

Table of Contents

How can the <i>Services My Way</i> Program Participant Guide help you?	1
How can I get information in a way that is easiest for me?	1
How will I receive updated Participant Guide information?	1
Who should I go to with additional questions?	1
What if I have a complaint?	3
What are some common acronyms used in this Guide?	4
What if I run across a term that I am not familiar with?	4
Chapter 1: Getting Started	5
1.1 What is the Services My Way Program?.....	5
1.2 What does participant direction mean?.....	5
1.3 Who can enroll in the Services My Way Program and use PDS?	6
1.4 What are participant-directed services (PDS)?.....	6
1.5 What does it mean to be a common law employer and what are my responsibilities under the Services My Way Program?.....	8
1.6 Do I have to do everything by myself?	11
1.7 What are my rights under the <i>Services My Way</i> Program?	15
Chapter 2: Designating an Authorized Representative	17
2.1 What is an authorized representative and are there different types?	17
2.2 Can my authorized representative be paid for performing this function?.....	18
2.3 Can I hire my authorized representative to be a paid PDW for me?	18
2.4 How do I designate an authorized representative for myself?	18
2.5 Can I change my authorized representative?	19
Chapter 3: Developing and Implementing an Emergency Backup Plan and Designating Emergency Backup PDWs	21
3.1 What should I include in my Emergency Backup Plan?	21
3.2 Who can be emergency backup staff for me?	21
3.3 How do I develop and implement my Emergency Backup Plan?	21
3.4 How do I designate emergency backup staff?.....	22
3.5 Can I change my Emergency Backup Plan and designated staff?	22
3.6 What is a Risk Mitigation Plan for PDS?	23

Chapter 4: Developing, Implementing and Modifying Your PDS Budget and Monitoring Spending	24
4.1 How do I develop my PDS budget?	24
4.2 What if I need to modify my PDS budget for any reason?.....	26
4.3 What if my PDS budget or request for modification is not approved?	26
4.4 What are my rights to dispute and appeal decisions regarding my PDS budget or modification?	26
4.5 How do I monitor my spending related to my PDS budget?	26
Chapter 5: Enrolling as the Common Law Employer with the VF/EA FMS-Support Broker Entity	28
Chapter 6: Recruiting and Hiring Your PDWs	33
6.1 What are the minimum requirements for PDWs?	33
6.2 Who can I hire to be my PDW?.....	33
6.3 How do I recruit and hire PDWs?	34
6.4 How do I interview PDW applicants?	39
Chapter 7: Being an Employer	49
7.1 Establishing your PDW’s work schedule	49
7.2 Orienting and training your PDW.....	50
7.3 Supervising your PDW	52
Chapter 8: Remediation, Training and Termination Policy	63
Chapter 9: Voluntary Termination from the Services My Way Program and Using PDS	65
Chapter 10: Purchasing Individual-directed Goods and Services.....	66
10.1 Assessing your need for individual-directed goods and services.....	66
10.2 Finding vendors to provide individual-directed goods and services	66
10.3 Obtaining and submitting vendor invoices and DHCF Request for Individual-directed Goods and Services Payment forms for individual-directed goods and services vendor payment.	67
Chapter 11: Home and Personal Safety	69
11.1 Assessing home safety: How do I provide a safe work environment for my PDW?.....	69
11.2 How do I report and manage workplace injuries?	73
11.3 As an employer how do I recognize fraud, abuse, neglect and exploitation?....	73
11.4 How do I prevent myself from being a victim of a theft?.....	74

11.5 How do I report fraud, abuse, neglect and exploitation?.....	76
11.6 How do I recognize and report sexual harassment and abuse?.....	76
11.7 How do I maintain proper boundaries with my PDW and avoid employer problems?	77
11.8 Obtaining a Personal Emergency Response System.....	77

APPENDICES:

Appendix A: Glossary of Key Terms

Appendix B: List of Allowable and Non-Allowable Individual-directed Goods and Services

Appendix C: Example Job Description

Appendix D: Example Interview Text

Appendix E: Participant Remediation, Training and Termination Policy

Appendix F: Justification for PDS Budget Modification

Frequently Asked Questions (FAQs)

How can the *Services My Way* Program Participant Guide help me?

Participant direction does not mean doing things all by yourself – organizations and people such as your FMS provider, support broker and the *Services My Way* Program Coordinator and written materials such as this Participant Guide are available to support you along the way.

This Participant Guide will tell you about the *Services My Way* Program and be a helpful resource to you in using participant-directed services (PDS). It includes a lot of useful information and helpful tips and advice for you to refer to in one user-friendly place. Your support broker will review the information included in the Participant Guide when he/she conducts your orientation and training when you enroll in the *Services My Way* Program and start using PDS and also will refer to it when issues arise.

Please review the information included in the Participant Guide carefully. Remember, the choice and control afforded to you through the *Services My Way* Program and using PDS also comes with responsibilities.

How can I get information in a way that is easiest for me?

Call your support broker if you need this Participant Guide in another format (such as large type) or in another language (such as Spanish) to make it easier for you to understand and use.

How will I receive updated Participant Guide information?

When information in the Participant Guide is revised due to changes in state and federal requirements, your support broker will provide you with the updated information in a format that can be inserted into your copy of the Guide. In addition, a copy of the most updated Participant Guide will be available on the DCHF website at www.dhcf.dc.gov.

Who should I go to with additional questions?

The person you should contact with any additional questions you may have is your support broker. Depending on the issue, your support broker may refer you to your waiver case manager, the Vendor Fiscal/Employer Agent Financial Management Service (VF/EA FMS) Division of the VF/EA FMS-Support Broker entity or the *Services My Way* Program Coordinator.

You should complete the Key Contacts section on the next page so you always have this information at the ready for your use.

Key Contacts:

My Waiver Case Manager is:

Name

Agency

Address

Phone Number

Fax Number

Email Address

My Support Broker is:

Name

Agency

Address

Phone Number

Fax Number

Email Address

My Vendor/Fiscal/Employer Agent FMS-Support Broker Entity is:

Name: Consumer Direct District of Columbia

Address: 1010 Vermont Avenue, Suite 1003, NW

Washington, DC 20005

Phone Number: (844) 381-4432	
Fax Number	
Email Address: infocddc@consumerdirectcare.com	
The <i>Services My Way</i> Program Coordinator is:	

Name	Nicole Watts
Agency	Department of Health Care Finance, LTC Administration
Address	441 4 th Street, NW, Washington, DC 20001
Phone Number	(202) 673-1938
Fax Number	(202) 610-1938
Email Address	ServicesMyWay@dc.gov
The DC Department of Health Care Finance (DHCF) Website is:	
www.dhcf.dc.gov	
The DC Office on Aging (DCOA)/Aging and Disability Resource Center (ADRC)	
Website is: http://dcoa.dc.gov/page/aging-and-disability-resource-center-adrc	

What if I have a complaint?

If you or your authorized representative have a complaint, there are a variety of options available to you to try to resolve it:

- Speak to your support broker.
- Contact the VF/EA FMS-Support Broker entity and report your complaint.
- This entity must respond within one (1) business day of receiving your complaint and implement a resolution within seven (7) business days of receipt unless otherwise specified by DHCF on a case-by-case basis.
- Speak to the *Services My Way* Program Coordinator.

What are some common acronyms used in this Guide?

There are a number of acronyms used throughout this Guide. They include:

ADLs – Activities of Daily Living

ADRC – Aging and Disability Resource Center

DCOA – District of Columbia Office on Aging

DHCF – Department of Health Care Finance

DOES – District of Columbia Department of Employment Services

EPD – Elderly and Persons with Physical Disabilities

FMS – Financial Management Services

ICF/ID – Intermediate Care Facility for Individuals with Intellectual Disabilities

IMD – Institution for Mental Disease

IADL – Instrumental Activities of Daily Living

LTSS – Long-term Services and Supports

OTR – District of Columbia Office Tax and Revenue

PCP- Person Centered Plan

PDS – Participant-directed Services

PDCS – Participant-directed Community Supports

PDW – Participant-directed Worker

VF/EA – Vendor Fiscal/Employer Agent

VF/EA FMS – Vendor Fiscal/Employer Agent Financial Management Services

What if I run across a term that I am not familiar with?

While you are reading through the Participant Guide, you may come across some terms that you are not familiar with. Appendix A includes a glossary of terms for your reference. In addition, you should contact your support broker if you have any questions about the information included in this Guide.

Chapter 1: Getting Started

1.1 What is the Services My Way Program?

The *Services My Way* Program is the District of Columbia's Medicaid participant-directed service program. The Program allows individuals enrolled in the District's Medicaid Elderly and Persons with Physical Disabilities (EPD) waiver and who live in their natural homes to exercise more choice and control over their Medicaid long-term services and supports (LTSS) by self-directing certain EPD waiver services if they or their authorized representative is willing and able to do so. This LTSS delivery approach provides decision making and managerial authority to waiver participants and their authorized representatives rather than traditional service providers. ***Ultimately, deciding to enroll in the Services My Way Program and using PDS is a personal decision that is up to you.***

1.2 What does participant direction mean?

In the *Services My Way* Program, participant direction means you have more choice, flexibility and control over the PDS you receive. This means you decide:

- What PDS you need,
- Who provides your PDS, and
- When and where your PDS are provided.

With participant direction, you or your authorized representative, as appropriate:

- Are the common law employer of your participant-directed workers (PDWs), and recruit, hire, train, supervise, evaluate performance and fire, when necessary, the PDWs who provide your PDCS.
- Develop and manage a Participant-directed Service (PDS) Budget with your support broker. This budget includes the PDS you will self-direct and the Medicaid funds available to pay for them.
- Are responsible for receiving orientation and training about the *Services My Way Program* and using participant-directed community supports (PDCS).
- Agree to follow all *Services My Way* Program rules.
- You or your authorized representative, when appropriate, is responsible for executing a DHC *Participant/Representative-Employer Agreement* and meeting the responsibilities and performing the tasks included in the Agreement.

1.3 Who can enroll in the Services My Way Program and use PDS?

The *Services My Way* Program is for District of Columbia residents who are enrolled in the Medicaid EPD Waiver Program and live in their natural home.

1.4 What are participant-directed services (PDS)?

EPD waiver participants enrolled in the *Services My Way* Program can self-direct two kinds of participant-directed services: PDCS and individual-directed goods and services.

Participant-directed community supports (PDCS) are similar to personal care aide services; however, you or authorized representative, as appropriate, is the common law employer of the participant-directed workers (PDWs) who provide these services. They are only available to waiver participants enrolled in the *Services My Way* Program.

Tasks that can be performed by your PDWs when providing your PDCS include:

- Cueing or hands-on assistance with performance of routine activities of daily living (ADLs) including bathing, grooming, dressing, feeding, transferring and assistance with toileting, or bed pan use;
- Changing urinary drainage bags; assisting participants with self-administered medications (a PDW may remind but cannot administer the medication to the participant);
- Reading and recording temperature, pulse, and respiration; observing and documenting the participant's status and verbally reporting to the waiver case manager the findings immediately for emergency situations and within four (4) hours for other situations;
- Accompanying the person to medically related appointments or place of employment and recreational activities if approved in the participant's person-centered plan (PCP) and PDS budget;
- Shopping for items to promote the participant's nutritional status and other health needs; recording and reporting to the waiver case manager any changes in the participant's physical condition, behavior, or appearance; and

- Providing assistance with certain instrumental activities of daily living (IADLs) only for the participant including shopping, meal preparation and clean-up, laundry, and self-administered medications.

There are a number of tasks that your PDWs **may not perform** when providing your PDCS. These include:

- Services that require the skills of a licensed professional, such as catheter insertion, procedures requiring the use of sterile techniques, and medication administration; and
- Tasks usually performed by chore workers, such as cleaning areas and not occupied by the participant, laundry for family members, shopping for items not used by the participant, or money management.

PDCS also cannot be provided in a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities (ICF/ID) or institution for mental disease (IMD), or any other living arrangement which includes PCA services as a reimbursed service.

Individual-directed goods and services are services, equipment or supplies not otherwise provided through the Medicaid EPD waiver or through the Medicaid State Plan. They must address an identified need in your person-centered plan (PCP)(including improving and maintaining your opportunities for full membership in the community) and meet the following requirements:

- Decrease the need for other Medicaid services; and/or
- Promote inclusion in the community; and/or
- Increase the waiver participant’s safety in the home environment.

Individual-directed goods and services only are available to waiver participants who are enrolled in the *Services My Way* program and are only available if you do not have the funds to purchase the good or service or the good or service is not available through another source.

Individual-directed goods and services are purchased from your PDS budget. Experimental or prohibited treatments are excluded. A list of allowable and non-individual goods and services may be found in Attachment B. Individual-directed goods and services must be documented in your person-centered plan (PCP) and PDS budget and approved by the *Services My Way Program Coordinator* at Department of Health Care Finance (DHCF).

Your support broker will assist you in identifying and engaging vendors to provide individual-directed goods and services approved in your PDS budget and completing, signing and submitting the *Request for Individual-directed Goods and*

Services Vendor Payment Form and with invoices to the VF/EA FMS-Support Broker entity for processing and payment.

1.5 What does it mean to be a common law employer and what are my responsibilities under the Services My Way Program?

When you enroll in the *Services My Way Program* and self-directed your participant-directed services (PDS), you or your authorized representative is the common law employer of the participant-directed workers (PDWs) you hire to provide your PDCS. As such, you will be required to perform employer-related tasks for your PDWs and you will receive supports, as needed, from the VF/EA FMS-Support Broker entity and your support broker.

The DHCF, VF/EA FMS-Support Broker entity and your support broker are there to support your use of PDS, however, they are not employers of your PDW. Since they are not employers of your PDW they cannot supervise your PDWs directly but they can work with you and provide you with training and advice and perform certain tasks (such as preparing and processing your PDWs' payroll and processing and paying individual-directed goods and service vendors' invoices) so you can be an effective employer of your PDWs.

As the common law employer of your PDWs, you or your authorized representative, when appropriate, have a number of responsibilities. These include:

- Receiving initial orientation on the *Services My Way Program* and use of PDS from your waiver case manager.
- Complete the *DHCF Participant Consent Form* acknowledging your desire to enroll in the *Services My Way Program* and use PDS. Once you have completed and signed the Consent form with the assistance of your Support Broker you give this form to your Support Broker.
- Working with your waiver case manager to develop, implement and monitor your person-centered plan (PCP) that includes PDS.
- Working with your support broker to develop, implement and monitor your participant-directed services (PDS) budget.
- Receiving initial orientation and training from your support broker on the requirements of the *Services My Way Program*, using PDS, being the common law employer of and hiring, training, supervising, evaluating performance and firing your participant-directed workers (PDWs); problem solving and general Medicaid and non-Medicaid rights and responsibilities.

- Receiving additional training, requested or required, from your support broker on the requirements of the *Services My Way* Program, using PDS, being the common law employer of and hiring, training, supervising and firing your participant-directed workers (PDWs), problem solving and general Medicaid and non-Medicaid rights and responsibilities as requested and/or needed.
- Determining if you want/need an authorized representative to assist you with your responsibilities under the *Services My Way* Program. If you want/need one, work with your support broker to identify the person and complete and submit a DHCF *Authorized Representative Designation Form* to the VF/EA FMS-Support Broker entity for processing.
- Providing information requested and complete forms included in the *Participant/ Representative-Employer Packet and PDW Employment and Individual-directed Goods and Services Vendor Packet* with assistance from your support broker, as needed. Then you must submit the information and completed forms to the VF/EA FMS-Support Broker entity for processing.
- Arranging to get the PDS you need with assistance from your support broker.
- Working with your PDWs to provide the information requested and complete the forms included in the *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet* with assistance from your support broker. Then you must submit the information and completed forms to the VF/EA FMS-Support Broker entity for processing.
- Determining how much your PDWs will be paid within the wage range established by the Department of Health Care Finance (DHCF).
- Developing an Emergency Backup Plan for the provision of your PDS with your support broker, monitoring its effectiveness and updating it, as necessary.
- Completing a DHCF *Emergency Backup PDW Designation Form* for each paid emergency backup PDW you hire to provide PDCS when your regular PDW does not report for any reason, and submitting it to the VF/EA FMS-Support Broker entity for processing.
- Completing a DHCF *Natural Support Designation Form* for each unpaid, natural support you identify to provide PDCS when your regular PDW does not report for work for any reason and submitting it to the VF/EA FMS-Support Broker entity for processing.

- Monitoring the effectiveness of your paid emergency backup PDWs and unpaid natural supports and updating them, as necessary.
- Hiring, training, developing work schedules, supervising, evaluating performance, and firing, as necessary, your primary and emergency backup PDWs that provide your PDCS.
- Activating your Emergency Backup Plan when your regularly scheduled PDW does not report for work for any reason. In addition, you must monitor your plan's effectiveness and emergency backup PDWs' performance and update plan and PDWs, as appropriate.
- Reviewing, signing and submitting the timesheets for your regularly scheduled and emergency backup PDWs' to the VF/EA FMS-Support Broker entity in accordance with your person-centered plan (PCP) and PDS budget and according to the VF/EA FMS-Support Broker entity's *Timesheet Submission and Payday Schedule*.
- Addressing problems or concerns with your PDWs' performance.
- Identifying and engaging vendors to provide your individual-directed goods and services included in your person-centered plan (PCP) and PDS budget.
- Providing information requested and complete any required forms included in the *Participant/Representative-Employer Enrollment Packet and PDW Employment and Individual-directed Goods and Services Vendor Packet* with assistance from your support broker, as needed for engaging individual-directed goods and services vendors. Then you must submit the information and any completed required forms to the VF/EA FMS-Support Broker entity for processing.
- When you use a vendor to provide individual-directed goods and services approved in your person-centered plan (PCP) and PDS Budget, you must complete and submit DHCF *Request for Individual-directed Goods and Services Vendor Payment Forms* with invoices to the VF/EA FMS-Support Broker entity according to the VF/EA FMS-Support Broker-entity's *Individual-directed Goods and Services Vendor Invoice Submission and Payment Schedule*.
- Following the *Services My Way* Program requirements.
- Following and monitoring your person-centered plan (PCP) and PDS budget and be accountable for your use of PDS budget funds.

- Monitoring the provision of your PDS and PDW performance and reporting any incidents of abuse, neglect and/or exploitation to the VF/EA FMS-Support Broker entity.
- Keeping records that you are required to keep in a safe and secure place.
- ***Let someone know if you need help.*** Work with your waiver case manager, the VF/EA FMS-Support Broker entity, and your support broker to successfully complete your required tasks.

If you do not feel you can perform the tasks listed above and perform as the common law employer of your PDWs, you may want to consider designating a family member or friend who helps you out to be your authorized representative. In this role, the individual must agree to be the common law employer of your PDWs and perform the employer-related tasks on your behalf. Chapter 2 describes the requirements and responsibilities of and the process for designating an authorized representative.

1.6 Do I have to do everything by myself?

You do not have to do everything by yourself. The VF/EA FMS-Support Broker entity and your support broker can provide you with supports (such as training, advice and performing certain tasks such as preparing and distributing PDWs' payroll and processing and paying individual-directed goods and services vendors) directly to/for you. You also can designate an authorized representative such as a family member or friend who has helped you before to help perform the required tasks on your behalf, including being the common law employer of your PDWs. ***It is important that you let someone know if you need help.***

The VF/EA FMS-Support Broker entity will act as a payroll and bill payment agent for you and your authorized representative and perform fiscal management tasks on your behalf. These tasks include:

- Enrolling you or your authorized representative as an employer with federal and state agencies.
- Managing the human resource paperwork for you and your PDWs and enrolling your PDWs into the VF/EA FMS-Support Broker entity's payroll system.
- Collect and process your PDWs' timesheets in accordance with your person-centered plan (PCP) and PDS budget.

- Prepare and distribute payroll for your PDWs and manage the withholding, filing and payment of federal and District taxes and insurances.
- Prepare and send you a monthly reporting on your PDS budget spending that you can review with your support broker.
- Notify you when your spending is not in accordance with your PDS budget or you have failed to perform a task properly.
- Process and pay vendors for individual-directed goods and services you purchase in accordance with your person-centered plan (PCP) and PDS budget.
- Broker a workers' compensation insurance policy for you.
- Establish and maintain current and archived records in a secure and confidential manner.
- Identify and report any critical incidents related to fraud, abuse and exploitation, as a mandatory reporter.
- Answer any questions you or your authorized representative may have about fiscal management, PDW payroll or individual-directed goods vendor invoice payments.

Your support broker will provide you and your authorized representative, as appropriate, will:

- Serve as your independent advocate.
- Assist you in accessing PDS.
- Assist you in identifying opportunities available in the community for PDS training, when you request it.
- Coordinate and communicate with the VF/EA FMS-Support Broker entity, your waiver case manager, and the *Services My Way* Program Coordinator on your behalf, as necessary.
- Conduct initial orientation and skills training to you within 14 days of you enrolling in the *Services My Way* Program on Program requirements, self-directing your PDS, managing your PDS budget, using VF/EA FMS and support broker supports, being the common law employer, preparing and submitting PDW timesheets, developing strategies for resolving issues

related to receiving PDS, and general Medicaid and non-Medicaid rights and responsibilities.

- Conduct ongoing (remedial) skills training, as requested or required, on *Services My Way* Program requirements, self-directing your PDS, managing your PDS budget, using VF/EA FMS and support broker supports, being the common law employer, preparing and submitting PDW timesheets, developing strategies for resolving issues related to receiving PDS, and general Medicaid and non-Medicaid rights and responsibilities.
- Distribute *Participant/Representative-Employer Enrollment Packets* to you, within two (2) business days of notification from the *Services My Way* Program Coordinator that you wish to enroll in the Program and use PDS.
- Assist you in providing the information requested and completing and submitting the forms and agreements included in the *Participant/Representative-Employer Enrollment Packet*.
- Distribute *Participant-directed Worker (PDW) Employment and Individual-Directed Goods and Services Vendor Engagement Packet* to you within two (2) business days of the VF/EA FMS-Support Broker entity receiving notice from the *Services My Way* Program Coordinator that you wish to enroll in the Program and use PDS and when you report that you would like to hire a PDW or engage an individual-directed goods and services vendor.
- Assist you in providing the information requested in and completing the forms and agreements included in the *Participant-directed Worker (PDW) Employment and Individual-Directed Goods and Services Vendor Engagement Packet*.
- Assist you in designating your authorized representative, if needed or required, assessing his/her effectiveness and selecting a new authorized representative, when necessary.
- Assist you in developing, implementing, your Emergency Backup Plan, monitoring its effectiveness and revising it, as necessary.
- Assist you in designating paid emergency backup PDWs and unpaid natural supports to provide PDCS when your regular PDW does not report for work for any reason by executing the *DHCF Emergency Backup PDW Designation Form* and/or *DHCF Natural Supports Designation Form* for each applicable individual identified.
- Assist you in monitoring the effectiveness of your paid emergency backup PDWs and unpaid natural supports and updating them, as necessary.

- Assist you in monitoring your Risk Mitigation Plan related to PDS and identifying any new potential risks and strategies to address them as they arise.
- Receive your monthly PDS Allocation Amount, and any revised amounts, as appropriate, from the *Services My Way* program coordinator to be used in preparing your initial PDS budget and any updates.
- Assist you in developing your initial PDS budget and submitting it to the *Services My Way Program* Coordinator for review and approval within 14 days of you enrolling in the Program.
- Makes referrals to your waiver case manager for reassessment of your needs, as needed.
- Assist you in updating your PDS budget, as necessary and submitting updated PDS budgets to the *Services My Way* Program Coordinator for review and approval.
- Assist you in developing requests to reallocate PDS budget funds from the PDCS labor component to the individual-directed goods and services component and vice versa and submitting requests to the *Services My Way* Program Coordinator for review and approval.
- Assist you with tracking your PDS expenditures in accordance with your PDS budget.
 - The VF/EA FMS-Support Broker entity will prepare and distribute monthly PDS budget spending reports to you and your authorized representative, as appropriate, that will be reviewed by you and your support broker.
- Assist you with making decisions about purchasing individual-directed goods and services.
- Verify that the individual-directed goods and services you purchase are received.
- Conduct quarterly in-home visits and monthly phone calls with you to monitor your receipt and satisfaction with PDS, that your PDS is being provided according with your person-centered plan (PCP) and PDS budget, your health and safety and to answer any questions or concerns you may have.

- More frequent in-home visits may be conducted, as needed, while you are enrolling in the *Services My Way* Program.
- Identify and report any critical incidents related to fraud, abuse and exploitation, as a mandatory reporter.
- Participate in implementing the *Remediation, Training and Termination Policy*, when appropriate, with the *Services My Way* Program Coordinator, VF/EA FMS Division, your waiver case manager and other entities, as appropriate.
 - Assist you in developing and implementing a plan of correction related to incidents of poor performance identified.
 - Monitor your implementation of your plan of correction related to incidents of poor performance identified.
- Assist you in executing a DHC *Voluntary Termination Form*, should you decide to voluntarily dis-enroll from the *Services My Way* Program and stop using PDS.
- Make recommendations for involuntary termination from the *Services My Way* Program and be involved in the termination process, when necessary.
- Assist you in transitioning to using traditional services should you terminate from the *Services My Way* Program and stop using PDS for any reason.

Remember – your support broker is not allowed to be your representative payee or your authorized representative.

1.7 What are my rights under the *Services My Way* Program?

You have rights under the *Services My Way* Program. These include:

- Deciding whether or not you want to participate in the *Service My Way* Program and use PDS.
- Disenrolling from the *Services My Way* Program, stop using PDS at any time and receive traditional personal care aide services without an interruption in receiving services.
- Having the same rights to a fair hearing and appeal as originally set forth in the Medicaid EPD Waiver.

Chapter 2: Designating an Authorized Representative

As mentioned earlier in Chapter 1, section 1.6, you do not have to manage everything related to your PDS all by yourself. In addition to the supports you will receive from the VF/EA FMS-Support Broker entity and your support broker, you also can designate an authorized representative such as a family member or friend who has helped you before to help perform the required tasks on your behalf, including being the common law employer of your PDWs.

2.1 What is an authorized representative and are there different types?

An **authorized representative** is person who is your substitute decision maker, family member, or any other identified individual who willingly accepts responsibility for performing employer and budget management tasks that you may be unable or unwilling to perform yourself. Your authorized representative must:

- Show a personal commitment to you, and
- Be willing to follow your wishes and respect your preferences, while using sound judgment to act in your best interest.

They also must be:

- At least 18 years of age,
- Live within 25 miles of your home and be present in your home often enough to be able to properly supervise your PDWs;
- Know you and your schedule/routine well and understand your health care needs and kinds of services you need and how you want them provided; and
- Receive orientation and training that may be required by DHCF.

An Authorized Representative may only serve one *Services My Way* participant at a time.

There are three types of authorized representatives. These include:

Pre-determined Representative – You have a legal guardian or other court appointed representative in place at the time you enroll in the *Services My Way* Program and that individual has agreed to serve as your designated representative.

Voluntary Representative – You request that a representative serve on your behalf, or your support broker recommends that you designate a representative and you agree.

Voluntary representatives must be chosen by you and can include:

- family member,

- friend or
- other person who is actively involved in your life who lives within 25 miles of where you live.

Your authorized representative shares authority with you for managing the participant-directed services (PDS) you receive and the PDWs who provide them including being the common law employer of your PDWs.

Your authorized representative must recognize your desires and preferences.

Mandated Representative – is a person that you and your support broker choose and that DHCF requires you to have when you cannot perform the required tasks yourself as a common law employer.

For example, a mandated representative may need to be appointed when a participant has misspent his/her PDS budget funds or his/her function has deteriorated in such a way that the participant is no longer able to manage his/her PDS budget. In addition, there may be other reasons that cause the DHCF to require a participant to have a mandated representative as a condition of continued participation in the *Services My Way* Program.

2.2 Can my authorized representative be paid for performing this function?

No. All types of authorized representatives receive no monetary compensation for performing this function.

2.3 Can I hire my authorized representative to be a paid PDW for me?

No. All types of authorized representatives may not be hired as a paid PDW for you.

2.4 How do I designate an authorized representative for myself?

You can designate an authorized representative voluntarily by completing the following steps:

1. Meet with your support broker and discuss if a designating an authorized representative would be good idea for you. Then determine who in your life might be good a candidate and make sure he/she qualifies to be your authorized representative (See section 2.1 above).
2. Once you have determined who might be a good candidate to be your

authorized representative, contact him/her and discuss your decision, his/her role and responsibilities as your authorized representative and determine if they will agree to perform this important function for you.

- Make sure you clearly describe that one of the authorized representative's responsibilities will be to be the common law employer of your PDWs and that your candidate agrees to perform on this role.
 - Make sure you clearly explain that the person cannot be paid to be your authorized representative and they also cannot be a paid PDW for you and he/she agrees to this.
3. Review the *DHCF Authorized Representative Designation Form* included in the *Participant/Representative Enrollment Packet* your support broker gives you and ask your candidate if he/she understands his/her role and responsibility and if he/she agrees to perform this function on your behalf.
 4. Complete the *Authorized Representative Designation Form* according to the instructions and you, your authorized representative and your support broker sign it.
 - If you have a legal guardian or power of attorney who will not be performing as your authorized representative, he/she must sign the form too.
 5. Submit the completed and signed *Authorized Representative Designation Form* to the VF/EA FMS-Support Broker entity for processing.

2.5 Can I change my authorized representative?

Yes, if you have already selected a voluntary or mandated representative, you may select another individual to perform the function, as needed. However, it is always good to talk over any change in your authorized representative with your support broker prior to making a change.

If you have a predetermined representative, you will need to talk with your support broker about the possibility of implementing a change in your authorized representative.

Chapter 3: Developing and Implementing an Emergency Backup Plan and Designating Emergency Backup PDWs

It is very important for you, and your authorized representative, when appropriate, to develop and implement an Emergency Backup Plan and designate one or more emergency backup staff (either paid PDW, natural supports or both) for times when your regularly scheduled PDW does not report for work for any reason.

3.1 What should I include in my Emergency Backup Plan?

Your Emergency Backup Plan should describes how you and your authorized representative, when appropriate, will be sure that you receive your PDCS services if your regularly scheduled PDW is absent from work for any reason. Your Plan should include, but not be limited to:

- The name and contact information (phone number(s) and email address) of the individuals who have agreed to be your emergency backup staff;
- The types supports they will provide;
- When they can help you;
- Whether they will be paid or not; and
- The order in which your emergency backup staff should be contacted.

3.2 Who can be emergency backup staff for me?

Your emergency backup staff can be family members, friends and neighbors who have volunteered to help you or a PDW you recruit specifically to provide emergency backup PDCS. They also can be unpaid volunteers or paid PDWs as long as the total cost of your emergency backup staff is cover in your PDS budget.

3.3 How do I develop and implement my Emergency Backup Plan?

First, you will work with your waiver case manager to develop a Risk Mitigation Plan when you develop your person-centered plan (PCP). Then, when you decide to enroll in the *Services My Way* Program, you will work with your support broker to develop an Emergency Backup Plan that describes how you will receive your PDCS should your regularly scheduled PDW not report for work for any reason. Your Emergency Backup Plan should include, but not be limited to, the information described in section 3.1 above. A copy of your Emergency Backup Plan should be provided to your waiver case manager.

3.4 How do I designate emergency backup staff?

You should work with your support broker to identify and designate the individuals who will be your natural support and paid emergency backup staff.

If the persons you have selected are going to be paid, you, your authorized representative, as appropriate, the selected PDW and your support broker will need to complete and sign, a DHCF *Emergency Backup Staff Designation Form*. This form is included in the *Participant/Representative-Employer Enrollment Packet* you will receive from your support broker. Your support broker can help you to complete the form and provide you with additional forms should you need them.

You also will need to enroll your paid Emergency Backup PDW with the VF/EA FMS-Support Broker entity, the same way you enroll your regular PDWs so the entity can process payroll for your Emergency Backup PDW and withhold the required Federal and DC income tax withholding and employment taxes on the worker's and the participant/representative-employer's behalf.

- This is done by completing the required forms and agreements and required information for PDWs included in the *Participant/Representative-Employer Enrollment Packet*. Your support broker can give you as many packets as you need and assist you with completing and submitting the required PDW-related forms, agreements and information to the VF/EA FMS-Support Broker entity for processing.

If you are going to use unpaid, natural support individuals to be some or all of your emergency backup staff, you will need to complete and have you and your volunteer sign a DHCF *Natural Supports Designation Form*. This form is included in the *Participant/Representative-Employer Enrollment and Individual-directed Goods and Services Packet* that you receive from your support broker. Your support broker can help you complete the form and provide you with additional forms should you need them.

Once both the DHCF *Emergency Backup PDW* and *Natural Supports Forms*, as applicable, have been completed and signed, you will need to submit the forms to the VF/EA FMS-Support Broker entity for processing.

3.5 Can I change my Emergency Backup Plan and designated staff?

You can change your Emergency Backup Plan and designated emergency backup and natural support staff at any time. You should work with your support broker to monitor how your emergency backup plan and designated emergency backup and

Chapter 4: Developing, Implementing and Modifying Your PDS Budget and Monitoring Spending

When you participate in the *Services My Way* Program, you have the authority to develop and manage a PDS budget with assistance from your support broker and approval of the Program Coordinator. Your budget will contain funding for two types of PDS, Participant-directed Community Supports (PDCS) and individual-directed goods and services.

Remember – You do not do this alone. You will work with your support broker every step of the way to develop, implement your PDS budget and monitor your spending.

4.1 How do I develop my PDS budget?

When you, and your authorized representative, as appropriate, develop your person-centered plan (PCP), your waiver case manager will include the personal care assistance services hours you are assessed to receive in the PDS portion of your Plan. This is the total amount that is available for you and your support broker to develop your PDS budget. Your waiver case manager will provide you and your support broker with this amount.

Remember – when you enroll in the *Services My Way* Program and use PDS, you may not receive the “soft nursing services” you may have received when you used traditional personal care assistance services and these costs will not be included in your PDS Allocation Amount.

You and your support broker will develop your PDS budget based on your PDS Allocation Amount and submit it to the *Services My Way* Program Coordinator for approval. You will use the PDS budget template to develop and document your PDS budget. A copy of the PDS budget template is included in Appendix B.

The first step in determining your PDS budget is to compute what your budget will be for participant-directed community supports (PDCS) and the number of participant-directed workers (PDWs) you will hire and at what wage rate. This is accomplished by:

- Confirming the number of PDCS hours you will receive and the number of PDWs you wish to hire to provide them.
- Determining the wage you wish to pay your PDWs using the wage ranges provided by DHCF and compute the employer portion of federal and District employment taxes that must be paid based on the wage rate you select.
- Comparing the total costs for your PDCS with your PDS Allocation Amount. If the total costs you compute exceeds your PDS Allocation Amount, you and your support broker will need to go back and reassess the wage rate(s) you

have selected for your PDWs and adjust them to have the total costs come within your PDS budget.

The second step is to determine the amount of funds remaining in your PDS budget and determine if the individual-directed goods and/or services you might like to purchase, the costs, and if these costs come within your PDS budget.

Remember – individual-directed goods and services are services, equipment or supplies not otherwise provided through the Medicaid EPD waiver or through the Medicaid State Plan. They must address an identified need in your person-centered plan (PCP) (including improving and maintaining your opportunities for full membership in the community) and meet the following requirements:

- Decrease the need for other Medicaid services; and/or
- Promote inclusion in the community; and/or
- Increase the waiver participant's safety in the home environment.

In addition, certain goods and services are allowable and some are not allowable. A list of Allowable and Non-allowable Individual-directed Goods and Services are included in Appendix C.

Remember – You may have to save up a few months of PDS budget funds remaining after funds are allocated for your PDCS to have sufficient funds to purchase the approved individual-directed good or service you want to receive.

Once you have determined that there are funds available in your PDS budget to purchase individual-directed goods and services, you must:

- Determine if there is an individual-directed good or service that is allowable and meets the requirements described above that you wish to purchase;
- Identify potential vendors that may provide the allowable good or services you wish to purchase;
- Contact vendors to determine the cost of the allowable good or service and include the amount in your PDS budget template;
- Determine if you need to obtain three bids to purchase the good or service if the individual-directed good or service you wish to purchase costs \$250 or more and obtain the bids, if required; and
- Determine if the cost of the approved good or services falls within the total amount of your PDS budget and adjust as needed.

Once you have completed your PDS budget template and narrative, it must be submitted to the *Services My Way* Program Coordinator for review and approval.

4.2 What if I need to modify my PDS budget for any reason?

You may need to modify your PDS budget due to a change in your health status that results in a reassessment of your personal care service needs or to fine tune your PDS budget between PDSC and individual-directed goods and services during the PDS budget year. When you need to modify your PDS budget for any reason, you need to work with your support broker to prepare a proposal to revise your PDS budget by preparing the *DHCF PDS Budget Template* and the *DHCF Justification for PDS Budget Modification Request Form* and submitting these two documents to the *Services My Way Program Coordinator* for review and approval. A copy of the PDS Budget Template and the *DHCF Justification for PDS Budget Modification Request Form* are included in Appendix B.

4.3 What if my PDS budget or request for modification is not approved?

If your PDS budget or request for PDS budget modification is not approved by the *Services My Way Program Coordinator*, you and your support broker will review the Coordinator's comments and work together to revise your PDS budget or modification request so it can be approved or dispute the decision in writing and through the proper channels described in section 4.4 below.

4.4 What are my rights to dispute and appeal decisions regarding my PDS budget or modification?

You have the right to dispute the *Services My Way Program Coordinator's* decision regarding approval of your PDS budget and any proposal(s) you submit for modification. If you decide to dispute the Coordinator's decision, you and your support broker need to prepare a written request for reconsideration and submit it to the Coordinator. The Coordinator then will forward your request to his/her Supervisor for review and to render a decision.

You also have the right to request a fair hearing and appeal the *Services My Way Program Coordinator's* or his/her Supervisor's decision regarding your PDS budget and any proposals submitted for modification. You have the same rights to a fair hearing and appeal as set forth in the EPD Waiver Program in which you participant. Please consult your waiver case manager for more details on the appeals process.

4.5 How do I monitor my spending related to my PDS budget?

You and your authorized representative, as appropriate, must monitor your spending for PDS based on your PDS budget.

Chapter 5: Enrolling as the Common Law Employer with the VF/EA FMS-Support Broker Entity

Once you decide to enroll in the *Services My Way* Program and use PDS, you and your authorized representative, if he/she will be the common law employer of your PDWs, have to enroll with the VF/EA FMS-Support Broker entity. The VF/EA FMS-Support Broker entity will provide you with a support broker and the VF/EA FMS Division will prepare and distribute the *Participant/Representative-Employer Enrollment Packet* to your support broker for distribution and completion by you with assistance, as needed from your support broker. The Packet includes the following:

- An introductory letter that includes:
- VF/EA FMS-Support Broker entity's contact information;
- Days and hours of operations;
- Toll-free number, TTY/TTD, and toll-free fax number;
- Description of the key features of the customer service system including availability of materials in alternate print and language translation services including American Sign;
- Roles and responsibilities of the VF/EA FMS-Support Broker entity and its VF/EA FMS and Support Broker Divisions, participants, authorized representatives and participant-directed workers (PDW) and individual-directed goods and services vendors;
- Participant rights;
- List of employment related fees the PDW is responsible for paying;
- Semi-completed IRS Form SS-4, *Application for Employer Identification Number* and instructions.
- Semi-completed IRS Form 2678, *Employer/Payer Appointment of Agent*
- Semi-completed IRS Form 8821, *Tax Information Authorization*.
- Semi-completed DC Form FR-500, *Combined Business Tax Registration Application*;
- Semi-completed DC OTR D-2848, *Power of Attorney and Declaration of Representative Form* for DC income tax withholding filing and payment purposes;
- Semi-completed DC DOES *Power of Attorney Form* for DC unemployment tax filing and payment purposes.
- Information about confirming the participant/representative-employers designation of a Third Party Agent (TPA) with the DC Department of Employment Services (DOES)
- DHCF *Participant/Representative-Employer Agreement* and instructions
- DHCF *Authorized Representative Designation Form* and instructions
- DHCF *Emergency Back-up PDW Designation Form* and instructions;

- DHCF *Natural Supports Designation Form* and instructions;
- DHCF *PDS Budget Form* and instructions;
- DHCF *Justification for PDS Budget Modification Request Form* and instructions;
- DHCF *PDW Information Change/Termination Form* and instructions;
- DHCF *Biweekly Progress Notes* and instructions;
- *Voluntary Participant Termination Notice* and instructions;
- PDW Timesheets and instructions;
- PDW Timesheet Due Date and Payday Schedule;
- DHCF *Request for Individual-directed Goods and Services Vendor Payment Form* and instructions;
- DHCF *List of Allowable and Non-allowable Individual-directed Goods and Services*;
- Individual-directed goods and services vendor invoice due date and payment schedule;
- Semi-completed workers' compensation insurance application;
- Safety information including but not limited to: *Site and Home Safety Check List*, and procedures for identifying and reporting on participant-directed workers' (PDWs) injuries for workers' compensation insurance purposes;
- Description of procedure for addressing emergencies, list of emergency contacts and telephone numbers;
- DHCF *Fraud Statement*;
- DHCF *Authorization to Release Health Information Form* and instructions.
- *Participant/Representative-Employer Enrollment Packet Check List*; and
- Self-addressed stamped envelope.

Your support broker will review the contents of the Packet with you and provide you with assistance, as needed, to complete the required forms and provide the required information.

In addition, the Packet includes a *Participant/Representative-Employer Enrollment Packet Check List* that you can use to track of the forms and information you have completed/provided. Once all the forms, agreements and information are completed, signed and ready, you need to submit them to the VF/EA FMS-Support Broker entity for processing.

Remember – the sooner you provide the required forms and information included in the Participant/Representative-Employer Enrollment Packet in an accurate manner to the VF/EA FMS-Support Broker entity, the sooner you will be able to start using PDCS and hiring PDWs.

Some of the information and forms in the Packet are self-explanatory. However, a number are described here for you. Your support broker will provide you with assistance, as needed, to complete and submit the required information and forms to enroll you or your authorized representative with the VF/EA FMS-Support Broker entity.

The IRS Form SS-4, *Application for Employer Identification Number* allows the VF/EA FMS-Support Broker entity to obtain a federal employer identification number for you or your authorized representative to be the common law employer of your PDWs.

The IRS Form 2678, *Employer/Payer Appointment of Agent* allows you to designate the VF/EA FMS-Support Broker entity as your employer agent for the purpose of managing PDW payroll and federal and District employment taxes on your behalf.

The IRS Form 8821, *Tax Information Authorization* allows the VF/EA FMS-Support Broker entity to communicate with the IRS on your behalf related to federal tax filing and payments related to your PDWs.

The District of Columbia Form FR-500, *Combined Business Tax Registration Application* registers you or your authorized representative, as appropriate, as the employer for District income tax withholding and employment tax purposes.

The District of Columbia OTR D-2848, *Power of Attorney and Declaration of Representative* Form allows you to give the VF/EA FMS-Support Broker entity the authority to manage DC income tax withholding filings and payments for your PWs and to communicate with the Office of Tax and Revenue on your behalf.

The District of Columbia DOES *Power of Attorney* form allows you to give the VF/EA FMS-Support Broker entity the authority to manage DC unemployment tax filings and payments for you and communicate with the Department of Employment Services (DOES) on your behalf.

- You also will have to confirm with DOES that you have selected the VF/EA FMS-Support Broker entity to be your third party agent. The VF/EA FMS-Support Broker entity will work with you to complete this task.

The DHCF *Participant/Representative-Employer Agreement* form states you or your authorized representative's role and responsibilities as the common law employer and using PDS and states you agree to them and to abide by DHCF's and VF/EA FMS-Support Broker entity's requirements under the *Services My Way* Program. By signing the form you or your authorized representative, as appropriate, are stating that you have reviewed and understand your role and responsibilities, including being the common law employer of your PDWs, and agree to perform them and abide by DICF and VF/EA FMS-Support Broker entity requirements under the Program.

The DHCF *Authorized Representative Designation* form is completed when you decide to designate an authorized representative to be the common law employer of your PDWs and assist you in managing your PDS.

The DHCF *Emergency Back-up PDW Designation* form is completed to designate paid emergency backup PDWs to work for you when your regularly scheduled PDW does not report for work for any reason.

The DHCF *PDW Agreement* must be completed by you and each PDW you hire. It confirms that the PDW meets DHCF requirements and states the terms of the PDW's employment. By signing the Agreement, the PDW agrees to the terms and conditions of his/her employment. You or your authorized representative, acting as the common law employer, and the PDW sign the *PDW Agreement*.

The DHCF *PDW Competency Certification Statement*, certifies that the PDW you hire is able and willing to provide the PDCS included in your approved person-centered plan (PCP). This Statement must be executed with each PDW you hire and it must be submitted to the VF/FEA FMS-Support Broker entity for processing within 21 days of the PDW being hire.

Remember – It is best to submit the DHCF PDW Competency Certification Statement for your PDW when you submit all of the other required forms, agreements and information to the VF/EA FMS-Support Broker entity processing.

The *PDW Information Change/Termination Form* should be completed if there is any change in the contact information for your PDW or if your PDW stops working for you for any reason. ***If a PDW stops working for you for any reason, you need to submit this form to the VF/EA FMS-Support Broker entity within 48 hours of when the PDW stops working for you.***

The DHCF *Biweekly Progress Notes* must be completed and submitted biweekly with your PDWs' timesheets. The form reports on the PDCS and individual-directed goods and services received and outcomes achieved.

You can dis-enroll from the *Services My Way* Program and stop using PDS at any time. If you decide to do this you must complete and submit the *Voluntary Participant Termination Notice* to the VF/EA FMS-Support Broker entity.

The DHCF *Request for Individual-directed Goods and Services Vendor Payment* form is completed and submitted by you or your authorized representative, as appropriate, with the vendor's invoice, to the VF/EA FMS-Support Broker entity when you purchase an approved individual-directed good or services and you want the vendor to be paid.

The DHCF *Fraud Statement* defines and provides examples of Medicaid fraud and abuse. By signing the form you state that "I have read the DHCF Fraud and Abuse Statement, I understand it and agree to comply with it."

Chapter 6: Recruiting and Hiring Your PDWs

As the common law employer of your participant-directed workers (PDWs), you or your authorized representative, when appropriate, is responsible for recruiting, hiring, supervising, evaluating and firing, when necessary the PDWs that provide your participant-directed community support services (PDCS). The VF/EA FMS-Support Broker entity and your support broker will provide supports (e.g., PDW payroll, participant/representative-employer training and technical assistance) directly to you and/or your authorized representative, when appropriate, to enhance your performance as a common law employer and your use of PDS.

6.1 What are the minimum requirements for PDWs?

All paid PDWs must meet basic requirements in order to qualify as a PDW in the *Services My Way* Program. These requirements include:

- Being 18 years or older
- Completed CPR and First Aid Training
- Completed and passed a criminal background check
- Completed all required paperwork to provide services through the *Services My Way* Program
- Has a valid driver's license and the required insurance if transportation will be provided
- Has a valid Social Security number and be authorized to work in the United States
- Able to read, write and understand instructions and communicate with you
- Has agreed to provide the PDCS as outlined in your person-centered plan (PCP) and PDS budget
- Has signed a Medicaid provider agreement with DHCF to provide EPD waiver services
- Has agreed to receive training from you or your authorized representative as his/her common law employer

6.2 Who can I hire to be my PDW?

You may hire friends and family members or a person who is new to you who meet the requirements described in section 5.1 above as your paid PDW with one exception. ***Legally responsible individuals may not be paid PDWs under the Services My Way Program.*** Legally responsible individuals are:

- A spouse working for a spouse,
- A parent working for a minor child, and
- A designated legal guardian.

Remember – Common law marriage is not recognized in the District of Columbia so these individuals may be paid PDWs if they meet the qualifications and requirements for PDWs.

6.3 How do I recruit and hire PDWs?

When you are enrolled in the *Services My Way* Program, you can hire your own PDWs to provide your PDCS. Here are some things you should think about when you are hiring your PDWs.

- What are my needs – what do I need my PDW to do?
- How and on what day and time do I want my PDCS provided?
- Do I want to hire a full-time or part-time PDW or both?
- Do I need more than one person to help me?
- Do I need different people to help me with different things?
- Do I want to receive my PDCS during the week, on the weekend or both?
- Does the PDW who helps me need to be strong?
- Does the person who helps me need to have his/her own car?
- What do I want the people who help me know about me?
- Do I want the people who help me to be friends, neighbors, family members or a person who I do not know and that I recruit and hire?
- Would the person I want to help me be the best person for the job?
- How much am I willing to pay for the help I need?

Once you know what type(s) of person(s) you want to hire to help you, you have to start the PDW recruitment and hiring process. Good places to look to recruit PDWs are:

- People you already know
- Bulletin boards at local organizations for the elderly and/or for persons with disabilities
- At your place of worship
- Employment agencies
- Local colleges and/or universities
- Local newspapers

If you cannot find the help you need through these places, you may want to prepare and place a “help wanted” ad. The following is a sample newspaper ad.

Sample Newspaper Ad

Get Paid to Make a Difference in Someone's Life!

Looking for a mature, energetic, caring and qualified participant-directed worker (PDW) to provide participant-directed community supports (PDCS) to a man with paraplegia in his home and community in the District. Duties include assisting the person with personal hygiene, and dressing; performing laundry, shopping, and meal preparation and clean-up tasks; accompanying the person to do personal errands; and performing other duties, as necessary.

The position is part-time (24 hrs/wk) Monday through Saturday from 7:00 - 9:00 am and 5:30 - 7:30 pm and pays \$14.00/hr. PDW candidate must be 18 years or older, complete and pass a criminal background check, have a valid driver's license, current auto registration and the required auto insurance; be certified in CPR and First Aid; and be willing and able to carry out the services and successfully complete the training required to carry out the services he/she is responsible for in the person's person-centered plan (PCP). Must be a nonsmoker and willing to work weekends. References are required.

Email resume and contact information to response@gmail.com or fax to (202) 123-4567.

Some tips for placing a newspaper ad:

- If you have an email address, you should list it as your contact information. Listing your phone number increases the risk of you receiving unwanted and/or harassing phone calls. However, you may not want to limit your search only to individuals who have access to the internet.
- Including your address can open you up to unwanted visitors and criminal elements.
- For safety, you might use a phone number of another person who will take messages for you. Other options are to (1) establish an email account or (2) provide a fax number or (3) get a box number specifically to be used by PDW applicants to provide their contact information and their resume if they are interested in the position. Most newspapers will offer a box number to you if you place an ad with them.

- Saturdays and Sundays are the days the papers are most read.
- Bold type heading makes your ad more noticeable.

Remember – You are responsible for the cost of placing a newspaper ad.

6.3.1 Writing a job description

Before you start recruiting people to be PDWs, a good first step is to prepare a job description. ***Preparing a job description is a good idea even if you are planning to hire a friend or family member.***

In addition, you may want to hire different people to perform different tasks. If this is the case, you may want to develop a job description for each type of PDW you want to hire.

Preparing a job description is useful because it:

- Helps you decide what kinds of help you need, and what you are looking for in a PDW;
- It gives PDW applicants a good idea of what the job requires and any expectations that must be met;
- Is a useful guide for asking questions when you are screening and interviewing PDW applicants;
- Helps confirm that applicants are willing and able to provide you with the kind of help you need;
- Helps you train the PDWs you hire; and
- It can be helpful when you are monitoring your PDW's performance determining if you are happy with the way he/she is doing his/her job.

A job description should include:

- A summary of basic job duties,
- Required qualification and criteria the person must meet,
- Specific information on how you want the job done, and
- The number of hours and days and times you need help.

You may want to have the PDW you hire sign a copy of the job description and attach it to the copy of the completed and signed *DHCF PDW Agreement* you provide him/her when you hire the PDW.

The information on a job description does not have to be permanent. It is fine to change the job description later if you change your mind about what you need. However, if you change the job description after you hire a PDW, you should discuss the changes with the PDW to make sure they understand and agree with the

changes. If you change the job description too often, the PDW may not meet the required qualifications and criteria, may not want to continue working for you.

Finally, job descriptions can be written in a lot of different ways. The most important thing is that the information be shared with the PDW applicant before he she agrees to accept the job. A sample job description can be found in Appendix D.

6.3.2 How do I determine the wage I will pay my PDWs?

You and your authorized representative, as appropriate, must decide how much you will pay your PDWs. The total cost of wages and related employer portion of employment taxes cannot exceed the total amount of your PDS Budget. The wage rate you decide to pay your PDW must be within the wage range established by DHCF. The wage range is from the current District of Columbia Living Wage up to the current rate paid to traditional home health agencies for personal care aide services.

Remember – the DHCF upper wage range limit includes both the wage amount and the employer portion of employment taxes that will need to be paid.

6.3.3 How do I screen PDW candidates?

Once you have identified people who are interested in working for you, you may want to screen them to determine if whether you will conduct a formal interview with them. This is a good way to eliminate those applicants you feel do not qualify for the position right away.

Screening means that you ask some questions to find out more about the person to determine if they meet your basic requirements to be hired. The screening process also helps the applicant understand what you are looking for in a PDW and what to expect. Screening is usually done over the phone but also could be done through an email.

You can use the job description you prepared as a guide and you may want to prepare a couple of general questions to ask.

Tell each applicant you screen that you are required by law and *Services My Way Program* rules to conduct a criminal background check. Also, tell each applicant that you **will** be checking references. You may also want to mention the wage rate or wage range you are willing to pay, and make sure the applicant is still interested.

Ask and answer *only* job-related questions during the screening. Do not ever give out personal information, except what the applicant must know in order to decide if they are willing and able to provide the services and supports you need.

Here are some quick “tips” about screening applicants:

- Call people back as soon as possible.

- Provide basic information about the job and ask if it sounds like something they're interested in *and* able to do.
- Ask a few questions:
 - Why are you interested in this kind of work?
 - What training and/or experience do you have?
 - Are there any parts of the job you may not be able to do?
 - You may want to ask about specifically about things like lifting, transfers, bathing and toileting.
 - If you need someone to accompany or transport you in your community, you may want to ask about that too.
 - You may want to tell the PDW applicants if you smoke or have pets since these may eliminate some people.
 - You may want to ask if the PDW applicant smokes if that is a problem for you.
 - You want to listen for a pleasant tone of voice and a positive attitude on the phone.
 - You want to ask specifically what kind of schedule they prefer, their availability and if they can work weekends if that is a requirement for you.
 - Be organized and take notes. It will be difficult to remember each applicant's response.
 - You should always let them know you have several more individuals to speak with and will call them to set up an interview if they meet your screening criteria.
 - You may want a friend or family member to help you.
 - ***Don't answer any personal questions!***

The following is an example of a telephone screening protocol.

Sample Telephone Screening Protocol

1. Introduce yourself and provide a brief description of the position:

I am looking for a participant-directed worker who will assist me with personal hygiene, dressing and transferring; performing laundry, shopping, and meal preparation and clean-up tasks, accompany me to do personal errands; and perform other duties, as necessary.

The position is part-time, 24 hours/week from 7:00 – 9:00 am and 5:30 – 7:30 pm on Monday through Saturday. The salary is \$14.00 hr.

2. Does this sound like a position you would be interested in?
3. Can you describe your experience providing these types of services and working with individuals with physical disabilities?
4. Are you comfortable assisting individuals with personal hygiene tasks?
5. Do you have reliable transportation?
6. I have two cats. Are you allergic to cats?
7. Do you smoke? I have asthma and so the person cannot be a smoker.
8. I have your name and phone number. Can you confirm how you spell your name and your phone number? Can you give me your address?
9. Thank you for taking the time to speak with me. I have several more people to call who have shown an interest in the position.
10. (If I am interested in the applicant) I will call you back to set up an in-person interview.

If, at the end of your screening, you think you'd like to interview the applicant, you can set a time to do so while you are on the phone. If you are not sure, you can politely end the conversation by saying:

Thank you for your time. I have several more people to call who have shown an interest in the position. I will be making my final selections by [date] and will contact my top choices to set up an interview. Thanks again, good bye.

Remember – you don't have to interview anyone. Let each person know you will call them back if you decide to interview them.

6.4 How do I interview PDW applicants?

Once you have screened your applicants, you are ready to interview the applicants you are interested in hiring. A face-to-face interview gives you a chance to learn more about the applicant and the applicant a chance to learn more about the job- what you need and expect- so both of you can make a good decision. ***The interviewing process works best when you are prepared.***

Have a folder for each PDW applicant you interview that includes:

- Blank job application,
- Job description,
- Check list of duties and shifts,
- Educational materials or resource information about the participant's disability, if helpful for the PDW applicant to understand the participant's situation and needs ,
- A list of interview questions prepared ahead of time,
- The PDW applicant's resume, contact information and references, and
- Notes you take during the interview.

6.4.1 Developing interview questions

It is a good idea to have some questions ready that you want to ask. You should ask questions that require more than a "yes/no" answer. You want to get an idea about what this person has to offer for the job. Make sure not to ask illegal questions (see section 6.4.2 below). Here are some example questions. Pick those that make sense for you. Add other questions about the kind of help you need.

- Tell me about yourself.
- Tell me about your work experience.
- What do you like best and least about the work you have done in the past?
- Do you have any training or experience helping someone who is a person who has a disability? Give me some examples.
- Are you comfortable around people with disabilities?
- Are you prompt and reliable?
- How much notice would you need if I need extra help and I am approved for more hours of care?
- Would you be able to help me with lifts or transfers using the right equipment?
- How do you handle differences of opinions with an employer? Can you give me an example?
- How do you deal with another person's anger or frustration?
- Do you feel comfortable helping to bathe a person?
- Do you feel comfortable helping a person with toileting?
- Are there things you don't feel comfortable doing?
- Do you have reliable transportation to and from work?
- Describe your best qualities.
- What are your pet peeves?

- Do you prefer/require a lot of supervision or just a task list?
- Do you have any questions or concerns about the job?

6.4.2 What questions should you not ask when you are screening and interviewing a PDW applicants?

When you are an employer, you must be fair to all people who apply to work for you. To help you treat PDW applicants fairly, there are certain questions you ***should not ask*** during a screening or interview, or ***use as reasons to hire or not to hire someone***.

It is against the law to not hire a person for any of the following reasons:

- **Marital/Parental Status**
 - ***Do not ask*** applicants if they are married, pregnant, or planning to become pregnant.
 - ***Do not ask*** if applicants have children, the number or age of their children, or about child care.
 - ***Do not ask*** the applicant about the names of family members or where they work.
 - ***You may ask*** if a person can work the hours you need help, ***but you must ask all applicants, (men and women) the same question.***
- **National Origin or Native Language**
 - ***Do not ask*** about a person's birthplace or citizenship.
 - ***You may ask "If hired, can you provide proof that you are eligible to work in the United States?"***
 - However, you do not need to ask since all new employees must complete US Bureau of Citizenship and Immigration Services (US BCIS) for I-9 and provide the necessary proof/documentation.
 - If you decide to ask the question, ***you must ask all applicants the question, not just someone you think may not be a U.S. citizen.***
 - ***Do not ask*** the person about their native (or first) language.
 - It is okay to make sure the applicant can clearly understand and communicate with you in order to do his/her job. ***But you cannot simply ask what language the person speaks.***

- **Age**
 - **Never ask** an applicant's age except to make sure that the person is at least 18 years old, which is required to be a PDW under the *Services My Way* Program.

- **Religion, Schools, and Organizations**
 - **Don't ask** any questions about **religious beliefs**. Don't ask if the person goes to church or where they go to church. It's OK to be sure they understand the work schedule and are able to provide care when you need it.
 - **Don't ask** the person about their star (or zodiac) sign.
 - **Don't ask** where a person goes to school. But, you can ask about education the person has completed that may help them do the job.
 - **Don't ask** about clubs or organizations the person belongs to.

- **Criminal Record**
 - **Don't ask** if the person has ever been arrested. But, you may ask about a conviction if it's related to the job. For example, you can ask if the applicant has ever been convicted of driving under the influence if the person you're hiring will be driving you into the community.
 - Remember, all PDWs must pass a criminal background check in order to provide care under the *Services My Way* Program.

- **Discharge from Military Service**
 - **You can ask** about military service, but
 - **You can't ask** about the type of discharge. That is because it might be a way to learn about other things you can't ask about—like disabilities or arrests.

- **Race**
 - **You can't ask** about or discriminate against any applicant based on their race.

- **Disabilities and Health Problems**

With the passage of the Americans with Disabilities Act of 1990 (ADA), you must be very careful when asking questions about an applicant's abilities (or disabilities).

- **You can't ask** if the person has any disabilities or health problems. Instead, describe the requirements of the job and focus on the applicant's ability to meet them.
- **You can ask** applicants if they're able to perform all of the required tasks safely.

- What if an applicant voluntarily discloses a disability or has an obvious disability?
 - If you think it may be necessary to make changes so the applicant can perform the job, ***you may ask*** limited follow-up questions to decide what those changes might be.
 - But, ***never ask*** questions about the kind or severity of the person's disability.

- **Gender**
 - ***You can't discriminate*** against any applicant based on their gender.

- **Political Party**
 - ***You can't ask*** about their political party the person belongs to or how they vote.

- **Job Attendance**
 - ***You should tell*** applicants when their services will be needed and make sure they can work the days and hours and at the times that you need them.
 - ***You can ask*** about an applicant's attendance record at previous jobs. (People miss work for lots of reasons, not just illness.), but
 - ***You can't ask*** how many absences at a prior job were due to illness. You can't ask about job-related injuries or workers' compensation claims.
 - ***Don't ask*** about the health of family members or others in their life either. Under the ADA, you can't decide not to hire someone because they have a relationship or association with a person who has a disability.

- **Drug Use**
 - ***You can ask*** an applicant about *current* use of *illegal* drugs, but
 - ***You can't ask*** about *prior* use of illegal drugs or about any prescription drugs they now take, and
 - ***You can't ask*** the person if they have any addictions.

- **Finances**
 - ***You can't ask*** if the person owns or rents their home.
 - ***You can't ask*** if the person owns a car, *unless* the job includes transporting you into the community, and the person will need to drive their own car.
 - ***You can't ask*** the person's credit rating.

6.4.3 How do I conduct the interview?

Once you have prepared your interview questions, set a day and time for the interview that works for you and the applicant.

- Decide where you'll meet. If you're interviewing in your home, give the person directions to your house.
- If you prefer not to interview in your home, find another place that works for both of you.
- Be sure you have each other's phone number in case one of you needs to change the day and time.

While the PDW applicant looks over the job description you can look at his/her employment application and resume and see what needs to be clarified.

When you are done asking questions, always ask the PDW applicant if they have any questions.

- Their questions can tell you how well they were listening and how well they understand the job.

Avoid making these common interviewing mistakes.

- Do not dominate the interview. Let the applicant do the majority of the talking so you can learn more about them.
- When a PDW applicant mentions information that may be relevant, don't forget to follow up on it.
 - For example, if the applicant mentioned he/she had previous training that relates to the job, ask questions to find out how long ago, how long it lasted and how much it pertains to being your PDW.

Be aware of some signs that the person you are interviewing may not be right for the job. These could be signs you definitely don't want to hire the person.

- Has alcohol on the breath,
- Has greasy hair and dirty fingernails,
- Is rude,
- Is late,
- Discloses confidential information about previous employer,
- Takes control of the interview,
- Expresses sympathy, being overly considerate or hypertensive,
- Stares or makes prolonged eye contact,
- Makes little eye contact,
- Begins the interview by telling you all things he/she cannot do or all the times he/she cannot work,

- Has no references (even if a person just moved to the area they should have friends or previous employers),
- Says he/she really needs a job and will take anything for now, and/or,
- If you have a second person sitting in on the interview with an interviewee, does the interviewee look to the second person for instructions and/or verification as if they didn't hear what you were saying?

A sample interview is provided in Appendix E.

6.4.4 Rating the applicants

After the interview has concluded, have a way to evaluate the PDW candidate's answers to the questions, whether in words or with a number corresponding to the value of the answer.

- For example: A score of "1" can mean poor and score of "10" can mean excellent.

If you have a person attend the interview with you, ask them to score the answers and then compare your responses to get a final score so you can rank each of the PDW applicants you interview.

6.4.5 Checking references

Checking references can save you a lot of trouble later. In general checking references only takes a few minutes for each PDW applicant and can give you value information about the person.

- You can check references by phone, mail or email.
- You should develop some questions and ask the same questions of each reference so you can have a basis for comparison.

PDW applicants should provide three references.

- Usually references are professional and not family or friends.
- If the applicant does not have work experience, teachers, religious leaders or non-family members that know the person well can be references.
- Often employers do not provide too much information on former workers due to legal issues.
 - However, if a reference says they wouldn't hire the individual again, that may be an indicator that the person may not be your best choice.

- Keep in mind that it may have just been a personality conflict and that the applicant may be perfect for your situation. ***Use your best judgment.***
- Check information you obtain from references compared to information the applicant provides and what is in his/her resume, as appropriate.

6.4.6 Conducting criminal background checks

You are required to have a criminal history background check performed for each PDW you wish to hire. ***If the PDW applicant you have selected for hire does not receive a clean background check, he or she may not be hired.***

In order for the criminal history background check to be conducted, you will need to let the VF/EA FMS-Support Broker entity know the PDW applicant you want a background check conducted for and provide the PDW's information requested and the PDW's signed release for the check to be conducted included in the *PDW Employment and Individual-directed Goods and Services Vendor Enrollment Packet*.

Remember – your PDW applicant must pay for the criminal background check from his/her own funds.

The VF/EA FMS-Support Broker entity will facilitate the criminal background process on your behalf. Once the results of the PDW applicant's criminal background check are received, the VF/EA FMS-Support Broker entity will provide you, your support broker and the *Services My Way* Program Coordinator with the results.

Your support broker can provide you with assistance should you have any questions about providing the required PDW information and release to the VF/EA FMS-Support Broker entity in order for the entity to process the criminal background check for your PDW applicant.

6.4.7 How do I make an offer of employment to a PDW?

Only after the tasks described in sections 6.4.4 – 6.4.6 have been completed are you ready to make an offer. Call and offer the job to the person you want to work for you. If they accept, you'll need to meet with the PDW to provide the required information and complete the relevant forms and agreements included in the *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet* that you received from your support broker.

You can get additional packets from your support broker as you need them.

Make sure you have all required signatures on each required form and agreement. Then submit the information and completed forms and agreements to the VF/EA FMS-Support Broker entity for processing and let the entity know when you want your PDW to start working for you.

6.4.8 How do I know when my PDW can begin working for me?

You or your authorized representative, as appropriate, is the common law employer and hire your PDWs directly. However, in order for your PDW to begin work;

- All required information, agreements and forms including in the *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet* for PDWs must be completed, signed and submitted to and processed by the VF/EA FMS-Support Broker entity.

Remember – the sooner you complete and sign the required forms, agreements and provide the required information related to hiring a PDW contained the PDW Employment and Individual-directed Goods and Services Packet in an accurate manner and submit them to the VF/EA FMS-Support Broker entity, the sooner your PDW can begin working for you and providing your PDCS.

- Then the VF/EA FMS-Support Broker entity must verify that your PDW has meet DHCF requirements including being 18 years or older, is certified for CPR and First Aid and has a clean criminal background check report.
- You must have successfully negotiated the wage rate you will pay your PDW.
- Each of your PDWs (regular and emergency back-up) must complete and sign a DHCF *PDW Agreement* and it must be submitted to the VF/EA FMS-Support Broker for processing. Each of your paid emergency backup PDWs also must sign a DHCF *Emergency Backup PDW Designation Form* that you complete and sign too.

Remember – make sure to give each PDW a copy of the signed DHCF PDW Agreement and each emergency backup PDW a copy of the signed DHCF Emergency Backup Designation Form, for his/her records.

Once these tasks have been completed, the VF/EA FMS-Support Broker entity will inform you that the PDW hiring process has been completed and he/she may begin working for you. **The VF/EA FMS-Support Broker will send an “Okay to Work” letter to your PDW which will include the effective date for their employment.**

Chapter 7: Being an Employer

Being an employer and managing your long-term services and supports is similar to running your own business. There are rules you must follow to comply with federal and state laws. There also are good practices you may want to use to make your experience as an employer better and to build a great service team.

To successfully use participant-directed services, first you or your authorized representative must be willing to learn. You need to read through the information you are provided and participate in the orientation and training offered to you. At first the idea of being an employer may seem daunting for you or your authorized representative. However, the VF/EA FMS-Support Broker entity and your support broker are there to support you in this endeavor.

7.1 Establishing your PDW's work schedule

You or your authorized representative, if acting as the common law employer, must develop your PDW's work schedule based on the number of hours of PDCS authorized in your person-centered plan (PCP) and PDS budget. It is your responsibility to make sure your PDCS hours are received, first and foremost. However, you also should consider your PDW's wishes when developing his/her work schedule to the extent it is feasible to do so.

Base your PDW's work schedule on when your PDCS must be provided. When you were developing the job description for your PDW, you responded to a list self-assessment questions (see section 6.3 in this Guide). Make a formal list of your responses that relate to tasks that the PDW will perform. This list is a useful tool when deciding how to schedule your PDW.

- Use your current, person-centered plan (PCP) to determine the number of hours per day that are available to schedule your PDW based on your needs.
- If you determine you need more or less hours, you need to speak with your waiver case manager to re-assess your needs and amend your person-centered plan (PCP) and PDS budget, if approved.

Try to think of the details of your day. Also, think about what has worked well and what hasn't worked well in the past related to receiving your traditional personal care assistance services. It is important to think about everything in planning your PDW's work schedule.

You also need to test your emergency backup plan to make sure it really works.

- Having an Emergency Backup PDW Designation and Natural Supports Designation form with each person who will be providing emergency backup for you is essential and required.

- If you regular PDW wants time off, make sure you have an emergency backup PDW or natural support scheduled for those times.
- You may want to consider preparing and using a *Request for Time Off* form that your PDW can complete and submit to you when he/she wants to schedule time off.
- No one should change your PDW's work schedule without your permission since you (or your authorized representative, as appropriate), are responsible for developing your PDWs' work schedule.

A monthly calendar works very well to document your PDW's work schedule. You can prepare one using a computer or writing the PDW names and hours on an existing calendar. It is advisable to provide a copy of the calendar to the PDW at the beginning of each month.

7.2 Orienting and training your PDW

As the common law employer, you or your authorized representative, as appropriate, are responsible for orienting and training your PDWs.

Before orienting and training your PDWs, you must determine and understand their job duties. Then:

- Break each task into steps, as appropriate;
- Be patient and communicate clearly.
- Encourage questions.
- Explain your support needs and what you can do yourself;
- Show your PDW exactly what, when and how you want certain tasks performed;
- Tell your PDW what behaviors are unacceptable, For example, tardiness, not performing job duties, poor attitude, discussing personal problems, borrowing money, eating food from your refrigerator without permission, smoking on the job, or not maintaining your confidentiality may be considered unacceptable behaviors;
- Explain any medical conditions you may have and symptoms;
- Provide specific training on any equipment, as well as how to maintain it; and
- Tell your PDW when you are pleased with their work.

During training you should review one task at a time. One way to do this is to have the new PDW follow along while watching a former or current PDW or natural support perform the activity. **Encourage new PDWs to ask questions about any details he/she needs clarified.** Discuss each task with the new PDW before he/she performs the activity.

- You are now ready to begin on-the-job training.
 - Have your new PDW review the list of tasks you have prepared and ask questions about any duties he or she is unsure of performing.
 - Include the outcomes that are included in your person-centered plan (PCP).
 - This gives the PDW an outline of the general steps for each task and an idea of the expected outcome.
 - While both you and your PDW refer to the task list, begin the routine for each task one-step at a time.
 - Remember, the task list does not provide all the details about how a particular task should be performed. It's your responsibility to give instructions to make sure your PDW knows exactly how you want the job done.

- Make sure your PDW is aware of the following information included in the chart on the next page.

NOTE: You should go over the chart below verbally with your PDW and have it available in a visible location such as on the side of the refrigerator or on a bulletin board.

<i>My health conditions are:</i>	
<i>My physician's name is:</i>	<i>My physician's phone number is:</i>
<i>The name of my pharmacy is:</i>	<i>My pharmacy's phone number is:</i>
<i>I take the following medications: (You might consider making this a separate chart. Include dose and frequency.)</i>	
<i>I should not eat the following foods:</i>	<i>I am allergic to the following:</i>
<i>In case of an emergency, you should contact:</i>	
<i>The ambulance service I use is:</i>	<i>The hospital I prefer is:</i>

7.3 Supervising your PDW

An important task as the common law employer is to supervise your PDWs. Being a good supervisor will help your PDWs do their best, maintain a good attitude, retain employment with you, and continue to be satisfied with their job.

When supervising your PDWs:

- Be clear and respectful – remember that PDWs are people.
- Be patient – everyone learns at their own speed.
- Be quick to praise for a job well done or correct when a mistake is made – remember to correct the mistake not the person.

7.3.1 What are some tips on effective communication?

Having good communication between you and your PDW is very important. Good communication is a skill and needs to be practiced. This skill is natural to some people and very unnatural to others. Good communication always makes for better working relationships.

Effectively communicating with your PDW will help reduce the number of conflicts or issues that may arise. Although many types of communication are present in any relationship, you always should try to be an assertive communicator. Assertive communicators are:

- People who can treat themselves and others with respect.
- People who stand up for their thoughts and beliefs without violating the thoughts and beliefs of others.
- People who are direct and honest without being rude.
- People who clearly state their own ideas and needs.
- People who are self-confident even when another person disagrees with what they have to say.

Assertive communication is not something that comes naturally. Practicing some of these skills will benefit you. If you can follow the outline of assertive statements below you will be on your way to better assertive communication.

- Do not put yourself down, always speak positively of yourself.
- When speaking to your PDW, use “I.” In doing so you are taking the responsibility for the actions that are taking place. As an example, say “I would like you to cut the carrots up smaller next time,” instead of saying, “It would be nice if you could find a way to cut the carrots up smaller next time.”
- Do not use the word “but.” In general, people will become defensive when you use this word and may even stop listening when they hear it.
- Do not speak down to your PDW even if they are much younger than you. They are your employee, and also they are your equal.
- Do not forget to let your PDW know when they have done an exceptional job with a task. Simply giving them a nice polite “thank you” will let them know that the task or gesture was greatly appreciated.

Remember - effective communication does not always come naturally to everyone so make sure to practice to develop these skills.

7.3.2 Effective Listening

Listening is very important in developing effective communication skills. Listening skills and communication skills are like peanut butter and jelly. You really can't have one

without the other! You need to practice both listening and communication skills. Having both communication and listening skills will make you a more effective employer.

You have to practice to become an effective listener. Too often a listener is thinking of how to respond rather than truly listening.

When you listen, you should engage the person speaking by:

- Giving them your full attention
- Paying attention to body language as well as what is being said.
- Nodding your head or saying “uh huh” or “go on” so the person talking knows you are paying attention to what they are saying.
- You should reiterate what the person is saying to make sure you received the message as intended.
 - Ways to reiterate are:
 - “What I hear you saying is...”
 - “This is my understanding of what you are saying...”
 - “You are angry because...”
 - “You would like...”

Repeating what the speaker says does not mean that you agree, or you don’t have your own opinion on the subject. It just gives the person a sense that you have acknowledged their thoughts or feelings. If the person who is speaking is angry, they will not hear what you have to say or how you feel. Letting them know you understand what they’re saying will help them to calm down and relax so they can pay more attention to what you have to say. As mentioned earlier, avoid saying “but.” An example of this is:

- “I understand you would like the day off, but you didn’t give me enough notice to get back-up.”

This could cause the person to become defensive and not hear anything else that you say. Instead use:

- “I understand you would like the day off, and if you had given me more notice, I could have arranged for back-up.”

This gives the person the sense that you acknowledge their feelings and that you are willing to work with them if they work with you.

You need to practice effective listening. Effective listening means that you acknowledge the thoughts and feelings of a person. This is different from agreeing with the person or persuading that person to agree with you. It leaves you open to the option of:

- Agreeing or disagreeing
- Saying yes or no to a request
- Saying more about the matter being discussed.

7.3.3 Providing feedback to your PDW

Giving feedback to your PDW is an essential part of being an employer. Feedback is information telling your PDW how he or she is performing in their job. It lets the PDW know what they are doing well and what skills may need improvement. It also may help you retain your PDW by giving the person praise and respect, as well as handling corrective issues in a positive way.

It is very important to provide feedback to your PDW. There are two types of feedback:

- Positive
 - Positive feedback is praising your PDW for a job done well.
 - It lets the person know that you acknowledge their effort and appreciate their work. This should be done frequently.
 - Try not to use the same phrases each time as this can cause the praise and feedback to lose impact and effectiveness.
- Corrective
 - You should give corrective feedback at the time it is needed.
 - One approach is to start by saying something they did right and then presenting the corrective topic.
- Being firm but polite helps you to be assertive but not punishing.
 - You could say, "You perform very well on the job. However, it is important to be on time consistently."
- Being a good employer means being the boss without being a dictator or a doormat.
- It is difficult for many people to accept the role of boss.

Remember – you are responsible for managing the tasks performed by your PDW.

If something goes wrong, or you are not happy with the way things are being done, it is up to **you or your authorized representative, as appropriate**, to fix it or change it.

You are responsible for your own routine.

- If your PDW is not performing the tasks as well as you would like, then try giving feedback that is more specific.
- An honest description of your feelings of dissatisfaction may help the situation.
- If you are still unhappy with their performance, consider dismissing your PDW. You will, of course, have to have an effective emergency back-up plan in place and will need to hire another PDW.

Remember – you can always talk things over and get advice from your support broker on how to resolve a situation or if you think you need to dismiss a PDW.

Being in charge does not mean forgetting that your PDW is a person, too, not just an employee.

- Respecting your PDW can do more for your relationship than screaming or just accepting things the way they are to avoid a confrontation.

Remember – treating your PDW with respect is the beginning of your PDW treating you with respect.

7.3.4 Managing Conflict & Issues

Positive working relationships don't happen by chance. It takes a lot of work and effort on the part of everyone to make a work environment peaceful and pleasant.

As a common law employer you or your authorized representative, as appropriate, are the leader in creating a positive work environment in your home and for managing workplace conflicts and related issues. Recognizing that not everyone will agree all of the time is a good place to start in promoting a positive working environment. When issues do arise, the employer is the person who must take the initiative to find a resolution. There are many ways to resolve issues that occur at the work place. In all cases, it is important to listen to everyone involved in the conflict. This is when you want to use your effective listening skills as described earlier.

In general, there are a number of ways to minimizing workplace conflicts and issues. These include the following.

- Hire/select PDW who fit into your life style. You want the personality of your PDWs to mix well with you as well as your other PDWs.
- Have an open communication policy so that your PDWs always feel like they can talk to you when they have a problem.
- Be fair with all of your PDWs. Distribute work hours as evenly as possible, or as you had previously discussed.
- Have a strategy for your PDWs to express problems or issues they have. This will allow any issues to be brought to your attention before they evolve into a major issue.
- Set common goals for your PDWs. Focus on the tasks you want completed.
- Avoid using language that is loaded. These are words or phrases that have different meanings to different people. They can create strong negative or positive feelings to different individuals. Use words that are straight forward and do not have other meanings.

- Doing this will ensure no confusion exists between what you said and what your PDWs thought you meant.
- Asking PDWs to repeat what you said will confirm they got your message correctly.

There are a number of ways to work through conflicts and issues.

First, **identify the problem**. State the conflict in a formal manner by writing it down. You may feel there is a problem, but your PDW may not realize that one exists.

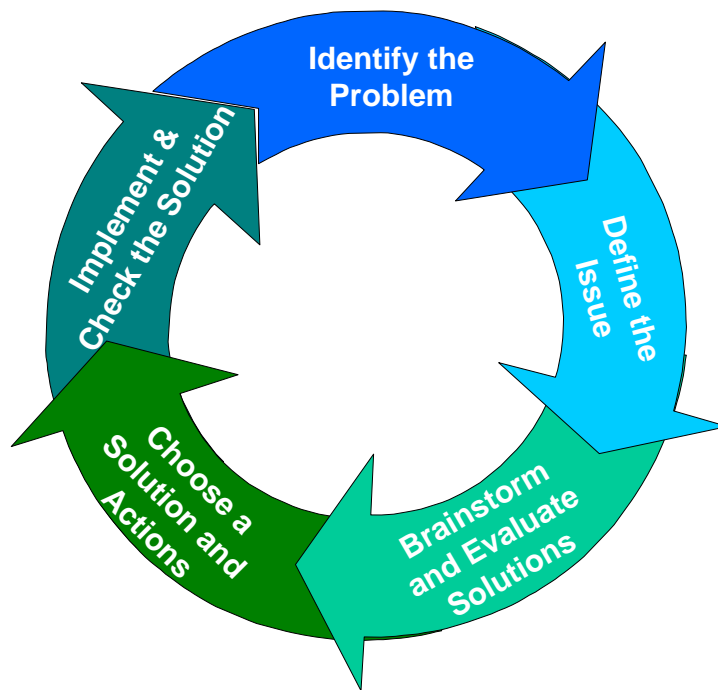
- Make sure to express what you do not like.
- When talking about what you don't like, do it in a neutral way. Keep in mind that it is a situation you don't like, and not a person.
- Use "I" statements. For example say, "I really don't like when wet towels are left on the floor; I prefer them to be hung over the shower curtain rod" instead of "How come you're so lazy leaving towels on the floor?"

Second, **define the issue**. You need to explain the problem without using outside influences, such as personalities, motives, blame, or value judgments. Ask open-ended questions to get a clearer picture of the issue.

- Getting a clear picture of the issue allows you to address the problem in a more precise manor.

Third, **brainstorm and evaluate solutions**. After identifying and defining issues, generate solutions.

- Everyone who is involved should suggest solutions.
- One key aspect is to make sure the solutions do not focus on individual personalities.
- After developing several solutions, make sure to evaluate all the positives and negatives of each solution.



Fourth, **choose a solution and actions**. Once all the solutions have been evaluated, you will need to choose one that all parties involved will be able to manage.

- You will use this solution to solve the issue that you have defined.
- Once you have a solution picked, decide who will take what actions and when they must be completed by. By doing this you will hold yourself and your PDWs accountable.

Finally, **implement and check the solution**. Make sure you set a date in the future to ensure the issue is being solved and decide if you need to choose a different solution.

What do you do if these processes do not work?

- Always know you can ask for help from your support broker. He/she will be able to offer you advise on how to handle the issues and/or will know where you can get help.
- If you notice that the issues or conflicts continue to exist it may be necessary to terminate employment with a PDW.
 - As the common law employer, you or your authorized representative may dismiss your PDW directly. However, you need to inform the VF/EA FMS-Support Broker entity of your decision prior to the effective date of termination.
 - You also need to determine a date when the PDW will no longer work for you and how you will meet your services needs in the short term (i.e., use our emergency back-up plan) and in the long-term (i.e., recruit and hire another PDW).

7.3.5 Firing your PDW

As the common law employer, you or your authorized representative, as appropriate, are responsible for firing any substandard performing PDW. Firing a PDW should be a process.

- ***Don't use dismissal as a threat.*** You should give feedback to the employee about your concerns as they occur.
- In a case of poor performance, providing verbal corrective feed-back is the first step.
- If the poor performance continues, the second step is a reprimand.

- **You should do this in writing and clearly state the problem and possible solutions. Have your PDW sign this document.**
- You should be open to discussion with your PDW about resolving problems and what steps will be taken if the issue occurs again.
- You should document your actions and discussions for your records.
- The final step is dismissal.
 - Steps 1 and 2 should have prepared the PDW and reduced any surprise.
 - ***Don't drag it out*** – be direct and come straight to the point. For example, you might say:

 "I am sorry, but I do not feel you are appropriate for this job," or "You are not fulfilling your job obligations," or "I won't need your services anymore."
 - If you have a job description for your PDW, you can use it to support your decision to let them go. Point out what parts of the job description they have not met and why this puts you in jeopardy.
 - You may want to consider having a trusted person with you when you fire your PDW.
 - Have a list prepared of the items the PDW needs to return to you and ask for them at this time.
 - Discuss the final timesheet, and/or payment as appropriate.

Don't argue with your PDW. If the person becomes aggressive or hostile ask them to leave immediately and call the police, if necessary.

- You must have an effective emergency back-up plan in place so your needs will be met before you fire your PDW.
- You must complete a DDCF *Information Change/Termination Form* and submit it to the VF/EA FMS-Support Broker entity within 48 hours of when your PDW stops working for you ***for any reason***, so that the VF/EA FMS-Support Broker entity can report the PDW termination to the DC Department of Employment Services (DOES), as required.

7.3.6 Reviewing and submitting your PDW's time sheet

Services delivered to you by your PDW must be documented by the completion and submission of a time sheet. Your support broker will give you timesheets to complete, sign and submit to the VF/EA FMS-Support Broker entity for processing. The timesheet will include instructions on how to complete the timesheet.

In addition, a *Timesheet Due Date and Payroll Schedule* is included in the *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet* can help you determine ***when timesheets are due to be submitted and when your PDW should expect to be paid based on that timesheet submission date.***

You need to be aware of a number of things when preparing and submitting your PDWs' timesheets.

- ***You must make sure that your PDW is only working authorized hours included in your current person-centered plan (PCP) and PDS budget.***
- ***You must make sure that only the hours actually worked by your PDW are reported on the timesheet.*** Don't ever let your PDW pressure you into fraudulently reporting hours worked.
- ***Make sure each timesheet is completed in an accurate and complete manner.***
- ***Make sure each timesheet is signed.*** However, timesheets cannot be pre-signed or signed prior to the PDW working the actual hours.
- ***Make sure you submit each PDW's timesheets on time.***

Remember – late submitted timesheets almost always mean late payroll checks for your PDWs!

Your support broker and the VF/EA FMS-Support Broker entity can answer any questions you may have about completing and submitting your PDW's timesheets. They are there to help you with this task.

A copy of the DHCF *PDW Timesheet* is included in Appendix G.

7.3.7 Paying your PDW

The VF/EA FMS-Support Broker entity will manage the payroll process for your PDWs. This includes preparing and disbursing payroll checks (either through the mail or direct

deposit) and filing and paying the related federal and District income tax withholding and unemployment insurance taxes on your behalf.

7.3.8 Purchasing workers' compensation insurance for your PDWs

Obtaining workers' compensation insurance coverage is a means of protecting you and your PDW in the event that your PDW is injured on the job. The VF/EA FMS-Support Broker entity is responsible for obtaining a workers' compensation insurance policy for you, renewing these policies, managing all of the required paperwork, paying the premiums and providing wage information to the insurer to establish worker's benefits on your behalf and being the site for and participating in any end-of-year audit conducted by the insurer. The VF/EA FMS-Support Broker entity, through your support broker, also will provide you with skills training on identifying workplace safety issues and effective workplace injury management in the event your PDW is injured on the job. The cost of workers' compensation insurance is included in your PDS budget.

7.3.9 Completing and submitting biweekly progress notes

As the common law, you or your authorized representative, as appropriate, is responsible for making sure that a *Biweekly Progress Note* is completed, signed and submitted to the VF/EA FMS-Support Broker entity with your PDW's biweekly time sheets.

The biweekly process notes confirms that PDS have been provided. One *Biweekly Progress Notes* form can be completed for all of the PDS provided in a two week period. The biweekly progress notes must include a description of the progress achieved for each PDS provided (PDCS and individual-directed goods and services).

If you have questions about completing the Biweekly Progress Notes form, you should contact your support broker.

7.3.10 Reporting changes in your PDW's contact information

When you hire a PDW, you should tell him or her to let you know if any of their contact information changes while working for you as soon as the changes occur.

If your PDW's contact information changes, you should complete the first half of the DHCF *PDW Information Change/Termination* Form with the updated information and submit the form to the VF/EA FMS-Support Broker entity as soon as you become aware of the change(s). Providing the updated PDW contact information in a timely manner will ensure that your PDW receives his/her paychecks, if not directed deposited, and all tax documentation, like their IRS Form W-2, in a timely manner.

Chapter 8: Remediation, Training and Termination Policy

Using participant-directed services is a privilege. As the common law employer, you or your authorized representative, as appropriate, have certain responsibilities you must meet to use enroll in the *Services My Way* Program. When you sign either the DHCF *Participant/Representative-Employer Agreement* you are confirming the following:

- You understand that you must complete, sign and return the Agreement to the VF/EA FMS-Support Broker entity as a condition of enrolling in the *Services My Way* Program and using PDS.
- You understand what is being required of you or your authorized representative as a common law employer and agree to abide by the prescribed terms and conditions.
- You understand and agree that violating any of the terms and/or conditions included in the DHCF *Participant/Representative-Employer Agreement* may result in termination of the Agreement and in you being terminated from the *Services My Way* Program and using PDS.

DHCF's *Remediation, Training and Termination Policy* for participants and authorized representatives identifies the steps DHCF may take to remediate any cases of participant/representative-employer noncompliance with the *Participant/Representative-Employer Agreement*. A copy of the Policy is included in Appendix F. Repeated issues of non-compliance by a common law employer may lead to:

- Receipt of additional mandatory training,
- Development and execution of a corrective action plan,
- Mandatory designation of an authorized representative if one is not presently being used,
- Mandatory change in authorized representative, if one is currently performing poorly as the common law employer, and/or
- Disenrollment of a participant from the *Services My Way* Program, termination of PDS and a return to receiving traditional personal care assistance services.

Involuntary termination will occur if you or your authorized representative is convicted of Medicaid fraud and it may occur if you fail to meet the conditions of the DHCF *Participant/Representative-Employer Agreement*. Involuntary termination also may occur if there is sufficient evidence through waiver case manager monitoring that your assessed needs are not being met as a result of the performance of the common law employer.

All involuntary terminations from the *Services My Way* Program must be approved by DHCF. If you are at risk of being involuntarily terminated from the *Services My Way* Program and using PDS, your support broker will provide you with three (3) options.

Chapter 9: Voluntary Termination from the Services My Way Program and Using PDS

You may dis-enroll in the *Services My Way* Program and discontinue using PDS at any time and use traditional personal care assistance services without an interruption in services. You will need to contact your support broker and waiver case manager who will assist you in completing and submitting the DHCF *Voluntary Termination Form* and updating your person-centered plan (PCP).

If you decide to return to using PDS, you may contact your waiver case manager to discuss re-enrollment.

If you choose to voluntarily dis-enroll in the *Services My Way* Program and stop using PDS you will need to inform your support broker and work with him/her and your waiver case manager to dis-enroll from the *Services My Way* Program and implement the transition from using PDS to traditional personal care assistance services.

Notes:

Chapter 10: Purchasing Individual-directed Goods and Services

When enrolled in the *Services My Way* Program, you have the option to purchase PDS that are authorized in your person-centered plan (PCP) and PDS budget. As stated in Chapter 1 of this Guide, individual-directed goods and services are services, equipment or supplies not otherwise provided through the Medicaid EPD waiver or through the Medicaid State Plan. They must address an identified need in your person-centered plan (PCP) (including improving and maintaining your opportunities for full membership in the community) and meet the following requirements:

- Decrease the need for other Medicaid services; and/or
- Promote inclusion in the community; and/or
- Increase the waiver participant's safety in the home environment.

Individual-directed goods and services only are available to waiver participants who are enrolled in the *Services My Way* program and are only available if you do not have the funds to purchase the good or service or the good or service is not available through another source.

Individual-directed goods and services are purchased from your PDS budget. Experimental or prohibited treatments are excluded. A list of allowable and non-individual goods and services may be found in Attachment B. Individual-directed goods and services must be documented in your person-centered plan (PCP) and PDS budget and approved by the *Services My Way Program Coordinator* at Department of Health Care Finance (DHCF).

Your support brokers will assist you in identifying and engaging vendors to provide individual-directed goods and services approved in your PDS budget and completing, signing and submitting the *Request for Individual-directed Goods and Services Vendor Payment Form* and with invoices to the VF/EA FMS-Support Broker entity for processing and payment.

10.1 Assessing your need for individual-directed goods and services

There are a number of steps to follow when purchasing individual-directed goods and services. The first step in using individual-directed goods and services is to assess how they will meet your needs. This assessment occurs when your person-centered plan (PCP) is being developed with your waiver case manager.

10.2 Finding vendors to provide individual-directed goods and services

Once you have determined the type of individual-directed goods and services that meet your need and they are authorized in your person-centered plan (PCP), your support broker will assist you in locating vendors who might provide them for you and determining the cost. Your job is to select the vendor who best meets your needs and whose price fits in

your PDS budget and informing the VF/EA FMS-Support Broker entity of your selection.

You will receive the *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet* from your support broker. You will provide the required information, with assistance from your support broker, as needed and submit it to the VF/EA FMS-Support Broker for processing.

10.3 Obtaining and submitting vendor invoices and DHCF Request for Individual-directed Goods and Services Payment forms for individual-directed goods and services vendor payment.

When you receive an approved individual-directed good or service from a vendor, you must submit the invoice and a completed DHCF *Request for Individual-directed Goods and Services Payment Form* to the VF/EA FMS-Support Broker entity for processing and payment.

An individual-directed good are service MUST be approved in your person-centered plan (PCP) prior to purchasing.

The *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet* includes this form and your support broker can assist you with completing and form and provide you with additional copies as you need them. The Packet also include an *Individual-directed Goods and Services Invoice Due Date and Payment Schedule* to assist you in determining when your vendor will be paid.

In some cases, your individual-directed goods and services vendor may be an independent contractor. Independent contractors generally are self-employed individuals such as contractors who are in an independent trade, business, or profession in which they offer their services to the general public. However, whether these people are independent contractors or employees depends on the facts in each case. The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done (IRS, 2015).

If it is determined that your individual-directed goods or services vendor is an independent contractor, you will need to have the vendor complete an IRS Form W-9, *Request for Taxpayer ID and Certification* and submit the completed form to the VF/EA FMS-Support Broker for processing. This form is included in the *PDW Employment and Individual-directed Goods and Services Vendor Engagement Packet*.

If the independent contractor is paid \$600 or more in a calendar tax year, the VF/EA FMS-Support Broker entity will issue him/her an IRS Form 1099 at the end of the year.

Remember – the VF/EA FMS-Support Broker entity can assist you in determining if your individual-directed goods or services vendor is an independent contractor.

Chapter 11: Home and Personal Safety

Being safe and secure while receiving PDS is essential for successfully living in your own home and community. No one expects you or your PDWs to be injured while receiving or providing PDS, however, the possibility certainly exists. Maintaining a safe work environment, knowing how to recognize and report fraud, abuse, neglect, exploitation, sexual abuse and harassment, and maintaining proper boundaries with your PDWs are essential to the effective receipt of participant-directed services.

11.1 Assessing home safety: How do I provide a safe work environment for my PDW?

Just as your PDW has a duty to ensure your safety, you have the same duty toward them. Looking out for your PDW's safety can prevent injuries that could result in workers' compensation claims and put your health and safety in jeopardy by possible lack of PDCS. You should conduct a safety assessment of your home using a home safety check list. An example home safety check list is included in the *Participant/Representative-Employer Enrollment Packet*.

Here are some hints for making a safer home.

Chairs:

- Arm chairs are the safest type of chair. Avoid chairs that rock, have no arms, have wheels, and soft/low chairs.
 - To increase the height of a low chair, a firm pillow can be placed on top of the seat cushion. To increase firmness of the seat of a chair, a 1" piece of plywood can be added under the cushion.

Rugs

- Scatter rugs should be removed. Large area rugs should be secured with carpet tacks.

Bathroom Equipment

- Grab bars on one or both sides of toilet and in the tub or shower provides for easy transfer.
- Hand held showers allow for greater control and cleansing of all areas.
- Non-skid strips or bath mats placed on the bottom of bathtub help prevent slipping.
- Raised toilet seats add increased height for ease of transfer.
- Grab bars can be secured on the wall vertically to assist with standing and balancing during bathroom activities.

Bedroom safety equipment

- Have a lamp on the bedside table.

- Leave any mobility devices (wheel chair, crutches, or walkers) next to bed.
- Place a phone next to the bed.

Thresholds

- When going through a doorway, make sure to clear the threshold (door jamb) completely.
- Thresholds usually can be removed to provide accessibility for a wheelchair or walker.

Steps and Stairways

- Steps and stairways represent special fall hazards. These areas should be well lit, in excellent condition and equipped with sturdy railings for support.

Indoor and Outdoor Lighting

- Indoor living areas and frequently used outdoor walk ways and areas should be well lit and without glare. In addition, clutter should not obstruct indoor or outdoor walk ways.
- Night-lights should be strategically placed throughout the house, especially on stairways and along routes between the bathroom and bedroom.

Storage of Items

- Items that are frequently used should be placed at arm level. Items used less often can be placed either above or below arm level.
- Make sure to store dangerous substances, such as bleach, oven cleaner or insecticides, safely in your home.

Other Home Safety Management Issues

- Look for anything that could be a safety hazard, such as rugs that could be tripped over or sharp edges.
- Have a cart with wheels to assist in moving things in, out and around your home.
- Have a smoke alarm with functioning batteries located on each level of your home. Change batteries at least twice a year (i.e., when daylight savings time begins and ends).
- Have a functioning fire extinguisher.
- Inspect pets to make sure they are free of parasites.
- Check in with friends or family daily
 - Lifeline-like services are also available.

Medical/First Aid and Home Evacuation

- You should have a first aid kit handy and the contents should be within the expiration dates.

- You should have your PDWs provide emergency contact information in case there is an emergency in which you need to contact someone on his or her behalf.
- You should develop a safety and home evacuation plan (see example below). Review it with your PDW. Post it where the PDW or any other person can find it in the event of an emergency.
- If needed, you and your PDW should be trained on proper transferring techniques to prevent injury.
- If needed, you and your PDW should know how implement universal precautions.

When you conduct your home safety check, make sure any issues found are corrected.

Remember – the more you help and guide your PDW in assisting you with performing activities of daily living, for example transferring, the less risk there will be for both of you.

Safety and Home Evacuation Plan		
Personal Safety:		
My Equipment Needs:	My Critical Medications:	My Communication Needs:
Household Safety:		
Location of Fire Extinguishers:	Location of First Aid Kit:	
Location of Smoke Detectors:	Name and Location of Closest/Preferred Hospital:	
Location of Critical Supplies:		
(PDW must tell employer if he/she requires non-latex gloves.)		

Building Evacuation Plan:	
Meeting Location:	
Special Notes:	
Resources/Phone Numbers:	
Police Department:	Neighbor:
Fire Department:	Emergency Contact:
Building Manager/Maintenance:	My Doctor:
Supports Coordinator and Support Broker:	Ambulance:
Workers' Compensation Insurance Carrier:	Other Important Numbers:
Policy Number:	

11.2 How do I report and manage workplace injuries?

Effective reporting and managing workplace injuries is important so that the PDW gets the health care he/she needs and you get the services you need by having your PDW returning to active duty as soon as possible.

As mentioned earlier in this Guide, the VF/EA FMS-Support Broker entity arranges for you to obtain a workers' compensation insurance policy to cover you and your PDW and then:

- Manages the policy renewal process,
- Processes the payment of the premium,
- Provides wage information to the insurance company to determine the workers' compensation benefit for the injured worker, and
- Provides the site of any insurance audit conducted by the workers' compensation insurer.

When your PDW is injured on the job, you or your authorized representative, as the common law employer of your PDW, is responsible for contacting the VF/EA FMS-Support Broker entity to report the injury. The VF/EA FMS-Support Broker entity then provides all the necessary information to the insurance company to process the claim.

11.3 As an employer how do I recognize fraud, abuse, neglect and exploitation?

The words fraud, abuse, neglect and exploitation can be frightening. You or you authorized representative, as the common law employer, need to know what these words mean. Please be aware that professionals, friends, and even family members can commit fraud, abuse, neglect and exploitation.

The *Participant/Representative-Employer Enrollment Packet* includes the *DHCF Fraud Statement* which you and your authorized representative, as appropriate must review, sign and submit to the VF/EA FMS-Support Broker entity for processing.

For example, you should watch out for people who ask questions about:

- How much money you have to pay for their services.
- How much money you have in a savings or checking account.
- If anyone else is around during the day.

Fraud is to lie or commit an act of deceit. For example, stealing money, misrepresenting how the money was spent, asking you to sign a time sheet for hours that were not worked, or reporting hours on a timesheet that were not worked would be considered fraud.

Abuse is an allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation. Abuse is reported on from the victim's perspective, not on the person committing the abuse. This may include physical, psychological, sexual, verbal or improper or unauthorized use of restraints.

Neglect is the failure to obtain or provide the needed services and supports defined as necessary or otherwise required by law or regulation. This includes the failure to provide needed care such as shelter, food, clothing, personal hygiene, medical care, protection from health and safety hazards, attention and supervision, including leaving individuals unattended and other basic treatment and necessities needed for development of physical, intellectual and emotional capacity and wellbeing. This includes acts that are intentional or unintentional regardless of the obvious occurrence of harm.

Exploitation is when you trust someone and he/she lies or scares you in order to take or use your property or money for him or herself. For example, if a PDW takes something of value from you (such as a television, DVD, or automobile) without permission, this is exploitation.

These definitions are not a complete list of concerns that you need to know about to maintain personal safety. However, you and your authorized representative, as appropriate, as a common law employer need to understand that you are responsible for appropriately reporting incidents involving fraud, abuse, neglect, or exploitation.

If you, or your authorized representative as appropriate, are the common law employer and you need further information to assist you in understanding and addressing fraud, abuse, neglect and exploitation, you should contact your support broker for further information.

In the event that you or your PDW experience fraud, abuse, neglect and exploitation, you are required to report this information to the VF/EA FMS-Support Broker entity.

11.4 How do I prevent myself from being a victim of a theft?

Preventing theft is an important thing to consider when you have PDWs and individual-directed goods and services vendors in your home. We may want to trust everyone but that is not always advisable.

Below are some tips to prevent theft by your PDW or individual-directed goods or services vendor.

- Screen PDW and individual-directed goods and services vendors thoroughly.
 - This means never hire or engage someone until you have had an opportunity to check their references and have the VF/EA FMS-Support Broker entity run the required criminal background checks and obtain the results.

- Never leave valuables lying around.
 - The most common items stolen are jewelry and money.
 - Always lock your jewelry in a safe place.
 - Keep your money on yourself or close to you.

- Keep track of your medication.
 - Always keep your medication locked up.
 - Also, keep track of how many pills you have.

- Avoid letting your PDW or individual-directed goods or service vendor write checks or withdraw money for you.
 - One of the easiest ways for your PDW or individual-directed goods or service vendor to steal money is to forge checks.
 - Never give qualified PDWs or individual-directed goods or services vendors access to your checkbook, bankcards or credit cards when you are not around.
 - Don't give your PDW or individual-directed goods or services vendor your card and your pin number and send them to the bank alone.

 - ALWAYS accompany PDW or individual-directed goods or services vendor when money is concerned.

 - ALWAYS have your PDW and individual-directed goods or services vendor give you receipts for any errands you have them run or purchased they make on your behalf. Use cash if you send them on errands or to make purchases.

- Avoid letting your PDW or individual-directed goods or services provider use your property for his or her personal use.
 - Many people get ripped-off through the abuse/exploitation of personal property.
 - This includes use of your automobile, phone, and home.

- Be sure to get your key back when a PDW or individual-directed goods or services vendor (as appropriate) stops working for you for any reason.
 - If your PDW or individual-directed goods or services vendor fails to return your keys, have your locks changed immediately.
 - Have all keys you may give to PDWs and individual-directed goods and services vendors (as appropriate) stamped with "Do Not Duplicate."
 - Combinations on locks controlled by keypad combinations should always be changed when a PDW or individual-directed goods or services vendor (as appropriate) stops working for you for any reason.

- Keep an eye on things.

- From the first day, let your PDW or individual-directed goods or services vendor (as appropriate) know that you will be keeping track of medication, automobile miles, phone calls, etc.

If you are the victim of theft, confront the PDW or individual-directed goods or services vendor to get their side of the story (unless it would be unsafe to do so). If it is clear that they took something, call the police (911) immediately and also inform your support broker. If you are afraid that the PDW or individual-directed goods or services vendor will harm you, let the police know.

11.5 How do I report fraud, abuse, neglect and exploitation?

If you believe or suspect that you are the victim of fraud, abuse, neglect or exploitation, you should report it immediately to your support broker.

Remember – If you believe you are in immediate danger, you should call the police (dial 911) immediately.

11.6 How do I recognize and report sexual harassment and abuse?

Sexual harassment is harassment or unwelcome attention of a sexual nature. It is always a behavior on the part of the perpetrator that is not welcome and creates an unpleasant or hostile work environment.

Activities related to harassment include but are not limited to:

- Flirting
- Propositions
- Sexual jokes, teasing or innuendos
- Comments about one's body or clothing
- Questions about one's sex life

Sexual abuse includes sexual harassment and also may involve unwanted physical contact.

Activities related to sexual abuse include, but are not limited to:

- Fondling,
- Grabbing and/or groping
- Rape
- Other forms of unwelcomed touching

You or your authorized representative, as the common law employer, should make sure you do not engage in sexual harassment or abuse with your PDW. In addition, if you encounter your PDW, or individual-directed goods or services vendor engaging in sexual harassment or abuse, you should report the incidence immediately to your support broker.

11.7 How do I maintain proper boundaries with my PDW and avoid employer problems?

You or your authorized representative, as appropriate is the common law employer of your PDW so you must maintain proper, safe boundaries so that you are not exploited or your PDW does not accuse you of harassment, sexual or otherwise. Maintaining proper, safe boundaries between you and your PDW also can help prevent the participant from being the object of harassment, sexual or otherwise. Exercising the tips provided in Chapter 7 of this Guide related to supervising and communicating with your PDW will help you maintain proper boundaries with your PDW.

11.8 Obtaining a Personal Emergency Response System

A way to protect your health and safety while using PDS is obtaining a Personal Emergency Response System (PERS). This is a covered waiver service under the Medicaid §1915(c) EPD Waiver. Your support broker can assist you in obtaining and implementing a PERS.

Notes:
