



Living Independence Network Corporation Self-Directed Personal Assistance Services Policy and Procedure/Program Guide

General Information about LINC:

- **MISSION STATEMENT:** LINC is a non-profit organization empowering people with disabilities to achieve their desired level of independence promoting personal growth and freedom of choice through advocacy. LINC has been empowering people with disabilities since December 1989 with a focus on de-institutionalization, community based care and services.
- **GOALS:** To advocate for the rights of people with disabilities and the elimination of physical, attitudinal, social, economic, political and communication barriers; to create the necessary social supports for independent living; to foster respect throughout the community for individuals with disabilities; to initiate a cooperative effort among different disability groups for equal advancement.
- **LOCATIONS:**

1878 West Overland Rd	1182 Eastland Drive N, Suite C	703 S. Kimball Ave
Boise, Idaho 83705-3142	Twin Falls, Idaho 83301-8972	Caldwell, Idaho 83605-5196
208-336-3335 (v/tty)	208-733-1712(v/tty)	208-454-5511(v/tty)
Fax 208-384-5037	Fax 208-733-7711	Fax 208-454-5515
- **STAFF:** LINC staff is comprised of a majority of people with disabilities.
- **BOARD:** LINC Board of Directors is comprised of at least 51% people with disabilities.
- **REVENUE** Personal Assistance Services Program revenue will be used to maintain or expand Independent living services to people with disabilities.
- **CIL SERVICES:** LINC is a center for independent living and also provides information and referral, independent living skills training, advocacy and peer support.
- **OFFICE HOURS:** LINC is open Monday through Friday 8:30am to 5:00pm. Our offices do not answer the phone during the lunch hour, or Thursday afternoons.

HOLIDAYS OBSERVED/OFFICES CLOSED

1. New Year's Day – January 1st
2. Martin Luther King Jr. Day – 3rd Monday in January
3. President's Day – 3rd Monday in February
4. Memorial Day – Last Monday in May
5. Independence Day – July 4
6. Labor Day – 1st Monday in September
7. Thanksgiving – 4th Thursday and Friday in November
8. Christmas – December 25 and December 26

If the holiday falls on a Saturday, the office will be closed the preceding Friday. If the holiday falls on a Sunday, the office will be closed on the following Monday.

Personal Assistant Section

General Information

A Personal Assistant is:

An individual employed and supervised by the Employer to provide services which are determined to be appropriate and necessary by Private Pay or by Medicaid Bureau of Long-Term Care (BLTC), as dictated by the agreement.

Personal Assistant Services include but are not limited to:

Assist the Employer with bathing, dressing, toileting and other related activities of daily living. Perform household chores or other activities that assist the Employer to be as independent as possible.

An Employer may need expanded services that require certification or licensing as permitted under Idaho Law for performing specified services. Idaho Law specifies the level of tasks that may be performed by Home Health Aides (HHA), Nursing Assistants (NA), Certified Nursing Assistants (CNA), Licensed Practical Nurses (LPN), and Registered Nurses (RN). Services requiring certification or licensing that a Personal Assistant is never allowed to perform under any circumstances include but are not limited to assistance with medication, injectable medication such as insulin, tracheal suctioning, ventilator care, catheter care, bowel care, sterile dressing changes, nasogastric tube feedings and care of a decubitus ulcer. ****Note:** if an Employer uses or needs specialized care, an endorsement with oversight training will need to occur with the LINC RN, PA, and Employer.

Minimum Requirements for Position of Personal Assistant:

- Be at least 18 years of age
- Must provide two forms of ID that show proof of employment eligibility in the United States.
- Have the basic skills to provide services, including but not limited to: meal preparation; transferring; grooming; bathing; dressing; grocery shopping; laundry; bed making; sweeping/vacuuming /mopping floors; washing dishes and dusting
- Be interviewed and hired by a LINC Employer
- Complete all required enrollment documents
- Have demonstrated the ability to communicate
- Adhere to Health Insurance Portability and Accountability Act (HIPAA) and LINC's confidentiality guidelines.
- Know the generally accepted practice of infection control and proper hand washing methods.
 - Wash hands before and after each task; rinse soap bar before and after each washing; use enough soap to lather; rub skin to eliminate germs; rinse under running water above wrists to fingertips. Turn faucets off with paper towel to avoid recontamination of hands.
- Must be physically capable of performing the service.
- A Personal Assistant cannot be a relative of the participant; a relative is defined as a spouse or the parent of a minor child.
- Must be able to pass a criminal history background check through Department of Health and Welfare's Criminal History Unit. The following situations will prevent passing:
 - Having been convicted in the last three years of an offense that has a direct bearing on the individual's fitness to be a direct care provider.
 - Having been abusive or neglectful of someone in your care.
 - Having been guilty of stealing from someone in your care.
 - Having been convicted of a felony.

Criminal History Requirements:

- Complete background application online at Criminal History Unit.
- Set fingerprint appointment (at that time a voucher can be offered if needed).
- Be fingerprinted and have the status of pending available.
- Make appointment & complete sign up with PAS Program Educator
- Complete orientation training with LINC RN, and PAS Program Educator
- Once a notarized background application has been completed and submitted and a fingerprint appointment has been made, you can work during the 21-day window to complete you fingerprints.

- Note: many Criminal History Unit (CHC) locations have walk-in appointments available check on the CHC website.

An existing background check that is less than 3 years old may be transferred to LINC. The individual must have an Idaho State Police Check Report done within 30 days of transfer.

Personal Assistant Responsibilities:

- Recognize the authority of the Employer as the supervisor
- Complete all authorized services in a manner that enhances the Employer’s ability to live independently
- Respect the Employer and their privacy and property
- Understand and practice the Employer’s confidentiality
- Provide information to and authorize LINC to collect and appropriately distribute employment related information ie: payroll and employment tax laws and regulations
- Comply with the policies and practices of LINC and the Program Guide
- Pay for and receive clearance for a criminal history background check with the Department of Health and Welfare.
- Be knowledgeable of the Employer’s Service Agreement/Care Plan and understand the rules, policies and standards associated with the Bureau of Long-Term Care Universal Assessment Instrument
- Agree only to report hours Authorized by the Medicaid Bureau of Long-Term Care (BLTC) for my employer. Any hours worked over my employers Authorized hours will have to be billed directly to the employer by the Personal Assistant.
- In the event of illness, emergency or incident preventing the personal assistant from scheduled service, the personal assistant shall notify the Employer as soon as possible, so that the Employer can obtain assistance from someone else utilizing their back up plan
- Complete all training as required by the Employer, LINC and BLTC
- Understand that there is no guarantee of employment or payment of a particular minimum wage for any time period
- Must disclose other employment if that employment works with participants on the Developmental Disability waiver or the Aged & Disabled waiver.
- Must work at least one hour a year to remain active with LINC

Payroll Information

Pay Rate for Personal Assistants:

All Personal Assistants, regardless of education or experience, receive the same starting wage based on services provided. All pay increases are subject to the authorization of LINC’s Board of Directors. Notices of Board authorized pay increases will be sent to

Employers and Personal Assistants active in the Personal Assistance Services Program.

<u>Medicaid Services</u>	<u>Hourly Rate</u>
Attendant/PCS	\$10.30
Homemaker	\$8.30
Companion/Chore/Respite	\$7.25

Receiving Payroll Checks:

Payroll checks are issued every two weeks, following the processing of weekly time sheets. The payroll checks will be payable to the Personal Assistant and can be direct deposited into a bank account specified by the Personal Assistant or mailed to the Personal Assistant's home. It is important that you provide the most up to date address. Should the Personal Assistant or Employer notice any payroll discrepancy, they must call the Accounting Manager to discuss the problem.

Deductions:

All federal and state required payroll deductions will be withheld from Personal Assistant's check.

Workers Compensation:

The cost of Workers Compensation is paid by LINC; Personal Assistants are covered the first day they work in an Employer's home. Personal Assistants are covered for job-related injuries and it is recommended that they are reported within forty-eight (48) hours of occurrence. Job-related injuries must be reported to the Employer and to the local office of LINC. If the occurrence takes place after LINC office hours or on a weekend, the Personal Assistant may leave a message at the LINC office. The report is forwarded by LINC to the Idaho State Insurance Fund for claim review and processing. The claim report must include the following information:

- The Personal Assistant's name
- The specific type of injury or accident and the body part injured (right or left) (leg, arm, ankle or etc.)
- Details of what lead to the injury
- Location at which Personal Assistant was working
- Name and address of the doctor and/or hospital if situation required professional medical attention
- Time the Personal Assistant began work, the date and time injury occurred; as well as the time the Personal Assistant left work

- If the Personal Assistant is incapacitated and an estimation of how long that incapacitation might last
- The name and address of at least one witness
- Failure to report an on-the-job injury or accident within 48 hours of occurrence may result in our insurance company not accepting the claim.

Unemployment Insurance:

Personal Assistants may qualify for Unemployment if the Personal Assistant has become unemployed through no fault of their own, has worked at least 20 weeks of the year, is immediately available for work, and has requested in writing to be placed on the LINC Registry. The process for applying for Unemployment is to notify the local LINC office that you have become unemployed and apply with the Idaho Department of Labor: Boise office, 317 W. Main St, Boise, Idaho 83735, 208-332-3575, this may be done either in person or online. The cost of unemployment insurance is paid by LINC in the form of an employer of record tax on wages paid to each person.

Garnishment:

Under court orders, LINC is obligated to process legal claims against your wages.

Additional Job Responsibilities

Personal Assistant Training:

Personal Assistants are required to attend at least one LINC sponsored annual training per year. LINC provides a resource library that includes training materials available to assist Employers in training Personal Assistants or in the management of Personal Assistants. LINC staff is also available to assist with trainings at the request of the Employer. Management training includes information about hiring, supervising and disciplining Personal Assistants.

Personal Assistant Information Update:

The Personal Assistant must report in writing any personal data change such as name, address or telephone number to the Employer and to LINC. A change in marital status or number of dependents requires that a new W-4 form be submitted to LINC as soon as the change occurs. If there is a name change on your Social Security Card, you must bring it in; we cannot accept a copy and fill out a new I-9.

Confidentiality:

All information regarding the Employer is strictly confidential!! Absolutely no information about the Employer shall be discussed with anyone other than authorized personnel. Personal Assistants may have contact with necessary information and records regarding the Employer, and may hear personal conversations and/or professional discussions between the Employer and others; such confidential information is not to be discussed with anyone other

than authorized personnel. Violation of confidentiality places a Personal Assistant in legal jeopardy, and can result in disciplinary action, including dismissal.

Medication Assistance Policy:

Medication Assistance – Personal Assistants may provide assistance to self-directing Personal Assistance Services Program Employers limited: to reminding Employers to take medications and/or refilling prescriptions, opening medication containers as directed by the Employer, getting packaged medications from where they are stored to the Employer and returning them to storage.

Abuse, Neglect Policy:

Any Personal Assistant or Employer who has reasonable cause or belief that a vulnerable adult is being or has been abused, neglected or exploited will immediately report such information to LINC and to the Idaho Commission on Aging. *Failure to report as provided in this section is a misdemeanor.*

Idaho Commission on Aging Phone Numbers:

Boise area at (208) 322-7033 or 1-800-859-0321

Caldwell area at (208) 454-9661

Weiser area at (208) 549-2411 or 1-800-859-0324

McCall area at (208) 634-4287

Mountain Home area at (208) 587-2756

Twin Falls area at (208) 736-2122

Evenings, weekends and holidays in all areas call (208) 333-2909

What is Abuse and Neglect?

Abuse is the violation of an individual’s human or civil rights, through the act or actions of another person or persons.

Neglect is a failure to provide the necessary care, aid or guidance to dependent adults or children by those responsible for their care.

Types of Abuse:

Physical abuse – is any non-accidental physical injury or injuries to a child or adult including infliction of pain of any sort such as punching, hitting, slapping, or other action causing bruises, fractures, burns, electric shock or any unpleasant sensation.

Sexual abuse – Any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with an adult who is unable to understand consent, has not or is unable to give consent, is threatened, coerced or forced to engage in sexual behavior. Any act of forcing someone to take part in sexual activity against their will.

Psychological or emotional abuse – is threatening, harassing or intimidating a person. The use of verbal assault, threats of maltreatment, harassment, humiliation, intimidation, or

failure to interact with a person or to acknowledge that person's existence.

This may also include denying cultural or religious needs and preferences.

Constraints and restrictive practices – are restraining or isolating an adult for reasons other than medical necessity in the absence of a less restrictive alternative to prevent self-harm. Neither chemical, psychological or physical means may be used to deny basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement.

Financial abuse – The improper use of another person's assets or the use or withholding of another person's resources including coercing the individual into purchasing items that person would not ordinarily choose to purchase.

Legal or Civil abuse – The denial of access to justice or legal systems that are available to all citizens.

Systemic abuse – is the failure to recognize, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences. Systemic abuse happens when there is an imbalance of power where one side to an exchange feels compelled to go along with what they are being asked or told to do because the person doing the telling either has a formal position of power over them or because that person is in a position of trust.

Performance Policy:

The LINC time sheet/ progress notes will be reviewed on a weekly basis against the Service Agreement/Care Plan of the Employer to determine that services are being provided as authorized by Medicaid BLTC. Reviews will be done throughout the year to assure that services are being performed.

Employer Section

General Information

An Employer is:

A person who is authorized to participate in the Self-Directed Personal Assistance Services Program and/or other Home and Community Based Waiver Services allowed by the Idaho Department of Health and Welfare (H&W), Medicaid Bureau of Long-Term Care.

A Self-directing Employer is:

- 1) An employer or legal representative who has the ability to manage life activities, including finances, housing, social activities, and arrange for services such as medical care, transportation, and in-home care.
- 2) The person must be willing to accept the responsibilities of being an employer, including:
 - Hire Personal Assistants (PA)
 - Ensure qualifications are met

- Assign duties
- Establish a work schedule
- Supervise and verify work performance
- Process time sheets and other employment documents
- Understand and conform to Medicaid procedures and rules

Advantages of Self-Direction:

- Employers actively and responsibly plan their care
- Employers can independently recruit, interview, hire, train, supervise, schedule and, if needed, dismiss Personal Assistants of their choice
- Employers develop a working relationship with their Personal Assistant without intrusion
- Employers have the option of using the Personal Assistant registry to assist them in recruiting new Personal Assistants. LINC staff is available to assist with advertising limited to advising on locations to advertise.
- All above options are available to private pay customers.

To qualify:

- Be eligible for Medicaid, MMCP (Blue Cross of Idaho or Molina Healthcare), or private pay
- Have had an assessment with a Bureau of Long-Term Care Nurse Reviewer and have authorizations for personal care (Private pay excluded).
- Be over the age of 18
- Meet all other Medicaid eligibility criteria.
- Choose LINC as your fiscal intermediary provider.

Employer Responsibilities:

- Report to Medicaid BLTC any changes that might affect Medicaid eligibility or need for services as authorized.
- Receive training and information assistance from LINC as needed
- Participate in a cooperative manner with LINC and the Medicaid BLTC Quality Assurance process to ensure Employer satisfaction and quality of care
- Make all documents required for the Employer's continued participation available for LINC to review. All documentation must be kept in your home for a period of five (5) years
- Immediately notify LINC of any changes in status, or other pertinent information that might affect the employment status of any selected Personal Assistant
- Follow accepted employment practices and do not discriminate against any Personal Assistant based upon race, color, religion, marital status, national origin, age, or political affiliation

- Assign schedules to the Personal Assistant(s)
- Verify actual hours worked and certify with your signature that all time cards submitted for payment are accurate. LINC will *only* pay for service hours consistent with the Employer's Service Agreement/Care plan for services as authorized by BLTC.
- On the timesheet a progress note is required with a daily or weekly summary of cares provided during the day or week, changes in status of health, falls, and refusals of tasks. It is mandatory to report date and time of hospital admission and discharge to LINC.
- Be responsible for timely completion of the Personal Assistant's time sheets
- Late arrival of time sheets may result in a delay of payment.
- Accept full responsibility for any personal injury or loss of property that may result from the action or inaction of the Personal Assistant
- LINC may terminate its relationship with the Employer if LINC's policies and procedures are not followed. If this occurs, a fourteen (14) day written notice will be given to the Employer. LINC will recommend to you that you contact your BLTC Nurse Reviewer for a list of Personal Care Agency providers and the change of agency process.
- Follow accepted employment practices regarding sexual harassment of employees sexual harassment is defined as:
 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1) Submission to conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Share of Cost:

Not all participants who receive services from LINC will have a share of cost. That decision is made by the Department of Health and Welfare, Self-Reliance Program, based on several different factors. This policy may or may not affect you:

LINC will continue to advocate on a policy-system level for the elimination and/or reduction of Medicaid Client Contributions/Share of Cost for the Aged and Disabled Waiver participants. However, at this time, we are required by Medicaid to collect the share of cost from our employers. Medicaid subtracts these amounts from our reimbursement before we receive any funds from Medicaid. All employers are

expected to pay the share of cost amounts dictated by the State of Idaho – Department of Health and Welfare. *The Share of Cost is due to LINC on or by the fifth day of each month.* If LINC does not receive the share of cost, we will discontinue service. Please call LINC immediately if you are unable to pay your Share of Cost. Any payment arrangements must be negotiated through Billing Specialist in the LINC Business Office.

Help in finding a Personal Assistant:

LINC offers Assistance to help Employers find or recruit new prospective Personal Assistants. These services could include:

- Registry: LINC provides a listing of Personal Assistants who are looking for work. Included on this list is the Personal Assistant's contact information. Employers who wish to consider any of the Personal Assistants listed on the Registry should contact them directly to arrange for an interview.
- Advertising: LINC staff is available to with advertising limited to advising on locations to advertise.

Back-Up Plan and Interventions:

Employers are required to have a backup-plan to ensure that they will not be without services in the absence of their Personal Assistant. The back-up plan is developed during your Service Agreement/Care Plan visit with LINC PAS Specialist or LINC RN.

Back-Up Plan Suggestions:

- Hire more than one permanent Personal Assistant to work during the week. If one Personal Assistant is sick or unavailable, the other can substitute. For example, you can hire one person for weekdays and another for weekends.
- Request that your Personal Assistant find his/her replacement when unable to work.
- Maintain an updated list of prospective Personal Assistance you liked but did not hire as permanent workers. Check with them periodically to see if they are still available to work for you on a substitute basis.
- Ask friends or neighbors if they would be willing to assist you in case of an emergency. You can remind them that besides helping you, they can be paid for their services once they are signed up with LINC

Payroll Information

Enrolling a Personal Assistant:

When an Employer wishes to hire a Personal Assistant have them contact the local LINC office. They will need to make an appointment to fill out the appropriate paperwork. Items they need to bring with them are:

- Two forms of acceptable identification for completion of the I-9

- Completed criminal background check

All newly hired Personal Assistants are not eligible to work until all required orientation documents are completed, have a notarized background check application and fingerprint appointment. If the fingerprint appointment is not completed within the 21-day window, the PA can't work until fingerprints are cleared.

Paychecks:

If a Personal Assistant does not receive a payroll check and notifies the LINC office of this problem, the LINC staff will adhere to the following procedure:

- LINC staff person will compare the Personal Assistant's payroll to the hours shown on the Employer's time sheet to ensure that the payroll has been issued properly.
- If the payroll staff agrees with the Employer's service schedule, the Personal Assistant(s) will be instructed to wait 10-business days following payday to see if the payroll check arrives in the mail.
- If the payroll check does not arrive within the 10-business day time frame, LINC will begin the stop payment process.
- LINC highly encourages direct deposit. Forms can be obtained on LINC website or at the office locations.
- Paychecks are not mailed out before Fridays. Paychecks are not issued in between pay dates.

Personal Assistants or Employers requesting written or duplicate information regarding personal financial information such as pay stubs, W-2 information are encouraged to use the myReadyPay system. If they request this information from LINC they will be charged a minimum fee of \$15.00 and \$15.00 for every hour thereafter.

In-home Personal Assistants generally fall under the "Companionship Exemption" in the Fair Labor Standards Act and do not qualify for overtime pay. If repeated timesheets are submitted that include overtime it may result in termination from the PAS Program.

Timesheet/Progress Notes:

A time sheet is an official weekly record of the hours worked by the Personal Assistant(s).

To properly complete a time sheet, the Employer and Personal Assistant should:

- Review the information to ensure that all of the names and numbers on the time sheet are correct. If an error is noted, draw a line through it; add the correct information, and both the Employer and Personal Assistant initial the change before sending to LINC. **DO NOT USE WHITE OUT!**
- Enter the day and hours the Personal Assistant worked. Identify the tasks completed by the Personal Assistant each day they work in the column corresponding to the

days that person worked.

- If different services are provided, such as PCS, respite or chore services, this must be clearly indicated on the time sheet.
- The Employer and Personal Assistant must sign and date the form. Time sheets should not be signed or dated prior to the last day worked by the Personal Assistant.
- The Employer should ensure the white copy is turned into LINC, and keep the yellow copy for their records in their red binder. The Employer is required to complete a time sheet and turn it into the LINC office every week.
- The LINC office must receive the time sheet by the Monday by 5 pm after the “week ending date” to prevent a payroll interruption.
- On the timesheet a progress note is required to notate daily and/or weekly care provided, refusals of tasks, changes in condition of health, and falls or hospitalizations to include date/time of admission and discharge.

The Employer is authorized to manage the hiring, supervision, training, and scheduling of a Personal Assistant. Please note that personal agreements between the Employer and Personal Assistant, financial or otherwise, have absolutely no bearing on the Personal Assistant receiving their payroll check for hours authorized by Medicaid.

Terminating a Personal Assistant:

When a Personal Assistant is terminated, the Employer/PA is responsible for calling the Personal Assistance Services Specialist at LINC within two regular business days of the termination date with the following information:

- The name of the Personal Assistant
- The termination date
- The reason for termination

When the above information is received, the Personal Assistance Services Specialist will notify Human Resources within two days. Please include the last day the PA worked.

LINC Responsibilities:

- Processing of the payroll for each Personal Assistant every two weeks.
- Act as the employer of record for all matters that affect the Personal Assistant’s withholding tax, unemployment and workers compensation.
- Pay the Personal Assistant for the hours of service indicated on the Employer’s time sheet and authorized by Medicaid Bureau of Long-Term Care (BLTC).
- Ensure that all Personal Assistants undergo a criminal history background check prior to service delivery and maintain documentation in the Personal Assistant’s file.
- Maintain a record for each Personal Assistant that will include: enrollment form, health screens, and all other information needed for tax and payroll processing. All

documentation must be retained for a period of five (5) years.

- Maintain an Employer record that includes Medicaid BLTC authorization for services, Service Agreement/Care Plan, Employer agreement, and other documentation needed.
- Ensure that no pay is dispersed to any Personal Assistant prior to the completion of all required federal or agency paperwork or where Medicaid BLTC has not authorized services for such care.
- Provide recruitment assistance and information assistance services to assist the Employer to live as independently as they desire, including management training and training Personal Assistants, if requested.
- Provide a written notification to the Employer of Fact (14 days prior to termination of services).
- Maintain Quality Assurance by:
 - Developing a Service Agreement/Care Plan with each Employer upon enrollment and annually as re-determination assessments are completed by Medicaid BLTC. This Plan identifies services to be received.
 - Phone calls, in-home visits, and participation in annual Employer Satisfaction Surveys.

Bureau of Long-Term Care (BLTC) Responsibilities:

- Establish and implement a Self-Directed Personal Assistance Services Program and notify all regional residents who are Medicaid-eligible (individuals eligible for long term care and services provided by nursing homes and personal care services) of the opportunity to participate in this program.
- Determine that the Employer is eligible for services by completing the following information:
 - Service Agreement/Care Plan
 - Verify that the person meets personal care services eligibility
 - Provide evidence that the person meets cost effectiveness criteria
 - Conduct periodic eligibility reassessments and authorize the reimbursement to LINC for waiver services.
- Determine that the Employer is eligible to participate in the Self Directed Program because he/she:
 - Has the ability to manage life activities, including finances, housing, social activities, and arrange for services such as medical care, transportation, and in-home care or has a legal representative who meets these requirements.
 - Is willing to accept the responsibilities of being an employer, including hiring PA's, ensure qualifications are met, assigning duties, establish a work schedule, supervising and verifying work performance, process time sheets and other employment documents, and understand and conform to Medicaid

procedures and rules.

- Transfer the Employer to other programs with more traditional agency control should the Employer be deemed inappropriate to continue participating in the Self- Directed Personal Assistance Services Program through LINC
- Provides the Employer with the appropriate fair hearing notice and the opportunity for a fair hearing with services if appropriate, at such times, as Idaho BLTC requires.

Medicaid Bureau of Long-Term Care determines the number of hours the Employer is entitled to receive:

- In making this determination, Medicaid BLTC will authorize the level of care, as long as the Employer meets the definition of personal care services.
- Employers who believe that their current authorization is inadequate to satisfy their current service requirements should contact LINC and request that a modification of hours form be completed.
- When an Employer makes this request, the Employer and LINC's RN must provide as much detail as possible to justify their request and clearly indicate how the service requirement has changed. The Employer will be evaluated within 30 days after BLTC receives all of the necessary documentation.

When the Employer disagrees with BLTC:

- If an Employer disagrees with BLTC's determination the first step to appeal to BLTC or BCI or Molina HealthCare is within thirty (30) days. If they do not appeal within in thirty (30) days, a modification request (significant change) is required.
- If the appeal or modification (significant change) is denied they may request a fair hearing. This request will ensure that the Employer's current Service Agreement/Care plan will continue unchanged until the hearing decision has been rendered.

Grievance procedures:

Grievances regarding the Employer's failure to carry out their responsibilities as outlined in this program guide or other written directives will be resolved by the appropriate LINC staff with approval by the Executive Director.

Should the Employer object to the decision made by the Executive Director in the resolution of the grievance, the Employer may appeal to the Grievance Committee, in writing, to review this complaint. This committee is comprised of the Board Chair, and the following chair appointees: a Personal Assistant, an Employer, and two representatives of the Board of Directors. If an Employer is unable to appeal in writing, the Employer has the right to request an accommodation.

Management training is available to assist Employers who have difficulty retaining

Personal Assistants or resolving grievances.

Employer Advisory Committee:

The purpose of the Employer Advisory Committee is to secure comments from Employers receiving services on various operational components of LINC’s program. This committee will be comprised of four Employers, the Executive Committee, and a PAS staff person. The Employer Advisory Committee will meet at least twice and not more than four times per year. This committee will be recruited by the Executive Committee from the Employer list and will be appointed by the Board Chair. Committee participants will serve at the discretion of the Chair. Frequent changes in the composition of the committee will be encouraged to ensure the inclusion of a variety of opinions. Committee participants will receive a job description outlining their role and responsibilities

Liability

Employer Liability:

The Employer is liable for the fulfillment of those responsibilities outlined in the section in this manual on Employer Responsibilities. Included in the above list is the full acceptance of responsibility for any personal injury or loss of property that may result from the action or inaction of the Employer’s Personal Assistant. Work related injuries or illness that may affect the Personal Assistant are covered under the terms and conditions of the Worker’s Compensation Policy provided by LINC

LINC Liability:

LINC is liable for the exercise of reasonable care in properly carrying out its responsibilities under this program, which include acting as a Fiscal Intermediary and providing management training to Employers.

Alternative Formats

This program guide is available in alternative formats, upon request.



EMPLOYER AGREEMENT TO FOLLOW THE POLICIES AND PROCEDURES OF LINC

Please initial by each statement signifying that you have read, understand, and agreed to the statement.

_____ I agree to report to LINC any changes that might affect my Medicaid eligibility or need for services as authorized by Bureau of Long-Term Care and make available all pertinent documents.

_____ I agree to pay to LINC any calculated client contribution/share of cost, if applicable. I must send a payment for the appropriate amount to LINC or make other payment arrangements. LINC has the option of discontinuing service if payment is not received.

_____ I agree to only report hours authorized by the Department of Health and Welfare, BLTC on my timesheet/progress notes. Any hours worked over those hours authorized to me by Medicaid cannot be submitted to LINC for reimbursement and are my sole responsibility to pay.

_____ I agree should I go over my authorized hours I will be billed directly by my Personal Assistant for any hours that are not authorized by Medicaid and those hours will not be reflected on my timesheet/progress notes. Should I report hours not authorized by Medicaid on my timesheet/progress note, LINC staff will return the timesheet/progress note to me for correction.

_____ I accept full responsibility for any personal injury or loss of property that may result from the action or inaction of the personal assistant/provider.

_____ I have been given a copy of LINC's policies and procedures, including the grievance procedures in the program guide, and agree to abide by them.

_____ With regard to my assistants:

- It is my right to select, hire, manage, supervise, and/or fire assistants and make decisions regarding my assistant services.
- It is my responsibility to make sure my personnel assistant is enrolled with LINC.
- I agree to receive training from LINC, for myself or my personal assistant, as required or as needed.
- I agree to notify LINC of anything that might affect their employment status.
- I agree to follow accepted employment practices, including sexual harassment laws, and not discriminate against any assistant based upon age, sex, race, color, national origin, disability, or religion.
- I understand that any assistant who works as a provider through LINC may not work more than 40 hours a week, unless there has been express permission by the LINC office.
- I understand any Personal Assistant may not report hours worked to LINC that are not authorized by Medicaid and any hours worked beyond those authorized are my responsibility.
- I understand that each of my assistants must have a criminal background check from the Department of Health and Welfare, and provide proof of final clearance to LINC before they can perform any service for me.
- I understand that no check will be issued until all the required enrollment forms have been submitted.

_____ With regard to payroll:

- I understand that my signature on the time sheets indicates that I have verified their correctness.
- I understand that Medicaid will only pay for hours that are authorized by Bureau of Long-Term Care. If my Personal Assistant works hours that are not authorized by Medicaid LINC cannot bill for those hours and paying for them will be my responsibility.
- I understand that it is my responsibility to return completed time sheets every week to the local office before the following Monday by 5:00 p.m.
- I understand that late arrival of time sheets will result in a delay of my personal assistant being paid.
- I understand that I cannot legally withhold a paycheck for hours my assistant has worked for me.
- I understand that untimely reporting of payroll could result in losing my services.

_____ I have received and agree to abide by the policies and procedures outlined in LINC's Self Directed Policy and Procedures Program Guide.

Employer or Designee

Date

LINC Staff

Date



PERSONAL ASSISTANT AGREEMENT TO FOLLOW THE POLICIES AND PROCEDURES OF LINC

Please initial by each statement signifying that you have read, understand, and agreed to the statement.

_____ With regard to my assistance:

- It is my responsibility to make sure I am enrolled with LINC before starting to work.
- I agree to receive training, as required or as needed.
- I agree to notify LINC of anything that might affect my employment status.
- I understand that I may not work more than 40 hours a week, unless I have been given express permission by the LINC office.
- I understand that I must have a criminal background check from the Department of Health and Welfare, and provide proof of final clearance to LINC before I can perform any service.
- I understand that no check will be issued until all the required enrollment forms have been submitted.

_____ With regard to payroll:

- I understand that my signature on the time sheets indicates that I have verified its correctness.
- I understand that LINC and Medicaid will only pay for hours that are authorized by Bureau of Long-Term Care. Any hours not authorized by Medicaid will be the responsibility of my employer.
- I understand any timesheet/progress notes submitted with hours not authorized will be sent back to my employer for correction and will need to be resubmitted to LINC.
- I understand that completed time sheets need to be turned into the local office before the following Monday by 5:00p.m.
- I understand that late arrival of time sheets will result in a delay of my paycheck

_____ I have received and agree to abide by the policies and procedures outlined in LINC's Self Directed Policy and Procedures Program Guide.

_____ I have the ability to perform the essential functions and tasks of the Personal Assistant position and meet the minimum requirements.

Personal Assistant Signature

Date

LINC Staff Signature

Date