



FAQ Document for Self-Directed Services for Employer of Record (EOR) on the NC Innovations Waiver

What is the NC Innovations Waiver?

The NC Innovations Waiver is a Medicaid waiver program in North Carolina that provides community-based services and supports to individuals with intellectual and developmental disabilities. It aims to provide alternatives to institutionalization and to promote choice, control, and community integration.

What is Self-Direction?

Self-direction is an option within the NC Innovations Waiver that allows individuals, or their representatives, to have more control over the services they receive. As an Employer of Record (EOR), you can hire, train, and manage the employees who provide your support services.

Who is the Employer of Record (EOR)?

The Employer of Record is an individual or their designated representative who takes on the role of the employer for the purpose of hiring and managing personal care workers within the self-directed services model.

What Responsibilities Does an EOR Have?

As an EOR, you are responsible for:

- Recruiting, hiring, and training your workers
- Setting work schedules and duties
- Submitting timesheets and managing payroll
- Ensuring your workers meet the qualifications and training requirements
- Complying with all state and federal laws related to employment

Can the EOR Hire Family Members as Employees?

Yes, in some cases, the EOR can hire family members as employees if they meet the waiver service requirements and get this approved by their LME/MCO.

How Does an EOR Manage Payroll and Taxes?

An EOR can work with a Financial Management Service (FMS) provider, like Acumen Fiscal Agent, to manage payroll and tax responsibilities. The FMS will process payroll, withhold taxes, and ensure compliance with employment tax laws.



What is a Individual Support Plan (ISP), and How is It Developed?

A Support Plan outlines the individual's needs, goals, and the services required to meet them. It is developed with the individual, the EOR, the care coordinator or case manager, and other stakeholders. The plan must be approved by the program before services can be self-directed.

Does the EOR Need to Understand Medicaid Billing?

While the EOR is not directly responsible for Medicaid billing, it's beneficial to understand the basics. Acumen will handle the billing process, but the EOR should be aware of the budget and ensure that services do not exceed the allocated funds.

How is Service Authorization Obtained for Self-Directed Employees?

Service authorization is obtained through the individual's care coordinator or case manager, who will submit the necessary documentation to the LME/MCO for approval of the services outlined in the Individual Support Plan.

What Happens if an Employee Does Not Meet Their Duties?

As the EOR, you have the authority to manage your employees. If an employee does not fulfill their duties, you can provide additional training, corrective action, or, if necessary, terminate their employment.

Can the EOR Make Changes to the Individual Support Plan?

Yes, changes to the Individual Support Plan can be made to better meet the individual's needs. Any changes must be discussed with the care coordinator or case manager and approved by the program.

Where Can an EOR Find Training and Resources?

Training and resources for EORs are often provided by a community navigator, the Medicaid waiver program, or the FMS provider. It is important for the EOR to complete training in areas such as employer responsibilities, emergency preparedness, and rights of participants. Resources can also be found through local advocacy groups, online platforms, and state-sponsored informational sessions.



How Does an EOR Ensure Compliance with EVV Requirements?

To comply with Electronic Visit Verification (EVV) requirements, the EOR must ensure that their employees use the state-mandated system to clock in and out for each service provided. The FMS provider can offer training and support on how to properly use the EVV system.

What Should an EOR Do If They Encounter Issues With Their FMS Provider?

If an EOR encounters issues with their FMS provider, they should first attempt to resolve the issue directly with the provider. If the issue persists, the EOR can contact the NC Innovations Waiver program, the care coordinator, or seek guidance from the NCDHHS for further assistance.

Can an EOR Receive Support in Managing Their Role?

Yes, an EOR can receive support from care coordinators, case managers, and community navigators. Additionally, peer support networks and local advocacy organizations can be valuable resources for guidance and best practices in fulfilling the EOR role.

How Often Does the Individual Support Plan Need to Be Reviewed?

The Support Plan should be reviewed at least annually or more frequently if there are significant changes in the individual's needs or circumstances. Regular reviews ensure that the services provided continue to align with the individual's goals and health requirements.

What Is the Process for Emergency Backup Staffing?

The EOR should have a plan in place for emergency backup staffing in case a regular employee is unable to work. This plan should be outlined in the Individual Support Plan and may include identifying alternate caregivers who can provide services when needed.

Are There Restrictions on the Types of Services That Can Be Self-Directed?

Yes, there are restrictions. The services that can be self-directed must be covered under the NC Innovations Waiver and outlined in the approved Individual Support Plan. The EOR cannot self-direct services that are not authorized by the waiver.

How Does an EOR Stay Informed About Policy Changes?

To stay informed about policy changes, the EOR should maintain regular communication with their care coordinator, attend any trainings or informational sessions provided by the state or FMS provider, and subscribe to relevant newsletters or updates from the NCDHHS.



Who Can the EOR Reach Out to for Help With Employment Law Questions?

The EOR can seek assistance from Acumen regarding employment law related to their caregiving staff. For more complex legal questions, the EOR may need to consult with a legal professional specializing in employment law. Local legal aid organizations may also offer assistance or resources.

How Are Disputes Between the EOR and Employees Handled?

Disputes between the EOR and employees should be handled according to the agreed-upon employment policies and state laws. The EOR can establish a process for addressing grievances and disputes.

What Are the Training Requirements for Self-Directed Employees?

Training requirements for self-directed employees typically include completion of CPR and First Aid certification, any waiver-specific training, and additional training specific to the needs of the individual being served. The EOR is responsible for ensuring that all employees meet these training requirements.

How Does the EOR Balance Their Duties With the Individual's Right to Independence?

The EOR should promote the individual's right to independence by involving them in decision-making processes related to their care, respecting their personal preferences, and encouraging self-advocacy. It's crucial to strike a balance between providing necessary oversight and empowering the individual.

Can the EOR Use Self-Directed Funds for Equipment or Home Modifications?

Self-directed funds are primarily for services provided by employees. However, the NC Innovations Waiver may cover certain equipment or home modifications if deemed medically necessary and included in the Individual Support Plan. The EOR should work with the care coordinator to determine eligibility for these expenses.

How Does the EOR Address Employee Absences or Turnover?

The EOR should have a backup plan to cover employee absences, which could include a pool of qualified and trained backup caregivers. To minimize turnover, the EOR can implement strategies such as offering competitive wages, creating a positive work environment, and providing ongoing support and appreciation for their employees.



What Records Must the EOR Keep?

The EOR must maintain accurate records of employment, including timesheets, payroll records, tax documents, training certificates, and any other documentation related to the employment of their staff. These records should be kept secure and confidential, in compliance with state and federal regulations.

How Does the EOR Handle Workers' Compensation and Unemployment Insurance?

The EOR is responsible for ensuring that all legal requirements regarding workers' compensation and unemployment insurance are met. Acumen will obtain the necessary workers compensation coverage and assist with any unemployment claims that arise.

What Happens if the Individual's Needs Change?

If the individual's needs change, the EOR should communicate with the care coordinator or case manager to review and, if necessary, update the Support Plan to reflect the new level of care or services required. Adjustments to staffing, schedules, or training may also be needed to accommodate these changes.

How Are Pay Rates Determined for Self-Directed Employees?

Pay rates for self-directed employees are typically determined by the EOR within the budget constraints of the NC Innovations Waiver. The EOR should consider the complexity of the care required, market rates, and state or federal minimum wage laws when setting pay rates.

Can the EOR Make Purchases or Hire Services Outside of Direct Care With Waiver Funds?

Purchases or services outside of direct care must be outlined and justified within the Support Plan and approved by the waiver program. The EOR cannot use waiver funds for purchases or services not authorized within the plan.

How Does the EOR Address Cultural and Linguistic Needs of the Individual?

The EOR should ensure that the individual's cultural and linguistic needs are respected and accommodated. This may involve hiring employees who speak the individual's preferred language or have a shared cultural background, or providing cultural competency training for employees.



What is the Role of the EOR in Emergency Preparedness?

The EOR should develop an emergency preparedness plan for the individual to address potential emergencies, including natural disasters, medical emergencies, or unexpected caregiver absences. This plan should be included in the Support Plan and reviewed regularly.

What Are the Privacy and Confidentiality Obligations of the EOR?

The EOR must adhere to HIPAA (Health Insurance Portability and Accountability Act) regulations and any state-specific privacy laws to protect the individual's personal and health information. Proper training on privacy and confidentiality should be provided to all employees.

How Does the EOR Ensure Compliance With Health and Safety Regulations?

The EOR must ensure that the care environment meets health and safety standards. This includes maintaining a safe physical environment, ensuring proper hygiene and infection control practices are followed, and providing appropriate training to employees.

How Does the EOR Facilitate Community Inclusion for the Individual?

The EOR should work with the individual and their care team to identify opportunities for community inclusion that align with the individual's interests and abilities. This may include coordinating transportation, support for community activities, and fostering relationships with community members.

Summary and Contact Information

By diligently managing these aspects of the NC Innovations Waiver's self-directed services, the EOR plays a crucial role in enhancing the quality of life for the individual receiving care. The success of self-direction relies on the EOR's commitment to understanding the waiver's regulations, being an effective manager, and advocating for the best interests of the individual.

If you have any questions, please contact our North Carolina team at:

Email: Ncmcoagents@acumen2.net

Phone: (866) 811-3099