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# FISCAL EMPLOYER AGENT

West Virginia  
Personal Options  
Employer Training Guide

*February 2024*



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# PERSONAL OPTIONS OVERVIEW

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## What is Participant Direction?

**Participant-direction is the act of choosing and controlling aspects of your life. This includes using your right to make choices and changes about your services. It also gives you the ability to decide:**

- ✓ Who will provide your services
- ✓ What services will be provided
- ✓ When services will be provided
- ✓ Where services will be provided

The Personal Options program is West Virginia's participant-directed program service delivery option. Personal Options is available on three different waivers.

### 1. Aged and Disabled Waiver (ADW)

- ✓ The participant is their own employer of record (EOR). They may pick a representative to help with the responsibilities of being an employer.
- ✓ The participant can hire their own workers, decide how much they are paid, and when they will work. (*Workers in this program are referred to as "personal attendants." They cannot be paid more than the Medicaid rate minus all mandatory deductions. They must be paid at least the current minimum wage.*)
- ✓ Services available to ADW participants are:
  - Personal Attendant Services
  - Non-Medical Transportation
- ✓ Supports available to the participant through their time enrolled in the program are:
  - Financial Management Services (FMS) - This service is provided by Palco. It includes performing payroll and tax functions for the participant. The Bureau for Medical Services pays for this service.
  - Resource Consultant (RC) services - RCs help the participant with enrollment, plan development, and staying within their budget. The RC also provides employer training and ongoing assistance with

employer-related responsibilities. The RC is provided by Palco and is a Palco worker.

- Case management services - Provided by a traditional agency provider. Case management is required for ADW participants.

ADW program participants may choose to transfer back to the Traditional Services Option at any time.

## 2. Intellectual Disabilities and Developmental Disabilities Waiver (IDD)

- ✓ The participant is their own employer of record (EOR). They may pick a representative to help with the responsibilities of being an employer.
- ✓ The participant develops and manages an annual budget based on their needs. The budget is not considered personal income of the participant. It is divided into monthly spending plans that specify the amounts of services to be provided by the participant's workers and also specifies the workers' rates of pay.
- ✓ The participant can hire their own workers, decide how much they are paid, and when they will work. *(Workers in this program are referred to as "support workers." The rates of pay for support workers must be within state and federal limits and cannot exceed the current Medicaid rate for the service.)*
- ✓ Services available to IDD participants are:
  - Person Centered Supports (PCS)
  - Respite
  - Transportation
  - Participant Directed Goods and Services (PDGS)
- ✓ Participant Directed Goods and Services allows participants to buy goods and services. They can use up to \$1,000 from their budget per year for PDGS. Purchases will be approved if they decrease the need for Medicaid services, increase safety in the home and community, and/or promote independence. The \$1,000 is inclusive of any funds used for Environmental Accessibility Adaptation (EAA) for vehicles or homes. Examples include assistive technology, grab bars, personal response systems, etc.
- ✓ Supports available to the participant through their time enrolled in the program are:
  - Financial Management Services (FMS) - This service is provided by Palco. It includes performing payroll and tax functions for the participant. The Bureau for Medical Services pays for this service.

- Resource Consultant (RC) services - RCs help the participant with enrollment, plan development, and staying within their budget. The RC also provides employer training and ongoing assistance with employer-related responsibilities. The RC is provided by Palco and is a Palco worker.
- Case management services - Provided by a traditional agency provider. Case management is required for IDD participants.

IDDW program participants may choose to transfer back to the Traditional Services Option at any time.

### 3. Traumatic Brain Injury Waiver (TBI)

- ✓ The participant is their own employer of record (EOR). They may pick a representative to help with the responsibilities of being an employer.
- ✓ The participant can hire their own workers, decide how much they are paid, and when they will work. *(Workers in this program are referred to as "personal attendants." They cannot be paid more than the Medicaid rate minus all mandatory deductions. They must be paid at least the current minimum wage.)*
- ✓ Services available to TBI program participants:
  - Personal Attendant Services
  - Non-Medical Transportation
  - Personal Emergency Response System (PERS)
- ✓ Supports available to the participant through their time enrolled in the program are:
  - Financial Management Services (FMS) - This service is provided by Palco. It includes performing payroll and tax functions for the participant. The Bureau for Medical Services pays for this service.
  - Resource Consultant (RC) services - RCs help the participant with enrollment, plan development, and staying within their budget. The RC also provides employer training and ongoing assistance with employer-related responsibilities. The RC is provided by Palco and is a Palco worker.
  - Case management services - Provided by a traditional agency provider. Case management is required for TBIW participants.

TBIW program participants may choose to transfer back to the Traditional Services Option at any time.

## The Principles of Self-Direction

Regardless of which of the three Personal Options programs you participate in, the following principles of self-direction will apply:

- ✔ You have freedom to choose a meaningful life in the community.
- ✔ You have authority over an authorized amount of dollars in your budget.
- ✔ You will organize resources to enhance your life.
- ✔ You have responsibility for the wise use of public funds.
- ✔ You will have confirmation of the important leadership role that individuals and families play in self-direction.

## Appointment of a Program Representative (PR)

Participants self-directing their care in a Personal Options program may choose to appoint a program representative to assist them with their employer responsibilities. Your Palco Resource Consultant can assist you with this during the enrollment meeting.

Being appointed as a program representative is a big responsibility. It is important that your program representative:

- ✔ Show a strong personal commitment to you to ensure your needs are met.
- ✔ Respect your preferences.
- ✔ Is willing and able to help you with the requirements of participant-direction.
- ✔ Assist you in verifying your worker(s) timesheets, personal attendant logs, and transportation invoices.
- ✔ Be at least 18 years old.

Your program representative **CANNOT**:

- ✔ Be paid to assist you with your employer responsibilities and cannot be hired to provide your care services.
- ✔ Be known to abuse drugs or alcohol.
- ✔ Have any history of physical, mental, or financial abuse.



## Involuntary Transfer from Personal Options to Traditional Service Option

If you are unable to self-direct waiver services, either due to a misuse of funds, noncompliance of program rules, or an ongoing health and welfare risk, you will be required to appoint a program representative to assist you with the responsibilities of self-direction. If you refuse to appoint a program representative, or if your program representative fails to assist you with your employer responsibilities, you will be transferred to the Traditional Service Option. Your Resource Consultant and/or case manager will assist you in this process.



## PARTICIPANT RIGHTS AND RESPONSIBILITIES

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As a Personal Options participant, you have certain rights and responsibilities that apply throughout your participation in the program.

### Participant Rights

As a Personal Options participant, you have the right to:

- ✓ Privacy and confidentiality regarding ADW, TBIW, and IDDW services.
- ✓ Always be treated with dignity and respect.
- ✓ Choose the people that will support you.
- ✓ Make decisions about your care needs.
- ✓ Receive the information you need to make informed choices.
- ✓ Appeal decisions about the ADW, TBIW, and IDDW Programs.
- ✓ Access the WV DHHR Fair Hearing process.
- ✓ Be involved in decisions about your ADW, TBIW, and IDDW services.
- ✓ Be notified of changes in the ADW, TBIW, and IDDW programs in a timely manner.
- ✓ Transfer to a different provider agency and/or service option.
- ✓ Address dissatisfaction with services provided by Palco through the agency's grievance procedure.
- ✓ Freedom from abuse, neglect, and exploitation.
- ✓ Freedom from retribution when expressing dissatisfaction with services or appealing service decisions.

### Participant Responsibilities

Your responsibilities as Personal Options participant are to:

- ✓ Manage your health and safety.
- ✓ Notify your Resource Consultant of any change in your medical or care needs.



- ✓ Notify your Resource Consultant of admission to a hospital, nursing home or rehabilitation facility. (Your worker cannot be paid for any hours when you are in one of these settings.)
- ✓ Contact your Resource Consultant if there are changes in your Medicaid coverage.
- ✓ Notify your Resource Consultant of any change in residence, address, or phone number.
- ✓ Maintain a safe home environment free of drugs, harassment, etc.
- ✓ Participate in the required monthly phone contact and six-month visit with your Resource Consultant.
- ✓ Make sure your workers follow your Service Plan.
- ✓ Verify services were provided by reviewing and approving timesheets, personal attendant logs, and transportation invoices.
- ✓ Report abuse, neglect or exploitation to the WV DHHR Adult/Child Protective Services Hotline at 1-800-352-6513.
- ✓ Report any fraudulent activity to your Resource Consultant.
- ✓ Report any illegal activity of workers to local police or appropriate authorities.

## Participant Program Requirements

Participant program requirements are:

- ✓ Monthly phone contact with the Palco resource consultant.
- ✓ Daily review and sign off on the timesheet and personal attendant log.
- ✓ Six-month review and annual revision of the Spending Plan after your Service Plan meeting (depending on your waiver).
- ✓ Six-month home visit with your Palco Resource Consultant.

Additionally, maintaining medical eligibility is required for the program. You will be assessed by Kepro/Acentra annually to determine whether you continue to meet the medical eligibility requirements for the program. If you receive notice that you are no longer eligible for waiver services, you have the right to appeal.

- ✓ To continue to receive services during the appeal process, you must submit your appeal request (Request for Medicaid Fair Hearing form) within 13 calendar days of the notice date.



- ✓ You must notify your Resource Consultant of the appeal.
- ✓ You may appeal within 90 days, however if **services** are discontinued because you did not complete your appeal timely enough then your worker(s) can no longer be paid through the program while the appeal is being considered.

You will also need to maintain financial eligibility for the program. You are required to complete a financial eligibility review every year through your local Department of Health and Human Resources office. You must notify your Resource Consultant of any change in your financial eligibility status.

## EMPLOYER ROLES AND RESPONSIBILITIES

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As a participant in a Personal Options program, you will be the Employer of Record (EOR) for your workers. This means you will have some very important responsibilities. If you choose to appoint a program representative, they will assist you with these responsibilities.

You will be assigned an EIN (Employer Identification Number) from the IRS. This is a process that Palco will take care of for you. Palco will also pay your employer taxes such as Social Security, Medicare, and unemployment taxes for your workers. The funds for these taxes comes from your Personal Options approved budget. Remember, this only applies to your participation in the Personal Options program. You should continue to file your personal taxes (if applicable) as you have always done.

### Employer Responsibilities

Additional employer responsibilities include:

- ✓ Recruiting, hiring, training, supervising, and, when needed, firing worker(s).
- ✓ Ensuring your worker(s) meets all the required qualifications including:
  - Completing and passing a criminal background check through WV CARES. Background checks are run at hire and again every 5 years.
  - Completing CPR and First Aid trainings through approved providers (see list in the waiver Policy Manual). Certifications must also be kept current.
  - Completing initial and annual training as applicable for your Personal Options program.
  - Providing Palco with copies of your workers' current documents as required by your Personal Options program. Examples of these include:
    - Current, valid state driver's license (if your worker will provide transportation services).
    - Current vehicle insurance and registration.
    - Current CPR and First Aid certifications.

- ✓ Determining your workers' rates of pay (within state guidelines).
- ✓ Determining your workers' work schedules and duties.
- ✓ Verifying and approving complete and accurate timesheets, transportation invoices, and vendor invoices (as applicable).
- ✓ Making sure your workers do not work over the approved daily, weekly, or monthly hours as approved on your plan. You are responsible for payment to your workers for any time worked that exceeds what is on your plan.
- ✓ Ensuring your worker(s) provide services that follow the Service Plan developed by you and your Resource Consultant and/or case manager (if applicable).
- ✓ Keeping a current emergency back-up plan for times when workers are unable to report to work as scheduled (see Appendix D).
- ✓ Completing the personal attendant log with your worker(s) and submitting it to Palco within five business days after the end of the month. (For ADW workers only)
- ✓ Keeping a safe working environment free from any harassment, hostilities, or illegal drugs.
- ✓ Educating your family members to treat your worker(s) with respect.
- ✓ Developing your monthly spending plans.
- ✓ Keeping track of your monthly spending plan allocations.
- ✓ Connecting with your resource consultant through monthly phone calls and biannual 6-month home visits (waiver dependent).
- ✓ Work with your resource consultant and/or case manager to update your Service Plan for any long-term changes in your services/service hours.

As the employer, you will have to manage and supervise your workers. Best practices for managing and supervising your workers include the following items:

- ✓ Orientate your workers to your home and the job.
- ✓ Train your workers how you want things done.
- ✓ Make sure tasks are performed safely, and that precautions for health and safety are followed.
- ✓ Set a work schedule for the employee to follow.
- ✓ Give positive and constructive feedback when necessary.
- ✓ Create a good working relationship with open and honest communication.

- ✔ Treat your worker with respect and kindness.

## Electronic Visit Verification (EVV)

EVV is a system that verifies that home and community-based service visits occur by capturing and documenting six points of data:

- ✔ Type of services performed.
- ✔ Individual receiving the services.
- ✔ Person providing the services.
- ✔ Date of service.
- ✔ Location of service.
- ✔ Time service begins and ends.

Electronic Visit Verification (EVV) is a federal mandate under the 21st Century Cures Act. All Medicaid agencies have to comply with the mandate. Unless a worker is exempt (because they live with the participant), the employer must make sure all workers comply as well.

More information on EVV can be found later in this guide.

## Monitoring and Preventing Fraud, Waste, and Abuse

An important thing to remember as an employer is that only hours worked by your workers can be paid. Your signature on these documents will verify these forms are accurate. Knowingly falsifying hours or services provided is Medicaid fraud and will be reported to the WV Medicaid Fraud Unit for investigation.

If you ever suspect Medicaid Fraud is occurring, please call 1-888-372-8398.

## Terminating a Worker

There may come a time when a worker chooses to end their employment with you or vice versa. You should consider several factors when managing your workers and making the decision to terminate.

- ✓ Document your interactions with the worker, including talks around corrective action.
- ✓ Consider having another person there if you are concerned for your health or safety.
- ✓ State the reason for termination clearly and concisely. Do not argue or attack.
- ✓ Make a plan for how you will continue to receive your care once the worker is gone.

You should report worker terminations to Palco immediately. You will need to complete an Employment Separation Form located on our website or you can request one by contacting customer service. In some states, labor laws may require a final paycheck be issued within certain time frames, so it is important Palco is notified quickly. Remember, if a worker worked, they must be paid. It is against the law to withhold pay for an employee under the Fair Labor Standards Act.

## Reporting Changes

You should report worker terminations to Palco as soon as possible. In some states, labor laws require a final paycheck to be issued within a certain time frame. This is why it is important that Palco is notified quickly. To notify Palco and begin the termination process, you will need to complete an Employment Separation Form. It can be found on our website. Or, you can request one by contacting customer service.

Remember, if a worker worked, they must be paid. It is against the law to withhold pay for an employee under the Fair Labor Standards Act.

## PALCO OVERVIEW

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Participants enrolled in the Personal Options program will work with a Fiscal Employer Agent (FEA). FEAs provide support to the participant through their self-directed journey. Palco is the Fiscal Employer Agent for the Personal Options program.

### Who Are We?

Palco is the first Financial Management Services (FMS) provider in the country. We have been providing services for nearly 25 years. In that time, we have influenced and helped grow self-direction to what it is today!

**Our mission at Palco is to empower independence. Sharpened by experience and amplified by modern technology, Palco advocates for people to live independent lives.**

### Our Core Values

- ✓ **Independence** - Empowering people to live independent and quality lives through original ideas and tools that solve problems.
- ✓ **Innovation** - Our all-encompassing tools revolutionize self-direction, providing solutions to business problems through modern technology.
- ✓ **Expertise** - A quarter century providing financial management services with unmatched industry experience.
- ✓ **Trust** - Palco leadership strives for long-lasting partnerships forged from integrity, accessibility, and commitment to client achievement.
- ✓ **Diversity** - Our experience spans a variety of health and human services contracts. Our business practices honor diverse individuals and perspectives.
- ✓ **Advocacy** - Advocating for industry best practices and incorporating feedback from end users to ensure stakeholders at all levels of the service continuum get the resources deserved.

**Our role at Palco is to:**

- ✓ Assist participants and their workers with the required paperwork.
- ✓ Verify criminal background checks for workers.
- ✓ Confirm workers' qualifications including CPR and First Aid Certification.
- ✓ Perform all payroll and tax functions for participants and their workers.
- ✓ Answer payroll questions via phone.
- ✓ Assign a Palco Resource Consultant to help participants and their workers understand their responsibilities in the Personal Options program.

Palco provides the time capture system called Electronic Visit Verification (EVV) and Connect for the submission and management of all time. In addition, the Connect portal provides valuable resources such as access to pay stubs, W-2s, the ability to update your contact information, and more. Resources and instructions for the use of Connect and EVV can be found on the Palco website. Palco maintains a training library for participants and their workers, which can be accessed from the Palco website as well. Visit [www.palcofirst.com/west-virginia](http://www.palcofirst.com/west-virginia) for more information.

Every participant within Palco is assigned a dedicated Resource Consultant who can help you along your journey with self-directed services. Resource Consultants are regionally located across the state to provide the best and most person-centered support to every participant.

Palco maintains a Customer Support Center for any questions or concerns. You can contact the West Virginia team at 866-710-0456, Monday-Friday between 9:00am and 6:00pm EST.

**Mailing Address:** P.O. Box 242930 Little Rock, AR 72223

**Palco Fax Line:** 501-821-0045

**Email:** [customersupport@palcofirst.com](mailto:customersupport@palcofirst.com)

**Website:** [www.palcofirst.com/west-virginia](http://www.palcofirst.com/west-virginia)

**Online Timesheet Portal (Connect):** <https://connect.palcofirst.com/>



## ENROLLMENT

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Before you start directing your care, you will go through an enrollment process with your Palco Resource Consultant. This is after meeting the medical and financial eligibility requirements for the program and selecting to participate in the Personal Options program.

During this process you will:

- ✓ Review the information in this guide.
- ✓ Make important decisions about your care.
- ✓ Identify key supports to assist you in successfully participating in the program.
- ✓ Develop your care plan and budget.

The enrollment process may look a little different depending on which Personal Options program you are participating in, but here are the steps to the process:

1. Palco will receive a referral from the program you are participating in. The referral normally contains the following information:
  - ✓ Participant demographic information (name, address, Medicaid number, etc.).
  - ✓ Pre-Admission Screening (PAS) indicating medical eligibility.
  - ✓ DHS-2 indicating financial eligibility.
  - ✓ Service Delivery Model Selection Form or Personal Options Transfer Form.
2. Once Palco receives a complete referral, a Palco representative will be contacting you within three days to:
  - ✓ Welcome you to Palco.
  - ✓ Confirm your demographic information.
  - ✓ Briefly explain the program.
  - ✓ Provide important information about the enrollment process.
  - ✓ Answer any questions you may have.
  - ✓ Schedule your enrollment appointment.

3. It's time for your enrollment visit! You will meet with your Palco Resource Consultant to review all the information you have received. They'll help you complete the enrollment forms and also review resources available to you.
  - ✔ If you appointed a program representative and know who your potential workers are, they should be present at the meeting.

Once the enrollment process is complete, you will then work with your Resource Consultant to develop your Personal Options Spending Plan. Your Personal Options case manager will assist with service planning and assessment.

Your Resource Consultant will notify you of your start date. This is when you can begin receiving services as outlined in your Service Plan. You must have a worker with all training documentation turned in and a completed background check before you will be issued a start date.

## DEVELOPING SERVICE PLAN AND SPENDING PLAN

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Development of your Service Plan and Spending Plan happens after the enrollment process has been completed.

*A **service** plan will identify your care needs and how you will address those needs. This is developed between you and your Case Manager.*

*A **spending** plan will show how much you will pay your workers or how much you will pay for a service (if applicable). It is a budgeting tool that will help you stay on top of your authorized program funds which are allocated to you based on your level of care. This is developed between you and your Palco Resource Consultant.*

You will identify your paid and unpaid support with your resource consultant during the development of your Service Plan.

Some questions you may be asked:

- ✓ Who will you hire to provide services?
- ✓ What hourly rate will you pay your worker(s)?
- ✓ Will your worker(s) provide transportation services?

Your paid supports will be reflected in your Spending Plan within your assessed budget. Unused funds from one month's budget cannot be carried over to the following month.

### **Key Points:**

- ✓ The Spending Plan will be used by Palco as an authorization to pay for services and supports on your behalf.
- ✓ Palco cannot pay for hours worked or miles traveled that are not in your approved Spending Plan.
- ✓ The amount of budget allocation in your Spending Plan can be changed from one service to another to meet your needs. You must discuss with your resource consultant about any changes needed in your Service Plan and Spending Plan before implementing a change.

- ✓ Any changes in your Spending Plan must be approved prior to the first of the following month to become effective on the first of the month.
- ✓ Any workers that work more than 40 hours per week will be eligible for overtime pay if the worker is not living with you. Any hours worked over 40 will be paid time and one-half and will thus impact your budget.

***Remember that only approved services will be paid for by Palco. If your workers work over the approved number of hours, Palco cannot pay them for that time.***

## Revising your Spending Plan

If you need to make changes to your plan, you may do so by contacting your Resource Consultant. Your Resource Consultant can assist you in adding or removing services and increasing or decreasing worker wages. Approved changes will begin on the first day of the following month or as otherwise indicated by your Resource Consultant.

If your care needs change during your service year and you need additional funds to receive that care, contact your Resource Consultant and let them know. Your Resource Consultant will be available to assist you with this process and help you work with your Case Manager to get the appropriate form(s) completed. Once your request is submitted and approved, your Resource Consultant will work with you to revise your Spending Plan based on the newly approved Service Level of Care.

## Six-Month Review of the Spending Plan

As part of the program requirements, you will review your spending plan every six months with your Palco Resource Consultant. Together, you will make any changes that need to be made.

## COMPLAINTS AND GRIEVANCES

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### Complaints

Personal Options participants have the right to complain or file a grievance. A complaint about a program-related issue can usually be resolved by Palco. A complaint may be about Palco, disputes between workers and employers, Palco processes, or Palco tools. Please contact your Palco Resource Consultant to report a complaint. Participants using Personal Options are encouraged to discuss concerns with their Resource Consultants or Palco administration in West Virginia.

#### **ADW Participants**

The Operating Agency (Bureau of Senior Services, BoSS) can also receive your program complaints either verbally or in writing. Complaints can be made to BoSS toll free at 866-767-1575, emailed to [wvseniorservices@wv.gov](mailto:wvseniorservices@wv.gov), or faxed to 304-558-6647. The level one grievance does not go to BoSS first. You may go to a level two grievance without going through a level one grievance first.

#### **IDDW/TBIW Participants**

The UM Contractor can also receive your program complaints either verbally or in writing. Complaints can be made to the UM Contractor toll free at 866-385-8920, emailed to [wvtbiwaiver@kepro.com](mailto:wvtbiwaiver@kepro.com), or faxed to 866-607-9903.

### Grievance

If you are dissatisfied with the services you receive, you have the right to file a grievance. A Grievance Form can be found on the Palco website, or you can file a grievance by contacting the Palco Customer Support team.

If you have a grievance regarding your case manager (if applicable), you will need to send the completed grievance form to the case management provider agency with whom they are employed. If you have a grievance regarding your Resource Consultant or other Personal Options staff, contact Palco to begin the grievance



process for a level one grievance. Contact the Bureau of Senior Services for a level two grievance. The provider agency or Palco will meet with you in person or by phone to discuss the issue(s).

The grievance process is intended to resolve complaints not subject to the Medicaid Fair Hearing process such as non-implementation of your Service Plan. The grievance process is not utilized to address decisions regarding medical or financial eligibility, a change in service(s), or case closure.

Please refer to your WV Recipient User Guide for more information regarding Medicaid Fair Hearings.

## REPORTING OF SUSPECTED ABUSE, NEGLECT, & EXPLOITATION

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As a participant in a WV Personal Options program, your workers, and your resource consultant are mandated reporters of abuse, neglect, and exploitation. They will be expected to report if they observe, hear, or suspect an inappropriate action has occurred.

- ✓ **Abuse**—Harm or the threat to harm with physical pain, injury, or the imprisonment of any participant.
- ✓ **Neglect**—The failure to provide the necessities of life to a participant; or the unlawful expenditure or willful dissipation of the funds or other assets owned or paid to for the benefit of a participant.
- ✓ **Financial Exploitation**—The illegal use or wasting of a participant’s money, property, or other assets by any person, or by anyone who allows this to happen. Financial exploitation places the participant at impending risk of neglect by not having basic needs met.

### Reporting Suspected Medicaid Fraud

The ADW program is provided through federal and state Medicaid funds. Misuse of these funds may be considered fraud. Instances of fraud include falsifying information regarding services provided.

You are required to contact your Resource Consultant to report instances of suspected fraud. Provide as much information as possible, including:

- ✓ The name of the person and their identifying information.
- ✓ Names and contact information of other parties involved.
- ✓ A description of the situation relating to your allegation.

# SELECTING, HIRING, TRAINING & SUPERVISING WORKER(S)

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Deciding who will be providing your care is an important task. As an employer, you will need to make sure your workers meet the following requirements before they can be hired and start providing services:

- ✓ Be 18 years or older and eligible for employment in the U.S.
- ✓ Pass a criminal background check through WV Cares initially and every five years thereafter.
- ✓ Pass the Office of Inspector General Medicaid Exclusion List monthly.
- ✓ Complete all forms in the Worker Packet.
- ✓ Complete initial and annual training.
- ✓ Maintain all training, CPR, and First Aid certifications.

Individuals who have been convicted of certain offenses or who have committed Medicaid fraud are not eligible for employment through Personal Options. The negative findings list that would disqualify an applicant for employment is available in the Policy Manual Section 501.2.1 Criminal Background Checks.

In this Employer Guide we have provided some guidance on how to complete some of the more common employer duties.

- ✓ **Recruiting:** Tips on effective worker recruitment, writing a job description, posting a job ad, interview questions, checking references, and making an offer (see Appendix A).
- ✓ **Worker Management:** Information on scheduling, training, corrective action, performance reviews, and termination (see Appendix B).
- ✓ **Budget Management:** Staying on top of your spending (see Appendix C).



## WORKER(S) TIMESHEETS AND PAYMENTS

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Your workers will be required to report time worked each day. As an employer, you will be responsible for reviewing that time for accuracy and approving the time for payment.

Connect is Palco's online portal for employers and workers. Connect provides everything a self-directing employer or worker may need right at their fingertips! Accessible 24/7, some features of Connect include the ability to enter time, integration with Electronic Visit Verification (EVV), the ability to track and monitor spending, the ability to update your information, and the ability to access W-2s and paystubs.

Electronic Visit Verification (EVV) is a federal mandate under the 21st Century Cures Act that requires compliance by all Medicaid agencies. Unless your worker is exempt due to them residing with the participant, the employer must ensure all workers comply with EVV.

### Electronic Visit Verification

Electronic visit verification (EVV) is a technology solution which electronically verifies that home and community-based services are actually delivered to people needing those services by documenting the precise time service begins and ends. EVV is a federal requirement that is a part of section 12006 of the 21st Century Cures Act which requires all state Medicaid agencies to implement EVV solutions.

Palco has partnered with Fiserv to provide our clients with one of the best EVV platforms that exists nationwide. **AuthentiCare**® by Fiserv is compliant with the Cures Act, user friendly, and secure. **AuthentiCare**® by Fiserv offers the choice of EVV via:

- ✓ The AuthentiCare mobile application.
- ✓ Telephony/IVR (Interactive Voice Recognition) via a touchtone phone.

You can find instructions for your workers on how to clock in and out each day on Appendix D – Time Capture and Submission. You can also visit the Palco website for videos and user guides specific to EVV.

## Important Points to Remember

- ✓ Your worker(s) must submit accurate approved timesheets by the timesheet deadline to be paid on schedule.
- ✓ Your worker(s) must not submit hours if not worked.
- ✓ The worker(s) must not submit any hours worked when you are in a hospital, nursing home, or rehabilitation facility.

This is considered Medicaid fraud and could prevent your worker(s) from working in any of the healthcare fields.

Palco provides financial management services, including all payroll and tax services. You will not handle any money. Once the timesheet has been submitted accurately and approved by you or your program representative, Palco will process payroll and issue payments directly to your worker(s).

You will determine your workers' hourly wage between the current minimum wage and the current Medicaid rate for worker services, minus taxes. Palco will deduct these taxes from your workers' paycheck. Your workers are required to complete tax forms that are included in the Worker Packet.

If your workers provide transportation services, mileage is reimbursed and not taxed. It is considered reimbursement for your worker(s) for transporting you to complete essential errands and/or attending community activities related to the Service Plan. Mileage may not be billed to transport you to your non-emergency medical appointments. This includes visits to your physician.

Palco does not offer any benefits to your workers. You may not use funds from your budget to purchase health benefits for your workers. You also cannot use money from your budget to pay them for vacations, sick leave, etc.



## **Overtime Pay**

Domestic workers of household employers are considered exempt from the overtime provisions of the Fair Labor Standards Act if they reside with the employer. However, workers who do not reside with the employer are eligible for overtime pay if they work more than 40 hours per week. The amount paid varies depending on the hourly rate you pay your workers for hours. These additional funds will come out of your budget. Please see the FLSA Live-in Exemption Form included in the worker packet for more information.

As an employer, it is suggested that you have multiple workers who work less than 40 hours per week. Or, to plan ahead for a reduction of hours worked in order to not use up your budgeted amount before the end of the month. Your Resource Consultant can assist you with the necessary planning.

## **Workers' Compensation**

Your workers are considered domestic workers of a household employer. As such, they are unable to purchase workers' compensation insurance coverage through Palco or through the West Virginia Personal Options program. You may wish to clarify with your homeowners or renters insurance to determine possible coverage.

# APPENDIX A — RECRUITING

SELF-DIRECTION



## Recruiting

RECRUITING SELF-DIRECTING EMPLOYEES

Before recruiting, you must know what you want your workers to do. You must consider the work to be performed and the knowledge and skills a person needs to have in order to be able to perform that work. A sample job description is included at the end of this section. Finding the right worker takes time. How much time depends on your needs and how well you have planned. Use all the resources available to you. Think about whether you want to use friends or family members. Using people you know can make the process easier, but it can also be tough on your relationships. Recruiting can be divided into several areas.

WRITING A JOB DESCRIPTION

A well-written job description will help you screen and interview people. It will help you make sure that your potential attendants are comfortable with all aspects of the job. List in the job description the skills and experience you want attendants to have. State other capabilities you want in caregivers, such as physical strength, cooking skills, etc.

INTERVIEW QUESTIONS

Once you have some responses to your job ad, you will want to choose people to interview. Interviews should be face-to-face meetings, consider where and how they will happen. If you do not want strangers coming into your home, consider a public place such as a restaurant or library. You may also want to have a family member or friend present. Prepare questions in advance you want to ask and bring the job description so they can get a good understanding of the position.

MAKING AN OFFER

When you identify someone you'd like to hire as an employee, call to let the individual know you want to hire him or her for the job and restate what the job pays. Be sure to have them complete all necessary paperwork as required by Palco and let them know the start date will be set once you have an official good-to-go from Palco.



POSTING A JOB AD

The job description you develop becomes the foundation for your job listing. The primary purpose of a job listing is to identify people who are both qualified and interested in doing what you need done. A well-written listing can help screen out people who do not fit your needs and save you time up front.

Consider creative ways to post your job ad and attract the most qualified candidates. Location ideas include, colleges and hospitals, job service centers, social media, local publications and newspapers, bulletin boards and word of mouth with family and friends.

CHECKING REFERENCES

If you wish to proceed with an applicant you've interviewed, you will need to check their references. To check references, call the people listed as references and ask about the applicant. Some good questions you might ask are:

- How do you know the applicant and for how long have you known them?
- Have they worked for you previously and when?
- What are the applicant's strengths?
- What are the applicant's weaknesses?
- Would they rehire this person?



When you are ready to move forward with the enrollment process, contact Palco and an Enrollment Coordinator will connect with you to make the process as easy and seamless as possible!

AR SDSB Program- Companion Guide

# JOB DESCRIPTION

Sample

PALCO

**DUTIES:** The person in this position will assist with activities of daily living. The employer is a 25-year-old man who has a physical disability, lives in his own apartment and uses a wheelchair. Specific activities include assistance with bathing, dressing, personal hygiene, toileting (includes bowel and bladder care), eating, transferring to and from the wheelchair, taking medications and range-of-motion exercises. The position also involves meal preparation, housekeeping, shopping, laundry and other household chores. The position requires a valid Arkansas driver's license, as the attendant will drive the employer's adapted van occasionally

**EDUCATION & EXPERIENCE:** Nothing specific is required, though some experience providing attendant services in the home of a person with a disability is helpful.

**A. Be dependable, be ready to work at the agreed-upon time.**

1. If you need to be absent for any reason,
2. Please give a minimum of 48 hours notice for the employer to make other arrangements.
3. If you are unable to be on time, call as soon as possible.
4. If you plan to arrive more than one-half hour early, please phone ahead to find out if it is acceptable to do so.
5. Be responsible.
6. Be able to work independently

The employer wants to trust you to do your work unsupervised. This means the employer does not want to have to be with you every minute

**B. Be observant, motivated, self-starting and pay attention to details.**

**C. Do not leave work unfinished or for someone else to do. Do what is your responsibility to do.**

**D. Sanitation and hygiene**

1. Good health begins with cleanliness. Please wash your hands with soap before handling kitchen items and preparing food and after using the toilet, including when you assist the employer

**SALARY:** \$11.25 per hour

**BENEFITS:** This position does not include paid vacation, paid sick time or health insurance, but covers workers' compensation.

**HOURS:** Two hours a day in the early morning, typically 6 to 8 a.m. and some weekend hours

**OTHER REQUIREMENTS:** The person selected must submit to a criminal history check, APS and CPS check.



AR SDSB Program- Companion Guide

# APPENDIX B — WORKER MANAGEMENT

**SELF-DIRECTION**  
*Being an Employer*

**PALCO**

**EMPLOYEE MANAGEMENT**

As the legal employer of record of your workers, you are responsible for recruiting, hiring, supervising, evaluating and firing, when necessary, the workers that provide your self-directed support services. Below are some general tips and guidelines for being a good employer. Developing these skills can help you be a good employer and retain employees for a long time. In addition, being a good employer can help keep your employer tax rate low and provide you more usable money in the budget!

**SCHEDULING**

As the employer, you are responsible for scheduling your workers in accordance with your cash expenditure plan and approved services. Think about the times of day you prefer tasks to be completed and how you like your day to flow. For example, if you enjoy showering in the evening and you need assistance with that task, you should schedule your workers to come that time of day. To prevent over spending, you should have a set schedule for every worker that aligns with your approved service hours for the two week period.

**PERFORMANCE REVIEWS**

Performance reviews are an important part of ensuring your workers have meaningful employment. Performance reviews provide valuable praise and feedback with opportunities for improvement.

Come up with categories you would like to evaluate your employees based on on a schedule for which you will meet with them. It is recommended to review their performance at least 1 time per year.

**TRAINING**

If you choose a worker who already knows you, your needs, and preferences, they may require less training on your specific needs. However, if you hire a worker who doesn't know you, training is essential in making sure you receive the necessary supports. You are in control of training workers on your needs, likes and dislikes. In addition to general training, you should tailor your training to match their job description. If your workers are going to be a backup for each other, you will need to train each on all of your needs. Other topics you should consider training on include: orientation to your home, equipment, blood borne pathogens, HIPAA, lifting and moving, and fraud.

**TERMINATION**

Unfortunately, at some point, you may have to terminate a worker. It is a good idea to follow some guidelines during their employment, which will make it easier when you need to let them go. Make sure to document the verbal warnings about issues you have had with them and develop a file of any corrective action plans you have developed to provide them coaching and support.

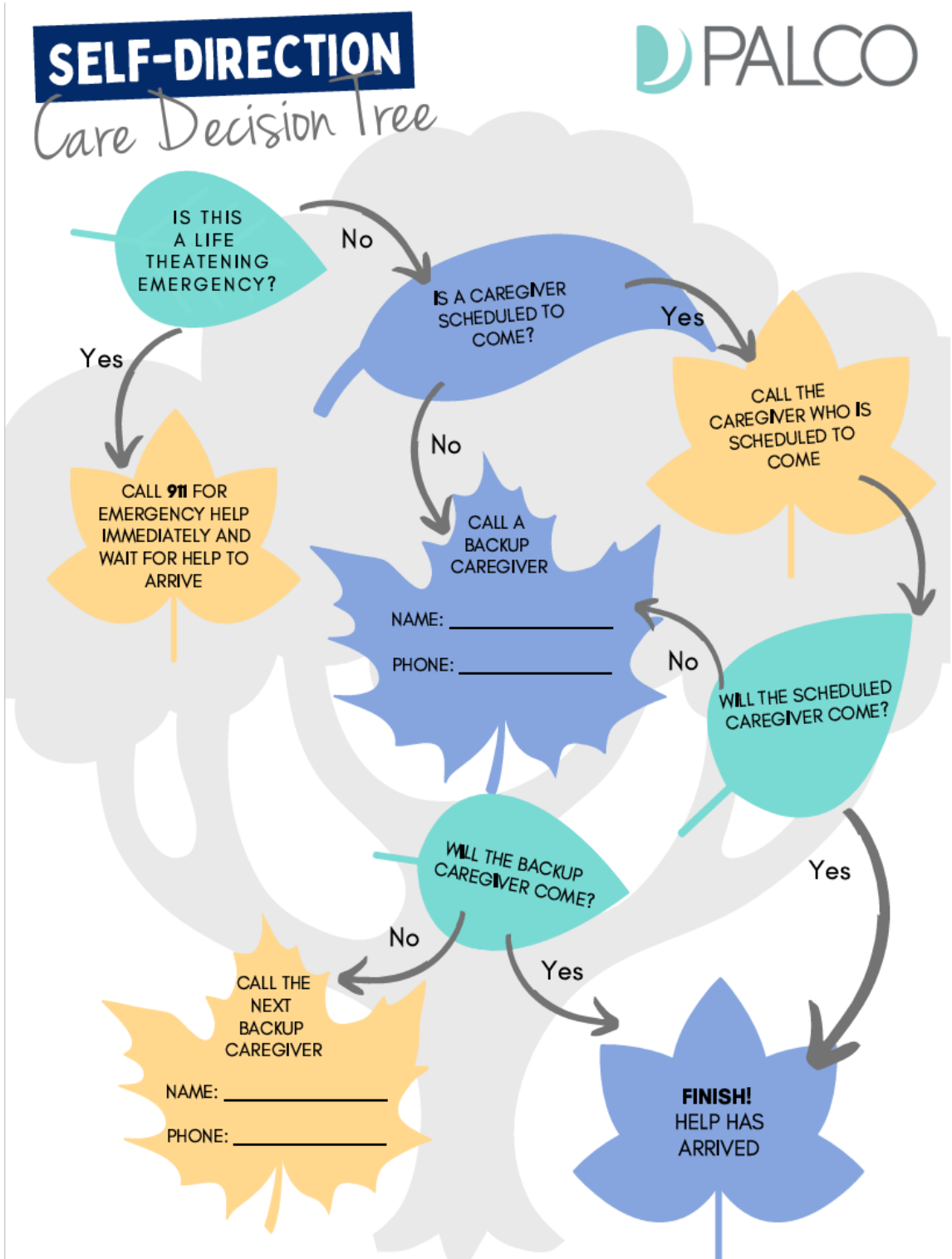
As soon as you terminate a worker, you should let Palco know right away! This ensures Palco does not issue paychecks to them after they are fired.

**CORRECTIVE ACTION**

As with any employment arrangement, you should be evaluating and coaching your workers as issues arrive. This process includes tracking absences, late arrivals and no call/no shows. You should track these items in the workers employee file with dates and details of the occurrences. If a issue persists after coaching has been provided, you may need to develop a corrective action plan that lays out steps to correct the behavior and consequences if it is not remedied. The plan should be clearly written timelines for when the issues must be corrected by. It should be signed by both the employer and worker, and stored in the employee's file.

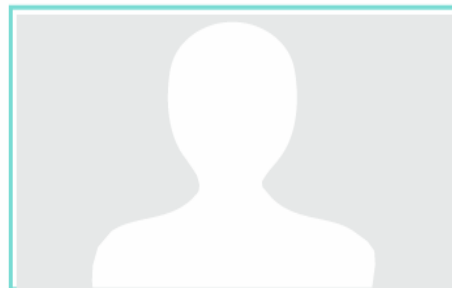


# APPENDIX C — BACK-UP PLANNING





EMERGENCY INFO SHEET



IDENTIFICATION

Name \_\_\_\_\_
Address \_\_\_\_\_
Phone 1 \_\_\_\_\_ Phone 2 \_\_\_\_\_
Birth Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Drivers License # \_\_\_\_\_
SSN \_\_\_\_\_ Medicaid ID \_\_\_\_\_

PALCO

Palco Customer Support 1-866-710-0456 Support Coordinator Name \_\_\_\_\_

EMERGENCY CARE

Emergency Contact Name \_\_\_\_\_ Emergency Contact Phone \_\_\_\_\_ Relationship to Person \_\_\_\_\_

Durable Power of Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Insurance Company \_\_\_\_\_ Insurance ID/Policy# \_\_\_\_\_ Contact \_\_\_\_\_

Medical Conditions

Drug Prescriptions and Dosages

- 1. \_\_\_\_\_ 1. \_\_\_\_\_
2. \_\_\_\_\_ 2. \_\_\_\_\_
3. \_\_\_\_\_ 3. \_\_\_\_\_
4. \_\_\_\_\_ 4. \_\_\_\_\_

Drug Allergies \_\_\_\_\_

Blood Type \_\_\_\_\_

Primary Physician Name \_\_\_\_\_ Hospital \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

PERSONAL INFO

Phone Lock Code \_\_\_\_\_ Voicemail Passcode \_\_\_\_\_

Email Address \_\_\_\_\_ Email Password \_\_\_\_\_ Computer Login \_\_\_\_\_

Other Important Info \_\_\_\_\_

This document was filled out by \_\_\_\_\_ on \_\_\_\_/\_\_\_\_/\_\_\_\_ Relationship: \_\_\_\_\_ Phone: \_\_\_\_\_



## APPENDIX D — TIME CAPTURE AND SUBMISSION

### EVV Mobile Application

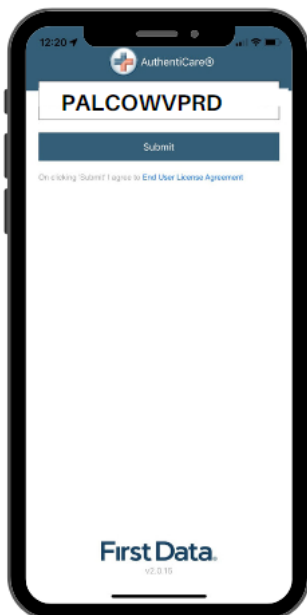
The **AuthentiCare**® mobile application is a smart phone application that uses the cellular GPS capabilities on your phone to capture location as well as the 6 points of data require to comply with EVV.

#### Download the Authenticare App.

- Step 1: Go to the App Store on your mobile device.
- Step 2: Tap on Search
- Step 3: In the search bar, type "AuthentiCare"
- Step 4: Download the app, "AuthentiCare 2.0".
- Step 5: Complete the download and tap to open.

**Tap Allow** to access this device's location and Allow to make and manage phone calls.

### Initial Set Up:

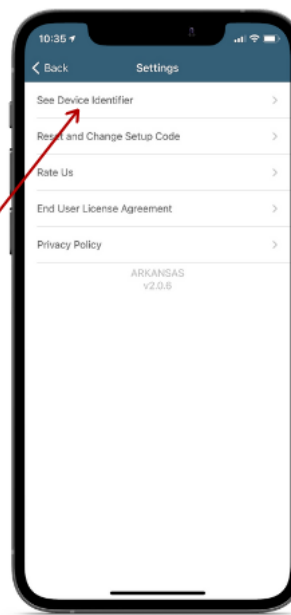


Once downloaded, enter the **Setup Code** provided to you by Palco.

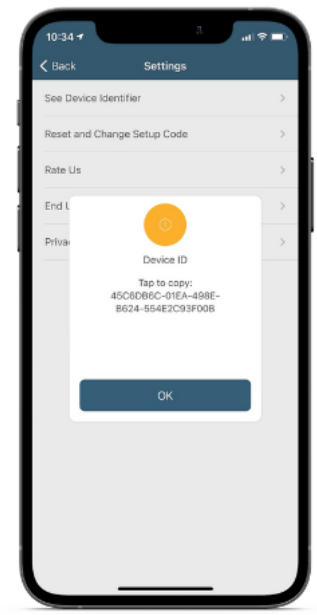
Setup code for the CO CDASS Program is **PALCOWVPRD**



Next, obtain your device ID. Click **Settings** at the bottom right of the login screen.

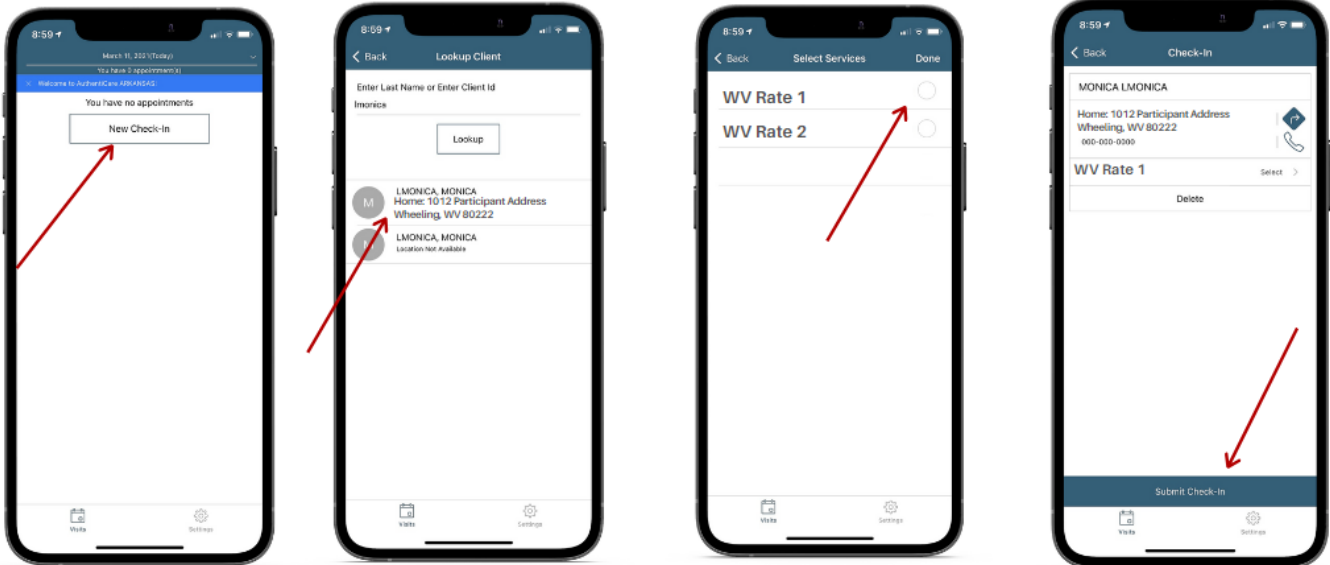


Click **See Device Identifier** from the menu options



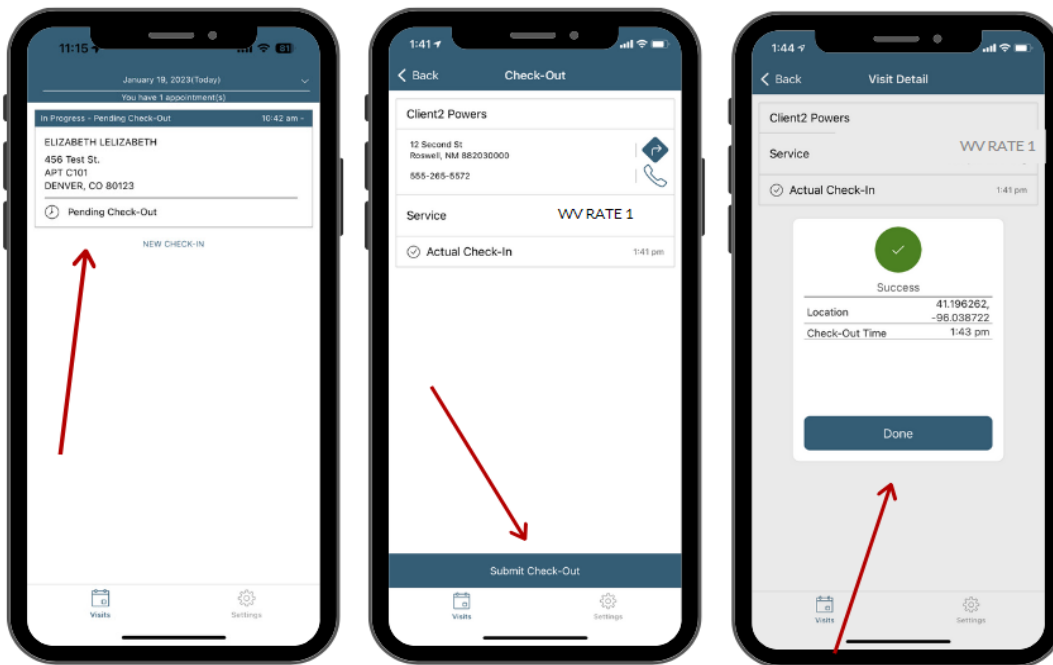
Write down your **Device ID** as shown on the screen and provide to Palco via the **EVV Registration Form** for setup.

## Clocking In:



1. Click on "New Check-In"
2. Choose the client from the list of clients. If the client is not found, click "Lookup Client" and follow the steps.
3. Click on "Service" and select the service you are providing for that shift.
4. Once all the details are complete, click "Submit Check-in."

## Clocking Out:



1. At the end of the shift, login to the app again and select the visit indicated as "pending check-out."
2. Click "submit check out" at the bottom of the screen.
3. The check-out success screen will appear. Click "ok" to clear.

## Telephony/IVR

For those who do not wish to use the mobile application, AuthentiCare allows workers to use Telephony or IVR (interactive voice recognition) using a touchtone phone as an approved EVV method as well.

Using a landline phone or cellphone, follow the IVR instructions to dial the toll-free number at the beginning and the end of the visit.

### **Start of visit:**

**Step 1:** Dial toll free number, enter your Palco ID.

**Step 2:** Follow the prompts to clock in.

### **End of visit:**

**Step 1:** Dial toll free number, enter your Palco ID.

**Step 2:** Follow the prompts to clock out.

Once time is recorded via EVV, the shift is uploaded to Palco's online timesheet portal called Connect.

**All program participants and their workers must be registered in Connect to review and submit their shifts or timesheet(s) for payment to Palco. Any edits to time entries will happen in Connect.**