



LOUISIANA  
**DEPARTMENT OF  
HEALTH**

*Office for Citizens with  
Developmental Disabilities*

**Self-Direction Handbook for  
Participants, Families, and  
Supporters/Authorized  
Representatives**

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## Glossary

**Activities of Daily Living**—The tasks of everyday life. These activities include eating, dressing, taking a bath or shower, oral care, hygiene/grooming, using the toilet, and mobility (getting around).

**Authorized Representative**—The person that acts on behalf of the service participant, this may be the individual, a family member, or other trusted person. The service participant will choose who their authorized representative will be. The authorized representative will “represent” the service participant when dealing with state/federal agencies or programs, or in some legal issues. The authorized representative is also allowed to sign paperwork and sometimes make some decisions on behalf of the service participant. A link to the Authorized Representative form can be found in [Appendix A Helpful Links](#).

**Confidentiality**—The process of protecting a person’s private health information so that is only shared with certain agencies or people who are allowed to have the information. Confidentiality of certain information is required by a law called Health Insurance Portability and Accountability Act (HIPAA).

**Critical Incident**—An incident involving the service participant that includes abuse, death, exploitation, extortion, fall, involvement with law enforcement, loss or destruction of home, major behavioral incident, major illness, major medication incident, neglect and/or restraint use.

**Critical Incident report**—A report that details a critical incident and is completed by the employer and entered in the Critical Incident Reporting (CIR) system by the support coordinator.

**Direct Support Professional (DSP)**—A person who is paid to provide support or care (in-home care services) to a service participant according to what is written in the participant’s support plan (previously known as Direct Support Worker (DSW)). Also known as Direct Care Staff.

**Electronic Visit Verification (EVV)**—A web-based system that electronically records and documents the precise date, start, and end times that services are provided to participants. The EVV system will ensure that participants are receiving services authorized in their Plans Of Care, reduce inappropriate billing/payment, safeguard against fraud and improve program oversight.

**Employee**—the Direct Service Professional hired by the service participant/authorized representative.

**Employer**—The individual that must be recorded by and registered with federal and state government agencies as the employer for legal purposes.

**Fiscal Employer Agent (FEA)**—A Fiscal Employer Agent, also known as a fiscal intermediary, is the entity that manages the tasks of administering payroll, state and federal tax withholdings, and benefits.

**Good to Go Date**—The date given by the FEA which indicates that all documentation has been received and processed. Only after a Good-to-Go date is issued by the FEA will the support coordinator be able to determine the actual start date of self-directed personal care services.

**Home and Community Based Waiver Services (HCBS)**—Medicaid home and community-based waiver programs allow people greater flexibility to choose where they want to live and to use services and supports that best suit their needs. Services provided must represent a least-restrictive treatment alternative. Each home and community-based waiver has specific service packages and eligibility requirements. Waiver opportunities are dependent upon funding, and are also offered based on the individual's need and priority level from their Screening for Urgency of Need (SUN) through the Request for Services Registry.

**Instrumental Activities of Daily Living**—Activities related to independent living that do not necessarily happen every day. These include preparing meals, managing money, managing medications, managing transportation, shopping, doing housework, and communication (using a telephone/cell phone, sending and getting mail/email).

**Local Governing Entity (LGE)**—The regional office routinely referred to as the Local Governing Entity (LGE), responsible for single point of entry, implementation and oversight of all Waiver programs on behalf of the Office for Citizens with Developmental Disabilities' (OCDD) Central Office. There is one LGE for each service region. LGEs are also identified as Human Services Districts and Authorities (HSD/A).

**Louisiana Department of Health (LDH)**—The state agency responsible for administering the Medicaid Program and health and related services including public health, behavioral health, developmental disabilities, aging and adult onset disabilities, and alcohol and substance abuse services.

**Office for Citizens with Developmental Disabilities (OCDD)**—The office within the Louisiana Department of Health (LDH) that is responsible for the management and oversight of certain Medicaid Home and Community-Based Services (HCBS) waiver programs for persons with intellectual / developmental disabilities. Local Governing Entity (LGE) serves as the Single Point of Entry into the developmental disabilities services system and oversees public and private residential services and other services for people with developmental disabilities.

**Person Centered Planning**—Person-centered planning begins with the discovery of how a person defines their quality of life. In a person-centered planning approach, each person defines their own outcomes and the plan builds on important, meaningful life experiences of the person. Planning occurs in partnership with the person and the important people in their life and it results in a support plan that includes individualized supports and services to assist the person in achieving their life vision.

**Prior Authorization (PA)**—The amount of services in a given time period approved based on the Plan of Care (POC).

**Residential Service Provider**—Also known as Direct Service Provider. This service provider provides in-home care services to people in the HCBS waivers

**Service Participant**—the person who is in a HCBS waiver and is receiving services

**Start Date**—The date indicated on the POC or POC Revision that establishes the date PAS may begin. The start date must be on or after the Good-to-Go date; it cannot be before the Good-to-Go date.

**Support Coordination Agency (SCA)**—An agency that is licensed by Health Standards and has a performance agreement with OCDD. The agency responsible for providing support coordination services to waiver participants.

**Support Plan**—An individualized plan that coordinates supports and services to assist the person in reaching their desired outcomes and reflects the person’s vision, personal preferences, life goals and diverse formal and informal support needs. The plan is developed by the person and their support team. The support plan is developed with the participant and the participant’s team, which includes the participant and support coordinator and may include family members, authorized representatives, advocates, providers of services, and others the participant chooses. [Note: The term ‘plan of care’ describes a type of support plan. Other service systems may use different terminology to describe the service or treatment plan.]

**Supported Decision-Making Agreement**—an agreement between an individual and a supporter where the supporter helps the individual make life decisions, including decisions related to where the individual wants to live, the services they want to receive, and the medical care they adult wants to receive.

**Supporter**—an individual who is over 18 years old and has agreed to help the adult with decision making.

**Unit of Service**—A 15-minute increment of time. Some waiver services are billed for/reimbursed for in units. For instance, 4 units (15-minute increments) is equal to 1 hour of service.

## Chapter 1: What is Self-Direction?

When many people get Home and Community Based (HCBS) waiver services, such as the Children’s Choice Waiver, Residential Options Waiver, or the New Opportunities Waiver, they usually choose a residential service provider (or in-home care provider). This in-home care provider is in charge of finding direct care staff that can provide support to someone at their home or in places in the community. This service provider will hire, train, and pay the direct care staff. Sometimes, though, people want to have more control over what their services look like and who will be their staff. This is when using the Self-Direction option in waiver services can be a good idea.

To learn more about the differences between receiving services and staff through a residential service provider and receiving self-directed services from staff that you hire, train, and pay yourself, see [Appendix C: Difference between Self-Direction Services and Traditional Services](#)

Self-Direction is based on the idea of self-determination. Self-determination means that you are in control of your own life. You have the ability and the right to make your own decisions. Self-determination involves the following:

- **Freedom** – the opportunity to choose who provides services to you and how you organize your daily activities and routines
- **Authority** – the ability to control some amount of government money (that pays for your services)
- **Individualized Support** – the ability to organize supports and services in ways that are unique to you
- **Responsibility** – the duty to use government money wisely and to help your community
- **Positive Change** – realizing that service participants can help to make changes in human service system of long-term care and make it better

Self-Direction lets people and their families have more choice and freedom with making decisions about their in-home care services. Self-Direction lets people control who provides their services, how they provide the services, where they provide the services, and when they provide the services.

With Self-Direction, the service participant (or authorized representative/supporter) will become the *employer* and will hire an *employee* who is their direct care staff. Because the participant/authorized representative is the employer, they will be in charge of finding the right direct care staff (employee), hiring and training them, and supervising them.

Self-Direction is great way to have more control and make more decisions about services, but it is also more responsibility. As the employer, the participant/authorized representative will be much more involved with every part of receiving services. As the employer, the participant/authorized representative is also in charge of figuring out how much they are going to pay the direct care staff for the hours they work as well as employment-related taxes. The employer will have to keep track of some paperwork to turn in to the state agency that oversees this.

**Starting Self-Direction:** Support Coordinators should tell waiver participants and their families about the Self-Direction option when they sign up for HCBS waiver services, and then at least once each year as they working on your new support plan for the upcoming year. However you can also ask your support coordinator for information about Self-Direction at any time. If you want to know more or if you are ready to start, ask your support coordinator or ask the staff at your local LGE.

**Stopping Self-Direction:** Service participants/families can choose to stop Self-Direction at any time and receive services from a traditional Residential Service Provider instead. The service participants/authorized representative and/or employer will need to let the support coordinator know, and they can help with changing over to a service provider. *Note: If a participant decides*

*to stop Self-Direction, they will have to wait at least 90 days (3 months) before coming back to Self-Direction.*

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**For someone who wants to try Self-Direction in the future, it may be helpful to try things in the “typical” way first and get services through a residential service provider (in-home care provider) for a few months. This will give you a chance to find out more about how agencies hire and train staff, and figure out what you like and don’t like about the services and the staff when it is done with an agency.**

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## Chapter 2: What do I Have to do to use the Self-Direction Option?

If you want to use the Self-Direction option, you must be receiving services through one of the following HCBS waivers:

- Children’s Choice
- Residential Options Waiver
- New Opportunities Waiver

You must also do the following:

1. Be able to direct your own care (or have an authorized representative or supporter that can assist you in directing your care) and show/teach staff how to follow your support plan.
2. Be able to participate in Self-Direction without a lapse in, or decline in, the quality of care or an increased risk as assessed via state needs-based assessment or your treating health care professional. If your health risk escalates based on a clinical assessment, illegal activities, or refusal of necessary services (as identified in a clinical or needs-based assessment) your ability to continue to receive self-direction and/or waiver services may be impacted.
3. Participate in review of the Self –Direction Manual and enrollment process with your support coordinator.
4. Contact Acumen or Morning Sun to complete the necessary paperwork to get started. If you need help, ask your support coordinator or staff with the LGE.

5. You must decide who will be the “employer.” All legal and government paperwork will list this employer. It can be the service participant, the authorized representative, or a supporter named in the Supported Decision- Making Agreement.
6. The person named as the “employer” on the paperwork (whether it is the participant, their authorized representative, or a supporter named in a Supported Decision Making Agreement) must be able to complete all the paperwork found on the Fiscal Employer Website.
7. Agree to use Medicaid funds (this pays for your services) appropriately and not be a part of fraudulent activity. For more information about what Medicaid Fraud is, see [Appendix K: What is Medicaid Fraud?](#)
8. Follow Medicaid program rules about Self-Direction, including cooperating with your support coordinator, your FEA, the LGE, and the Department of Health with turning in any paperwork they ask for. This includes paperwork for Critical Incidents.
9. Follow all state and federal laws including the rules about paying your staff the required minimum pay. ***Note: In Self-Direction, the pay range for direct care staff is higher compared to the pay range for direct care staff with a service provider agency. You should be able to afford to pay your direct care staff more. This is a good thing for you, and for your staff!***
10. Complete any ongoing training that may be needed later by the support coordinator or the Local Governing Entity.
11. If you are a NOW service participant, you must receive at least one waiver service (separate from Support Coordination) at least once per month. Or, if you are a ROW service participant, you must receive at least one waiver service plus the Support Coordination service at least once per month. *Note: This is a rule for anyone who is in the NOW or ROW waiver service, not just people in Self-Direction.*
12. As a waiver service participant, you must also follow the rules of the waiver program that you belong to (Children’s Choice, ROW, or NOW waivers). These rules are in the *Medicaid OCDD Provider Manuals* found on the Louisiana Medicaid website. Your support coordinator can help you with understanding and following these rules.

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**If you do not or cannot do these things above (#1-12), you may not be allowed to use the Self-Direction option anymore and/or you may be discharged from waiver services completely.**

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## Chapter 3: How do I Direct my Own Services?

The following are things that all waiver participants should do, but it is especially important if you want to do Self-Direction:

### **Choose a support team:**

You will have a support coordinator whose job is to help you find supports and services you may need, and to organize these supports and services in your life in a way that makes sense for you. Your support coordinator is a part of your support team. You can also choose other people to be part of your support team. Most people choose their service providers, family members and other people they trust to be on their support team. The support team, and the support coordinator, is there to help you understand your options, and will help you make decisions about what types of services or supports you should use to meet your needs and help you meet your goals.

### **Be part of the person-centered planning process:**

The support team's job is to help you create your own support plan through a person-centered planning process. This means that your unique needs and wants are at the center, and the support plan is built around you and what is important to you. The person-centered planning process starts with your team getting to know you and helping you create your Life Vision. This is your dream or the plans for the kind of life you want to be living in the future. Then, your team will help you figure out your Life Goals. Life Goals are a part of your Life Vision. Life Goals are the goals that you would like to achieve during this next year that will put you closer to having your Life Vision.

Sometimes, you may need some extra help in certain areas in order to achieve your Life Goals. Sometimes, there are things that get in the way of you reaching your Life Goals. These are support needs or treatment needs that have to be handled so that you are able to meet your goals. It is important that you understand the difference between your Life Goals (something important to you that you want to achieve) and support/treatment needs (things that have to be handled so that you are able to achieve your Life Goals).

### **Figure out What Services You Need:**

You will need to have an honest conversation with your support coordinator and maybe other support team members about what you need some help with. The support coordinator will help you talk through different types of support or service options you might have available to meet your needs. Not all of your support or treatment needs can be handled with just waiver services. You may also get services through your local community or through your school or job, or even your church. You will probably get services from your doctors or other professionals. Every type of support or service you get, including waiver services and non-waiver services, should be talked about in your support plan.

- Your support coordinator will talk with you about your medical needs, which is all of the medical conditions that you get some kind of medical treatment for. This also includes using certain kinds of technology or equipment to help you with your medical conditions. Many people get their medical needs met by visiting their doctors, and taking medications, and sometimes, they might get home health or nursing services at their home. Sometimes, people get physical therapy or occupational therapy services to help their body parts work better. Sometimes people get respiratory therapy services so they can breathe better. Some of these are waiver services and some of them are not.
- Your support coordinator will talk with you about your mental health needs, which is all of the behavioral health, or mental health conditions that you get some kind of treatment for. Many people get their mental health needs met by visiting a counselor or therapist or a mental health professional on a regular schedule. Sometimes, people take medication. Sometimes, the visits with the mental health professional are not enough, so the professional will ask parents, family members or direct care staff to give some extra help to the person at home. The professional may write up some directions for others to follow at home to help people with their mental health conditions. Most of the mental health/behavioral health supports and services are not waiver services. When you need help at home with your mental health conditions, sometimes this extra help comes from waiver services (if you have direct care staff).
- Your support coordinator will talk with you about when you might want alone time (time without natural supports or staff) so that you can have the privacy to do the things you want to do and be more independent. If there are certain risks with you having alone time, they will talk with you about ways to lessen that risk and make things safe enough so that you can have alone time. They may talk about getting you certain types of technology or equipment that can help you do more things for yourself so you can be more independent. They may also talk about using a cell phone or other way for you to call for help if you need it when you are alone.
  - Sometimes, there is just too much risk right now and it makes it unsafe for you to be alone without support from another person. It could be that you will need to learn ways to become more independent and you could have alone time in the future. Or it could be that you are a little too sick or injured right now, but when you are better, you could have alone time in the future. Or because of the type of needs you have, it may never be possible for you to safely have alone time. That doesn't mean that you won't have a say about how your day looks and how others support you.
- The support coordinator will also talk with you about family members, friends, neighbors or other people that may be able to support you or help you reach your goals. These are *natural supports* because it is the type of support that happens naturally when people have known you for a long time and they care about you. Natural supports will help and

support you without being paid for it. Most people who don't get paid government or Medicaid services rely on natural supports to help get their needs met. Or, there may be certain programs or services in your community that you could get to help you meet your needs or reach your goals. These services are sometimes free, or sometimes you have to pay for them. Natural supports and community supports are not waiver services.

- Your support coordinator will also talk with you about times that you need someone to help you at home or at certain community locations, and you don't have any natural supports or community services to help you during those times. For these times, you may need a waiver service that will pay for you to have direct care staff help you. Sometimes, people only need help from direct care staff for a few hours each week. This usually happens when they can safely have some alone time every day or they have a lot of family/friends/neighbors (natural supports) to help them. But sometimes, people can't safely be alone or they don't get a lot of help from natural supports, so they need direct care staff every day.

### **Help Write the Support Plan:**

All of the information you talked about with your support team will go in your support plan. The support plan is supposed to be all about you, your goals for your life and what type of help you may need to reach those goals. So, your plan will include your Life Vision, your Life Goals, and what support or treatment needs you have that have to be handled so that you can achieve your Life Goals, and eventually your Life Vision. Your support plan will also list out the supports and services you will be getting over the next plan year to either 1) handle your support/treatment needs or 2) help you achieve your Life Goals. Sometimes, a particular support or service can do both at the same time!

You get to make the decisions about what goes in your support plan. You get to decide what supports or services you need and when you need them, but there may be limits on the amount of certain services you can get. This is because government services (including OCDD waivers) are supposed to give you services to help you meet your needs, not give you everything you want. Most government services have limits or caps. Most of OCDD's waivers are capped, which means Medicaid will not pay for services past a certain set amount for each person.

Most people on the support team, including you, will have some listed responsibilities in the support plan. Everybody that provides you a service or support will be responsible for making sure they are giving that service or support based on how it is written in the plan, and making sure that that support or service is helping you in the right way. The main point of all of these supports and services is to help you achieve your Life Goals, so if they're not helping with that, then the plan may need to be fixed.

You will get a new support plan at least every year with updated information (called your annual plan). This annual plan covers a span of 12 months. But you can always request updates or changes to the goals in your plan and the services in your plan. Talk with your support

coordinator about changes to the plan. When these changes are made in the middle of the year, these are called plan revisions.

### **Agree to Follow the Support Plan:**

Once the plan is written in a way that you like and that the other support team members are okay with it too, then everyone will sign the support plan. You will also sign the support plan. When you sign the support plan, it means you understand everything that is in your plan and that you agree to follow what is in your support plan. This means that you should understand all of the services that you are getting and you understand why you are getting them. You should understand what support or services each of your team members is responsible for, and if they're not giving it to you like they said they would in the plan, then you will need to let your support coordinator know. You should also understand that there are some things that you cannot ask a service provider to do because it is not in the support plan, and it is not part of their responsibility.

### **Agree to Follow the Typical Weekly Schedule:**

When you sign the support plan, you are also agreeing to follow your typical weekly schedule, which includes all of the supports or services that you use on a regular weekly basis. This will probably include the hours you are at work or school, any set times when you have other important activities, the times when you have natural supports or community services, and the times when you have paid staffing hours. When you were helping to write the plan, you should have been involved with making this schedule, so it should fit what you need for a typical day. Sometimes, though, things may change at the last minute and you need to change up your schedule. You can make small changes in your schedule and move some of your staffing hours around if you need to (called *flexing* your schedule or *schedule deviations*) because of unplanned activities. But you will need to be careful not to use way more staffing hours than you are scheduled for each week or each quarter (3 months), or you might run out of staffing hours. Changes that you know are going to happen should be included in your Alternate Schedule.

- Children's Choice participants can 'flex' their schedule, or move their hours around as needed throughout the entire plan year. But, you still can't go over your budget and amount of approved hours for the year. The Children's Choice waiver is a capped waiver.
- ROW participants can 'flex' their schedule, or move their hours around as needed throughout the quarter (3-month period). But, you still can't go over your budget and amount of approved hours for the year. The ROW is a capped waiver.
- NOW participants can 'flex' their schedule, or move their hours around as needed throughout the quarter (3-month period). The NOW lets its service participants go over their budget and approved hours in special circumstances. The NOW has a "soft" cap on their budgets.

Sometimes, being able to flex your schedule is not enough. Plan revisions sometimes have to be done because of a big change in your typical weekly schedule or because of a more long-term change in your typical weekly schedule. Your support coordinator will need to help you with this. For instance, if you get sick all of a sudden and you realize that you will need more staffing hours over the next month than you planned for in your schedule, you would need to let your support coordinator know as soon as possible so that they can do a plan revision and a change to the schedule. **You should let your support coordinator know as soon as possible if you need to do a plan revision because of major schedule changes.**

### **Have an Alternate Schedule:**

You will need to have an alternate schedule for some of the times when you need to change up your weekly schedule. The alternate schedule is for planned or predictable changes from your schedule, such as a doctor's appointment out of town or a vacation, or holidays. You should think about all of the upcoming, planned activities that you know about that will come up in the next year. Your support coordinator will help you with making your alternate schedule.

### **Have an Emergency Plan:**

Another required part of your support plan is your Emergency Plan. This plan specifies what you will do and what support you will need in an emergency situation, such as a house fire, hurricane, flooding, tornado, or certain types of medical emergencies.

The Emergency Plan includes the following information:

- Emergency contact information
- What location you will go to if you have to evacuate your home
- Transportation plan
- Identification of medications, equipment or other supports you will need

Note: You and the people that support you (including natural supports and direct care staff) will need to talk about what should happen in each of these emergencies and should **practice your emergency plan** to make sure that, when an emergency happens, everyone knows what to do. These **emergency drills need to be documented** in your Home Book. Your Support Coordinator will provide you with an Emergency Plan format for you to complete. The emergency plan is available on the OCDD Website ([Plan of Care \(POC\) Attachment 1-H Emergency Plan 11.17.2020](#)).

### **Have a Backup Plan:**

Your support plan should also include a Backup Plan to make sure that you get the support you need during times when your staff can't provide your services based on your schedule. Sometimes, staff get sick and can't come to work, or sometimes, the staff just don't show up. You will need to plan for these times to make sure that you are getting what you need from others to be safe until your staff can come back. The backup plan may look a little different

based on the time of day or based on how long the staff is expected to be out. For example, you and your support team may decide that it is okay for you to have alone time for up to 3 hours, as long as you have your cell phone and can call a family member for help. But, if the staff will be out for more than 3 hours, you will need someone else with you to give you the support you need. Your support coordinator and other support team members can help you with making your Backup Plan. The Backup Plan is located on the OCDD Website ([Plan of Care \(POC\) Attachment 1-1](#)).

Here are some things you can consider for backup:

- Hire and use paid part-time and/or backup employees:
  - Potential back-up employees also have to complete all of the same paperwork that your primary employee does, and they have to be cleared for hire by the FEA.
  - Other Self-Direction employers (service participants) may already have part-time staff that would like to get extra hours. You can see if these same staff would be able to provide you with backup support too. *Note: This backup staff must also be approved to work for you (cleared for hire by the FEA).*
  - You can talk with other Self-Direction employers to see if they want to create a pool of back-up staff that can be used by the whole group for backup staffing hours. *Note: All of the backup staff must be approved to work for each of the participants in the group (cleared for hire by the FEA).*
- Make plans for someone you know and trust, such as family members, friends, or neighbors, to support you (without pay) for the time period that your staff will be out.
- Look at other community resources and supports that may be available to you.

## Chapter 4: Who can I Hire to Be Direct Care Staff?

Your potential employee (direct care staff) must meet these qualifications:

- Be at least 18 years old
- Be able to provide the support listed in your support plan
- Have a high school diploma, GED, or trade school diploma
- Have a valid Social Security number
- Give permission to the FEA to run a background check. They will need to fill out the *Criminal Background Search Authorization Form* located on the FEA's website
- Pass all criminal conviction history and background checks. See [Appendix I](#) for a list of criminal convictions that will keep this person from being able to work for you

- Any other qualifications as required by waiver rules

Before you offer staff a job, the FEA will need to make sure that the person(s) you want to hire is legally allowed to work as direct care staff. The FEA will have to do a background check and look at the person's criminal conviction history. Then they will notify the government that the person has passed the background check and issue a "Good to Go" date.

Your employee will not be paid for any work they do until:

- The FEA has given the "Good to Go" date (proof of background check)
- The day of the support plan/plan revision "Start Date"

To learn about your support plan and how this is made, see [Chapter 3: How do I Direct my Own Services?](#)

## Chapter 5: How do I Find and Hire Employees (Direct Care Staff)?

You will need to do the following things to find and hire your direct care staff:

1. Identify when/how/where you need support
2. Figure out staff pay and work schedule
3. Make a job description
4. Advertise the job
5. Talk with potential employees
6. Review the applications
7. Hold interviews
8. Check references
9. Choose the right staff for you

### **Identifying When/How/Where you Need Support:**

Your support plan that you developed with the help of your support team members and support coordinator should talk in detail about what kind of support you need to accomplish your Vision and Life Goals, including when and where you need support.

You should use this information to figure out what you want/need your direct care staff to do to help you with certain things, including when and where you want/need them to help you. This is what you will use to figure out what makes sense to pay them and what hours they will need to work.

## **Figuring Out Staff Pay and Work Schedule**

Things to consider about your staff's hourly wage:

- It **MUST** be consistent with current wage requirements within your respective waiver
- If your staff works more than 40 hours in a week, you must follow current United States Department of Labor Wage and Hour Rules
- It costs more than just the hourly wage to employ someone (Social Security, Medicare and Unemployment taxes, etc. must also be factored in)
- You may choose to pay different staff different wages based on a variety of factors such as experience and work performance
- The wage you can afford to pay is based on your yearly budget that is part of your support plan (Your budget includes ALL waiver services approved to be delivered to you for the year)

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### **Contact your FEA Employer to help you figure actual costs based on certain hourly pay.**

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You should set your employee's work schedule based on information in your support plan, including your typical weekly schedule and your budget page. Here is how it works:

1. Your support coordinator will talk about when you need support and what kind of support. Some of your support needs may be handled by your family members or through a community organization, some of your support needs may be handled by your school or a vocational service provider, and some of your needs may be handled by your direct care staff.
2. All of this information will go into building your typical weekly schedule. Your schedule will include activities and events that happen on a regular basis. For example, it will include times for when you go to school or work, times for when you are at your weekly therapy sessions, and times for when you go to church with your family. The schedule will also include when you get certain waiver services to help you with these different activities, like a vocational service or the service from your staff.
3. Your typical weekly schedule is then used to figure how what the total amount of each waiver service (hours or units) you need is for the year, and these amounts gets listed on the budge page of your support plan. When your support plan gets approved, you will have a certain number of hours (or units) approved for each of your waiver services, including hours approved for the service provided by your staff. These hours/units are approved for a quarter (3 months).



4. The number of hours you are approved to get belong to you, not your staff. You should use these hours in a way that meets your needs.
5. If you are in the Children's Choice Waiver or the ROW, the number of hours you are approved to get is affected by how much you are paying your staff.
6. You will need to keep track of what your yearly budget is and the number of approved hours you have left over to use. The payroll report that the FEA give you will help you keep track of how many hours you have used and how many hours are left.

### **Making the Job Description:**

The first step in finding direct care staff is to create a job description so that you can hire the best person to fit your needs. A job description is important to have because:

- It helps you tell others about what type of help that you need
- It can be used to ask questions when you do interviews
- It gives people a clear idea of what their job duties would look like

After you have hired your direct care staff, the job description can still be useful:

- It can be used a list of duties so your staff can remember what they need to do. *Note: a job description can be a reminder, but your staff will still need actual training to know what they're supposed to do.*
- It can be used as a way to evaluate your employee's job performance
- It will help to remind you what is and what is not okay to ask the employee to do
- It may help settle disagreements between you and the employee about the duties of the job
- It helps keep the lines of communication open

A job description should:

- Be easy-to-understand
- Describe employee duties/activities of support (what they would be doing for you each day)
- Include the days and times you need the employee work for you
- Must be consistent with your approved support plan
- List out any special requirements you have for the employee

## **Advertising the Job:**

Now that you have completed the job description, you are ready to recruit and advertise for potential employees. There are many ways to advertise the job so that you can find good, dependable employees.

Here are some ways to advertise the job to find direct care staff:

- Newspaper Advertisements : Classified ads reach a large audience. Neighborhood newspapers are cheaper than major citywide newspapers, and are often free. They are good to target potential employees who live closer to your home.
- Local Newsletters : Sometimes disability and other community organizations and churches will run short ads in their newsletter.
- Electronic Media: Social platforms such as Indeed, Next Door Neighborhood, Facebook, etc. reach a large audience and many have no cost associated with posting.
- Colleges and Universities: Colleges can be an excellent source for finding employees. Many students are looking for extra income to help them through college (nursing, physical therapy, etc.). Students that have majors in the area of health and human services are often looking for work experience. To advertise a position, contact the career placement office or the student housing office on campus.
- Word of Mouth: Don't forget to ask family, friends and neighbors if they or someone they know would make a good employee for you. Let them know what qualifications you are looking for, and ask them to tell others about the position too.
- Local Agencies/ Rehabilitation Agencies: Social service organizations may keep a registry or list of direct support professionals who may have received some basic training or have work experience.

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**TIP: Make your job opening stand out from the rest: Job descriptions that have 1) clear and simple descriptions of job duties and 2) photos of the person being supported tend to get noticed!**

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- Bulletin Boards in High Traffic Areas: Hang flyers on bulletin boards in high traffic areas, such as grocery stores, banks, apartment buildings, restaurants, community centers, colleges/universities, and churches.
- Local Employment Offices: One source often overlooked is the Louisiana Workforce Commission (LWC).

### **SAMPLE:**

**Direct Support Professional** – Needed to assist male with quadriplegia with personal care, shopping, and light housekeeping. Part-time, 4 days/week. Flexible schedule available. Driver’s license preferred. This is an ideal position for a college student. Prime location near Southeastern Louisiana University. \$ 8.90-10/ hr. based on experience. Call (555) 111-1111 evenings for more information.

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**Paraprofessionals at local elementary/high schools, and camp counselors often are looking for extra work hours, and they may already have experience working with people with disabilities.**

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Contents of the Advertisement: The more information included in your advertisement will help you attract job applicants that are truly interested and possibly qualified for the job.

You should include:

- Your first name (it is recommended that you **not** use your last name)
- Job title
- Short description of the job (not the full job description you created)
- Your phone number and/or email address to contact you

You may also choose to include:

- Hours that staff will work
- Qualifications/skills required
- How much you will pay
- General location (i.e., near downtown New Orleans)

Do NOT include:

- Your exact address
- Other private information about you

### **Talking with Potential Employees:**

If a person calls you to ask about the job, you will need to do this:

- Give the person a brief description of the duties of the job
- Tell them the number of hours they would be working
- Tell them how much the job will pay and the method of payment
- Tell them they would need to pass a background check in order to get the job
- Get their email address so you can send them a copy of the 1) Employment Application (on the FEA website) and give them a copy of the 2) full job description
- Ask them to fill out the Employment Application and email it to you so you can review it. Tell them you will contact them later for an interview after you have looked at the application.

### **Reviewing the Applications:**

It may be a good idea to review all of the applications you have gotten so that you can compare the different people that have applied. There are some people you may decide not to interview because they don't have the right type of job experiences, or because they don't have the skills you are looking for, or because you do not think they will be a good fit for you. Create a list of those people that you think will be a good fit for you, so that you can arrange to do interviews with each of them.

### **Holding Interviews:**

There are different ways to do the interview. You can:

- Interview them over the phone
- Set up a day and time for a video conference call (Zoom, Skype, or FaceTime)
- Set up a day and time to interview them in person. *Note: Be sure to schedule some free time between each interview. Interviews will typically last 30 minutes to an hour.*

For the interview, you may want to have a friend, family member or someone else you trust be available to help you take notes. You will need to take notes of what they say in the interview so that you can look at them later to help you make a decision. The interview is a time for you to learn about the person who has applied for the job, but it's also a time for the job applicant to learn more about you, your needs, and what their job duties would be.

If you want to do a face-to-face interview, to be safe you should make an appointment for a face-to-face interview at a “neutral” location outside of your home for personal safety purposes. Consider using a public library or coffee shop. You may want to have a friend, family member or someone else you trust join you for the interview and help you take notes.

During the interview:

- Tell the person about your disability in general. *Note: You can give them more specific information during training if you hire them.*
- Explain the duties and responsibilities of the job thoroughly.
- Ask if the person can safely perform the functions of the job (e.g., lifting, transferring, cooking, etc.) and if they are willing to learn how to do things using common safety techniques.
- Consider sharing with them your [Staff Matching Tool \(see Appendix F\)](#) that has a list of qualities or skills that you are looking for in your staff. For example, you are looking for staff who prefer to stay at home, work in the garden, and teach you how to can vegetables. Or you are looking for staff who love the outdoors, like to play sports, and can teach you how to be a better basketball player. Ask them if they believe that you and they would be a good “match” based on what is important to you.
- Ask the person to tell you about their work experience. (e.g., past work history, reasons for leaving other jobs, any past experience with providing support or personal assistance, etc.).
- Ask if you may contact current and/or former employers for a job reference and if you can contact friends or family for a personal reference. Try to get 3 different references with at least one personal reference and at least one work reference.
- Ask about their career goals and why they are interested in this job.
- Describe the work schedule, pay method, and how you will evaluate their job performance.
- Explain that they will need to pass a background check if hire, and ask if they are willing to do a background check.
- Ask any additional questions that you feel are important to selecting the right employee. *Note: Example of other questions you may want to ask is included in [Appendix G: Interview Questions – What to Ask/Not Ask](#).*
- Give the person an opportunity to ask questions.
- Tell the person you will call them as soon as you make a decision. *Note: Be sure to contact the person even if you decide not to hire them.*

- Thank the person for their interest and time.

### **Checking References**

Before you decide which person(s) you want to hire, you should check their work and personal references. It will give you helpful information about the person.

When you call these references, you can ask the following questions, but they are not legally required to give you the information:

Work references:

- Did (name of individual) work with you during (dates of employment)?
- What kind of work did they do for you?
- Why did (name of person) stop working for you?
- Did they arrive to work on time?
- Would you hire them again?
- What were their strengths?
- What could have been improved about their job performance?

Personal references:

- How long have you known this person?
- What do you admire about them?
- What are some of their strengths and their weaknesses?

See [Appendix E](#) for a job description example, [Appendix F](#) for the Staff Matching Tool, and [Appendix G](#) for possible interview questions and a list of things you can and can NOT ask.

### **Choosing the Right Staff for You:**

It is important to think carefully about each person that you interviewed. Things to consider:

- Was there anyone that stood out in the interviews in a good way? Why?
- Was there anyone that stood out in the interviews in a bad way? Why?
- Did you feel comfortable with this person?
- Did they seem uncomfortable about some of your questions or did they have trouble answering some of your questions?

- Did the references that you talk to give you a good impression about the person?

If you are having trouble deciding, talk to a friend, family member or someone else you trust. Sometimes talking about things with someone else can help you decide which person is the best choice.

Once you have decided on a particular person, give them a call (or text). Introduce yourself again, and tell them you would like to offer them the job and if they are still interested in the job. If they say yes, then congratulations! You can now begin the hiring process and the paperwork (see the next chapter). But, if they say no, then you'll need to go back to your list of people that you interviewed and either choose the next best person *or* you can advertise the job opening again and set up interviews with a new group of people.

Sometimes finding the right person for the job can take some time. Don't be disappointed if you decide that no one that you interviewed was a good fit for you. Don't feel like you have to choose someone that you really didn't want for the job. You need to be happy with who you choose, so take your time and think it through, and keep looking!

If you see that you are having trouble finding good candidates for the job or if no one is applying, you may need to change up your job description, or change up the way you advertise the job opening. You may also need to consider changing up what you tasks you expect for staff to do, or you may need to think about offering a little higher pay. That might encourage more qualified people to apply.

## Chapter 6: I've Hired my Staff! Now What Do I Do?

Once you have hired your staff, there is some paperwork that you will need to do and your staff will need to do. Your staff will need to fill out the required Employee Enrollment forms on the FEA's website. This includes:

1. *USCIS Form I-9, Employment Eligibility Verification, Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS)*: This is a form used to make sure that your employee is able to work in the United States. You, as the employer, must fill out Section 2. Employer or Authorized Representative Review and Verification of this form.
  - You will need to get a clear copy of their Social Security card and other type of identification card, such as a driver's license. *Note: See page 3 of Form I-9 for more information about what types of things count as an "identification card."*
2. *IRS Form W-4, Employee's Withholding Allowance Certificate*: This form must be done so that the correct federal income tax can be taken out of your employee's paycheck.

3. *Louisiana Form L-4, Louisiana Employee Withholding Exemption Certificate*: This form must be done so that the correct state income tax can be taken out of your employee's paycheck.
4. *Pay Selection Options form*: This form lets your employee choose how they would like to be paid (paper check, pay card, or direct deposit).
  - The *Authorization for Direct Deposit* section of this form must be filled out by your employee if your employee wants to have their paycheck deposited directly into their bank account. If your employee is going to get a paper paycheck, then this does not need to be filled out.
5. *Employee Information Form*: The form asks about information to identify certain tax exemptions.

**Keep a copy of ALL completed employment documents in a secure place in your home and follow the record retention requirements discussed in [Chapter 8: What Kind of Paperwork Must be Done in Self-Direction?](#)**

6. *OCDD Employee Agreement*: This form establishes a payment agreement between the FEA and your employee, and is part of federal law.
7. *Criminal background Search Authorization form*: This form allows the FEA to do a criminal background check on your potential employee.
8. Once you and your employee have decided on what the pay will be, you must complete the *Employee Wage Notice* form found on the FEA's website.
9. *Note: If you want to change your employee's hourly pay, you must update and turn in a new Employee Wage Notice to the FEA (within the timelines noted on the form).*

Once all of these forms are filled out, you will need to send them to the FEA. You can send them by scanning and emailing them, mailing them or by faxing them.

The FEA will let you know if other information is needed to process this packet of paperwork. Usually, this paperwork should be processed within 4 days (not counting weekends) if the FEA has gotten everything they need. If you don't hear back from the FEA by day 4, you may need to call them.



## Chapter 7: Employee Orientation: Training your Staff

Your staff cannot start work and get paid until you have gotten the “good to go” from the FEA and until you have a “start date” for the approved support plan (or plan revision). Once you have these things, you can start talking with your new staff in more detail about what to expect.

It is important for you and your staff to have open communication to discuss things. On the first day of work, talk with your staff about these things:

- Talk about your expectations of each other (what you can reasonably expect from your staff, what your staff can reasonably expect from you)
- Talk about the best times for you to contact each other and the phone numbers where each of you can be reached
- The communication style you prefer
- Your preferred way to deal with problems/issues and how problems will be solved
- The hours, number of hours per day, start and end times of shifts, and days per week that you expect them to be on the job
- The importance of keeping to a regular schedule
- The importance of giving advance notice of days or hours they are not available to work
- The importance of arriving and leaving on time
- Stress the importance of proper documentation including shifts/times worked (in the Electronic Visit Verification system)
- What criteria will be used to evaluate their job performance
- Some of the reasons for dismissal from the job, such as poor job performance, unexcused absences, etc.

### **Required Staff Training:**

You must provide disability-related training for your employees about these things:

- How to follow your support plan, including your Vision and Life Goals. Explain how support is to be provided to help you achieve your goals. This will help your staff realize the importance of their role in helping you achieve your life Vision.
- Talk about what you like and what your priorities are. Talk about what you’re good at or what you already know, as well as areas you would like to improve on or learn more about. Give a lot of examples (e.g. preferences, limitations, common situations, etc.).
- Talk about how you want your daily routine to look. For example, you may prefer to have your coffee first thing in the morning and then get dressed.

- Talk about what your non-negotiables are (people, activities, or things you must have in your life on a regular basis).
- Be specific about the type of support you need for certain daily living activities as well as what your preferences are with doing certain daily activities. For example, you may prefer for staff to help you with getting to the bathroom, but you want privacy in the bathroom.
- If you want your staff to teach you new things, tell them about the best way for you to learn something. For example, you may learn best by being shown rather than being told.
- Explain any health, behavioral health, or medical terms you use when talking about your disability. Talk about any symptoms or health concerns they need to be aware of.
- Talk about any medical or behavioral health issues you have that will require special actions on their part. This may include following your Wellness Plan or some type of treatment plan given by a doctor, therapist or other professional.
- Tell your staff about any allergies or special dietary concerns and how you would like them to handle these things.
- Talk to your staff about how to correctly use any special equipment that helps you with daily activities and to maintain your health.
- Show your staff where necessary supplies are kept and how you would like things done.
  - If supervision or assistance with medication administration and/or non-complex tasks is required, your staff **MUST** complete training in accordance with the Direct Service Worker Registry Rule (LAC 48:I.Chapter 92).
- Show your staff how to record their time worked in the Electronic Visit Verification system.
- Show your staff how to complete service logs/progress notes.
- Talk with your staff about the critical incident report process and how to write critical incident reports.
- Talk with your staff about your Emergency Plan, including situations in which you need to evacuate your home and the best way to get out of the house in an emergency.
- Talk with your staff about how to report injuries they get while on the job (related to workers' compensation insurance claims).

### **Suggested Staff Training:**

Although training on these things is not required, OCDD suggests that you train your staff on these things which are found on the FEA website:

- Basic First Aid with Certification

- What abuse, neglect, and exploitation are and how it should be/will be reported
- The Health Information Portability and Accountability Act (HIPAA) and types of information that should be kept private
- Guidelines for Documentation
- Emergency preparedness
- Universal precautions
- Louisiana Direct Service Worker Medication Administration Self Direction Program.

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**You may want to put your policies or staff requirements in writing so you can refer your staff to this document. Have them sign a copy that you keep with your “Employee File” and give them a copy they can take with them.**

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### **Methods for Teaching Staff:**

If you provide good training to your staff at the beginning, you will help your staff to be better at their job. Keep in mind that some staff will understand their job duties better with oral directions (being told what needs to be done) while other staff may understand better with written instructions (like step-by-step instructions) and some staff will understand better with being shown what to do (seeing a demonstration or getting hands-on instructions). Also, remember to be patient with your staff as they are learning about you and how to support you. Learning new things can take some time.

## Chapter 8: What Kind of Paperwork Must be Done in Self-Direction?

### **The Home Book:**

The Home Book contains all of the important information about your care and supports/services. It is usually organized in a binder, and must be kept in your home.

The Home Book **MUST** contain:

- The toll-free number for your support coordination agency and the OCDD Help Line number
- The [\*OCDD Rights and Responsibilities for Applicants/Participants of Home and Community-Based waiver Services\*](#) form
- Your approved support plan and any plan revisions

- Documented emergency drills, including date of drill and who was there if required in the individual CPOC
- Current Progress Notes.

**Critical Incident Reports:**

A critical incident is any actual or suspected event or situation that creates a risk of serious harm to the physical or mental health, safety, or welfare of a participant.

The following are the types of critical incidents that **must be reported within twenty-four (24) hours** to your support coordinator:

- Major Injury
- Loss or Destruction of Home
- Fall
- Major Medical Event
- Death
- Major Medication Incident
- Involvement with Law Enforcement
- Participant is Victim of a Crime
- Major Behavior Incident

If the incident involves abuse, neglect, exploitation, or extortion, then protective services or law enforcement **must be contacted immediately** after the participant has been made safe and secure. The following incidents must be reported to both protective services and the Support Coordination Agency:

**Abuse** is where someone does something that hurts you hurts you. Abuse can be:

- Hitting you or physically hurting you,
- abandoning you,
- isolating you from family or friends
- taking your money or property for their own use
- taking your money or property by threatening you
- sexually abusing you.

**Neglect** is where you don't or the caregiver doesn't do something they are supposed to do for you. Neglect can be:

- not giving you food
- not taking you to the doctor when you are sick or hurt
- not taking care of you when they are supposed to take care of you.

**Exploitation** happens when someone uses your money or your property (like a car) for their own use.

**Extortion** happens when someone takes your money or property (like a car) by threatening or intimidating you.

Important contact information is as follows:

- For incidents requiring law involvement, contact your local law enforcement agency (police or sheriff).
- For suspected abuse, neglect, exploitation, or extortion of an adult aged 18-59, or someone under the age of 18 who has been legally declared an adult, contact Adult Protective Service (APS) at 1-800-898-4910.
- For suspected abuse, neglect, exploitation, or extortion of an older person aged 60 and over contact Elderly Protective Service (EPS) at 1-833-577-6532.
- For suspected child abuse or mistreatment contact the Department of Children and Family Services (DCFS) at 1-855-452-5437.
- **If an incident or situation is an emergency (life threatening) call 911 immediately.** If you don't know if the situation is an emergency, call 911 just to be safe.

NOTE: As the employer, you are responsible for reporting all incidents requiring law enforcement to the appropriate authorities. The support coordinator will follow up to make sure that the appropriate authorities are contacted.

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**When in doubt, ask your support coordinator if a Critical Incident Report form needs to be filled out.**

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### **Employee Files:**

Keep these documents about the staff your hire in a separate place (not in the Home Book).

- Job Description(s) for your employee(s)
- Your employee's job application
- The "new employee" packet of paperwork
- Copy of the employee's ID and/or drivers' license
- Copy of the employee's auto insurance or waiver letter (if the employee transports you in their personal vehicle)
- Documentation of employee training

- Copy of the “staff requirements” document that your staff signed when they were hired
- Copies of the Employee Performance Evaluations, including notes about issues/problems that have come up with staff and when/how they were handled, and notes about great job performance. See [Appendix J](#) for an example of a Performance Evaluation.
- Documentation about workers’ compensation insurance claims (if staff gets injured on the job)

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**Most service participants have more than one employee. It’s a good idea to keep a separate and private Employee File on each person you hire.**

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**Electronic Visit Verification (EVV):**

Your staff will record the hours they worked using the EVV system. They must use the EVV to check in and out of shifts in real time, using one of the following options:

- Mobile Application – This staff can use this to clock in and clock out with a mobile device (such as a smart phone, cell phone, or tablet) when they begin and end service. *NOTE: The mobile device must have internet access and GPS services enabled.*
- Landline telephone – Staff must use the participant’s landline to call into a pre-designated phone number to clock in/clock out. *Note: Cell phones are not allowed for this option.*
- FOB Device – A small security device kept at the participant’s home that is used to verify clock in/clock out times.

Your FEA will help you with selecting from the options listed above, which will let you use EVV according to the CMS requirements. You will be required to select at least 1 of the 3 EVV options. You may choose more than one EVV option for your staff, but the clock in and clock out for a single shift must occur using the same EVV method.

When using any EVV option for the clock in/clock out process, these are the rules:

- The staff on shift must be the person logging into and out of the mobile application. No other person is allowed to log in or out for the staff. The staff’s password cannot be shared with anyone else.
- The FOB must remain in the participant’s home at all times. It should only be used to clock in and clock out for the work shift.
- The staff on shift must be the person making the call on the landline. No other person is allowed to make the check in/check out call for the staff.

- If the staff fails to clock in and/or clock out using one of the approved methods above, the time must be entered through the DCI portal on the FEA's website.
- If you fail to use the EVV system, you will receive a warning and further training, as needed. After 30 calendar days, your EVV records will be reviewed again to make sure that you and your employees are using EVV. **You can be terminated from Self-Direction if you fail to use EVV.**

You, as the employer, must ensure that your employees are using the EVV system, approve your employees' hours, and certify that the employee actually worked the hours submitted. This must be done using the mobile application or by computer.

You may choose to print out paper copies of the electronic timesheet completed by your staff. Go to the FEA's website to print off a copy of the timesheets.

*Note: If your staff works some hours on the same day that you are admitted to or discharged from a hospital, nursing facility, or other institution, a copy of the admit/discharge documents that include the date and time of admit/discharge MUST be turned in to the FEA and support coordinator with the staff time sheets for that same billing period.*

### **Employee Performance Evaluations:**

You should have on-going conversations with each employee so that they know if they are meeting your expectations. It is recommended that you complete an Employee Performance Evaluation at least annually.

You should:

- Be proactive in dealing with employee job performance issues and conflicts. This means you handle situations and talk about them before they become a problem. *Note: There should be no negative issues in the performance evaluation that have not already been discussed with your employee*
- Handle any issues with the employee immediately when they occur and document these incidents. This information should be put in the Employee File
- Acknowledge and document great performance by your employee
- Give positive feedback to encourage great performance.

When you meet with your employee for the evaluation:

- There should be open communication between the both of you. Each of you need time to talk.
- Have some ideas of what you want to say in each area of the evaluation.
- Listen to comments from your employee.

### **General Employer Liability:**

Worker's compensation insurance covers an employee's on-the-job injury. Your employees are automatically covered by worker's compensation insurance once they are cleared to work.

*Note: Employees of Self-Direction participants are not employees of the FEA, OCDD, any other state or federal agency, or the support coordination agency.*

Employees must immediately report any and all injuries or illnesses received on the job to the employer. You must notify the FEA immediately of any injuries or illnesses received on the job by your employee. You may:

- Require that the employee document the injury (what, how, when, where, witnesses, injury, etc.) in a written report to file in the employee's file.
- Decide if additional training and / or safety measures are needed to prevent a reoccurrence of each injury/incident.

Your employee is not covered by workers' compensation insurance if:

- The injury occurred while they were intoxicated
- The employee injured themselves intentionally or while attempting to injure someone else
- The employee was injured while voluntarily participating in an off-work activity
- The employee was injured by an Act of God, such as a hurricane or tornado
- The injury occurred during horseplay
- The injury was not sustained while at work or during work.

### **Documenting Problems and Conflict Resolution with your Staff:**

There may be some areas of conflict at times between you and your employee. Examples include:

- Poor job performance from the employee
- Personality differences
- The training the staff got did not address procedures and techniques that you need your staff to perform. *Note: If you think this is the case, you need to re-train your staff on the parts of the job that is causing them difficulty.*



- Punctuality (arriving on time, following work schedule, providing specific supports on days scheduled, etc.).

See [Appendix J](#) for a sample evaluation you can use or change for use with your employee.

Here are some things to remember when problems come up:

- Talk with your employee as soon as possible. Keep the lines of communication open
- Do not shut down, and do not ignore the problem
- Keep talking to find out the true reasons behind the issues
- Consider getting advice from someone who has experience with employer issues, and can give you an objective opinion about the situation
- Take another look at the written agreements between you and your employee. Is there anything that was missed? Do these need to be revised?
- Consider that if the issue is a difference in opinion, is there a way to compromise?
- Think about what went wrong to avoid similar situations in the future with other employees
- Document the following:
  - What the issue is
  - Conversations addressing the issues
  - Trainings you did with the staff to try to fix the issue
  - Other steps taken to solve the issue

Documentation of events leading up to dismissing/firing an employee is very important:

- If the employee files a complaint of discrimination with Louisiana Workforce Commission or the Equal Employment Opportunity Commission, you will need to use the documentation to defend your actions in a hearing or a wrongful discharge or discrimination lawsuit.
- If the employee files a wrongful termination complaint with the Louisiana Workforce Commission, you will need this documentation to defend your actions in a hearing.

Documentation will be needed to:

- Prevent misunderstandings
- Avoid confusion

- Document the ways you have tried to resolve the issue
- Prevent your account from being charged additional unemployment taxes.

**Dismissing/Firing Staff:**

If you decide to dismiss an employee, below are some suggestions on how to handle it:

- Make arrangements for back-up support before you dismiss the employee
- Do it in person or over the phone (if you feel more comfortable with this approach)
- It is your choice as to whether or not you give the traditional two-week’s notice
- Do not drag it out (be direct, and get straight to the point)
- Remember that it is against the law to dismiss an employee because of age, race, ethnicity, religion, sex, gender identity, sexual orientation, age, national origin, or disability. This cannot be the reason you are choosing to dismiss the staff.

Some suggested words to communicate the dismissal to the employee are:

- “I am sorry but I do not feel you are appropriate for this job.”
- “You are not fulfilling your job obligations.”
- “I won’t need your services anymore.”

When dismissing an employee, you must do the following:

- Notify the FEA and support coordinator
- Fill out the *Employee Termination* form on your FEA’s website and submit it to the FEA
- Collect any individual items (keys, credit cards, ATM card, etc.) from the employee before discussing their dismissal with them
- Be careful of what you say to others about the situation, especially to other employees
- Maintain confidentiality related to employee issues

If you are worried about your ex-employee trying to get revenge or get back at you, you may want to:

- Notify neighbors and others that you have terminated the employee
- Ask neighbors to check on you if they see the ex-employee’s car or the ex-employee around your house
- Change your locks, passwords, PIN numbers for anything your employee may have had access to

- If an ex-employee threatens you, notify your support coordinator of the threat and you may even contact the police.

### **Documentation Requirements:**

- **Access:** OCDD or its designee and other federal, state, and local agencies or their representatives must have access to records to inspect, monitor, or evaluate your records, books, and supporting documents about services provided and services purchased, and compliance with federal and state regulations.
- **Maintenance:** Active records must be accessible. Inactive records must be stored and maintained in a safe area to make sure they are kept confidential and are kept in good condition. The stored records must be accessible for inspection. You are responsible for adequately maintaining and accessing the records. Inadequate or no documentation is a major reason for recoupment of funds (you having to pay Medicaid back).
- **Death:** In the event of the death of a Self-Direction participant, the support coordinator will obtain all of the records. These records are to be delivered to the Human Services District/Authority, who will make sure the documents are kept documents in accordance with the record retention requirements.
- **Confidentiality:** You must not release information about an employee without the written permission of the person, except for providing the information to the FEA and to other federal and state agencies as required and requested, including your support coordinator and OCDD or its designee. It is suggested you keep separate Employee Files on each employee.
- **Retention:** You must keep all Self-Direction documents (including, but not limited to administrative, personnel, support plan and revisions, progress notes, etc.) for a **minimum of six years** from the date of the last payment period. If records are under review as part of a departmental or government audit, the records must be retained until all audit questions are answered and the audit is completed (even if that time period exceeds six years).

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**When communicating with your support coordinator, it is a good idea to do it email and/or follow-up any phone calls with an email. This will provide you with written documentation, including the date. This protects you, the employer, in situations or discussions that may be confusing, and in case the support coordinator resigns or is dismissed.**

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## Chapter 9: What are my Rights/Responsibilities as a Waiver Participant?

All waiver participants have certain rights and responsibilities involved with getting waiver services. Your support coordinator should talk about these with you and help you to understand them. They should give you a form called [\*OCDD Rights and Responsibilities for Applicants/Participants of Home and Community-Based Waiver Services\*](#), which can also be found on the OCDD Website. If you ever need help understanding any of your rights or responsibilities, talk with your support coordinator.

One of your rights is the right to receive services in a safe environment. This means that you have the right to be free from abuse, neglect, exploitation and extortion. Part of your responsibility is learning ways to keep yourself safe and reporting issues anytime you do not feel safe (including when you experience abuse, neglect, exploitation, and extortion).

Here are some ways to protect yourself:

**To learn more about your rights and responsibilities as a waiver participant, and in the support planning process, see the Guidelines for Support Planning that is used for all OCDD waivers.**

- Keep doors and windows at your home locked – especially at night.
- Ask visitors to identify themselves before opening the door.
- Trust your gut feeling. If you feel unsafe with anyone (including staff that you hire), end the relationship as soon as possible.
- Talk to someone you can trust if you feel that a behavior/situation from your staff or others is inappropriate.
- Have trusted friends and family handle things that you do not feel comfortable having your staff do (such as help with financial matters, etc.).
- Let your staff know that your friends and family are watching out for your well-being.
- Let neighbors you trust know your schedule and ask them to keep an eye on your home – especially when a new staff is in your home.
- Always dial 911 in an emergency and for immediate help if you feel you are in danger.

To keep your home or your property safe (if you get services at your home), you may want to do the following:

- Make an inventory or list of all valuable items, along with the original price, the date bought, and serial numbers on the item (if any). If you can, keep the receipt and store it in a safe place.
- Take photographs or make a video recording of your valuable items.
- Give a copy of your inventory/list to your insurance agent, family member, friend and/or put a copy in a safe or safety deposit box.
- Mark your valuable items in a way that you could identify later (such as your TV, stereo, etc.).
- Keep items in a designated place.
- Make it obvious, through casual conversation, that you are aware of your surroundings, your possessions, and where items belong.
- Keep an inventory of your consumable items (such as medication, food, supplies, toilet paper, etc.) This can also help you with keeping track and controlling how much you are buying.
- Consider getting a homeowner's or rental insurance policy to help you recover some of your property in case of fire, flood, theft, or other loss.
- Check your telephone, credit card bills, bank statements, etc. on a regular basis for charges that you did not make. Report any fraud immediately to your bank.
- Change your PIN number(s) frequently if you let any of your staff or others withdraw money with your ATM card, credit card, etc.

## Chapter 10: What are my Responsibilities as Employer?

While you are using the Self-Direction option, as the employer, you have these responsibilities:

- Review each payroll report to make sure that:
  - Your employee(s) are being paid the correct rate;
  - Your employee(s) are being paid for the correct number of hours worked; and
  - You have enough hours left in your account to continue receiving paid services through the remainder of the quarter.
- You must tell your support coordinator and the FEA about any differences in the payroll report

- You must contact the FEA or your support coordinator if you do not receive your payroll reports.
- You must do employee background checks and required screenings on a regular basis. See [Appendix H](#) for instructions on doing regular database checks.
- You must report Critical Incidents to your support coordinator as soon as possible, but no later than 24 hours after the incident. This includes telling your support coordinator and the FEA any time you are admitted to the hospital, nursing home, or other institution (like an ICF) and any time you are discharged or come out. This is because waiver services cannot be provided to a service to you while you are in a hospital, nursing home or other institution.

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**Be sure to get the official admit and discharge times from the hospital  
Admissions Department**

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## Chapter 11: Responsibilities of the Support Coordinator

After you decide you want to participate in Self-Direction, you will need to tell your support coordinator. They will help you with enrolling in the program, and will help you with the following things:

- Continue to help you throughout your participation as a waiver participant and help you understand your rights and responsibilities with getting waiver services
- Help with finding and organizing the unique supports and services that work best for you
- Help you with developing your support plan (you get a new one at least every year) including the type and amount of services you need,
- Help you with figuring out your budget each year (including type/amount of services and wage options for your staff)
- Help you with making a Back-Up Plan for support (if your staff doesn't show up when scheduled)
- Help you with making an Emergency Plan (for things like evacuations because of hurricanes)
- The employer should report a critical incident to their SC. The SC will input the critical incident into the statewide critical incident management system for the employers. (Individuals/Employers do not have access to enter the critical incident reports.)

- Help you switch to a residential service provider if you decide you don't want to do Self-Direction anymore. *Note: If you leave Self-Direction and decide to come back, you will need to wait 90 days (3 months) before you can do Self-Direction again.*

Your support coordinator is responsible for monitoring delivery of your services on a regular basis. Your support coordinator will contact you at least monthly to:

- Make sure that the information contained in your support plan is still accurate
- Track progress made on your Life Goals
- Get updated information about your supports to make sure services are going okay and that they are provided based on what your support plan says
- Check to see if any changes have happened with your support needs
- Proactively address any issues or problems that need to be handled before the quarterly review meeting.

Your support coordinator will meet with you (and your staff) every quarter (3 months) to:

- Check to see if your needs are being met by:
  - Reviewing progress notes
  - Ensuring your employee providing services as outlined in the CPOC
- Review the information in your "Home Book" for accuracy and completeness
- Talk with you about your satisfaction with the services you're getting.

Your support coordinator (and the rest of the support team) will hold a review meeting with you every quarter (3 months) to:

- Talk with you to see if your Life Goals identified in your support plan have been achieved
- Make sure that the information contained in your support plan is still accurate
- Talk with you about your satisfaction with the services you're getting
- Make any needed changes to your support plan, including changes to support strategies, adding/removing services, changing the typical weekly schedule, etc.

## Chapter 12: Responsibilities of the FEA

The FEA will help with the following:

- Will do payroll at least twice per month for you (pay periods are bi-weekly or every other week) and send you the reports
- Take out any required taxes and make deposits with government agencies
- Will let you know if there are any mistakes with the paperwork that stops them from doing payroll
- Send you (the employer) expenditure reports to help you in tracking service hours you have already used and service hours that you still have available
- After you dismiss/fire an employee, the FEA must process the last paycheck within a certain number of days based on state law.



Louisiana Department of Health Websites:

- [Office for Citizens with Developmental Disabilities Homepage](#)
  - [Children’s Choice Waiver](#)
    - [Manual](#)
  - [New Opportunities Waiver](#)
    - [Manual](#)
  - [Residential Options Waiver Manual](#)
    - [Manual](#)
  - [Comprehensive Plan of Care \(CPOC\)](#)
  - [CPOC Emergency Plan](#)
  - [CPOC Backup Plan](#)
  - [Rights and Responsibilities Form](#)
  - [Authorized Representative Form](#)
- [Local Governing Entities Map and Contact Information](#)

Fiscal Agent Links

- Acumen
  - [Homepage](#)
  - [DCI Portal](#)
  - Forms
    - [Payroll Schedule](#)
    - Enrollment Packet (includes tax forms, employee information, background check)
      - [NOW](#)
      - [ROW](#)
      - [CCW](#)
    - [I-9 Form](#)
    - [Internal Revenue Service W-4 Form](#)
    - [Louisiana Form L-4](#)
    - [Pay Selection Options Form](#)
    - [Employee Change of Information Form](#)
    - [OCDD Employment Agreement](#)
    - [Employee Termination Form](#)
  - Suggested Training Information
    - [Emergency preparedness](#)
    - [Critical Incident Reporting](#)
    - [Abuse and Neglect training](#)
- Morning Sun
  - [Homepage](#)
  - [DCI Portal](#)
  - Forms
    - [Enrollment Packet](#)

- [I-9 Form](#)
- [Internal Revenue Service W-4 Form](#)
- [Louisiana Form L-4](#)
- [Pay Selection Options Form](#)
- [Employee Information Form](#)
- [OCDD Employment Agreement](#)
- [Criminal Background search authorization form](#)
- [Payroll Schedule](#)

Other Helpful Resources

- [Louisiana Workforce Commission](#)
- [Louisiana Adverse Actions List](#)
- [Office of the Inspector General Exclusions List](#)
- [Fair Labor Standards Act Minimum Wage Guide](#)

Use this to write down the information of people/agencies you may need to contact if you have questions/concerns:

**My Fiscal Employer Agent:**

<b>Fiscal Employer Agent:</b>	<b>Website:</b>	<b>Telephone:</b>
Acumen Fiscal Employer Agent	<a href="http://www.acumentfiscalagent.com">www.acumentfiscalagent.com</a>	1-855-514-9938
Morning Sun Financial Services	<a href="http://www.morningsunfs.com">www.morningsunfs.com</a>	1-833-239-3768

**My Support Coordination:**

Name of Support Coordination Agency: \_\_\_\_\_

Support coordinator's name: \_\_\_\_\_

Support coordinator's number: \_\_\_\_\_

Support coordinator's email: \_\_\_\_\_

**My Local Governing Entity (LGE):**

LGE name: \_\_\_\_\_

LGE number: \_\_\_\_\_

LGE staff email: \_\_\_\_\_

**APPENDIX C: DIFFERENCES IN TRADITIONAL AND SELF-DIRECTED SERVICES**

<b>Questions Regarding Service Delivery Models</b>	<b>Self-Direction</b>	<b>Traditional</b>
Who is the “employer?”	Participant/Authorized Representative/Supporter ( <i>one person is named as “employer” on paperwork</i> )	Residential Service Provider Agency
Who has responsibility for hiring and firing direct support staff?	Employer	Residential Service Provider Agency
Who recruits, trains, manages, evaluates and dismisses employees?	Employer	Participant/Authorized Representative and/ or Residential Service Provider Agency
Who is responsible for handling employment-related taxes and doing payroll functions?	Employer and FEA	Residential Service Provider Agency
Who determines the wages and work-related budgets for the employee(s)?	Employer will work with the SC to complete FEA forms for wages.  <i>Note: In Self-Direction, you can usually afford to pay direct care staff a higher hourly wage than those who receive services through a residential service provider agency.</i>	Residential Service Provider Agency
Who must make sure that criminal history and Adverse Actions/OIG checks are completed so that a staff person is allowed to be hired?	<a href="#">FEA</a> conducts the initial check  AND Employer is required to conduct monthly checks	Residential Service Provider Agency
Who is responsible for ensuring that timesheets and service logs are filled out completely and correctly?	Employer using EVV	Residential Service Provider Agency

**APPENDIX C: DIFFERENCES IN TRADITIONAL AND SELF-DIRECTED SERVICES**

<b>Questions Regarding Service Delivery Models</b>	<b>Self-Direction</b>	<b>Traditional</b>
Who is responsible for on-the-job injury and other liabilities of the employee(s)?	Employer paperwork through your FEA	Residential Service Provider Agency
Who is responsible for providing or arranging back-up coverage for direct support staff?	Employer with help from the Support Coordinator	Participant/Authorized Representative and/or Residential Service Provider Agency
Who is responsible for monitoring service delivery?	Employer, Support Coordinator, Human Service District/Authority, and OCDD	Participant/Authorized Representative, Residential Service Provider Agency, Support Coordinator, Human Service District/Authority, OCDD
Who is responsible for monitoring employment-related costs and staying in budget?	Employer and FEA	Participant/Authorized Representative and Residential Service Provider Agency

	<b>Employer</b>	<b>Support Coordinator</b>	<b>FEA</b>	<b>LGE</b>
<b>Step 1</b>	Notifies SC of interest in Self-Direction	Informs FEA and LGE of participant interest through Freedom of Choice document		
<b>Step 2</b>	Chooses a FEA	Provides packet found on the FEA website to participant, assists participant with reviewing packet and choosing FEA via Freedom of Choice list/process		
<b>Step 3</b>	Completes and turns in employer and employee packets to FEA	Assists (if needed) participant with completing and turning in packets to FEA	<ul style="list-style-type: none"> <li>Once packets are received, will process paperwork within 1-5 business days</li> <li>Notifies Employer of any missing or needed information</li> <li>Begins background check(s) for employee(s)</li> </ul>	
<b>Step 4</b>		Notifies LGE that all documentation for employer and employee packets have been turned in		<ul style="list-style-type: none"> <li>Verifies with FEA that all Employer/Employee documents are processed and that all background checks have been completed.</li> <li>Assigns a future “start date” for plan and provides this to</li> </ul>

**APPENDIX D: BEGINNING THE SELF-DIRECTION PROCESS**

				the SC ( <i>This is NOT the “good to go” date</i> )
<b>Step 5</b>	Signs plan revision request to add Self-Direction option	<ul style="list-style-type: none"> <li>• Completes plan revision with assigned start date and gets all signatures from participant/authorized rep., future employer, current residential service provider (if any)</li> <li>• Turns in plan revision along with any necessary attachments, including Emergency Preparedness plan, and Staff Back-up Plan to LGE office.</li> </ul>		<ul style="list-style-type: none"> <li>• Reviews and approves plan revision</li> <li>• Sends plan revision to data contractor (SRI) for Prior Authorization (PA) of services</li> <li>• Sends copy of approval to SC</li> </ul>
<b>Step 6</b>		Sends approved plan revision to FEA, Employer, and previous residential services provider (if any).	<ul style="list-style-type: none"> <li>• Receives PA from SRI</li> <li>• Generates a “good to go” date for employee(s) to start working.</li> </ul>	

**Looking for Direct Care Staff/Personal Care Attendant to provide in-home (and community) support services**

**Critical Job Elements:**

- Provide person-centered support to a 24-year-old man with developmental disability to improve his independence and support his ability to access his favorite community activities.
- Job duties include assistance/prompting with activities of daily living (i.e. bathing, dressing, bowel and bladder management, transferring from bed to wheelchair, etc.) as well as assisting the person to engage with others in the community and participate in social or recreation activities.
- Job involves lifting and bending, meal preparation, light housekeeping, transportation.
- Routine local travel for errands and community activities (e.g. grocery shopping, medical appointments, bowling on Thursdays, visiting with family, etc.)

**Hours:**

- Weekday (Monday – Friday) hours: 8:00 am to 2:00 pm and 6:00 pm to 8:00 pm
- Weekend (Saturday & Sunday) hours: 10:00 am to 6:00 pm

**Knowledge, Skills, Abilities:**

- Must be reliable, neat and organized, willing to perform tasks as requested, willing to learn job requirements and able to follow instructions.
- Training will be provided by the person and/or by his family members. No prior experience is required but must be willing to learn.
- Looking for someone who wants this job on a long-term basis.

**Other Requirements/Considerations:**

- If worker decides to discontinue employment, they must be willing to continue working until a replacement is found, which could be 6-8 weeks, and be willing to train replacement.
- Prefer non-smoker.
- No pets, no personal visitors and no children brought into my home and especially while worker is on the job.

**Compensation:**

- Pay is equal to minimum wage or more



The following matching tool helps you to think of the things that you are looking for in your staff. Work with your support coordinator to help you understand what you want, or don't want, in an employee. Knowing this can help you choose staff that will be a better fit for you. Some questions you should ask yourself include:

- What qualities do I want in my staff so they can support me to have good days?
  - What do good days look like for me?
  - What are some things that I want me and my staff to have in common so we can have fun together?
  - What kind of person do I like to spend time with?
- What qualities in staff would make it hard for me to have a good day?
  - What has made it hard for me to work with someone in the past?
  - What kind of people do I not like to be around?

**Example:**

<b>Characteristics of People I like to work with</b>	<b>Characteristics of people I like to hang out with</b>
People that are ok with not following a routine People that don't mind my messy house People that can teach me how to cook	People who can tell good jokes People who like to play sports People who like to be outside
<b>Characteristics of People I don't like to work with</b>	<b>Characteristics of People I don't like to hang out with</b>
People who want to stick with the same routine every day People that try to organize my things in a way I don't like People who cook only healthy food People who don't want to talk to me about sports	People that like to stay inside all day People that don't know anything about sports People that would rather watch TV than do anything

During the interview, here are some questions you might want to ask:

- Will you give me your name, phone where you can be reached, and address?
- Are you available to work the days/hours needed?
- How far do you live from here? (Turnover tends to be higher among staff who have to travel longer distances to work.)
- Do you have reliable transportation?
- Do you have any restraints on your schedule that I need to consider?
- Are there days you definitely cannot work?
- Have you ever assisted or worked for an individual with a disability before? (If yes, tell me a little about the type of support you provided.)
- Why are interested in being a direct care staff/personal care attendant?
- Are you willing to transport the individual in your vehicle in the community?
- Are you at least 18 years of age and do you have a valid Social Security number?
- Do you smoke? (If smoking will be a problem for you)
- Are you allergic to pets? Do you mind being around pets? (If you have a pet in your home)
- Have you had any experience giving personal care/support to a person who needs help?
- Are you comfortable performing personal care duties such as bathing and toileting? Are there any daily living activities you can't or don't want to do?
- Would you be able to teach someone how to become more independent with daily living activities (bathing, toileting, dressing, etc.)?
- Can you cook? Could you teach someone how to cook (If you need help with meal preparation)
- Would you be able to do light housework? Would you be able to teach someone how to do certain housework (If you need help with housekeeping)
- Do you have any experience in lifting, transferring and positioning? (If you need assistance with these activities)
- Tell me how you approach multiple tasks to make sure they all get done
- What did you like best and least about your last job?
- What are your best and worst qualities?

- Give me an example of how you have handled disagreements with your past employers/supervisors.
- Describe a hypothetical “scenario,” and ask what the applicant would do in that situation.

When interviewing applicants:

- Apply the same standard that is applied to the selection of all other job applicants (treat them all the same)
- Only ask about things that are directly related to the job requirements
- Do NOT ask personal questions that do not apply directly to the job requirements.

**NOTE: Discrimination based on sex, gender identity, sexual orientation, race, color, religion, national origins, disability, and/or age is illegal.**

<b>Subject</b>	<b>Do NOT Ask</b>	<b>May Ask or Do</b>
Marital Status	Are you married? Divorced? Engaged? Separated? Maiden Name?	AFTER hire, marital status for insurance or tax purposes
Gender Identity/ or Sexual Orientation	Any questions about gender identity or sexual orientation are not allowed, nor are any comments about one's presented gender	
Children	Do you have children at home? How old? Who takes care of them? Do you plan to have children?	AFTER hire, number and ages of children for insurance needs only
Housing	Do you own your home? Do you rent? Do you live in an apartment or a house?	If you have no telephone, how can I reach you?
Criminal Record	Have you ever been arrested or spent time in jail?	Have you ever been convicted of a serious crime?
Military Status	What type of military discharge do you have? In what branch did you serve?	Are you a veteran? Do you have job-related military experience?
National Origin	Of what country are you a citizen? Nationality of your parents? Native born or naturalized? What languages do you use?	Are you a U.S. citizen? If not, do you have the legal right to remain permanently in the U.S?
Age	How old are you?	Are you over 18? AFTER hire, exact age or date of birth can be asked.
Ethnic Background	Any questions about ethnic origin are not allowed, nor are any comments about complexion or color of skin.	
Religion	What are your religious beliefs?	AFTER hire, you may ask about any religious observances that may interfere with work.
Disability or Health/Medical Conditions	Do you have a disability? What kind of disability do you have? How severe is your disability? What are your health/medical conditions?	Can you perform the duties of this job with or without reasonable accommodations? What kind of accommodations would you need?

Potential and active employees and employers (**if NOT the participant**) are screened using the following databases:

- **Louisiana State Adverse Actions List; and**
- **Office of Inspector General (OIG) List of Excluded Individuals.**

Potential employees and employers must be screened for any Medicaid exclusions **AND** adverse actions upon hire before providing services to waiver participants in the OCDD self-direction program. The Fiscal Employer Agent (FEA) completes these initial screenings.

Once hired, the employees and employers must be screened monthly using the adverse actions database and the OIG List.

### **Louisiana State Adverse Actions List Search**

The FEA and/or DMC will:

- Go to <https://adverseactions.ldh.la.gov/SelSearch>
- Type in the employee's name and/or any other names the worker typically goes by (if applicable).
- Type in the employer's name and/or any other names that the employer typically goes by (if applicable).
- Click on the search icon to bring up existing records.
- Verify the employee's identity using the employee's/employer's valid Social Security Number (SSN).

### **Office of Inspector General (OIG) List of Excluded Individuals**

- To search the Office of Inspector General's (OIG) national exclusions database, the FEA and/or DMC will use this link: <https://exclusions.oig.hhs.gov/>

**APPENDIX I: CONVICTIONS THAT  
PREVENT EMPLOYMENT**

**What to do with the results of these checks?**

For both of the searches/lists stated above, if no results are found, this individual is not currently excluded and may begin/continue employment as the Direct Service Provider (DSP) or act as the employer/continue to act as the employer for the participant.

**The FEA and/or DMC MUST print the web page that shows “Your search did not return any results” to keep as documentation.**

If the individual’s name appears on one of the searches/lists stated above, you **cannot**:

- Hire that individual as the employee;
- Allow the employee to continue working;
- Allow that individual to act as the employer; or
- Allow that individual to continue to act as the employer.

**APPENDIX I: CONVICTIONS THAT  
PREVENT EMPLOYMENT**

Some criminal convictions prevent employment as a paid home care worker under 42 CFR 441.404 (b) and La. R.S. 40:1203.1 et seq. There are NO EXCEPTIONS to these federal and state laws.

A person CANNOT be employed if they have been convicted of an offense listed below or if the criminal history background check indicates an attempt or conspiracy to commit any of the offenses listed below:

- R.S. 14: 28.1 (solicitation for murder)
- R.S. 14: 30-30.1 (first and second degree murder)
- R.S. 14: 31 (manslaughter)
- R.S. 14: 32.6-32.7 (first and second degree feticide)
- R.S.14: 32.12 (criminal assistance to suicide)
- R.S. 14: 34 (aggravated battery)
- R.S. 14: 34.1 (second degree battery)
- R.S. 14:34.7 (aggravated second degree battery)
- R.S. 14:35.2 (simple battery of the infirm)
- R.S. 14:37 (aggravated assault)
- R.S. 14:37.1 (assault by drive-by shooting)
- R.S. 14:37.4 (aggravated assault with a firearm)
- R.S. 14:38.1 (mingling harmful substances)
- R.S. 14:42 (first-degree rape)
- R.S. 14:42.1 (second-degree rape)
- R.S. 14:43 (third-degree rape)
- R.S. 14:43.1 (sexual battery)
- R.S. 14:43.2 (second degree sexual battery)
- R.S. 14:43.3 (oral sexual battery)
- R.S. 14:43.5 (intentional exposure to AIDS virus)
- R.S 14:44 (aggravated kidnapping)
- R.S. 14:44.1 (second degree kidnapping)
- R.S. 14:44.2 (aggravated kidnapping of a child)
- R.S. 14:46.2 (human trafficking)
- R.S. 14:51 (aggravated arson)
- R.S. 14:60 (aggravated burglary)
- R.S. 14:62.1 (simple burglary of a pharmacy)
- R.S. 14:64 (armed robbery)
- R.S. 14:64.1 (first degree robbery)

**APPENDIX I: CONVICTIONS THAT  
PREVENT EMPLOYMENT**

- R.S. 14:64.4 (second degree robbery)
- R.S. 14:66 (extortion)
- R.S. 14:67 (theft)
- R.S. 14:67.21 (theft of the assets of an aged person or disabled person)
- R.S. 14:80 (felony carnal knowledge of a juvenile)
- R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability)
- R.S. 14:89 –14:89.1 (crime and aggravated crimes against nature)
- R.S. 14:93 (cruelty to juveniles)
- R.S. 14:93.3 (cruelty to the infirm)
- R.S. 14:93.4 (exploitation of the infirm)
- R.S. 14:93.5 (sexual battery of the infirm)
- Distribution or possession with intent to distribute controlled dangerous substances as listed in Schedules I through V of the Uniform Controlled Dangerous Substances Act.
- All other offenses as stated in 42 CFR 441.404 (b) and LA.R.S. 40:1203.1 et seq.

If a person has a criminal conviction history, but it is not for anything in the list above that prevents employment, you will be given a choice to decide if you want that person as your employee. **NO EXCEPTIONS** will be made for offenses that are on the list above.

If you choose to hire the person with a criminal conviction history, you must fill out an acknowledgement form that says you know about the applicant's criminal conviction history and still want to hire them. The completed form found on the FEA website must be signed by you, as the employer, and submitted to the FEA before an applicant will be allowed to work for you.

**NOTE:** If an ex-employee stops working for you, and then decides they want to apply and get hired again, they must go through the same process that any new applicant would go through. There are no shortcuts to the hiring process for ex-employees.



Employee's Name: \_\_\_\_\_ Date of Hire: \_\_\_\_\_

Each area is coded as follows:

1 = Poor                                      3 = Mostly meets expectations                      5 = Exceeds expectations  
2 = Below expectations                      4 = Meets expectations

Area Evaluated:	1	2	3	4	5
<b>1. Helped individual achieve goals and visions as described in support plan.</b> Comments:					
<b>2. Punctuality and Reliability</b> Comments:					
<b>3. Ability to do required tasks</b> Comments:					
<b>4. Respectful</b> Comments:					
<b>5. Shows initiative</b> Comments:					
<b>6. Organized</b> Comments:					
<b>7. Other:</b> Comments:					

**Employee Performance Evaluation (continued)**

**Goals for next 6 months/year:**

**APPENDIX I: CONVICTIONS THAT PREVENT EMPLOYMENT**

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**Employee comments:**

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Signature of Employer: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Medicaid fraud happens when an employer or employee is untruthful about services that were provided in order to get inappropriately paid or reimbursed. Medicaid fraud is a felony and conviction can lead to substantial penalties. Additionally, people convicted of Medicaid fraud may not be allowed to be employed with a program or facility that gets Medicaid funding.

OCDD does random audits on Self-Direction participants to look for cases of fraud. When you agree to use Self-Direction, you agree that you will follow all laws so that you don't commit Medicaid fraud. Suspected cases of fraud will be referred to the Medicaid Program Integrity Unit for further investigation and possible prosecution.

**MEDICAID FRAUD IS SERIOUS BUSINESS.**

Examples of Medicaid fraud include turning in timesheets:

- For services not actually provided
- For time worked when the employer and/or employee was not present
- For services provided by someone other than the person identified on the timesheet

**APPENDIX L: EMPLOYER**  
**RESPONSIBILITIES**

<b>Managing Employees</b>	<b>Support Plan</b>	<b>Service Documentation</b>	
<p>Because you participate in a government program (Medicaid), you may not discriminate against potential employees:</p> <ul style="list-style-type: none"> <li>• Consistent with Title VII of the Civil Rights Act (as amended in 2020).</li> <li>• Based on <b>Age</b> (Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967).</li> <li>• Based on <b>Disability</b> (Rehabilitation Act of 1973, Section 501, Section 504; Americans with Disabilities Act of 1990)</li> <li>• You must decide on an hourly wage for your employee(s). Employees <b>MUST</b> be paid at least minimum wage.</li> <li>• You must wait until the FEA clears your potential employees for hire before you allow them to do any work for you.</li> <li>• You must tell the FEA and your support coordinator when an employee quits or is fired.</li> </ul>	<ul style="list-style-type: none"> <li>• Cooperate with completion of all assessments and support planning functions with your support coordinator.</li> <li>• Establish a work schedule for your employees (that all agree on).</li> <li>• Be responsible for any employee wages or supports that exceed the hours and services in your approved support plan.</li> <li>• Establish the support to be provided by employees (based on what is written in your support plan).</li> <li>• Have a Back-Up Staffing Plan in place in the event that an employee does not show up for work</li> <li>• Have an Emergency Plan in place in the event of a disaster.</li> <li>• Participate in required training as requested by OCDD or its designee (if applicable).</li> </ul>	<ul style="list-style-type: none"> <li>• Make sure you have access to the internet, computer, smart phone/device, or a fax machine.</li> <li>• Complete all employer-related paperwork and the duties related to payroll.</li> <li>• Review your payroll reports upon receipt to ensure accuracy. If not accurate, report the differences to your support coordinator and the FEA.)</li> <li>• Ensure that your employees complete the required service documentation, such as progress notes, etc.</li> <li>• Keep all required documentation as specified in this manual</li> <li>• Report critical incidents to your support coordinator and complete all needed paperwork.</li> <li>• Keep employee files with all private employee (Employee File) information (copy of ID, application, auto insurance, etc.)</li> <li>• Keep a home book available for government employees or agencies to review. The home book</li> </ul>	<ul style="list-style-type: none"> <li>• Make sure employees know to report any and all injuries and/or illness received from the job (Inform the FEA IMMEDIATELY).</li> <li>• Make sure your employees maintain current automobile insurance if they will be transporting you in their own car. Keep a copy of their current auto insurance with your paperwork.</li> </ul>

**APPENDIX L: EMPLOYER**  
**RESPONSIBILITIES**

		<p>should include, at a minimum:</p> <ul style="list-style-type: none"> <li>○ The current CPOC,</li> <li>○ The current support coordinator’s name and phone number,</li> <li>○ Emergency contacts,</li> <li>○ Any specialized medical or behavioral procedures that are in place.</li> </ul>
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