee's employment ceases, the individual agrees to notify the CD service facilitator and fiscal agent of the date and reason the employment ceased.

B. CD Service Facilitator

1. As an authorized service provider in a Department of Medical Assistance Services (DMAS) Waiver Services Program, and as the service facilitation provider selected by the individual, the CD service facilitator agrees to provide service facilitation services in accordance with DMAS regulations, policies, and guidelines.
2. The CD service facilitator will provide management training and skills development for the individual.
3. The CD service facilitator agrees to supervise the service plan in a manner that ensures the individual's health, safety, and personal autonomy, including periodic monitoring of the provision of the services. The CD service facilitator agrees to ensure that services provided to the individual are authorized and appropriate.
4. The CD service facilitator agrees to maintain appropriate records and to provide the individual with information necessary for the individual's continued participation in the Virginia CD Services Program(s).

C. Regulations

Any applicable federal, state, and/or local regulations, including this CD Waiver Services Employer Manual, pertaining to the provision and receipt of CD services are hereby incorporated by reference in this agreement. This includes agreeing to be available for any DMAS quality management reviews (QMRs).

D. Duration and Modification of Agreement

This written agreement constitutes the entire agreement and understanding between and among the individual receiving CD waiver services and the CD service facilitator. This agreement shall be in effect as of the date the agreement is signed by the individual and the CD service facilitator. The agreement can be modified by agreement of both parties. This agreement may be terminated immediately by either of the parties upon breach of any of its terms. This agreement may be terminated without cause upon ten (10) days' written notice of one party to the other.

Individual's/Employer of Record's Signature

Date

CD Service Facilitator's Signature

Date

This form must be signed and a copy maintained in the employer's and the service facilitator's records.

Revised 0709 (originally in 2005 Consumer-Directed Employer Manual)

**VIRGINIA DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
CONSUMER-DIRECTED INDIVIDUAL COMPREHENSIVE TRAINING FORM**

(Check (✓) the box after completing each part of the training.)

I. Consumer-Directed Attendant Services

- A. Definition of services
- B. The approach to provision of services (e.g., personnel involved including service facilitator, fiscal agent). Individual should read and sign service agreements for service facilitator and fiscal agent if they have not been signed.
- C. Role of the attendant in the provision of services
- D. Must have authorization prior to hiring an attendant. If there is no authorization, then the individual is liable for payment until authorization is received.

II. The Individual of Attendant Services

- A. Inventory of the individual's needs (assessing needs as an individual (e.g., habits, personal care))

- B. Selecting Attendants
 - 1. Creating an attendant job description (discuss sample)
 - 2. Advertising for attendants (discuss sample)
 - 3. Assessing an attendant's application
 - 4. Required qualifications of attendants
 - 5. Screening applicants and scheduling interviews

- C. Hiring Attendants
 - 1. Obtaining attendant work record
 - 2. Interviewing a prospective attendant (questions to think about)
 - 3. Consumer selection of attendant
 - 4. Recordkeeping
 - 5. Completing the Employment Packet

III. Employing Attendants

- A. Philosophy/Policies of Attendants

- B. Payroll Requirements for Each Attendant
 - 1. Employment eligibility verification (I-9)
 - 2. W-4 Form completion

- C. Competency Determination of Attendants

IV. Contractual Agreements (including the agreement between individual and attendant). Show sample attendant agreement and sample contract.

CONSUMER-DIRECTED INDIVIDUAL COMPREHENSIVE TRAINING FORM – page 2

V. Training Attendants

- A. The Provision of Services by the Attendant
 - 1. Included services/excluded services
 - 2. Sample attendant duties checklist
 - 3. Attendant job evaluations

- B. Communicating with the Attendant
 - 1. Creating a good work environment
 - 2. Establishing rapport
 - 3. Resolving conflict

- C. Important Considerations
 - 1. Firing the attendant
 - 2. Emergency back-up attendant
 - 3. Substitution of attendants
 - 4. Accidents on the job
 - 5. Unexpected death and the attendant

VI. Completing Attendant Time Sheets

- A. Certification of services rendered (explanation of time sheet)

- B. Understanding of relinquishment of patient co-pay amount

- C. Discontinued employment

This form must be completed by the CD Service Facilitator during the training of the individual/employer of record and signatures obtained after the training. This form must be maintained in the individual's file by the Service Facilitator.

Individual's/Employer of Record's Signature

Date

CD Service Facilitator's Signature

Date

Revised 0709 (originally in 2005 Consumer-Directed Employer Manual)

CHAPTER THREE: DEFINING INDIVIDUAL NEEDS AND PLANNING

NEEDS AND PREFERENCES

Person-centered planning is based on a variety of approaches or tools to organize and guide life planning with individuals, their families, and friends. This approach is rooted in what is important to the individual while taking into account all other factors that affect his or her life: effects of the disability or illness, issues of health and safety, and the views of those who know and care about the person. Focusing on the person in person-centered planning ensures that the service plan moves beyond program planning and looks at the whole picture of the individual's life. It is important to decide with what the individual needs support and when he or she needs support before an attendant is hired. The service plan is a source of information about an individual's care needs. The SF helps with the development of the service plan.

Visit the VPPD's website (see Chapter One) for information on personal needs and preferences. Module 2 on the website is a good introduction to self-direction, specifically making choices and planning.

THE SERVICE PLAN

As the employer of the attendant, the individual **must** monitor the appropriateness of the service plan that has been developed with the individual, his or her family caregiver, if applicable, and the SF or case manager. The service plan is an important document that lists an individual's personal goals and all the tasks that the attendant will perform on a daily basis, based on the individual's needs, as well as informal supports in the community. The service plan contains the types of services to be furnished, the amount, frequency, and duration of each service, and the type of provider to furnish each service. Payment may only be made for waiver services that are prior-authorized in the service plan.

EMERGENCY BACK-UP SUPPORT PLANS

The individual receiving CD services must have a back-up support plan so he or she is not left without someone to do the things the attendant would usually do. If an individual does not have a back-up support plan, **he or she cannot participate in CD Services**. The SF or case manager may NOT be the back-up support. Keep a list of names, telephone numbers, and hours that people are able to work as back-up supports. If Medicaid is paying for the back-up support, the individual must have signed the same employment forms as the regular attendant, follow the same rules, and meet the same qualifications. The back-up plan will be included in your service plan. Having a list of substitute attendants allows the individual to fire an attendant if needed without worrying about finding a new attendant immediately.



***The individual
MUST have a
back-up support
plan!***

CHAPTER FOUR: RESPONSIBILITIES OF BEING AN EMPLOYER

RESPONSIBILITIES AS AN EMPLOYER

When choosing CD services, as the employer, the individual incurs all responsibilities and liabilities of an employer. This is an important undertaking that needs to be accepted with an understanding of all that is required of an employer. As the employer of the attendant, the employee, the individual must:

1. Understand that he or she must be eligible for and enrolled in one of Virginia's CD waiver programs.
2. Complete all necessary forms found in the *Employer Information Packet* and all necessary employee information in the *Employment Packet: Introduction to PPL Information for Attendants*. Contact the SF or fiscal agent for help if needed.
3. Agree to develop a service plan outlining the tasks that the individual wants the attendant to perform. This plan will be written and available to the attendant to guide the work that the individual wants the attendant to do. The SF can help with this.
4. Train and direct the attendant in providing the services that are described and authorized by the service plan or that the individual requests. In addition, the individual will provide information to attendants about training opportunities.
5. Agree to establish a mutually agreeable schedule with the attendant, either orally or in writing. Agree to provide adequate notice of changes that may be necessary in the attendant's work schedule, realizing such notice cannot be guaranteed in the event of unforeseen circumstances or emergencies.
6. Have a back-up plan in place to cover unforeseen circumstances, such as illness, for an attendant or for scheduled vacations, holidays, etc.
7. Pay a portion of the attendant's salary (the "patient pay" amount), if applicable. If an individual has a patient pay amount, he or she will be notified by the local department of social services (LDSS). The individual agrees to sign completed attendant timesheets and to pay the attendant patient pay net wages on a regular and timely basis according to the payroll schedule (see Chapter Ten). The circled dates on the payroll schedule are the dates that individuals should pay the attendant if they owe them a patient pay. If so, the attendant understands that this amount will not be included in the payment received from the fiscal agent.
8. Understand that if the required criminal record check shows that the attendant has a conviction of having committed a barrier crime, or the



If it has been determined by the LDSS that the individual has a patient pay amount, the individual MUST pay the patient pay amount directly to the attendant as part of the attendant's wages.

attendant is found in the Child Protective Services (CPS) Central Registry, the individual as the employer is prohibited from hiring or continuing to employ the attendant. See Chapter Six for additional information.

9. Understand that false or misrepresentation of time, services, individuals, and/or other information is not permitted. If the individual or the attendant signs a timesheet that is determined to misrepresent information, the individual will lose the option of consumer direction and will be reported to the Medicaid Fraud Unit. Payment of wages is from federal and State funds. Any false claims, statements, documents, or concealment of material facts will be prosecuted under applicable federal and State laws.
10. Agree that federal income, Medicare, Social Security, and Virginia Income Tax (as applicable) will be withheld by the fiscal agent on the behalf of the individual from wages per IRS Form W-4 and Virginia Form VA-4 as completed by the attendant. These forms are part of the attendant's packet to the fiscal agent.
11. **Acknowledge and ensure that payment to the attendant with Medicaid (federal and State) funds may only be made as preauthorized by DMAS.** Preauthorization means that DMAS approves payment for the services **BEFORE** they are performed by the attendant in accordance with the service plan. Work performed over or prior to the start date of the preauthorized amount will not be paid by DMAS or the fiscal agent, and payment of any payroll and applicable taxes become the individual's responsibility.
12. Acknowledge that the attendant will not be paid for:
 - a. Services not performed or time not worked;
 - b. Services when the individual receiving care is hospitalized or in a nursing facility or an ICF/MR;
 - c. Incorrect or incomplete submission of timesheets. All paychecks are mailed to the attendant's home or are sent by direct deposit only upon receipt of a correct timesheet. See Chapter Seven for information on how to correctly fill out a timesheet; or
 - d. Incomplete paperwork in the *Employment Packet*.
13. **Understand and ensure that timesheets must be properly completed and signed by both the employer and the attendant after work has been completed.** Hours recorded on the timesheets cannot exceed the preauthorized number of hours. Timesheets are due to the fiscal agent within two business days from the end of the pay period. Timesheets received after two days will be paid within the next payroll cycle. Incorrect timesheets will be returned or "pending," and the attendant will not be paid until all issues are resolved. Any timesheet sent before the end of the pay period will not be paid.
14. Understand and ensure that all documents required by the *Employment Packet* must be completed by the attendant and submitted to the fiscal agent prior to performing work.
15. Understand and ensure that the individual must provide any safety equipment and supplies necessary to provide care (e.g., if blood or other bodily fluids are handled, the employer provides protective gloves.) The following recommendations regarding disposable items are based on current guidelines from the Centers for Disease Control. Disposable items, including, but not



Any timesheet sent before the end of the pay period will not be paid.

limited to, gloves, gowns, and masks, may be covered only when necessary to carry out universal precautions if the caregiver (e.g., family member) is in contact with the individual's blood and/or other body fluids containing visible blood, or for the specific and medically documented symptoms of impaction. Disposable items will not be covered for use by the caregiver in carrying out routine infection control procedures (e.g., gloves to clean an incontinent recipient, handle soiled linen, clean or empty a bedside commode) in accordance with State regulation 12 VAC 30-50-165.

16. Agree to confidentially maintain all information regarding the attendant and to respect the attendant's privacy.
17. Agree to be available for any DMAS quality management reviews (QMRs).
18. Understand that, while PPL acts as the fiscal agent on the individual's behalf for payroll and tax purposes, as the employer, the individual is responsible for providing accurate and timely forms to PPL.
19. Understand that the individual (the employer) and the attendant (the employee) are both responsible for signing timesheets and are responsible to request reimbursement only for those services that were provided within what has been preauthorized on the individual's service plan.
20. Agree to maintain a record that includes the service plan, time sheets, attendant application(s), employer packets, documentation of TB testing, if required, and any other information relevant to being an employer of CD services.



Both the individual and the attendant are responsible for accurate information on the timesheets.

For more general information on supervising the attendant, go to "Supervising Your Personal Care Attendant" at www.hhr.virginia.gov/Initiatives/SystemsTransformation/Goals/selfDirectionDocs.cfm. For additional information on being an employer in the MR/ID or IFDDS Waivers, go to Module 3 of the VPPD website at www.vcu.edu/partnership/cdservices/cdservicestraining.htm.

TUBERCULOSIS (TB) TESTING

Per State regulations, attendants providing CD personal care, respite, and companion services must have TB tests performed as follows. The test results must indicate that there is no evidence of active TB disease in order for the attendant to continue to provide services. For more information, See the Virginia Department of Health's (VDH's) guidelines for TB screenings.

Waiver	Personal Assistant	Respite Assistant	Companion
EDCD	See VDH guidelines.	See VDH guidelines.	Not applicable
MR/ID	Annual screening	Annual screening	Annual screening
IFDDS	Annual screening	Annual screening	Not required
HIV/AIDS	Annual screening	Annual screening	Not applicable

For attendants providing services to individuals in the HIV/AIDS Waiver, regulations require that the attendant complete annual cardiopulmonary resuscitation (CPR) training and receive an annual flu shot (unless these procedures are medically contraindicated).

CHAPTER FIVE: THE INTERVIEW PROCESS

WHO CAN BE AN ATTENDANT?

There are several things that a person must do **before** he or she can be hired as an attendant. To protect the individual receiving CD services, DMAS has established the following minimum standards for the employment of attendants in the program. The attendant **must**:

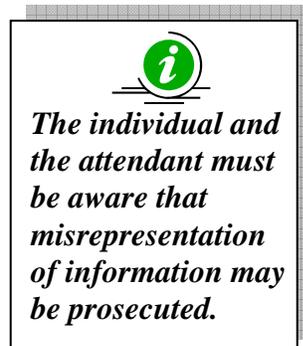
1. Be 18 years of age or older.
2. Have the skills to perform services as specified in the employer's service plan.
3. Have basic math, reading, and writing skills.
4. Have a valid Social Security number and be authorized to work in the United States.
5. Submit to a criminal history records check, and, if the employer is a minor, the VDSS CPS registry.
6. Demonstrate the capability to perform health maintenance activities required and that are in the service plan, or be willing to receive training in performing the activity.

In addition, the attendant must agree to:

1. Assist the individual by providing the services and performing the activities specified in the service plan in the manner described in the individual's service plan.
2. Protect the individual's health and welfare by providing authorized services in accordance with the policies and standards of the applicable waivers, including the minimum qualifications for employment as an attendant.
3. Provide services as specified in the service plan on a schedule mutually agreed upon between the individual and the attendant.
4. Notify the individual (employer) as soon as possible so that assistance can be obtained from someone else in the event of illness, emergency, or other incident preventing services to be provided to the employer.
5. Participate in training in providing services, as required by the individual or as specified in the service plan.
6. Confidentially maintain all information regarding the individual and respect his or her privacy.
7. Understand that the attendant's agreement to provide services does not guarantee employment or payment of wages for any time period.

8. Understand that the attendant is employed by the individual receiving CD services.
9. Understand that the individual's property, including the telephone, is not to be used for his or her personal use unless mutually agreed upon by both parties prior to use of property.
10. Understand that he or she must be punctual, neatly dressed, and respectful of all family members. All instructions regarding care must be carried out carefully.

11. Understand that misrepresentation of time, services, or other information is not permitted and will be prosecuted under applicable federal and State laws.
12. Understand that CD employees can transport individuals in their vehicles, but cannot get paid for both their time and transportation expenses by Medicaid. However, they may keep track of their mileage and related transportation expenses and may be able to take these as deductions on their income taxes, even if they are using the short form for filing their taxes.



For assistance with tax advice, please contact the Internal Revenue Service (IRS) or the Virginia Department of Taxation.

13. Be aware that vehicles used for transporting individuals, whether they belong to the individual or the attendant, must be currently registered in Virginia and properly insured. The insurance must insure the insured person and the passenger against loss from any liability imposed by law for damages; against damages for care and loss of services because of bodily injury to or death of any person; against injury to or destruction of property caused by accident and arising out of the ownership, use, or operation of such motor vehicle or motor vehicles within the Commonwealth of Virginia, any other state in the United States, or Canada; and, subject to a limit exclusive of interest and costs, with respect to each motor vehicle of \$25,000 because of bodily injury to or death of one person in any one accident, and subject to the limit for one person, to a limit of \$50,000 because of bodily injury to or death of two or more persons in any one accident; and subject to a limit of \$20,000 because of injury to or destruction of property of others in any one accident. Neither DMAS nor the Commonwealth has any liability if injury or other harm occurs during transportation of an individual.
14. Understand who is prohibited from serving as the attendant. See Chapter One under the "Attendant" section.
15. Understand that the attendant may not be paid for services furnished if he or she is another family member/caregiver living under the same roof unless there is objective written documentation that is approved by the SF. This documentation must be provided once unless the method of finding an attendant has changed. For example, if, when enrolling in CD services, the individual placed an advertisement in the paper and found no one, this information will be documented and maintained in the individual's record. Later, if the individual is diagnosed with a hearing impairment and needs an attendant with knowledge of sign language, he or she may contact the Department for the Deaf

and Hard of Hearing to find an attendant through their network. If none is found, another note would then be kept.

16. Understand that the attendant may not be the individual's SF or case manager.
17. Accept the reimbursement that is made by the fiscal agent as payment in full for the CD services provided (unless the individual is required to pay the attendant a patient pay amount). Be aware that the reimbursement is set by the Virginia General Assembly and is not negotiable. The attendant may not be paid any extra above this rate.
18. Understand that the individual (the employer) and the attendant (the employee) are both responsible for signing timesheets and are responsible to request reimbursement only for those services that were provided within what has been preauthorized on the individual's service plan.

ATTENDANT JOB DESCRIPTIONS

Once the individual has thought about his or her needs, likes, and dislikes, he or she can use them to write a job description. The service plan provides the basis for the information needed to be included in the job description. The job description tells:

- ✓ What things he or she needs for the attendant to do or help him or her with;
- ✓ Where he or she wants the attendant to work;
- ✓ When the attendant needs to be with the individual; and
- ✓ How the attendant will do the job.

The key to success as an employer is a specific, easy-to-understand job description for the attendant. A job description is used to define the duties, manage time, and schedule the attendant. Its purpose is to provide the person who might become the attendant with a brief description of what he or she would be doing each day to support the individual. It is not meant to replace other training or directions that the individual gives to the attendant. Be realistic about what the attendant can do to support the individual and carry out the requirements of the service plan.

The individual may require the attendant to have additional qualifications or perform specific duties related to the individual's needs. For example, the individual may require that the attendant ride with him or her to and from the individual's place of employment. The individual may document these requirements and request that the attendant sign the documentation prior to beginning employment.

A sample job application and job description are found later in this chapter. These are optional forms.

ADVERTISING FOR AN ATTENDANT

Now that the individual has created a job description, he or she is ready to advertise for an attendant, if the individual doesn't already have someone in mind. The SF may help to find applicants and has a list of people interested in working as attendants.

No matter how the individual advertises, it is important to be sure to allow plenty of time for advertising for an attendant before the individual really needs the attendant to start to work.

The costs of recruiting an attendant are the individual's own expense. DMAS does not reimburse the individual or his or her SF for advertising expenses.

SCREENING APPLICANTS AND SCHEDULING INTERVIEWS

After placing the job ad, be ready to receive telephone calls. The individual will need to find out what hours applicants can work and what pay they will accept. The hourly rate is determined by the Virginia General Assembly and not by the employer, SF, or DMAS. If applicant wants more pay than what is allowed, or if he or she cannot work the hours needed, the individual does not have to interview them. These questions can save time by helping to screen out applicants who do not meet these basic criteria. Be sure that all applicants meet the basic qualifications for employment as identified in this chapter.

If the person's hours, pay, and transportation needs meets the individual's needs, the individual may want to give a brief description of the job, hours, and salary. Keep the job description near the telephone, along with paper and pencil for taking note. The SF can assist as necessary.



The attendant's hourly rate is determined by the General Assembly and not the employer.

If the person is interested in the job, the individual should set up a time to conduct a formal interview. The individual may know that a person would not be appropriate for this job after he or she and the applicant talk about the responsibilities.

INTERVIEWING APPLICANTS

After reviewing the applicants' information, and after a few who might be good for the job have been selected, it is time to plan interviews. The main things to do in the interview are to learn about the applicant and decide if the individual would be comfortable having this person work with him or her. It's not easy to gather a lot of information in a short period of time, but there are ways to interview to get enough information to make a good choice.

It is recommended that the individual have the applicant come to his or her home or other place you choose to fill out an application and complete an interview. At that time, the individual can assess many things about the person without even asking questions. For example,

- Is he or she on time for the interview?
- Is he or she dressed neatly and clean?
- Does he or she look you in the eye while you are talking?
- Does he or she seem interested in what you have to say and is polite?
- Does he or she answer questions completely?
- Can he or she work the scheduled hours you need?
- Do you feel you would be comfortable with this person caring for you?



The purpose of the interview is to allow both parties to have enough information to make a good decision.

The purpose of the interview is to learn as much as possible about the applicant and to give him or her information about the individual, so that both

parties have enough information to make a good decision. The individual may want to have someone that he or she trusts present during the interview.

When scheduling interviews, allow enough time between appointments to think about each applicant and write down some notes about the person just interviewed. If several people are interviewed in one day, it can be hard to remember things that were liked or disliked. It may be helpful to list, in order, the things that the individual felt were important in an attendant. After each interview, the individual may want to check off which of these qualities that the applicant demonstrated.

Some tips to conduct the interview include:

1. When the applicant arrives, welcome him or her, introduce yourself, and try to make him or her comfortable.
2. Explain care needs, if the individual feels comfortable doing that.
3. Have the written job description ready to give to the applicant and take some time to explain it. Talk about the rate of pay and how payment will be made. The individual may also want to provide a copy of his or her schedule to show the applicant the hours in which help would be needed.
4. Ask the applicant about jobs he or she has had in the past. You could ask the applicant to provide a list of jobs he or she has held, where he or she was employed, how he or she felt about the work, and why he or she left the position. A resume would be helpful, if the applicant has one prepared.
5. Ask for at least two references from past employers.
6. Ask the applicant why he or she wants this kind of work.
7. Talk about how the individual will tell the attendant if he or she is doing a good job. Let the applicant know that the individual wants to be told how the applicant is feeling about the job duties, if hired. Stress that the individual wants to be able to discuss concerns as they arise.
8. At the end of the interview, thank the applicant for his or her time. Tell the applicant that the individual will be in touch when a decision has been made.
9. After all the interviews are over, call or write each applicant to tell him or her whether or not he or she got the job. If the individual thought that someone could do the job, but it was decided to hire someone else, ask if he or she would be able to be a back-up support. If he or she says yes, keep that applicant's application on file.
10. Be sure to check references provided.

If the individual is still not sure if an applicant is able to do the job, a second interview may be conducted. Ask more questions to find out if this is the person right for the job. During the second interview, the employment agreement and payroll process may be explained.

QUESTIONS TO ASK IN AN INTERVIEW

During the interview, the individual should keep in mind the qualities that are desired in an attendant. The attendant should be someone that the individual likes and respects. Some of the following questions may help determine if the individual and the attendant will get along. Other questions about things that are important to the individual may also be asked.

Food and Eating Arrangements

1. What kinds of foods do you usually eat? What do you like or dislike?
2. Do you like to cook? Are you a good cook? What do you cook?
3. Do you eat at regular times or when you feel like it?
4. If you like different foods than I do, will you prepare my meals?

Transportation

1. How do you feel about helping me with errands?
2. Would you be willing to drive my car?
3. Are you willing to drive me in your car? If so, what insurance do you have?
4. What can you tell me about your driving record?
5. Can I obtain your driving record from the Division of Motor Vehicles?

Housekeeping

1. What experience have you had with housekeeping and laundry?
2. Do you like things very neat or are you not very particular?
3. Do you work better with a definite schedule for cleaning and laundry (e.g., vacuum on Monday, scrub floors on Tuesday, etc.), or do you like to decide for yourself?

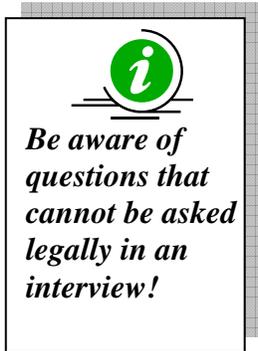
Personal Care

1. How will you handle helping me with toileting or suppositories, if necessary?
2. How will you handle bathing me, if necessary? Describe how you would provide a bath.
3. Is there any part of my personal care needs that make you feel uncomfortable?
4. What experience have you had in providing personal care?

Preferred Activities and Other Questions

1. Do you smoke? Do you drink alcoholic beverages?
2. Do you sleep late in the morning or get up early?
3. Tell me about yourself.
4. Do you like activities well-planned or do things on the spur of the moment?
5. What do you like to do for entertainment?
6. Do you like to watch TV? What are your favorite TV programs?
7. What hobbies do you have?
8. How do you react if you have to change your plans at the last minute?
9. Why do you want this job?
10. Do you have any emotional or health concerns that might keep you from doing this job well?
11. Do you have any questions about the job description?

QUESTIONS THAT THE EMPLOYER MAY NOT ASK



When interviewing and making the choice of an attendant, federal law does not allow an employer to discriminate in the employment decision based upon any of the following:

- Age,
- Gender,
- Religion,
- Race,
- Ethnicity; or
- Sexual orientation.

FLEXIBLE SERVICE DELIVERY

The individual may need CD services at separate times of the day (e.g., some hours in the morning and some in the evening). The service plan must show what activities will be done during each time period. The individual may have two different attendants: one for the morning and one for the evening, or one attendant who works both times. Either way, the total number of hours of services provided must be preauthorized. Requests for preauthorization of a change to the service plan are submitted by the SF (for EDCD Waiver) or your case manager (for MR/ID, HIV/AIDS or IFDDS Waivers) to the prior-authorization contractor, the company that handles these preauthorizations for DMAS. The individual is encouraged to contact the SF when unusual situations occur, or changes in hours and times of services may be needed.

HOURS OF EMPLOYMENT

The attendant's schedule will be determined by the individual and the attendant. This includes the time worked for the individual and any additional time that they may work for another participant receiving DMAS CD services. Hours must be worked in accordance with the individual's service plan. The attendant cannot receive Medicaid payment for providing services if the individual is not present in the home or with that person wherever they may be going. The attendant is "on the clock" only when the individual is with them.

SAMPLE JOB DESCRIPTION FOR AN ATTENDANT

(Note: You may use this form or develop your own.)

I use an attendant to assist and support me in the following ways.

Weekdays: _____ Weekends: _____ Evenings: _____

I need my **attendant** to help me with activities of daily living that include:

Bathing: _____

Transferring: _____

Grooming: _____

Hygiene: _____

Toileting: _____

Dressing: _____

I need my **attendant** to help me on the job by: _____

I need my **attendant** to help me with the following special activities (after getting trained and being checked from time to time by a nurse):

Bladder Care: _____

Bowel Care: _____

Wound Care: _____

Range of Motion Exercises: _____

I need my **attendant** to support me in these other ways:

Help with Medication Self-Administration:

Lifting up to 50 pounds:

Meal Preparation: _____

Housekeeping: _____

Laundry: _____

Grocery Shopping: _____

Making sure I am safe: _____

Going with me to appointments or social/recreational activities: _____

Transportation: _____

NOTE: I expect my attendant to be on time, neat, honest, and to enjoy working with people. I ask that you dress casually. Please give me at least two hours notice if you are going to be late or sick and at least one week's notice for planned days off. Please give me two weeks to a month's notice if you have to leave this job. When performing personal care to my body (or my child's body), please inform me (the employer) of any bruises, scrapes, or skin problems. Please feel free to ask any questions about my personal care or other needs. I feel more comfortable when people understand the purpose behind the support I need. The hourly wage for Consumer-Directed Services is set by the Virginia General Assembly and is not negotiable.

SAMPLE ATTENDANT APPLICATION
(Note: You may use this form or develop your own.)

Name: _____ Phone: _____

Mailing Address: _____
Street City State

ZIP Code: _____ How long have you lived there? _____

Sex: _____ Are you 18 or over? _____

In case of emergency, notify: _____

Experience in attendant work/nursing/companion services?

How long? _____ If so, where? _____

Hours willing to work: _____ Part-time _____ Days _____ Nights _____
Weekends _____ Back-Up _____ Date Available: _____

How many hours per week? _____

Are you willing and able to do emergency back-up work? _____

Do you have reliable, steady transportation to and from work? _____

Do you have a valid, current Virginia Driver's License? _____

Have you been convicted of a felony or misdemeanor or other offense within the past five years?
_____ If so, please explain _____

Are there any jobs that you would not want to do (e.g., work for opposite sex, duties listed in job description, etc.)? _____

Who referred you? _____

Salary Acceptable _____

The answers given in this application are true and complete to the best of my knowledge. I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision. I understand that this application is not a contract of employment.

Applicant Signature _____ Date _____

CHAPTER SIX: HIRING AN ATTENDANT

NEVER MAKE A HASTY CHOICE! Choosing the right attendant is one of the most important decisions the individual can make. If possible, interview several people and consider the advantages and disadvantages of each person before making a choice of whom to hire. Please do not hire an attendant over the telephone. Checking work references of applicants may help to decide whom to hire. The individual can call previous employers and explain the job the person is applying for and ask if the applicant was dependable, honest, and got along well with others. There may be other questions that the individual wants to ask, such as whether the employer would hire the applicant again.

When an attendant is hired, the individual must do the following or assure that the task(s) is completed:

1. The attendant must complete the forms in the *Employment Packet* before the attendant starts work or is paid. The fiscal agent cannot pay for any services until a completed packet is received for the attendant. **It is the employer's responsibility to assure the forms are completed correctly, submitted to the fiscal agent, and that an attendant ID number issued prior to employment.** The SF can assist with these tasks. The attendant must complete his or her own paperwork, including federal and State tax withholding forms. Employees must complete a separate *Employment Packet* for each employer/consumer who employs them, even if the employers live in the same home. The fiscal agent will include a stamped and addressed envelope to the individual when the *Employment Packet* is sent. This is to be used to return the completed *Employment Packet* (the employer's part and the attendant's part) to the fiscal agent. All forms must be mailed to the fiscal agent. Completed *Employment Packets* may not be faxed. All forms, including the Criminal Records Check and the CPS Central Registry Search, must be sent to the fiscal agent. The employer does not send payment; the fiscal agent handles this on behalf of the employer. See the checklist in this chapter for assistance.
2. A written agreement between the individual and the attendant will help both the individual and the attendant to know what is required of the job. This form is a part of the *Employment Packet* and must be completed and sent to the fiscal agent. The SF may help with this. This document addresses compensation for the attendant, duration of and changes to the agreement, scheduling, attendant qualifications, duties, and policies, the individual's responsibilities as employer, and mutual responsibilities. The attendant must also agree to have a criminal background check completed.
3. Review the schedule of days and times that the attendant is expected to work and what days the attendant will be off. The back-up support plan should be used on the regular attendant's days off, if needed. Talk about the date that the attendant will begin work. Decide on a time to train the attendant, if needed.
4. Review the service plan and how the individual needs the attendant to help him or her meet each service need. Inform the attendant where the service plan will be located if they want to refer to it.



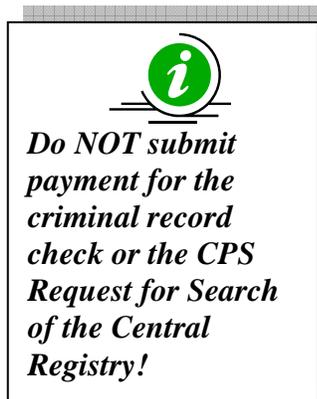
All forms in the Employment Packet must be returned to PPL. Do not send any payment with the forms.

5. Talk with the attendant about the payroll dates and tell him or her that the first check will be mailed at least 1 1/2 weeks after the end of the first payroll period and after all enrollment information is received by the fiscal agent. Paychecks are only issued based on properly completed timesheets.

The summary at the end of this chapter will be helpful to the individual and the attendant to ensure that all forms and tasks are completed.

CRIMINAL HISTORY RECORD REQUEST/CPS REQUEST FOR SEARCH OF THE CENTRAL REGISTRY

CPS Central Registry



If the individual receiving CD services is a minor, a Virginia Department of Social Services (VDSS) *Child Protective Services (CPS) Request for Search of the Central Registry and Release of Information* form must be completed as part of the packet sent to the fiscal agent.

DO NOT submit the payment for the attendant's criminal history record check or *CPS Request for Search of the Central Registry*. This is the job of the fiscal agent who will do this on the individual's behalf. The fiscal agent must submit a criminal record check and *CPS Request for Search of the Central Registry* within 15 calendar days of, but preferably prior to, the attendant's employment.

Criminal History Record Check

A *Criminal History Record Request* form must be submitted for every attendant that is hired or begins work.

For the MR/ID and IFDDS Waivers, the following crimes listed in the *Code of Virginia* (§37.2-314 for the IFDDS Waiver and §37.2-416 (which references §37.2-314) for the MR/ID Waiver) are barrier crimes, and conviction of any of these would prohibit the attendant from receiving Medicaid payment for their services:

- ✓ Persons who have been convicted of murder or manslaughter as set out in Article 1 (§ [18.2-30](#) et seq.);
- ✓ Malicious wounding by a mob as set out in § [18.2-41](#);
- ✓ Abduction as set out in subsection A of § [18.2-47](#);
- ✓ Abduction for immoral purposes as set out in § [18.2-48](#);
- ✓ Assaults and bodily wounding as set out in Article 4 (§ [18.2-51](#) et seq.);
- ✓ Robbery as set out in § [18.2-58](#);
- ✓ Carjacking as set out in § [18.2-58.1](#);
- ✓ Threats of death or bodily injury as set out in § [18.2-60](#);

- ✓ Extortion by threat, as set out in § [18.2-59](#); threat, as set out in § [18.2-60](#);
- ✓ Felony stalking as set out in § [18.2-60.3](#);
- ✓ Sexual assault as set out in Article 7 (§ [18.2-61](#) et seq.);
- ✓ Arson as set out in Article 1 (§ [18.2-77](#) et seq.);
- ✓ Drive by shooting as set out in § [18.2-286.1](#);
- ✓ Burglary, as set out in Article 2 (§ [18.2-89](#) et seq.) of Chapter 5 of Title 18.2;
- ✓ Any felony violation relating to distribution of drugs, as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2;
- ✓ Use of a machine gun in a crime of violence as set out in § [18.2-289](#);
- ✓ Aggressive use of a machine gun as set out in § [18.2-290](#);
- ✓ Use of a sawed-off shotgun in a crime of violence as set out in subsection A of § [18.2-300](#);
- ✓ Pandering as set out in § [18.2-355](#);
- ✓ Crimes against nature involving children as set out in § [18.2-361](#);
- ✓ Taking indecent liberties with children, as set out in § [18.2-370](#) or [18.2-370.1](#);
- ✓ Incest as set out in § [18.2-366](#);
- ✓ Abuse and neglect of children as set out in § [18.2-371.1](#);
- ✓ Failure to secure medical attention for an injured child as set out in § [18.2-314](#);
- ✓ Obscenity offenses as set out in § [18.2-374.1](#);
- ✓ Possession of child pornography as set out in § [18.2-374.1:1](#);
- ✓ Electronic facilitation of pornography as set out in § [18.2-374.3](#);
- ✓ Abuse and neglect of incapacitated adults as set out in § [18.2-369](#);
- ✓ Employing or permitting a minor to assist in an act constituting an offense (§ [18.2-372](#) et seq.);
- ✓ Delivery of drugs to prisoners as set out in § [18.2-474.1](#);
- ✓ Escape from jail as set out in § [18.2-477](#);
- ✓ Felonies by prisoners as set out in § [53.1-203](#);
- ✓ An equivalent offense in another state;
- ✓ Convicted of any felony violation relating to possession of drugs, as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, in the five years prior to the application date for employment; or
- ✓ Convicted of any felony violation relating to possession of drugs, as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, and continue on probation or parole or have failed to pay required court costs.

For the EDCD and HIV/AIDS Waivers, the following crimes listed in the *Code of Virginia*, §32.1-162.9:1, are barrier crimes, and conviction of any of these would prohibit the attendant from receiving Medicaid payment for their services:

- ✓ Murder or manslaughter, as set out in Article 1 (§ [18.2-30](#) et seq.);
- ✓ Malicious wounding by mob, as set out in § [18.2-41](#);
- ✓ Abduction, as set out in subsection A of § [18.2-47](#);
- ✓ Abduction for immoral purposes, as set out in § [18.2-48](#);
- ✓ Assault and bodily wounding, as set out in Article 4 (§ [18.2-51](#) et seq.) of Chapter 4 of Title 18.2;
- ✓ Robbery, as set out in § [18.2-58](#);
- ✓ Carjacking, as set out § [18.2-58.1](#);
- ✓ Extortion by threat, as set out in § [18.2-59](#);

- ✓ Threat, as set out in § [18.2-60](#);
- ✓ Any felony stalking violation, as set out in § [18.2-60.3](#);
- ✓ Sexual assault, as set out in Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title 18.2;
- ✓ Arson, as set out in Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2;
- ✓ Burglary, as set out in Article 2 (§ [18.2-89](#) et seq.) of Chapter 5 of Title 18.2;
- ✓ Any felony violation relating to distribution of drugs, as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2;
- ✓ Drive-by shooting, as set out in § [18.2-286.1](#);
- ✓ Use of a machine gun in a crime of violence, as set out in § [18.2-289](#);
- ✓ Aggressive use of a machine gun, as set out in § [18.2-290](#);
- ✓ Use of a sawed-off shotgun in a crime of violence, as set out in subsection A of § [18.2-300](#);
- ✓ Pandering, as set out in § [18.2-355](#);
- ✓ Crimes against nature involving children, as set out in § [18.2-361](#);
- ✓ Taking indecent liberties with children, as set out in § [18.2-370](#) or [18.2-370.1](#);
- ✓ Abuse or neglect of children, as set out in § [18.2-371.1](#), including failing to secure medical attention for an injured child, as set out in § [18.2-314](#);
- ✓ Obscenity offenses, as set out in § [18.2-374.1](#);
- ✓ Possession of child pornography, as set out in § [18.2-374.1:1](#);
- ✓ Electronic facilitation of pornography, as set out in § [18.2-374.3](#);
- ✓ Incest, as set out in § [18.2-366](#);
- ✓ Abuse or neglect of incapacitated adults, as set out in § [18.2-369](#);
- ✓ Employing or permitting a minor to assist in an act constituting an offense (§ [18.2-372](#) et seq.);
- ✓ Delivery of drugs to prisoners, as set out in § [18.2-474.1](#);
- ✓ Escape from jail, as set out in § [18.2-477](#);
- ✓ Felonies by prisoners, as set out in § [53.1-203](#); or
- ✓ An equivalent offense in another state;
- ✓ Any felony violation relating to possession of drugs, as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, in the five years prior to the application date for employment; or
- ✓ Any felony violation relating to possession of drugs, as set out in Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, and continue on probation or parole or have failed to pay required court costs.



An attendant may not receive reimbursement for services if he or she is convicted of a barrier crime or is listed in the CPS Central Registry.

For the Children’s Mental Health Waiver, crimes listed in the *Code of Virginia* at §37.2-416 **and** 32.1-162.9:1 are barrier crimes, and conviction of any of them would prohibit the attendant from receiving Medicaid payment for their services. Remember, if the individual receiving CD services is a minor, a Virginia Department of Social Services (VDSS) *Child Protective Services (CPS) Request for Search of the Central Registry and Release of Information* form must also be completed as part of the packet sent to the fiscal agent.

Results of the CPS Registry and Criminal Records Checks

One of three results may occur as a result of the criminal history background check and *CPS Request for Search of the Central Registry*. Each circumstance will be handled differently as follows:

- ✓ **No convictions:** If there is no conviction found for the attendant on the criminal record check, and the attendant is not listed on the CPS Central Registry (if the individual receiving CD services is a minor), the individual may proceed with hiring and/or continued employment of the attendant.
- ✓ **One misdemeanor:** A person *may* be hired if he or she was convicted of one misdemeanor in accordance with the *Code of Virginia*, §37.2-314, §37.2-416, or §32.1-162.9:1, as appropriate to the waiver in which the individual is enrolled. If it is determined that an attendant has been hired who was convicted of a misdemeanor crime, and the required number of years, per the *Code of Virginia*, have passed, and the individual still wants the attendant to keep working, the individual must sign an *Individual/Employer Acceptance of Responsibility for Employment* and send it to the fiscal agent. The attendant must also not be listed in the CPS Central Registry.
- ✓ **Conviction of a crime that prohibits continuation of employment (i.e., a “barrier crime”) or listing in the CPS Central Registry:** If the criminal history record check finds that the attendant has been convicted of one of these crimes, OR if the attendant is listed in the CPS Central Registry, he or she will not be able to receive Medicaid payment to work for the individual.



If an individual chooses to hire an attendant who has been convicted of a misdemeanor not involving abuse, neglect, or low morals, and at least five years have passed, the individual must sign an Acceptance of Responsibility for Employment form.

There is no limit to the number of attendants or criminal background requests an individual may have. Regardless of the number of attendants working for the individual, the authorized hours for any given service must not be exceeded.

SUMMARY OF CONSUMER-DIRECTED WAIVER SERVICES TASKS

This form is provided as a tool of who completes each task; it does not need to be completed unless the individual wishes to do so.

INDIVIDUAL

- Is approved to be eligible for Medicaid waiver services and chooses to receive CD services, as approved.
- Signs and keeps the "Individual Selection of CD Services" form (see Chapter 2).
- Chooses and contacts a service facilitator (SF); signs and keeps agreement with the SF (see Chapter 2).
- Receives training and support (as requested) from the SF.
- Develops, with the SF, a service plan outlining the tasks that the individual wants the attendant to perform.
- Develops a back-up plan to cover unforeseen circumstances, such as illness, for vacations, holidays, etc.
- Develops a job description for attendant.
- Develops a list of family, friends, and acquaintances who may be interested in the job or as a back-up.
- Develops an ad and identifies places to post, if he or she is going to advertise.
- Develops a list of questions to ask the potential attendant and arranges to meet and interview attendants.
- Asks for and checks references of potential attendants.
- Selects and hires the attendant (the individual may hire more than one attendant).
- Trains the attendant and provides information to the attendant about training opportunities.
- Establishes a mutually agreeable schedule with the attendant, either orally or in writing.
- Agrees to provide adequate notice of changes that may be necessary in the attendant's work schedule, realizing such notice cannot be guaranteed in the event of unforeseen circumstances or emergencies.
- Uses the CD Attendant Checklist (optional) or similar way to document the attendant's activities.
- Explains to the attendant that the individual may need to pay a portion of the attendant's salary (the "patient pay" amount), if applicable; the fiscal agent pays the rest by check or direct deposit.
- Provides any safety equipment and supplies necessary to provide the individual's care.
- Completes all necessary employment forms provided in the Welcome Packet that includes necessary employment forms—one set for the individual to complete and one for the attendant. The following forms **MUST** be completed and returned to PPL (see Chapter Eleven for description of each form):
 - IRS SS-4: Application for Employer Identification Number (EIN)
 - VA FC-27: Registration for Employer Unemployment Account
 - VA Form PAR 101: Power of Attorney and Declaration of Representative.
 - IRS Form 2848: Power of Attorney and Declaration of Representative
 - VA R-1: Business Registration Application
 - IRS Form 2678: Employer Appointment of Agent Form
 - IRS Form 8821: Tax Information Authorization
 - Signatory Authorization Form
- Completes the *Acceptance of Employment Responsibility Form* **ONLY IF** the employer wants to hire an attendant with a criminal record that does not include a barrier crime. The individual must understand that if the required criminal record check shows that the attendant has a conviction of having committed a barrier crime, or the attendant is found in the Child Protective Services (CPS) Central Registry, the individual as the employer is prohibited from hiring or continuing to employ the attendant.
- Reads and signs with each attendant the Employment Agreement form (part of the Welcome Packet).
- Mails all completed employment forms from the Welcome Packet (both sets—the employer's set and the attendant's set) **to the fiscal agent** in the pre-stamped and addressed envelope provided by the fiscal agent in the Welcome Packet. The employer does NOT send payment for the Criminal Record Check of Central Registry check; the fiscal agent takes care of this. **ALL forms are returned to the fiscal agent.**
- Maintains a record of relevant documentation, including but not limited to, the service plan, timesheets, evidence of TB testing, if required, job description, evaluations, etc.

SERVICE FACILITATOR (SF) AND/OR CASE MANAGER

- Notifies the individual that CD services have been authorized.
- Faxes a copy of the Medicaid LTC Communication Form (DMAS-225) to the fiscal agent.
- Trains the individual using the CD Services Employee Management Manual provided at the Initial Comprehensive Visit to explain the individual's responsibilities; use and sign training checklist in Chapter 2.
- Signs and keeps the "Individual Selection of CD Services" form and Service Agreement between the Individual and the CD Services Facilitator (see Chapter 2).
- Helps the individual find attendants by providing a list of potential attendants. After attempting to find an attendant without success, the SF and the individual may explore the option of hiring a person who lives under the same roof or a family member. There must be documentation of the efforts to find an attendant and reasons why one could not be found. Informs the individual's primary health care provider that services are being provided.
- Requests skilled nursing consultation as needed (if the SF is not a RN or supervised by one).
- Provides the individual with other support as needed, including assistance with employment paperwork.
- Keeps a list of attendants who are interested in providing services.
- Assists the individual, as requested, to set up a system to submit time sheets to the fiscal agent and for the individual to keep a copy of the time sheets.
- Notes that the "individual is unable to sign" on the Signatory Authorization form if the individual is unable to sign the time sheets.

FISCAL AGENT (PPL)

- Makes sure all employment and financial rules are followed.
- Upon receipt of the Fiscal Agent Services Request Form, mails the individual an *Employment Packet*.
- Processes criminal records checks and child protective services (CPS) checks; notifies individual of results.
- Provides quarterly reports (i.e., the *Family Friendly Report*).
- Provides telephone assistance with payroll issues.
- Pays attendants and processes taxes.

ATTENDANT (THE EMPLOYEE)

- Completes the employment paperwork (the employee's set of forms from The Packet).
 - USCIS Form I-9 – Employment Eligibility Verification
 - IRS Form W-4
 - VA Form Va-4: Employment Agreement between Employer and Attendant
 - Federal Tax Exemption Form
- IF the attendant is new**, he or she must also complete the following:
 - SP 167 Criminal History Name Search Request
- IF the attendant is providing services to someone under 18 years old**, he or she must also complete:
 - VDSS Child Protective Services Central Registry Release
- IF the attendant wishes to set up bi-weekly direct deposit of the paycheck**, he or she must also complete the following; this is an optional form: Electronic Funds Transfer (EFT) Application
- Obtains a TB test, if required (see Chapter Four for requirements).
- Attends training at the request of the individual.
- Submits signed time sheets to the individual every two weeks.

CHAPTER SEVEN: EVERYDAY EMPLOYER DUTIES

RECORDKEEPING

As an employer, the individual needs to have a record keeping system, such as a three-ring notebook or folders to keep all papers related to the attendant. Some documents that must be kept include:

- ✓ The attendant's job application
- ✓ Notes from the interview
- ✓ Reference checks
- ✓ Copies of time sheets
- ✓ The agreement between the individual and the attendant
- ✓ Copy of forms submitted to the fiscal agent
- ✓ Record of training provided to the attendant
- ✓ Record of activities completed by the attendant (see optional *CD Attendant Documentation Form* in this chapter)
- ✓ Any other forms with the individual's signature

Good records can resolve disagreements, and the individual will find it is easier to fill out any reports that are needed. Remember to sign and date any documentation.

TRAINING NEW ATTENDANTS

The most important part of training the attendant is giving clear directions that can be easily understood. Be prepared so that the individual is comfortable giving instructions. A checklist or the service plan may help the attendant learn the routine. After reviewing the checklist with the attendant, it should be posted.

The individual may want to re-explain the types of things with which help is needed. When explaining how something needs to be done, especially something that may be new to the attendant, go over each step clearly. To make sure that the attendant understands, have him or her repeat it back and demonstrate if he or she can perform the task.

Explain any health or safety emergencies that might happen. Make sure that the individual's medical conditions are written down and include anything that the attendant must do in an emergency. Keep a list in the same place near the telephone with the name of the individual's doctor and telephone number, allergies, preferred hospital, disability, and the rescue/fire department telephone number. Go over who to call in case of an emergency and what family members, doctors, or friends to contact. Keep all contact numbers readily available. If there is an emergency, make sure the attendant knows to call 9-1-1, but that the attendant may also need to act first before calling 9-1-1.

Training does not happen in just the first day or week of employment. Review how things are to be done from time to time with the attendant to make sure that he or she is following your plan. If a task needs to



Make sure that emergency contact information for the individual is written and available.

be performed a certain way, explain how it should be done up front. Setting a routine of tasks that must be followed in a set order may help the attendant remember the tasks to be performed. A checklist may also help.

If you have special equipment, make sure your attendant knows how to work with your special equipment, including safety precautions. Be sure to explain how to use each piece of specialized equipment before allowing the attendant to use it. Explain all emergency safety procedures before allowing your attendant to use any equipment, and practice their use with your attendant. Make sure your attendant knows **exactly** what to do in case of an equipment malfunction which may render you unable to communicate. If there is a life-threatening injury resulting from an equipment malfunction, the attendant would need to call 9-1-1, but may also need to act first, if possible, before calling 9-1-1; so it's important to thoroughly understand the equipment in use and the appropriate steps to take in response to such an emergency. For more information on training an attendant, see "Training Your Personal Care Assistant" at:

www.hhr.virginia.gov/Initiatives/SystemsTransformation/Goals/selfDirectionDocs.cfm.

CD ATTENDANT DOCUMENTATION FORM

EOR's are encouraged to document each attendant's activities on a weekly basis. The *CD Attendant Documentation Form* shown on the following pages may be used for this purpose. One form should be used for each attendant each week. Place the dates for that week across the top shaded date line. Circle the activities from the list in the left-hand column that the attendant performs and place a check mark next to the activities that the attendant assists the individual with for that date. Refer to the definitions on the instruction page for tasks. If any activities are performed that are described as "Special Activities" on the form, there should be written documentation in the "Notes" section describing the activity.

The individual or EOR should sign and date the form after the week is completed. The attendant also signs and dates the form. By signing, both parties agree that the information is true and accurate.

Individuals should keep the completed forms in a folder or notebook as a record. **THE CD ATTENDANT DOCUMENTATION FORM is not to be sent to PPL or DMAS.** The SF may copy or review the form as agreed between the individual and the SF. While the use of this form is voluntary at this time, individuals are strongly encouraged to document the services provided by the attendant using this form or a similar one.

Instructions for Consumer-Directed Attendant Documentation Form

INSTRUCTIONS

1. Use one form for each attendant each week. Place dates for the week across the top shaded date line.
2. In the activity list in the left column of the form, circle the service(s) that the attendant provides.
3. Place a ✓ next to the activity(ies) that the attendant assists the consumer with for that date. Refer to the definitions below for the activities.
4. Activities listed under "Special Activities" must have written documentation in the "Notes" section of the form.
5. The consumer or the employer of record must sign and date the form after the week is completed. The attendant must also sign and date the form. By signing, both parties agree that the information is true and accurate.
6. Consumers should keep the completed forms in a folder or notebook as a record. **The form is not to be sent to DMAS or PPL.** The service facilitator (SF) may make a copy or review the form as agreed between the consumer and the SF. The use of the form is voluntary at this time.

DEFINITIONS

- **Bathing:** Includes all or part of getting in and out of the tub, preparing the bath (e.g., turning on the water), sponge bath, actually washing oneself and towel drying.
- **Dressing/Undressing:** Getting clothes from closets and/or drawers, putting them on, fastening, and taking them off. Clothing refers to clothes, braces and artificial limbs worn daily.
- **Toileting:** Getting to and from the bathroom, getting on/off the toilet, cleansing after elimination, managing clothes, and flushing the toilet.
- **Transferring:** The ability to move between the bed, chair, vehicle, and/or wheelchair.
- **Eating:** The process of getting food/fluid by any means into the body.
- **Ambulation:** Ambulation is the ability to get around indoors (walking) and outdoors (mobility), climb stairs and wheel.
 1. **Walking:** The process of moving about indoors on foot or on artificial limbs.
 2. **Wheeling:** The process of moving about by a wheelchair.
 3. **Stair Climbing:** The process of climbing up and down a flight of stairs from one floor to another.
- **Turn/Change of Position:** Assisting with changing the position of the body to avoid pressure of skin, soft tissue, muscle, and bone against a hard surface that could lead to skin breakdown.
- **Personal Grooming:** Includes toothbrushing, combing and arranging hair, and basic hygiene.
- **Supervision:** Overseeing the health, safety, and welfare of the participant.
- **Meal/Snack Preparation:** Plan, prepare, cook, and serve food.
- **Cleaning Kitchen:** Washing and putting away dishes, wiping surfaces, etc.
- **Cleaning Other Areas Used by Consumer:** Light housework such as dusting, vacuuming, cleaning floors, and cleaning the bathroom used by the consumer.
- **Making Bed/Changing Bed Linens:** Removing bed linens and replacing with fresh ones; arranging bed linens neatly.
- **Shopping/Making Shopping List:** Listing items needed from store; getting to and from the store, obtaining groceries and other necessary items such as clothing, toiletries, household goods and supplies, paying for them, and carrying them home.
- **Laundry (the consumer's):** This includes putting clothes in and taking them out of the washer/dryer and/or hanging clothes on and removing them from a clothesline, and ironing, folding, and putting clothes away.
- **Money Management:** Managing day-to-day financial matters such as paying bills, writing checks, handling cash transactions, and making change.
- **Medical Appointments:** Scheduling and attending necessary medical appointments.
- **Work/School/Social:** Participating in community activities including work, school, and social/recreational activities.
- **Transportation:** Includes the ability to either transport oneself or arrange for transportation, to get to and from, and in and out of the vehicle (e.g., a car, taxi, bus, or van).
- **Using the Telephone:** Look up telephone numbers, dial, hear, speak on, and answer the telephone.

SPECIAL ACTIVITIES

The following activities, when part of an individual's Plan of Care or Individual Service Plan, require physician orders, training of the attendant, and monitoring by a licensed registered nurse (RN) or primary care physician and special documentation by the Consumer-Directed Service Facilitator, as appropriate per waiver.

- **Bowel/Bladder Program:** Assistance/training with duties related to incontinence of bowel and/or bladder elimination.
- **Routine Wound Care:** Attending to an open or break of the skin (that does not include sterile technique or sterile dressing).
- **Range of Motion (ROM):** The extent to which a joint is able to go through all of its normal movement. ROM exercise helps increase or maintain flexibility and movement in muscles, tendons, ligaments, and joints.
- **Assist with Self-Administered Medication:** Assisting with the administration of medication (not to include in any way determining the dosage of medication).
- **Vital Signs:** The temperature, pulse rate, and respiratory rate of an individual. May include notations on seizure chart.

TIMESHEETS 101

Everyone wants to be paid on time! As the employer, you are responsible for ensuring your attendant is paid correctly and on time. It is very important to complete accurate timesheets. Even a seemingly small error can cause a delay in payment to your employee. The next section offers some good tips for getting the timesheet through the first time.

A delay in payment to the attendant can be caused by submitting timesheets with errors. Review timesheets carefully before submitting them for payment. Please note that the fiscal agent CANNOT change a timesheet.

It is important that the individual has the necessary information to perform as an employer. This information is provided at the back of the *Employment Packet*. A signed timesheet will authorize PPL to issue a paycheck for DMAS authorized services. A timesheet can be faxed or mailed, but must be legible and signed. Paychecks are issued every other week. A copy of the timesheet can be found on the PPL website at www.publicpartnerships.com. **This is the only timesheet that PPL will process.**

Depending on where you live, you will use Schedule A or Schedule B. Both can be found on the PPL website at www.publicpartnerships.com.

Here are some tips to help you get the timesheet through the first time:

TIMESHEET DO'S

- ✓ Use the official timesheet provided by the fiscal agent. The fiscal agent cannot pay attendants if a different timesheet is submitted.
- ✓ Print legibly. Write numbers and letters clearly.
- ✓ Enter the provider ID # and Medicaid # on EVERY timesheet.
- ✓ Make sure that the individual's and the attendant's names and ID # are on every sheet.
- ✓ Use a separate timesheet for each service type. Fill in only one service type (i.e., respite, attendant, or companion) bubble per timesheet.
- ✓ Use black ink. Do not use pencil or colored ink.
- ✓ Stay inside the lines; try not to touch the edges of the box when writing numbers and letters.
- ✓ Complete one timesheet per employer.
- ✓ Fax timesheets to 1-888-564-1532. Keep a copy of the fax confirmation.
- ✓ Be sure that the individual, the employer, has service units available.
- ✓ The attendant and the employer (or designated person) must both sign the timesheet.
- ✓ Double-check the use of AM and PM. Are they correct?
- ✓ Add the total hours on the timesheet per line; do the hours add up correctly?
- ✓ Be sure to include information for Week 1 and Week 2 dates; remember that timesheets are completed for 2-week intervals.
- ✓ Do the begin and end dates match the payroll schedule?
- ✓ Circle dates to indicate when a patient pay amount is due, if applicable.
- ✓ Note that there are 2 schedules. **Schedule A** must be used by consumers living in the Tidewater and Central Virginia Region. **Schedule B** is used by consumers living in Northern Virginia,



*Payment delays
are caused by
timesheets that
are submitted
incomplete or
with errors.*

Piedmont, and Southwest Virginia. It is important to follow the correct payroll schedule for the individual's region. The chart at the end of this chapter identifies the localities that are included in each region. Copies of the schedules are available on the fiscal agent's website.

- ✓ Make copies of the timesheet that are of good quality, that are full-sized (not reduced on a copier) and straight (not misaligned during copying). This is necessary in order for the fiscal agent's scanners to read them. Poor quality copies may cause delays in receiving payment.
- ✓ Use two lines when an attendant starts and stops work two times in the same day (e.g., works 9:00 to noon in the morning, then works 4:00 to 6:00 in the evening).
- ✓ If time crosses over midnight, put hours up until midnight on one day and those after midnight on the next day.
- ✓ Fill in boxes with hours and minutes. Two and a half hours is completed 2:30.
- ✓ Enter the date in the "Pay Period START" column next to "WEEK 1 DATE" on the timesheet.
- ✓ Enter the date in the "Pay Period END" column next to "WEEK 2 DATE" on the timesheet.

TIMESHEETS DON'TS!

- ✓ Do not develop your own timesheet; the one provided by the fiscal agent **must** be used.
- ✓ Do not use faded copies of timesheets.
- ✓ Do not use military time.
- ✓ Do not leave blank "total hours worked." Always add up the hours and double-check addition.
- ✓ Do not send a cover letter with the timesheet.
- ✓ Remember to bubble in a service type (type (i.e., respite, attendant, or companion).
- ✓ Do not send a timesheet until the individual and the attendant are "good to serve."
- ✓ Do not send a timesheet until the hours have been authorized.
- ✓ Do not send a timesheet until the scheduled hours have been worked.
- ✓ Do not shrink the timesheet to get two sheets on one page.
- ✓ Do not list a minor as the EOR; this person needs to be at least 18 years of age to serve as an employer in CD services programs.
- ✓ Do not cross out information if a mistake is made. Complete a new timesheet.
- ✓ Do not write notes on the timesheet or make stray marks.
- ✓ Remember to fill in all information such as Attendant and Consumer ID and Service Type.
- ✓ Do not use one timesheet for two consumers or more than one service type.
- ✓ Do not use decimals.



*Be sure to review
the Do's and
Don'ts of
submitting
timesheets!*

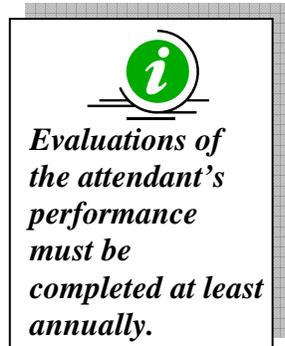
When completing timesheets, be aware of the number of hours that have been authorized and do not request reimbursement to the attendant for more hours than have been authorized. Doing so will delay processing of the timesheet. Timesheets must not be submitted to the fiscal agent until preauthorization has been received.

Note that timesheets have expiration dates. If an attendant has not provided CD services for 12 months, he or she must re-enroll (that is, complete a new *Employee Packet*). The Employee Identification Number can also be retired if not used.

If new timesheets are needed, visit www.publicpartnerships.com to obtain a clean copy. For additional questions, contact PPL's Customer Service Center at 1-866-259-3009.

JOB EVALUATIONS

Evaluations given to the attendant provide feedback about how he or she is doing on the job. Evaluations are important because they let attendants know what they are doing well (through praise) and how they can do better (through recommendations).



When the individual evaluates the attendant, the individual should give him or her time to react to the feedback. The individual should give the attendant his or her full attention and really **listen**. After the attendant has finished speaking, the individual should repeat in his or her own words what was said to make sure that the individual understands. The individual might begin with saying, “So what you are telling me is. . .” or “So you are saying . . .?” This gives the individual a chance to make sure that what the attendant has said is understood.

The individual may use the written job description or a checklist that includes the job duties that the attendant is expected to perform to help the individual evaluate the attendant. Using the checklist gives the individual a chance to solve small problems before they become too big. Checklists can also protect both the individual and the attendant by providing a written record of the duties of the job. They are also helpful if the individual is ever asked for a job reference for a former attendant or if the individual needs to explain why he or she fired an attendant.

Evaluations of the attendant's performance must be completed at least annually and retained in the individual's records.

COMMUNICATING WITH THE ATTENDANT

Employers want attendants to be happy and satisfied with their work. Good communication is the key. An attendant who is pleased in the work setting may stay longer and do a better job. Here are some general communications tips:

1. Attendants want to feel that their work is appreciated, needed, and important. When the individual needs to tell the attendant that he or she is not pleased with something, be open and honest; make suggestions about how the tasks need to be completed.
2. Don't let small things add up until an angry explosion occurs. Letting out anger in this way is hurtful. If the individual feels upset about something that is happening, talk about it as soon as possible.
3. Respect the attendant and treat him or her the way you would like to be treated. Be honest, fair, kind, respectful, and patient.
4. Although the attendant works for the individual, the individual should not ask the attendant to do more than he or she should. People need time off for their personal lives. The hours and times on the job description should be followed. Attendants should not be asked to complete tasks that are not on the job description.

5. Ask the attendant how he or she feels about the work and about the individual as an employer. Set up a regular time to share concerns and ideas about the work.

SAFETY AND PRECAUTIONS

The attendant and the individual should be safe at all times. It is important to be careful when handling human body fluids, such as blood, any body fluid with blood in it, mucous, urine, feces, vomit, saliva, semen, and vaginal fluid.

If there is a chance that the attendant will touch blood or any of the other body fluids above, broken skin, or the individual's eyes or nose, he or she should always wear disposable (plastic gloves that can be thrown away) gloves and coverings, such as aprons or eye goggles. These will help keep the individual and the attendant from becoming sick.

Attendants should wear gloves when they are changing bandages and bathing the individual if the individual has broken skin. Disposable gloves are not to be washed or re-used. They are to be thrown away as soon as they become soiled, torn, get a hole, or if they seem like they won't protect the attendant for any reason. A new pair of gloves should then be used.

Face masks or goggles are to be used when there is a chance the attendant might be splashed or sprayed with blood or another body fluid from the list above. For example, splashing could include a cut that is bleeding so much that some might splash on the attendant after hitting the floor, or a container of urine that is accidentally spilled or dropped on the floor.

Sometimes a plastic apron or other protective clothing should be worn by the attendant to protect his or her own clothes from getting blood or other body fluids on them.

After taking off gloves, goggles or other protective items, the attendant should wash his or her hands and any other skin areas that might have touched the body fluid with soap and water right away. If the attendant touched any body fluid and is worried, he or she should contact the local department of health or his or her primary care physician as soon as possible.

All of this information should be given to the attendant while the individual is training him or her. Remind him or her each day, if the attendant has trouble remembering, to follow these important health practices. If the attendant will be exposed to blood or other body fluids with blood in them, the individual *may* be able to get disposable gloves, gowns, or masks through Medicaid from a durable medical equipment provider of the individual's choice.

ACCIDENTS ON THE JOB

As the employer, the individual needs to be aware of any dangers in the individual's home that might cause an accident or injury. The individual is expected to give the attendant clear, safe directions while he or she assists the individual or does household tasks. "Attendant safety first" is at the top of the list of the individual's duties as an employer.



Attendants in this program are not covered under Workers' Compensation.

If the individual isn't sure how to tell the attendant to do a certain task in the safest way (for example, help the individual transfer from the wheelchair to the

toilet), have someone who has done this task before and knows the right way to do it work with the individual and the attendant to show the best way.

Some employers have made a videotape of the transfer techniques and show this to new attendants as part of their training. Remember, it is much easier and costs less to keep an accident or injury from happening than it is to take care of it after it happens. If the attendant is hurt while working for the individual, he or she should be encouraged to get the medical help he or she needs.

IMPORTANT: Attendants are not covered under Workers' Compensation through this program.

IDENTIFICATION OF REGIONS IN SCHEDULES A AND B

<i>SCHEDULE A</i>			<i>SCHEDULE B</i>		
TIDEWATER	CENTRAL	CENTRAL	NORTHERN VA	SOUTHWEST	PIEDMONT
<i>Counties</i>	<i>Counties</i>	<i>Counties</i>	<i>Counties</i>	<i>Counties</i>	<i>Counties</i>
Accomack	Amelia	Albemarle	Arlington	Bland	Alleghany
Brunswick	Charles City	Caroline	Augusta	Buchanan	Amherst
Dinwiddie	Charlotte	Chesterfield	Clarke	Carroll	Appomattox
Greensville	Cumberland	Fluvanna	Culpeper	Dickenson	Bath
Isle of Wight	Essex	Goochland	Fairfax	Floyd	Bedford
James City	Gloucester	Greene	Fauquier	Giles	Botetourt
Northampton	King and Queen	Hanover	Frederick	Grayson	Buckingham
Southampton	King William	Henrico	Highland	Lee	Campbell
Surry	Lancaster	King George	Loudoun	Montgomery	Craig
Sussex	Lunenburg	Louisa	Madison	Pulaski	Franklin County
York	Mathews	Nelson	Page	Russell	Halifax
<i>Cities</i>	Mecklenburg	Orange	Prince William	Scott	Henry
Chesapeake	Middlesex	Powhatan	Rappahannock	Smyth	Patrick
Emporia	Northumberland	Stafford	Shenandoah	Washington	Roanoke County
Hampton	Nottoway	<i>Cities</i>	Warren	Wise	Rockbridge
Newport News	Prince Edward	Charlottesville	<i>Cities</i>	Wythe	<i>Cities</i>
Norfolk	Prince George	Colonial Heights	Alexandria	<i>Cities</i>	Bedford
Poquoson	Richmond County	Fredericksburg	Fairfax	Bristol	Buena Vista
Portsmouth	Westmoreland	Hopewell	Falls Church	Galax	Covington
Suffolk		Petersburg	Harrisonburg	Norton	Danville
Virginia Beach		Richmond City	Manassas	Radford	Lexington
Williamsburg			Manassas Park		Lynchburg
			Staunton		Martinsville
			Waynesboro		Roanoke
			Winchester		Salem

Schedule A includes the Tidewater and Central regions. **Schedule B** includes Northern Virginia, Southwest, and Piedmont regions.

CHAPTER EIGHT: EMPLOYER/EMPLOYEE RELATIONSHIPS

DIFFICULT SITUATIONS

From time to time, difficult situations may arise between the individual and the attendant. If there is a concern, the individual and the attendant should first try talking about the problem together. Most of the time, talking it over and telling him or her what is expected will help. Sometimes small problems can pile up or “mushroom” and become large problems. Talking about the small things right away will keep them from growing into bigger problems.

When talking to the attendant, here are some suggestions:

1. Describe the attendant’s actions without calling names, blaming or insulting. Make sure the disagreement is over actions, not personalities. An example of a way to describe actions is, “You have been late for work the last four mornings.”
2. Describe the problem as one that you both have, and one that you want to solve. Don’t describe it as a win or lose battle. An example of how to do this is, “When you are late, I am late for work. What can we do to solve this problem?”
3. Describe the problem as specifically and clearly as possible and give examples. For example, the individual could say, “When you are late for work, I can’t get ready for work in time to catch the bus on time.”
4. Describe feelings and reactions to the attendant’s job performance. The individual might say, “I feel angry when you don’t show up for work on time.”
5. Describe any part of the problem that may be the individual’s responsibility. An example is, “I know I didn’t tell you that the next bus that goes by my job gets me there an hour late.”

After listening and talking together, try to agree on a plan that will solve the problem. Sometimes it’s hard to tell people that you’re unhappy with them. If the individual has problems talking about what’s bothering the attendant, ask a trusted family member or the SF for help in working things out with the attendant.

FIRING AN ATTENDANT

If talking does not fix the problem, the individual may have to give the attendant a warning. Let the attendant know that the individual is not happy with the way he or she is doing the job. Explain the reasons for being unhappy and give examples. Ask the attendant for his or her understanding of the concern and give him or her a certain amount of time (maybe a week or so) to change. As the employer, the individual may fire the attendant immediately if a serious matter has taken place. It is a good idea to write down (or have someone write down for the individual) the problems that the individual is having with the attendant.

If things don't improve after talking over the concerns and discussing any changes that might be needed, the attendant's employment may need to be terminated. As the employer, the individual has this right.

NOTICE OF DISCONTINUED EMPLOYMENT



Be sure to submit a Notice of Discontinued Employment form whenever an attendant no longer provides services to the individual.

When an attendant is fired, the individual must submit a *Notice of Discontinued Employment* form (found on the PPL website) to the fiscal agent as soon as possible. The individual should give the attendant adequate notice (in other words, let him or her keep working for a week or two more). This gives the individual time to find a new attendant and gives the attendant time to get another job. Be sure to ask the attendant to return any keys or other things of the individual's before his or her last workday.

ABUSE, FRAUD, AND NEGLECT

If an attendant is being fired because of **abuse, fraud, or neglect**, the individual has the right to fire the person right away. In this case, be sure to report the abuse, fraud, or neglect to the SF and Adult Protective Services (APS) or Child Protective Services (CPS), as appropriate, immediately.

Anyone may report suspected child maltreatment to local departments of social services or the statewide **Child Abuse and Neglect Hotline** 24 hours per day, seven days a week. The hotline number within Virginia is 800-552-7096 and 804-786-8536 outside the state.

Attendants and SFs are mandated reporters in the Commonwealth of Virginia. As such, they are required to report any suspected abuse, neglect, or exploitation of the individual immediately to the local department of social services in the locality in which the individual resides or to the Statewide, toll-free hotline. Anyone may report suspected adult abuse, neglect, or exploitation to local departments of social services or the statewide **APS Hotline** 24 hours per day, seven days a week. The hotline number is 888-832-3858 and 804-371-0896 within the Richmond area.

FINDING A NEW ATTENDANT

If the back-up attendant cannot help the individual until a new attendant is hired, the individual may request a list of potential attendants from the SF. The individual may use this list to find a new attendant or a substitute until another attendant can be found.

If hiring or keeping an attendant is difficult for the individual, his or her health and safety may be at risk. This may especially be a problem if the backup support plan cannot meet all of the individual's needs over time. In this case, the individual and the SF may need to talk about obtaining agency-directed services for the individual.

The individual may decide that hiring or keeping attendants is not working out and the individual is no longer interested in CD services. The individual may ask the SF and the case manager, as appropriate, to help obtain other services that meet the individual's needs.

CHAPTER NINE: THE FISCAL AGENT

The fiscal agent provides the attendant with a packet of information (the *Employment Packet*) about the forms he or she must complete. The fiscal agent provides services on the individual's behalf. Public Partnerships, LLC, is the current fiscal agent for DMAS for the CD services program. The fiscal agent is responsible for:

- ✓ Management of enrollment packets
- ✓ Maintenance of preauthorization information
- ✓ Helping the individual and his or her employees (i.e., attendants) with the enrollment process
- ✓ Approval of attendant employment and tax-related documents
- ✓ Payroll processing and issuance of paychecks to attendants every two weeks with the receipt of signed timesheets for DMAS-approved services
- ✓ Calculations and deposits of State and federal income tax and Medicare, Social Security, and unemployment taxes (FICA, FUTA, SUTA) and withhold appropriate State and federal taxes for each attendant to maintain tax compliance
- ✓ Completion of criminal background checks for each attendant
- ✓ Provision of regular reports on the attendant's salary
- ✓ File monthly, quarterly, and annual forms and tax deposits with State and federal agencies
- ✓ Issue W-2 Statements to each attendant in January
- ✓ Provide reports to the individual showing services used and services remaining
- ✓ Answer all questions that the individuals and attendants have about payroll and services

If there are questions, please contact PPL's Customer Service toll-free at:

1-866-259-3009

The Customer Service Center is open from 8:00 a.m. to 7:00 p.m. each business day.

The address for PPL is:

Consumer-Directed Payroll
4991 Lake Brook Drive
Suite 90
Glen Allen, VA 23060

Fax: 1-866-709-3319

The website is www.publicpartnerships.com. This site contains forms and training materials, including payroll schedules and timesheets. The home page for the fiscal agent looks like the copy on the next page.

In the client login box, the **USERNAME** is **VACLIENT**; the **PASSWORD** is **PCGVA67**.



[Home](#) | [Location of Current Programs](#) | [Virginia Consumer-Directed Fiscal/Employer Agent \(F/EA\) Services](#)

Virginia Consumer-Directed Fiscal/Employer Agent (F/EA) Services

Public Partnerships, LLC (PPL) is pleased to provide Fiscal/Employer Agent (F/EA) services, on behalf of the Virginia Department of Medical Assistance Services (VADMAS), to Medicaid recipients or representatives receiving consumer-directed services. Consumer-directed attendants provide personal care services and related services to

Eligible recipients participating in the following programs:

Client Login

Username:

Password:

CHAPTER TEN: RESOURCES

DMAS: For EDCD, MR/ID, IFDDS, and HIV/AIDS Waivers:

Virginia Department of Medical Assistance Services (DMAS)

600 East Broad Street, Richmond, Virginia 23219

Telephone: 804-225-4222 (Division of Long-Term Care)

www.dmas.virginia.gov

For Maternal and Child Health Waiver:

Virginia Department of Medical Assistance Services (DMAS)

600 East Broad Street, Richmond, Virginia 23219

Telephone: 804-225-4285 (Division of Maternal and Child Health)

www.dmas.virginia.gov

PPL: Public Partnerships, LLC

Consumer-Directed Payroll

4991 Lake Brook Drive

Suite 90

Glen Allen, VA 23060

Telephone: 1-866-259-3009 (toll-free)

Fax: 1-866-709-3319.

www.publicpartnerships.com

TLT: Transformation Leadership Team

<http://www.hhr.virginia.gov/Initiatives/SystemsTransformation/Goals/selfDirectionDocs.cfm>

VPPD: Virginia Partnership for People with Disabilities

www.vcu.edu/partnership/cdservices.htm

CHAPTER ELEVEN: FORMS IN THE EMPLOYMENT PACKET

Below is a list of forms necessary for participation in the DMAS waiver consumer-direction program. Unless otherwise noted, copies of these forms and their instructions can be found at www.publicpartnerships.com. Forms beginning with “VA” and “SP” are State forms. Forms beginning with “IRS” and “USCIS” are federal forms.

NOTE: ALL of these forms are to be returned together to PPL in the stamped envelope provided by PPL. No check, money order, or other method of payment should be included; PPL pays the State Police for the Criminal Record Check and the Department of Social Services for the Child Protective Services Central Registry Check on behalf of the individual receiving services.

FORMS TO BE COMPLETED BY THE EMPLOYER

Employers must complete the following forms before the fiscal agent can pay attendants:

- **IRS SS-4:** Application for Employer Identification Number (EIN). This form is used to collect attendant marital status, allowances and exemptions for state income tax withholding.
- **IRS Form 2678:** Employer Appointment of Agent Form. This form tells the IRS that the individual is giving the fiscal agent permission to complete tax processes on the individual’s behalf for this program. When this form is submitted to the fiscal agent, the individual is giving them permission to act as the individual’s agent, but also to have the responsibility to handle all of the individual’s employer tax responsibility and liability through this program.
- **IRS Form 2848:** Power of Attorney & Declaration of Representative. This form establishes the fiscal agent as the mailing address on the employer account. By filing this form, the fiscal agent ensures that all IRS mail attached to the individual’s EIN comes to the fiscal agent. This form does NOT allow the fiscal agent to obtain or sign for any personal income tax information. The fiscal agent will only be able to sign the forms listed on the document.
- **IRS Form 8821:** Tax Information Authorization. This form allows the fiscal agent to discuss the employer withholding account with the IRS. This is different than the Power of Attorney form because it does not allow the fiscal agent to sign the forms, only call or write the IRS on the individual’s behalf. Only the people listed on the second page of this form, the fiscal agent representatives, will be able to discuss an individual’s employer tax account. This form does not authorize anyone else to do that.
- **VA FC-27:** Registration for Employer Unemployment Account.
- **VA Form PAR 101:** Power of Attorney & Declaration of Representative. Form PAR 101 Power of Attorney is very similar to the IRS 2848 Power of Attorney, except PAR 101 is for the Virginia Department of Taxation. This form tells the Department of Taxation that the individual

authorizes the fiscal agent's certified public accountant to sign quarterly and annual employer tax reports.

- **VA R-1: Business Registration Application.** It is like the SS-4, except it is for Virginia. It tells the Virginia Department of Taxation that the individual will have employees in the State of Virginia. The fiscal agent files this form with the Department of Taxation to establish the employer account and to obtain account numbers on the individual's behalf.
- **Signatory Authorization Form:** To compare signatures on time sheets. This one-page form is used if the employer wants to authorize other individuals to sign documents such as timesheets. It tells the fiscal agent that the individuals whose names and signatures are on the form are authorized to sign on the employer of record's behalf.
- **Individual Selection of Consumer-Directed Services:** This form is signed by the individual and is found on the DMAS website at www.dmas.virginia.gov. It acknowledges that the individual has chosen CD services and an approved service facilitation provider. The Code of Federal Regulations at § 441.464(c)(1) requires that the individual have a choice of CD services or agency-directed services when he or she is eligible for a waiver program that includes consumer-direction.
- **Service Agreement between the Individual and the CD Services Facilitation Provider:** This form is found on the DMAS website at www.dmas.virginia.gov and establishes the relationship, roles, and responsibilities of the individual and the SF. This form should be signed and dated by both parties and kept by both the individual and the SF.
- **Consumer-Directed Recipient Comprehensive Training Form (Outline & Checklist):** This form is found on the DMAS website at www.dmas.virginia.gov and is a checklist for the SF to use when reviewing training needs with the consumer. This form should be signed and dated by both parties and kept by both the individual and the SF.

Other Forms that Are Completed by the Employer in Special Circumstances:

- **Notice of Discontinued Employment** form is completed when the attendant stops working for the employer. Use this form to notify the fiscal agent when an employee stops working for the individual. The fiscal agent needs to know when an employee/attendant stops working for an individual so that payments are no longer made to that person on the individual's behalf. In addition, the fiscal agent needs to know the reason the person is no longer working for the individual so that the fiscal agent may inform tax authorities the correct reason.
- **Acceptance of Employment Responsibility** form is required if the employer wants to hire an attendant with a criminal record that does not include barrier crimes. If potential employees have been convicted of one of these crimes, or has a positive finding in the CPS Central Registry, they may not be hired under any circumstances.

FORMS TO BE COMPLETED BY THE EMPLOYEE (THE ATTENDANT)

- **USCIS Form I-9 Department of Homeland Security – Employment Eligibility Verification:** This form is used to confirm an attendant’s immigration and U.S. citizenship information. The employer is responsible to verify that the employee is eligible to work in the U.S. The individual must verify the employee’s identity by confirming that all verifications required were presented. The individual must not sign the I-9 unless he or she has seen official documents to confirm their identity. The individual is not required to validate the authenticity of documents.
- **IRS Form W-4:** Used to collect attendant marital status, allowances, and exemptions for federal income tax withholding.
- **IRS Publication 797 Earned Income Credit (EIC):** The EIC is a refundable tax credit for certain workers. Refer to the publication to determine if the attendant is eligible for this credit.
- **Federal Tax Exemption Information Form:** Collects information to determine if certain tax exemptions apply to attendants. This form is used to identify the relationship between employers (consumers) and their employees (providers/attendants).
- **VA Form VA-4: State Income Tax Withholding Allowances:** This form is used to notify the employer whether the attendant is subject to Virginia income tax withholding and how many exemptions he or she is allowed to claim. This form must be filed with the employer when employment begins. If it is not filed, the employer must withhold Virginia income tax as if the individual has no exemptions.

These two State forms must be completed for NEW attendants only:

- **SP 167 Criminal History Name Search Request:** Attendants must complete two forms enclosed in employee packets and submit to PPL. All potential employees submit to a Criminal History Check. Convictions for certain crimes disqualify a potential employee from providing services. These checks are conducted by the Virginia State Police. Potential employees must complete and sign both forms. Both copies need to be notarized and submitted to the fiscal agent. **The fiscal agent will conduct the limited criminal history on behalf of the employer and pay the required fee. The CD services employer does not pay the fee.**
- **Virginia Department of Social Services (DSS) Child Protective Services (CPS) Central Registry Release:** Attendants who deliver services to individuals under 18 years old must complete this form. This form authorizes the fiscal agent to check with DSS/CPS to determine whether a complaint of abuse or neglect against a child has been registered. **The fiscal agent pays the required processing fee, not the CD services employer.**

This PPL form is optional. It is completed if the attendant wants direct deposit for the pay check.

- **Electronic Funds Transfer (EFT) Application:** Used to set-up direct deposit of bi-weekly pay check for attendant. Even current attendants must submit this form and a cancelled check to PPL to have their paycheck directly deposited into their bank account.

CHAPTER TWELVE: SUMMARY

Below is a summary of the people involved with the individual's care and his or her responsibilities. If the individual has any questions, talk with the SF or call the fiscal agent.

SUMMARY OF RESPONSIBILITIES FOR CD SERVICES								
Task	YOU-as the Employer (or a family/caregiver)	Fiscal Agent (PPL)	Attendant	DMAS	KePRO	VDSS	Service Facilitator	Case Manager (see note)
Determining Medicaid eligibility						✓		
Determining waiver eligibility				✓				
Preauthorization of services				✓	✓		*	*
Determining service plan and hours	✓						✓	✓
Management training for individual	✓						✓	✓
Training attendant	✓						*	*
Hiring/firing attendant	✓						*	*
Submitting paper work to be CD employer	✓	✓	✓				*	*
Submitting paper work to be CD Attendant	✓	✓	✓				*	*
Submitting time sheet for CD Attendant	✓	✓	✓				*	*
Paying attendant	✓ (if patient pay required)	✓					*	*
Providing CD services			✓				*	*
Routine consumer visits (up to 8 a year)	✓						✓	✓
Semi-annual assessment of consumer	✓						✓	✓
Quality management review	✓			✓			✓	✓

* = Supportive services to consumer on these tasks as needed

Note: The EDCD Waiver does not have case managers.

APPENDIX A: DEFINITIONS USED IN CONSUMER-DIRECTED SERVICES

Agency-Directed (AD) Services – A waiver service for which a provider (not the individual receiving services) is responsible for directing and managing services in accordance with the service plan.

Attendant – The person hired to provide consumer-directed personal assistance. This term is also used in this manual to describe persons who provide respite or companion services through consumer-directed services. The attendant is also referred to as the “employee” in this manual.

Barrier Crimes - Serious offenses that, if found in an employee’s or potential employee’s Criminal History Record, are grounds for not being hired or immediate dismissal. The list includes such crimes as murder, abduction, assault, robbery, arson, abuse and neglect.

Case Management - The assessing and planning of services; linking the individual to services and supports identified in the consumer service plan; assisting the individual directly for the purpose of locating, developing or obtaining needed services and resources; coordinating services and service planning with other agencies and providers involved with the individual; enhancing community integration; making collateral contacts to promote the implementation of the consumer service plan and community integration; monitoring to assess ongoing progress and ensuring services are delivered; and education and counseling that guides the individual and develops a supportive relationship that promotes the consumer service plan.

Case Manager (CM) - The person that manages cases and assists enrolled individuals to find providers of services. The case manager provides services to ensure that you receive appropriate and necessary services. There is no case manager available in the Elderly and Disabled with Consumer Direction (EDCD) Waiver.

Centers for Medicare and Medicaid Services (CMS) - The unit of the federal Department of Health and Human Services that administers the Medicare and Medicaid programs.

Consumer-Directed Companion Care - Non-medical care, supervision, and socialization provided to an adult or a child participating in the Children’s Mental Waiver. The provision of companion services does not entail hands-on care and is provided in accordance with a therapeutic goal in the Consumer Service Plan. This shall not be the sole service used to divert an individual from institutional care. The individual will be responsible for hiring, training, supervising, and firing the companion. If the individual is unable to independently manage his own companion services, a family member/caregiver may serve as the employer on behalf of the individual.

Consumer-Directed (CD) Employees - Persons hired by the CD Employer to perform CD Personal Assistance, CD Companion, or CD Respite services offered under the MR Waiver.

Consumer-Directed (CD) Employee List - A list maintained by a CD services facilitator that contains the names of persons who have experience providing personal assistance, companion, or respite services or who are interested in doing so, and who are willing to be listed on the list.

Consumer-Directed (CD) Employer - An individual who chooses to use CD services and assumes the responsibility of hiring, training, supervising and firing assistants or companions. If the individual is unable to independently manage his or her own consumer-directed services or if the individual is under 18 years of age, a family member/caregiver must serve as the CD employer on behalf of the individual.

Consumer-Directed Employer Manual - A manual provided by the CD services facilitator to the CD employer at the Initial Comprehensive Visit that explains his or her responsibilities as an employer.

Consumer-Directed (CD) Personal Assistance Services - Assistance with activities of daily living, instrumental activities of daily living, access to the community, self-administration of medication, or other medical needs, and the monitoring of health status and physical condition. The individual will be responsible for hiring, training, supervising, and firing the personal assistant. If the individual is unable to independently manage his own personal assistance services, a family member/caregiver may serve as the employer on behalf of the individual.

Consumer-Directed Respite Care - Services provided to eligible individuals who are unable to care for themselves, provided on an episodic or routine basis because of the absence or need for relief of those unpaid persons normally providing the care. The individual will be responsible for hiring, training, supervising, and firing the respite assistant. If the individual is unable to independently manage his own respite services, a family member/caregiver may serve as the employer on behalf of the individual.

Consumer-Directed (CD) Services - Support services that are necessary to enable an individual to remain at or return home rather than enter an institution. Services may include assistance with bathing, dressing, toileting, transferring, and nutritional support necessary for consumers to remain in their own homes or in the community. Services can also include supervision, respite, and companion services.

Criminal Records Check - A requirement of all CD employees prior to their employment. PPL assists individuals in processing these. The CD services facilitator assists individuals in processing these checks through the Virginia State Police.

Department of Medical Assistance Services (DMAS) - The state agency that is responsible for managing Medicaid-funded long-term care programs.

Department of Social Services (DSS) - The Department of Social Services, the state agency responsible for determining financial eligibility for Medicaid and all Medicaid waiver services in Virginia.

Eligibility Determination – The process to determine whether an individual meets the eligibility requirements specified by DMAS to receive Medicaid benefits.

Emergency Back-Up Plan - A plan developed by and for an individual using CD services that identifies a family member, neighbor, friend, or paid employee willing and available to assist an individual in case the CD employee is unable to work as expected or terminates employment without notice. Individuals who do not have a back-up plan are not eligible for CD services until they have developed one.

Employer – Employer of Record (EOR) - The individual receiving CD services from a personal attendant who is hired, trained, and supervised by the individual. This may also be the individual's representative. In this manual, this person may also be referred to as "the individual."

Employer Management Training - Training provided by the CD services facilitator to the CD employer within 7 days of authorization of services (of at the Initial Comprehensive Visit) that explains the CD employer's responsibilities.

Employer Identification Number (EIN) – This is a number that the individual receives from the IRS that is used to track taxes of the attendant(s) and the employer.

Enroll - The action that indicates that the individual has been determined by the case manager to meet the eligibility requirements for the waiver for which he or she is enrolled and that DSS has determined the individual's Medicaid eligibility for home- and community-based services. If participating in the ID/MR Waiver, DMHMRSAS must also have verified the availability of a slot.

Family-Friendly Report - A quarterly report that the fiscal agent provides to the individual that is a summary of the hours used by service and patient pay information, if applicable.

Fiscal Agent – The DMAS contractor that pays the attendant, makes sure that payment is within the approved number of hours of service, and follows all hiring and tax rules on the individual's behalf as employer of an attendant. The fiscal agent for consumer-directed services is **Public Partnerships, LLC (PPL)**.

Individual - The recipient or user of waiver services. Because of support provided by family members and other caregivers, the term "individual" often implies "with support and assistance from others."

Initial Comprehensive Visit - A home visit made by the CD services facilitator (SF) to the individual to receive CD services for the purpose of identifying, with the individual or family/caregiver. This is the visit at which the service plan is developed. At this meeting, the SF provides the individual with a copy of this manual. This visit must occur prior to the start of CD services.

Medicaid – The joint federal and state program to assist states in furnishing medical assistance to eligible persons.

Patient Pay - The amount of money paid directly to the attendant by the individual, if applicable. Patient pay is determined by the local department of social services and must be established before an attendant is hired.

Preauthorization - Prior approval for specific waiver services provided by DMAS or its designated agent.

Service plan – A form that is completed by the individual, together with the service facilitator, that lists the individual's personal goals and all the tasks that the attendant will perform on a daily basis, based on the individual's needs, as well as informal supports in the community. The service plan must contain the types of services to be furnished, the amount, frequency, and duration of each service, and the type of provider to furnish each service. Payment may only be made for waiver services that are prior authorized in the service plan.

Service Facilitator (SF) – The person who guides the individual receiving services in hiring, training, and supervising attendants as needed in the following waivers: ID/MR, IFDDS, HIV/AIDS, and EDCD.

Rate of Pay – This is the hourly rate established by the General Assembly of Virginia for the attendant's salary.

APPENDIX B: Children's Mental Health Waiver

In December 2006, the Department of Medical Assistance Services (DMAS) applied for and has subsequently been awarded a demonstration grant to design a program that will allow states to offer home- and community-based services for children who reside in a Psychiatric Residential Treatment Facility (PRTF). PRTFs are the primary provider for youth with serious mental health issues requiring an institutional level of care.

The Children's Mental Health (CMH) Program is for children under 21 years of age who have been in a PRTF for at least 90 days and who will remain eligible for Medicaid after they leave the PRTF. The reason many of the children are placed in residential facilities is due to the lack of community supports for the families that would allow them to stay at home. The CMH Program offers consumer-directed companion and respite services, as well as other agency-directed services.

DEFINITIONS OF TERMS USED IN CONSUMER-DIRECTED SERVICES FOR CHILDREN'S MENTAL HEALTH PROGRAM

Attendant – The person hired to provide consumer-directed respite or companion services.

Case Manager (CM) - The person that manages your case and assists enrolled individuals to find providers of services. The case manager provides services to ensure that you receive appropriate and necessary services.

Companion Services – Provision of assistance with skill development and with understanding family interaction, behavioral interventions for support and safety, community integration and non-medical care/non-medical transportation.

Consumer-Directed (CD) Services - Support services that are necessary to enable an individual to live at home rather than remain in a PRTF. Services may include assistance and supervision that supports the individual to remain in their own homes or in the community. Services can also include supervision, respite, and companion services.

Patient Pay – This does not apply to individuals in the CMH Program.

Pre-authorization – KePRO conducts all pre-authorization for the CMH Program, with the exception of Transition Coordination, DMAS pre-authorizes this service.

Plan of Care – This is what your case manager and service facilitator will refer to as the ISP or Individual Service Plan for either respite or companion services.

Respite Care Services – Care and services in the home or in the community, provided on a temporary, short-term intermittent, or emergency basis to provide relief/support to the primary unpaid caregiver (typically a family member) in caring for an individual.

Transition Coordination - Services that are provided to individuals who are leaving the PRTF and choose to receive services in the community. The Transition Coordinator must be either a treatment foster care case manager, a mental health case manager, a coordinator with the CSA program, or FAPT members who meet the knowledge, skills and abilities established for mental health case management. Monitor the initial transition to the community. Transition services are limited to 3 months prior to discharge from the PRTF and one month post discharge.

REVISED PROCESS FOR CONSUMER DIRECTED-SERVICES

STEP 1: At your initial screening conducted by the Transition Coordinator, you may choose agency-directed (AD) or consumer-directed (CD) services or a combination of both, depending on your needs.

All other steps are the same as described earlier in this manual, with the exception of the attached form. This form is to be used to determine if a participant is able to independently manage CD services for the Children's Mental Health Program.

The Virginia Department of Medical Assistance Services

Questionnaire to Assess An Applicant's Ability to Independently Manage Consumer-Directed Services for Children's Mental Health Program

To The Assessor: In addition to reviewing the applicant's ability to answer questions on the Uniform Assessment Instrument (UAI) regarding his or her status and care needs, it is necessary to question the applicant in the following areas and document the response.

I. Daily Decision-Making

1. Did you pick out the clothes you are wearing? Please explain how you select what clothing you will wear for the day.

2. How do you plan or arrange for your meals? What kinds of things do you eat for breakfast, lunch, and dinner?

3. How do you manage your finances (pay your bills)?

4. What do you do everyday? Please tell me your daily routine.

II. Short- and Long-Range Planning

1. How often do you have to leave the house? If you do leave the house, how do you make appointments or schedule transportation? What transportation do you use?

2. How do you plan for a future event (for example, Christmas, family visits, etc?)

*Questionnaire To Assess An Applicant's Ability to Independently Manage
Consumer-Directed Services (Continued)*

III. Finding a Personal Assistant/Care Aide

1. How will you find and hire someone to be your personal assistant/aide? What kind of person will you need to take care of your needs?

2. How will you find a replacement if a personal assistant/aide fails to come to work or quits without notice? How will you manage until you can find another aide?

3. What would you do to let someone know you needed assistance if your personal assistant/aide does not show up?

4. What steps would you take if your personal assistant/aide was abusive, or you thought the personal attendant was stealing from you?

IV. Health Knowledge/Supports

1. What kind of medical problems do you have? How are you currently taking care of these needs (i.e., are you seeing a doctor?) If you needed to talk to someone about a medical problem, whom would you call?

2. What kind of medications do you take and how often do you take them? What are they for?

3. Who will be providing for your medical needs other than your personal assistant/aide?

*Questionnaire To Assess An Applicant's Ability to Independently Manage
Consumer-Directed Services (Continued)*

V.

Support Network

1. Do you have additional support available from family, neighbors, friends, school or employers who can contact in case you have an emergency? If so, whom? How would you contact them?

Pre-Admission Screening Team Recommendation:

- I recommend the applicant receive Consumer-Directed (CD) Services based on: 1) The applicant's demonstrated ability to supervise a personal assistant/ aide; and/or 2) The applicant has adequate accommodations/support that enables him or her to manage services independently. The applicant will receive personal care aide management training prior to receiving CD services.

Additional Comments: _____

(This section is applicable for applicants, who are knowledgeable about their own care, can communicate their needs to a personal care aide, and understands the rights, risks, and responsibilities of Medicaid-Funded CD services. The applicant's responses to issues related to daily decision-making, short- and long-range planning, finding an aide, health knowledge/supports, and support networks demonstrate that the applicant is capable of handling the responsibilities associated with consumer-directed services. Factors which should not influence this decision include, but are not limited to the inability to read and/or write due to a print impairment, educational level, the inability to communicate verbally, or the lack of previous experience in managing his or her health services.)

- I do not recommend the applicant receive CD services in the Medicaid Waiver. The applicant has little or no knowledge of his or her care requirements and could not assume the responsibilities of consumer-directed services at the present time. The applicant will be offered alternative Medicaid-funded long-term care options.

Additional Comments: _____

(This section is applicable if the applicant has little or no knowledge of his or her care requirements or consumer-directed program responsibilities. Responses in the areas of daily decision-making, short- and long-range planning, finding a personal assistant/aide, health knowledge/supports, or support networks given by the applicant do not demonstrate that the recipient would be capable of meeting program requirements of the Waiver and successfully managing CD services.)

Assessor/Transition
Coordinator/Case Manager
Signature/Title: _____

Date: _____

