ADvantage Program

CD-PASS Employer Handbook

Consumer-Directed Personal Assistance Services and Supports

Oklahoma Department of Human Services

Aging Services

Important Numbers

My AD*vantage* Consumer-Directed Agent/Case Manager (CDA/CM)

Name: ____

Phone: ____

Agency: ____

❖ Contact FMS Member Care:

DHS AD*vantage* Administration, CD-PASS Services

❖ Contact number: **1-800-435-4711 (M-F, 8 a.m.-5 p.m.)**

Statewide Hotline

❖ If you suspect that you or another vulnerable adult has been the victim of abuse, neglect or exploitation, please contact your local DHS county office during regular business hours. To make a referral after regular business hours, call the Statewide Abuse Hotline: **1-800-522-3511**

Medicaid Fraud or Abuse

❖ Contact Number: **1-800-784-5887**

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CD-PASS Process

1

Read this Employer Handbook. If you have questions at any time, you may call:

- DHS AD*vantage* Administration **1-800-435-4711**
- The FMS ___________________ The FMS ___________________
- Your AD*vantage* Consumer-Directed Agent/Case Manager (CDA/CM)

Complete and return Member Packet provided to you by the FMS.

2

The FMS will notify the AD*vantage* Administration when an Employee Packet is received and the AA will conduct background checks for potential employees. Once your applicant has cleared the background check, your CDA/CM will be notified to end your PCA services from a home care agency and add the CD-PASS service option to your AD*vantage* service plan.

3

Locate a person you are interested in hiring as your employee(s). You may advertise for your employee or you may ask someone you already know. Interview him/her and check his/her references.

Once you have found someone you want to hire, you and your applicant(s) will complete the Employment Packet provided by the FMS. Mail the completed packet to the FMS.

4

Once CD-PASS services have been authorized on your AD*vantage* service plan, and all employee and employer paperwork is completed correctly and received by the FMS, the FMS will notify you that your employee can begin working.

5

Begin your role as a CD-PASS employer.

- Train, supervise and evaluate your employee
- Set the employee's schedule according to the amount of time that has been approved for services for each week
- Review monthly statements from the FMS
- If you have other employer-related expenses that you included in your budget, complete and submit an Optional Expense Request form to the FMS
- If your employee cannot come to work, quits or is dismissed by you, use your back-up plan and turn in a Separation of Employment form to the FMS; you will need to request a new Employee Packet from the FMS and begin looking for someone to hire.

ADvantage Program
CD-PASS

Module One

Enrollment in CD-PASS

Consumer-Directed
Personal Assistance Services and Supports

1

MODULE 1
Enrollment in CD-PASS

Consumer-Directed Personal Assistance Services and Support (CD-PASS) enrollment involves several steps and a few different people and organizations than you have previously dealt with on AD*vantage*. This module will explain who these other people and groups are and also provide you with an explanatory list of all the employer and employee documents that are needed to make you an Employer of Record and assist you to hire an employee.

Learning Objectives

- Understand your role as an employer and the roles and responsibilities of your team members
- Familiarize yourself with the employer and employee forms

Section 1

CD-PASS ROLES AND RESPONSIBILTIES

Before you begin, you will need to understand your role as an employer and the roles your CD-PASS team will play. Knowing what you are responsible for and to whom you can go for assistance will make your job as an employer easier. The following descriptions detail "who" does "what" in the CD-PASS service option.

Member/Employer

You are the Member/employer, and you will be responsible for the personal care services on your AD*vantage* service plan. This includes working with your CDA/CM to develop your Service Plan and establish your budget. You will also be responsible for recruiting an employee to be your PSA or APSA, determining pay rates, hiring, training, supervising, and evaluating the performance of your PSA and/or APSA. You will have other responsibilities, such as creating a plan that will keep you safe when your PSA/APSA cannot come to work and keeping track of how many personal care hours you have used.

AD*vantage* Administration (AA)/CD-PASS Services

The AD*vantage* Administration (AA) is part of the Oklahoma Department of Human Services, Aging Services Medicaid Services Unit and provides you with information about the CD-PASS option, processes your application to CD-PASS, sends you employer training materials, and supports you in your role as an employer. The AA conducts background checks on individuals you want to hire as your PSA/APSA to make sure they're cleared to work for you. If you have questions or comments about CD-PASS, you may call the AA toll-free at 1-800-435-4711.

Consumer-Directed Agent/Case Manager (CDA/CM)

CDA/CM's are AD*vantage* case managers with additional training in the CD-PASS service option. CDA/CM's will assist in your transition from using a home care agency to employing your own assistant(s). Your CDA/CM will assist you with certain other activities, such as the budget process, assisting you to apply for CD-PASS, reviewing your monthly budget statements with you, and monitoring the performance of others assisting you with CD-PASS. If you decide that you no longer want to participate in CD-PASS, your CDA/CM will also support you in transitioning back to a home care agency to receive assistance.

Financial Management Services (FMS) - Payroll Agent

The FMS will process and retain copies of Member and employee packets, work with AD*vantage* Administration to ensure employees are clear to begin work, pay employees, withhold and deposit payroll taxes, and file tax and labor reports on behalf of members. The FMS will provide Members/employers with monthly budget reports, including wages paid and employer expenses reimbursed. You may contact the FMS for more information.

Personal Services Assistant (PSA)

The PSA is someone you hire to provide the personal services listed in your AD*vantage* service plan, which may include activities such as housekeeping, meal preparation, bathing and grooming assistance, and transportation to approved activities and events. As the Member/employer, you will set the PSA's work schedule in accordance with your approved service plan, establish the hourly rate of pay, and provide supervision and training to do tasks the way you like them done.

Advanced Personal Services Assistant (APSA)

An Advanced Personal Services Assistant (APSA) can be the same person as your PSA, but it is a more skilled role and can be paid at a different rate. An APSA helps with health maintenance activities, such as maintenance of a bowel program or use of a lift for transfers. If you need these services, they will be listed on your AD*vantage* service plan.

Authorized Representative (AR)

Although it is not always required in order to participate in CD-PASS, it is recommended that you appoint someone to assist you with your employer responsibilities. This assistance generally includes assistance in understanding and completing forms, gathering information to assist you in making decisions, helping you understand your monthly budget reports, and assisting you to supervise your PSA and/or APSA. An Authorized Representative (AR) is a non-paid position and can be a family member or a friend you trust. Anyone you designate as **your Authorized Representative cannot also be employed as your PSA or your APSA.**

If you have any memory or cognitive difficulties, limitations that affect your ability to perform your employer tasks, or have a high health risk, you may be required to have an AR. If you are unable to sign for yourself or make necessary decisions, your AR may also need to be your legal representative with the ability to sign and make personal and medical decisions on your behalf (i.e. Durable Power of Attorney with health powers, Legal Guardian or Health Care Proxy).

NOTES:

- **If your Authorized Representative is not also your legal representative, they will not be allowed to sign for you or make decisions related to your care, services, and employer responsibilities.**
- **Your Power of Attorney, Guardian or Authorized Representative cannot be your paid caregiver. Your spouse is only allowed to be your paid caregiver if an exception is made by the AA.**

MEMBER/EMPLOYER ENROLLMENT PACKET

Section 2

The basic function of the FMS is to assist with getting you registered as an Employer of Record with the IRS, make sure all required documents are collected for you and your employee(s), complete the payroll with the money AD*vantage* Administration is setting aside for your consumer-directed services, and provide support to you and your employee throughout these processes.

The FMS will send you an Employer/Employee packet when they receive notification from AD*vantage* Administration that you have completed an application for the CD-PASS service option. You can contact the FMS and/or rely on your Authorized Representative (AR) for assistance completing your Member packet. When completed, you will need to mail, or fax the original packet to the FMS.

The forms in the Member packet include (these items and titles are subject to change based on federal, state and program requirements):

- **Form SS-4, Application for Employer Identification Number and Instructions** - an IRS form used to obtain an Employer Identification Number (EIN) for payroll tax filing by the FMS

- **Form 2678, Employer Appointment of Agent and Instructions** - an IRS form by which you give authorization to the FMS to withhold and deposit employee payroll taxes
- **Form 8821, Tax Information Authorization and Instructions** - an IRS form by which you authorize the FMS to discuss your employer withholding account with the IRS
- **OES-1, Oklahoma Employment Security Commission (OESC) - Employer Status Report** - an Oklahoma state form that informs the OESC of your status as an employer of record in Oklahoma
- **OES-190T Power of Attorney - Tax** - a very limited POA that allows OESC to send the OES account number to the FMS
- **Acknowledgment of Training** - an AD*vantage* Administration form by which you acknowledge having read the CD-PASS Employer Handbook
- **Oklahoma AD*vantage* CD-PASS Fiscal Reporting Agent Consent** - the FMS form by which you acknowledge the relationship between DHS and the FMS
- **CD-PASS Payment Schedule** - the payroll schedule for the year, stating the dates of the pay period and the date payroll will be posted (the dates checks and direct deposits are made)

ADDITIONAL FORMS AVAILABLE UPON REQUEST

- **CD-PASS Optional Expense Request** - a FMS/DHS form used to request reimbursement of funds from your optional expense account
- **CD-PASS Bonus Request** - a FMS/DHS form used to request payment of a bonus to an employee who has completed six or more months of service
- **Notice of Employee Pay Rates** - a DHS form used to indicate a change in pay rate for employees; you may only change an employee(s) pay rate at the time of your annual service plan reassessment
- **Separation of Employment** - and the FMS form to be completed when an employee's employee agreement terminates for any reason

*The optional expense request form, bonus request form, mileage form, full employee packet, and other helpful forms are available on the FMS's website.

Section 3

EMPLOYEE (PSA AND/OR APSA ENROLLMENT PACKET

When you are ready to hire a new employee, you may either print the CD-PASS Service Option Employment packet from the FMS or request a packet be mailed to you. If you need assistance with the completion of the forms, contact the FMS. When completed, mail or fax original packet to the FMS. AD*vantage* Administration will complete a background check for your employee, and the FMS will contact you when your employee may start work.

The forms in the Employment Packet include (these items and titles are subject to change based on federal, state and program requirements):

- **Personal Services Assistant Application for Employment** - an AD*vantage* Administration form to document your applicant's work history, qualifications and references
- **CD-PASS Employment Agreement** - an AD*vantage* Administration form which establishes the employer/employee relationship between you and your PSA(s)
- **Form W-4, Employee's Withholding Allowance Certificate and instructions** - an IRS form by which your employee designates his/her income tax withholding status
- **Form I-9, Employment Eligibility Verification and instructions** - a Department of Homeland Security form required to demonstrate your employee's identity and eligibility to work in the United States
- **AD*vantage* Program CD-PASS Individual Provider Agreement** - an OHCA form which establishes the relationship between the OHCA and your employee, the provider

Ask Yourself…

- Will I need an authorized representative?
- Do I have a power of attorney or legal guardian?
- Whom should I call with questions about the Member or employee packets?

Module Two

Employer Responsibilities - Planning

Consumer-Directed
Personal Assistance Services and Supports

2

Employer Responsibilities - Planning

As an employer, you will have many responsibilities. Fulfilling these responsibilities will protect you, make your role as an employer easier, and improve your relationships with your employee(s). This module will explain the importance of your service plan and budget and discuss the creation of a back-up plan to protect your health and safety. It will also offer tips on creating a work schedule for your employee(s) and review critical program rules and limitations. Suggestions for preventing abuse and theft will be offered. Finally, situations that will cause your CD-PASS services to end are discussed.

Learning Objectives

After reviewing this module, you will be able to:

- Interpret your service plan
- Determine how much to pay your employee(s)
- Understand the importance of the FMS budget report
- Understand how to access and use your optional expense account
- Identify tips for developing your emergency back-up plan
- Explain how to create a work schedule
- Identify types of maltreatment
- List ways to prevent theft
- Know rules and limits on employee work hours and reimbursement
- Explain situations which will cause CD-PASS services to end

SERVICE PLAN AND BUDGET

Section 1

As an employer, you will need to understand your service plan, how your CD-PASS budget is created, and how to read your monthly FMS spending report. In addition, you will need to decide how much to pay your employee, how much money to set aside for employer-related expenses, and how much money to set aside for other authorized expenses.

Developing Your Service Plan

Your service plan is prepared by your CDA/CM and is based on decisions you and your team makes about the services and supports that would benefit you. If your needs change after your plan has been created, contact your AD*vantage* CDA/CM immediately to discuss changes to your service plan.

Each service plan contains valuable information about what services you will receive and how frequently you will receive them. Once approved, you will receive a letter from AD*vantage* informing you of the total hours per week that have been approved and for what time periods. Pay close attention to these time periods, as your services will only be approved for specific periods of time. Descriptions of how each of your services is to be provided are contained in the goals portion of your service plan documents.

You should receive a copy of your service plan goals. If you have not received it, ask your CDA/CM for a copy. The service plan goals will specify how many hours are available for PSA and/or APSA and will list the tasks your PSA and/or APSA is responsible for completing each week. You will need to follow these hours, tasks and frequencies of service when you set up your schedule with your PSA/APSA. **If your services are not used as stated in your goals, this can be cause for removal from CD-PASS.** If a change is needed, contact your CDA/CM immediately.

Your service plan must be renewed every 12 months. Your CDA/CM should schedule to meet with you at least 45 days before your plan ends in order to renew your plan for another 12-month period and to avoid any lapses in services. The CDA/CM will then submit your plan to AD*vantage* Administration. AD*vantage* must approve your plan before you direct your employee to continue working.

Ask Yourself…
- Did I get a copy of my service plan goals?
- How many PSA and/or APSA hours were approved per week?
- How do I want to schedule my services?

Developing your Budget

Step 1: Decide how much to pay your employee(s)
Federal and/or state minimum wage laws shall determine the minimum wage. The current federal minimum wage rate must be met. The maximum wage rate is determined by the Individual Budget Allowance (IBA) worksheet that your CDA/CM will assist you to prepare.

When considering how much to pay your employee, there are several factors to keep in mind, such as:
- What wages will my budget allow?
- What is the going rate for home health and personal care aides in my area?
- Will I pay wages based on the person's skill and experience?
- Do my needs require your employee(s) to have skills that would normally bring a higher wage?

Different Types of Pay

Regular Wages

Regular wages include pay for time worked by your employee for PSA and/or APSA services authorized in your AD*vantage* service plan. PSA and APSA can be set as different wages, even when provided by the same employee. If you are authorized APSA services, you may choose to pay these employees a slightly higher rate because they perform services that require more training and skill. The FMS will issue payment to your employee twice a month on the published payment dates. Regular wages paid to your employee are not dependent on how well they do the work.

Wage Increases

You may only increase an employee's wage at the time of your annual service plan reassessment. This will be done as part of your annual reassessment. A Pay Rate form is required to be completed by the Member every plan year.

Bonus Pay

You may elect to pay your employee a bonus for doing his/her job well. To be eligible for bonus pay, the employee must be currently active on payroll, have been employed in the present capacity for a minimum of six months. The bonus payment will take effect the next regular pay period following receipt of the request at the FMS. Total bonus payments to any one employee may not exceed $400 per ADvantage service plan year. Employees must complete at least one month (two pay periods) of service between review periods. All bonus payments made to employees will be taxed as wages and are deducted from your optional expense account. The Member will pay the employer taxes out of the optional expense account.

Step 2: Decide how to set aside funds for employer-related operational expenses

All participants in the CD-PASS service option must budget a minimum of $150 per service plan year to cover the cost of employee criminal background checks, classified advertising, and employee hepatitis B vaccinations.

You will choose how much to pay your employee per hour and will then be able to set aside funds for employer-related and/or employee expenses in support of the delivery of CD-PASS services authorized in your service plan. Employer-related expenses include costs incurred for postage, copying, faxing, training, office supplies, employee health insurance, employee mileage or other expenses authorized by DHS.

To request reimbursement for expenses for you or your employee, use the Optional Expense Request form. Reimbursements cannot be paid directly to the AR. All expense requests must be submitted within 120 days of the date the expense is incurred. Any request for reimbursement of expense must include a receipt or adequate documentation of the expense. Expense claims are subject to review and may be denied if they do not follow stated guidelines.

Examples of optional expenses might include:

- **Classified advertising** - cost to place an ad for recruitment of a new employee
- **Transportation** - cost of public transportation for non-medical trips related to providing personal care (Submit claims with mileage log and OPX request form. Transportation must be included in your service plan in order for reimbursement to be made and must be provided during PSA or APSA services to be reimbursed.)
- **Postage** - cost of postage to mail CD-PASS forms to payroll agent or DHS
- **Copying** - cost to make copies of blank CD-PASS forms for employer or employee records
- **Faxing** - cost to fax information to the FMS
- **Mileage** - per mile cost for trips in the provision of personal care (Submit claims with mileage log and OPX request form. Transportation must be included in your service plan in order for reimbursement to be made and must be provided during PSA or APSA services to be reimbursed.) - Medical transportation not authorized.
- **Training** - cost of employee or informal support training related to provision of personal care in service plan (CPR, first aid, etc.)
- **Hepatitis B vaccinations** - cost of flu vaccination for employee(s)
- **Office supplies** - paper, pens, file folders used to maintain CD-PASS records
- **Employee health insurance coverage** - employer portion of employee health insurance
- **Employee bonus** - cost of bonus plus taxes
- **Employer workers' compensation policy** - cost of a workers' compensation policy to cover your PSA and/or APSA employees

Non-allowable expenses

The following expenses (including, but not limited to) are **specifically not authorized** for reimbursement from the optional expense account:

- Mileage or transportation paid to the Member/employer
- Durable office supplies, such as staplers, printers, fax machines, phones, tape dispensers, computers, computer software, etc.
- Any claims submitted for payment to the Authorized Representative
- Any mileage claims submitted for medical transportation
- Any reimbursements related to out of state travel

Reading your monthly spending report from the FMS

Once your employee begins working, you will receive a monthly spending report from the FMS. Reviewing your monthly report is a critical employer responsibility. Take a few minutes to review the report to make sure the information is correct. The report will contain information on your weekly authorization, how much your employee(s) are paid, how many hours they worked last month, and the amount of money available in your optional expense account. If any of this information does not match what you have recorded, contact the FMS.

> **Ask Yourself…**
> - How will I use my optional expense account?
> - What expenses do I think I will have?

YOUR BACK-UP PLAN

Section 2

While you have always been in charge of your health and safety, becoming a CD-PASS employer increases that responsibility. Instead of a home care agency making sure that a personal care assistant (PCA) comes to your home to provide assistance, you will have that responsibility. Even if you hire a wonderful employee, there will be days when he/she is sick and cannot come to work or he/she may want to take off a few days for a vacation. While he/she is gone, you will need someone to provide you with assistance.

Developing the Back-Up Plan

In CD-PASS, you need to have a plan for managing emergencies. You will be required to develop a back-up plan to identify exactly what you will do when your employee does not show up as scheduled. No matter how carefully you plan, and no matter how good your employee(s) are, you are likely to have some emergencies. Your employee(s) may get sick or have a family problem. Be prepared for this. Your CDA/CM will work with you to complete your back-up plan.

Here are some ideas for covering employee emergencies:

- Hire more than one employee to work for you. If one employee is sick or something comes up, the other one can fill in.
- Keep an updated list of people you liked, but could not or did not hire. Check with them from time to time to see if they are still able to work for you as a back-up employee.
- Ask family, friends or neighbors if they would fill in if you have an emergency.

> NOTE: If you want to pay your emergency back-up staff, they will need to complete the new employee packet with the FMS, have the AD*vantage* Administration complete a background check, and be given approval to start work by the FMS.

The FMS cannot pay people who have not completed an employee packet and not passed a background check. No payment is available for services that were provided before the packet was completed and background checks were conducted.

As you train your employee(s) and your emergency back-up staff, make sure they know what to do in case of emergencies. After all, if you have a medical emergency, you may not be able to tell your employees what to do. Provide your employee(s) with a list of emergency contacts and procedures. If you have life support equipment, make sure your employee(s) know how and when to use it.

Ask Yourself…

- How will I keep track of my employees' time?
- How will I make sure my employees know when to work?
- Will I need someone else to help me keep track of my employees' time?

CREATING A WORK SCHEDULE

Section 3

Creating a work schedule for your employee(s) will make sure that your needs are met and that your employee(s) understands what tasks need to be done and when.

Developing Your Employee's Schedule

In CD-PASS, you create the work schedule for your employee(s). If you only have one employee, this may be simple. But, if you have more than one, scheduling may be more difficult. You will need to decide when you want tasks done, and, if you have more than one employee, who you want to perform certain tasks. You will need to consult your AD*vantage* service plan goals to make sure your employees are performing all of the tasks listed in your plan.

- Review a checklist of tasks you need completed.
- Assign each task to an employee. If you have more than one employee, you might divide the tasks among your employees equally, or, you may assign tasks based upon skills and abilities or preferences.
- Be very clear about your expectations for meeting the work schedule.
- Post your schedule in a place where all will see it.
- Discuss how you and your employees will make changes to the schedule. For example, discuss how much notice you need and how much notice you will try to give them before making a change.
- **Work week is Sunday – Saturday.**

As the employer, you determine how much flexibility in work scheduling you will accept. Respect your employees' time in the same way you want them to respect yours. If you often ask employees to stay late, it could cause problems; you may lose employees and you may not have sufficient hours remaining on your Service Plan for them to be paid.

Ask Yourself…
- Do I plan to go on vacation or go out of state?
- How will I handle hospital stays, vacations or other with my employee(s)?

PROGRAM RULES AND LIMITATIONS

Section 4

As the Employer of Record, it is your responsibility to ensure that your employees are getting paid for time that they work. CD-PASS is a service offered through the AD*vantage* program and has very real limits on what can be paid. There are limits on the hours any single employee can work each day and week, along with limits on the total number of hours that you are authorized each week. Failure to follow any of these program rules could result in your employee not being reimbursed from CD-PASS and also result in your involuntary removal from CD-PASS.

The following are some key rules and the limitations:
- No employee can work more than 40 hours per week, eight hours per day, or more than you

are authorized each week. If you have more than 40 hours per week on your service plan and need more than eight hours of care in a single day, you will need to hire more than one employee and divide the time between the employees.

NOTE: If your PSA and/or APSA exceeds these limits, they will not receive reimbursement from CD-PASS.

Hospital and Nursing Home Stays, Vacations and Out-of-State Travel

Notify your CDA/CM immediately if you need a temporary stay in a hospital or a nursing home, go on vacation, or travel out of state for any reason. All of your AD*vantage* services, including your CD-PASS services, will need to be placed on hold, or suspended, until you return. If admitted to a hospital or nursing home, you will receive assistance from the hospital or nursing home and your employee cannot deliver services to you.

Your employee cannot be paid for the time you receive assistance in a hospital or nursing home, or for any time while you are on vacation or are out of state. You may not use funds from your optional expense account during these instances either. Reimbursement for mileage to travel out of state is not allowable, even if just crossing the border. Once you leave the hospital or nursing home or return home from vacation or from travel out of state, and upon notifying your case manager, you will be able to resume CD-PASS services again and receive assistance from your employee.

Preventing Fraud and Misuse of Services

The AD*vantage* service plan that you and your CDA/CM developed together is the guide for how your services should be used throughout the year. PSA and APSA services can only be authorized for certain caregiving activities and should not be used for any services not detailed on your service plan. For example, your PSA or APSA cannot do yard work or take your grandkids to the park, as these are not allowable services on your AD*vantage* service plan. Neither can your PSA or APSA work more hours this week to make more money, as you are authorized a specific number of hours each week to benefit your own health. Your services are authorized only for you and only for specific caregiving activities.

As an employer and a recipient of Medicaid funds for services that you are directing, you have to be mindful of how these services are being used and what is being deducted from your budget.

One of the key ways to keep track of this is to keep a written record of when your employee(s) clock in and out, and to check that against your monthly budget report from the FMS to make sure no hours were worked that you did not authorize.

A few other helpful tips:

- Send a Separation of Employment form to the FMS immediately when an employee quits, leaves or is "fired" to avoid having false time sheets submitted without your permission.
- As a Member and Employer of Record, you should never sign any blank documents and let your employee(s) fill them out later. Neither should you allow your employee(s) to send their time sheets to the FMS or enter any of your personal identification numbers or information in the systems to approve their own time worked. You must be the one to electronically submit and/or approve time worked. Many false claims have been submitted under these circumstances, but the employer was still responsible because they signed the form.

- Keep a posted schedule of the tasks to be done and the days/times that they are to be completed (such as the job description located in Appendix C). This will serve as a reminder of what your PSA and/or APSA should be doing.

Managing your budget is an employer responsibility and you can be removed from CD-PASS if fraud occurs (further information provided in Section 6). If you cannot manage your services on your own, you have the option of appointing an Authorized Representative (AR) to assist you. In some cases, your AR may need to also have legal authority to sign or make decisions for you, such as a power of attorney or guardianship.

To report Medicaid fraud or abuse, call: **1-800-784-5887**.

Ask Yourself…

- What things can I do to make sure that my employee does not abuse/misuse my services?
- What can I do to make sure I do not misuse my services?

Section 5

PREVENTING AND REPORTING ABUSE, NEGLECT, EXPLOITATION AND THEFT

Because you will receive assistance in the privacy of your home, you are at risk for abuse, neglect, exploitation and theft from your employee(s) and others. However, there are steps as a Member and as an employer that you can take to protect yourself.

Reporting Abuse, Neglect or Exploitation: If you suspect that you or another vulnerable adult has been the victim of abuse, neglect or exploitation, please contact your local DHS county office during regular business hours. To make a referral after regular business hours, call the Statewide Abuse Hotline at **1-800-522-3511**.

Abuse, Neglect and Exploitation Defined

Through CD-PASS, you should have good employee support and you should make sure your employee(s) treat you well. However, employees sometimes abuse, neglect and/or exploit the people they are hired to support.

For your own safety, know what abuse, neglect and exploitation are and how to deal with them. The following definitions are from the Adult Protective Services policies located in Oklahoma Administrative Code 340:5-1-6 (Rev. 11-3-10):

Vulnerable adult - an adult who, because of physical or mental disability or other impairment, may be subject to maltreatment and is substantially impaired in his or her ability to independently:

(A) Provide adequately for his/her own care or custody
(B) Manage his or her property and financial affairs effectively
(C) Meet essential requirements for mental or physical health or safety

(D) Protect himself or herself from maltreatment without assistance (This determination is not made based on a person's eligibility for disability benefits from any source or on the impairment being permanent, but solely on the adult's reported physical or mental condition at the time an APS report is made and the APS specialist's assessment of that condition during investigation).

Abuse is causing or permitting:

(A) Infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement or mental anguish

(B) Deprivation of nutrition, clothing, shelter, health care or other care or services without which serious physical or mental injury is likely to occur to a vulnerable adult by a caretaker or other person providing services to a vulnerable adult

Neglect is:

(A) Failure to provide protection for a vulnerable adult who is unable to protect his or her own interest

(B) Failure to provide adequate shelter, nutrition, health care or clothing for a vulnerable adult

(C) Negligent acts or omissions that result in harm or unreasonable risk of harm to a vulnerable adult through action or inaction, or lack of supervision by a caretaker providing direct services

Self-neglect is neglect brought about by a vulnerable adult's own actions or inactions which causes the vulnerable adult to fail to meet the essential requirements for physical or mental health and safety due to the vulnerable adult's lack of awareness, incompetence or incapacity.

Exploitation is unjust or improper use of the person or resources for the profit or advantage of another person through undue influence, coercion, harassment, duress, deception, false representation or false pretense.

Take Action to Protect Yourself

If anyone is abusing, neglecting or exploiting you, take action. First, you should always report these to DHS, as directed at the start of this section. Second, with CD-PASS, you are responsible for dealing with problems from your employee(s). No home care agency or other provider is supervising your employee(s). In most cases of abuse, neglect or exploitation, you should fire the employee(s) immediately. Do not put up with it. You must protect yourself.

You have to decide what to do about an abusive, neglectful or exploitative employee. From the training you provided to your employee, your employee should already be aware of these guidelines. You have every right to fire the employee immediately. Just be sure you are safe and that you have other supports in place.

If the maltreatment is slight, you may try talking to the employee. Tell him/her what actions or behaviors you do not like. Also, tell the employee that if the behaviors do not stop right away, they will be terminated. This may work for some employees who may not be aware of how you feel. For instance, he/she may not realize he/she is being rough with you when helping you transfer to a car or a bathtub. However, be ready to take action right away if the behaviors do not stop.

NOTE: If you know you will be unable to address a problem like this, then you probably need an Authorized Representative to assist you or you may need to return to an agency to coordinate your personal care.

Protect Yourself from Theft

Being on CD-PASS means you are responsible for dealing with an employee who may try to steal from you. Below are some ideas to help prevent theft and suggestions for what to do if an employee does steal from you, in addition to reporting it to DHS as exploitation.

Check references. Always check a person's references. Ask the reference about the person's honesty. If a reference causes you to believe the person may not be honest, think carefully about hiring her. You could be taking a risk.

Keep track of your money and valuables. Do not keep a lot of cash around your home. Keep small valuables, such as jewelry and cash, locked away and keep track of how much money you have on hand. Know where your purse or wallet is at all times. If you need your employee to handle cash for you, make sure he/she does so under your direction and only in such a way that you can watch. If you have several employees, consider giving only one of them access to your valuables. In this way, you will only have one person to be concerned about.

Be careful with checks and credit cards. DO NOT give an employee your debit card, credit card, credit card number, or a blank signed check to use when you are not with him. Doing so gives your employee the chance to steal from you. If your employee must shop for you, always get a receipt showing what was spent. In these cases, keep careful watch on your bank statements and credit card bills.

Keep track of your medications. Some medications are more valuable than cash. Many Members say stealing medications is a bigger problem than stealing money. Store your medications in a locked drawer or cabinet. Keep track of when you need to reorder your medications. Know how much medication you have on hand and how much you order. If you have more than one employee, consider giving only one of them access to your medications. This limits the number of people to be concerned about regarding your medications.

Keep track of your possessions. Keep an up-to-date list of all your valuables such as TVs, stereos, computers, antiques and jewelry. Should something turn up missing, this list will be helpful to police and to your insurance company. Let your employee know you have such a list. Knowing that you have such a list may discourage the employee from stealing from you.

Be careful about the use of your car. Do not let your employee use your car or van without you. If you must, make sure you know your employee(s) very well for a long time before allowing use of your car. Even then, keep track of the miles that your employee puts on the car. If your employee will be driving your car, verify he/she has a current driver's license and insurance.

Be careful with house and car keys. You should never give your employee(s) a key to your home or allow them to keep a key to your vehicle. You do not want your employee(s) to get into your home or your vehicle without your permission.

Talk about honesty in your hiring agreement. Be clear that you expect honesty, and that you will not allow an employee who is not honest to work for you.

The above tips will help prevent theft. Sometimes, no matter what you do, an employee will steal from you. If that happens, remember you are responsible for dealing with the issue. If you find small things missing here and there, tell your employee. Do not accuse him or her of stealing without proof. Say something like "I seem to be missing things. I'm going to have to pay more attention to where we put things." It is possible that it may be misplaced and your employee can help you find those items. However, if they are truly missing, letting your employee(s) know you are paying attention may prevent any more theft. If the stealing is more serious, call the police and report it to DHS as exploitation.

ENDING CD-PASS SERVICES

Section 6

While CD-PASS may be the best option for you now, it may not always be the case. Let us review how your CD-PASS services can end.

Voluntary Termination of CD-PASS

You can end CD-PASS services at any time and for any reason. If you decide you no longer want to participate in CD-PASS, contact your CDA/CM to start the process. Once you end CD-PASS services, you can receive personal care assistance from an AD*vantage* home care agency. Please know that you may re-apply to CD-PASS should you change your mind.

Involuntary Termination of CD-PASS

There are circumstances that will cause you to no longer be eligible for CD-PASS services, even when you want them to continue.

Seven situations that will lead to termination of CD-PASS services:

1. Abusing or exploiting your employee. For example, if you verbally abuse your employee using profanity or personal attacks. Sexual harassment of an employee is also considered abusive.

2. Failure to demonstrate you can operate within your budget of personal service assistance hours; meaning you consistently use more PSA or APSA hours than you were authorized to receive per week.

3. Your employee provides such low-quality personal service assistance that your health and safety are at risk.

4. Fraudulent activity by either Member or employee (i.e. submitted false claims for hours or optional expense reimbursements, not providing services as stated in service plan, providing false information on assessments or evaluations, etc.).

5. You are unable to follow the employer guidelines and/or processes established by DHS.

6. You no longer have the ability to make decisions regarding your health and service planning and do not have anyone else with the ability (legal ability) and willingness to assume this responsibility.

7. You have recent self-neglect or self-abuse and do not have an Authorized Representative with the capacity to assist with your CD-PASS responsibilities.

Under any of these circumstances, your CD-PASS services would be terminated and you would return to receiving personal care services from a home care agency.

ADvantage Program
CD-PASS

Module Three

Employer Responsibilities - Recruiting, Hiring and Terminating Employment

Consumer-Directed
Personal Assistance Services and Supports

3 MODULE THREE
Employer Responsibilities - Recruiting, Hiring and Terminating Employment

Hiring an employee who can meet your needs is a critical step in making sure CD-PASS works for you. This module will offer suggestions on how to recruit, screen, interview, check the references of potential employees, hire, train, and supervise an employee. It will also explain how to complete forms related to your role as an employer and, ultimately, explain how to end an employment relationship with an employee.

Learning Objectives
After reviewing this module, you will be able to:
- List the tasks in recruiting a new employee
- Decide what questions to ask a potential employee during a phone screening or interview
- Identify what questions to ask a potential employee's references
- Determine how to select an employee
- Identify what you should do before making an offer to a potential employee
- Complete all required employer/employee forms
- Describe how an employee should be trained
- Identify ways to monitor/evaluate your employee's performance
- Explain when and how to fire or re-hire an employee

RECRUITING POTENTIAL EMPLOYEES

Section 1

There are many ways to find potential employees. This section will offer suggestions for how to recruit an employee and will detail employee qualifications.

Getting Started
Even though you may have already completed your employer packet, you will not be able to transition to CD-PASS until you have located and hired a qualified PSA and/or APSA.

Before recruiting, know what it is you want your employee(s) to do. Consider the work to be done and the knowledge and skills a person will need to be able to do that work. You should have a good idea what you will be looking for when you begin recruiting.

Finding the right employee(s) may take time. It will depend upon your needs, how well you have planned, and the resources available to you.

Places to Recruit
When you are looking for employees, you have several options. You can create a classified advertisement to use in local newspapers, create a flyer to post on local bulletin boards, or try some of these other ideas:
- Ask friends, family, neighbors and anyone else you know if they know of anyone who would be interested in the position

- Post flyers on bulletin boards at area businesses, grocery stores, medical clinics, colleges, churches, senior centers, community centers and hospitals
- Contact agencies that help people find jobs
- Place ads or announcements in local publications, newsletters or websites

Keep a list of potential employees. Be ready to recruit on very short notice in case the situation changes with your employee(s). Do not forget about people you interviewed and liked, but did not hire at first. They might make good back-up employees, and they might someday become your regular employee(s).

Ask Yourself…
- How will I recruit employees?
- What will my flyer or newspaper ad look like?

Review the sample job advertisements in Appendix B for ideas

Writing a Job Description

A well-written job description will help you when screening and interviewing potential employees. You want to know beforehand if a person is uncomfortable with anything you need done.

In the job description, list the skills and experience you want employee(s) to have. State other capabilities you want your employee(s) to have, such as physical strength, personal care, etc. The duties listed in your service plan goals provide a good starting place when creating the job description.

A good job description can:

- Help you be clear about your needs
- Be used as the basis for your ads for employment
- Provide applicants with a true picture of your limitations and lifestyle
- Help you and applicants ask careful questions during the interview
- Serve as a checklist of duties and responsibilities for your employee

Ask Yourself…
- What will my employees' job description look like?
  Review Appendix C for additional ideas
- What duties are listed?
- Did I list how often a task should be completed?

Employee Qualifications

Legally, your employee(s) must meet certain qualifications. You are in charge of verifying some of these, while the AD*vantage* Administration and the FMS must check others (list below also available in Appendix D).

You are in charge of making sure your employee:

- Is 18 years old or older
- Has a valid Oklahoma driver's license and insurance if providing transportation
- Has the ability to perform personal care tasks
- Has verifiable personal identification
- Completes training on "universal precautions"
- Demonstrates ability to perform all PSA and APSA tasks you require
- Has verifiable work references

The AA and the FMS are in charge of making sure your employee:

- Is clear of notations related to abuse, neglect or exploitation in the Oklahoma Nurse Aide and Non-Technical Services Worker Registry
- Is not included on the Oklahoma Child Care Restricted Registry
- Is not included on Oklahoma Community Services Worker Registry
- Is not convicted of a barrier criminal offense
- Is not listed on the violent offenders or sex offenders registry
- Is not listed on the national Office of Inspector General exclusion list

SCREENING AND INTERVIEWING

Section 2

Screening

Deciding who to hire as your employee(s) can be difficult, but screening and interviewing applicants will give you plenty of information.

Screening people over the phone can save you time and effort by eliminating applicants who cannot meet your needs. Keep in mind that you do not have to interview or take an application from everyone you screen.

When you talk to interested people, ask them what kind of pay they are looking for and what kind of schedule they can work. With this information, you can screen out people who either want more than you are willing or able to pay or who cannot work your schedule. If the person sounds like she might work out, continue talking.

Ask brief and important questions that will help you decide if he or she will meet your needs. Ask the most important questions first and avoid those that are not job-related.

For suggestions on questions to ask during the screening, see the "Telephone Screening Tool" located in Appendix E of this manual. Some people may seem great in a conversation, letter or email, but you will want to meet them in person for an interview to make sure you will be comfortable working with them. If you are still interested after screening the applicant on the phone, set up an interview.

Ask Yourself…

- How will I screen applicants?
- What questions will I ask them?
- How will I decide whether to invite them to an interview?

Interviewing

Interviews should be face-to-face meetings. Use this time to explore what it would be like to work together. Remember, the interview is when you and the applicant see if the situation will work for both of you.

Before you do your first interview, decide where and how it will happen. If you do not want strangers coming into your home, consider holding the interview in a public place, such as a restaurant or a public library.

If you hold an interview at your home, always have a friend or family member with you. Most importantly, hold the interview when and where you are least likely to be interrupted. During the interview, keep your questions job-related. If you ask questions that are too personal or not relevant to the job, you may make applicants uncomfortable and they may be reluctant to answer any of your questions.

Prior to the interview, ask the person you will be interviewing to bring photo identification to the interview, such as a driver's license or passport. Plan your interview questions. Use questions that will reveal his or her character, abilities and skills. Once you have an idea of the questions you want to ask, consider writing or typing them out so they will be easier to remember. When you start the interview, try to put the person at ease. You are more likely to get a true sense of what a person is like if he or she is comfortable. Start with questions that are more general such as, "What did you like about your last job?" Then, move to more sensitive questions later in the interview such as, "What do you think will be your biggest challenge working with people with a disability?"

Suggestions for the interview:
- Describe the job requirements in detail
- Ask work-related, open-ended questions
- Tell the person what you expect in an employee
- Tell the person about the work schedule
- Provide the person with a copy of the job description and employee qualifications (The list of CD-PASS Employee Qualifications is located in Appendix D)
- Explain your needs as well as you can
- Be very up-front and clear, especially about duties that might make a person uncomfortable
- Notice not only what the person says, but also how he/she says it
- Give the person plenty of chances to ask questions and give honest answers
- Give the person general information about wages, benefits and the workings of CD-PASS

As you near the end of the interview, ask the person if he/she is still interested in the job. You don't have to make a decision right then. You can tell the applicant that you will be making a decision and will let them know.

Keep notes on your thoughts and feelings about the applicants and their answers to your questions. Use these notes to help you compare the positive and negative qualifications. Give yourself time to think about who is most likely to meet your needs. Generally, you will want to interview more than one person. This is an important decision, and you want to have as many choices as possible.

Ask Yourself…

- Where will I hold interviews?
- What questions will I ask during the interview?
- What information will I provide during the interview?
- Will I hire more than one person?

Review the “Face-to-Face Interviewing” aid in Appendix F for more ideas.

CHECKING REFERENCES

Section 3

After you have interviewed several people, decide which applicants you would like to hire. Once you have made that decision, check their references. References may give you important information that you could not get any other way, such as whether the person is difficult to work with. This section will give you ideas about what makes a good reference and what questions you should consider asking.

Getting Started

Who are good references? The best references are usually those people who have used your applicant as a PSA or home care provider. They know about the person’s work performance and habits when providing personal services assistance. If your applicant has no prior PSA experience, then other good reference sources would be previous employers, teachers, and former co-workers. Try to avoid family members or friends as references. They will not know about the applicant’s work habits and they are likely to tell you only the good things.

When talking to a reference, explain the type of work the person will be doing. Tell the reference that you will keep all information they share confidential. A reference must feel comfortable enough to give you an honest and accurate assessment of the person. Take notes of what the reference says. If you are checking many references, it will be easy to get confused about who said what about which person. You may not get many answers from references. Some people do not want to say anything bad about another person. If a reference does not give you much information, move on to the next reference. You cannot know why a reference gives you little information or if the lack of information means something bad.

Ask Yourself…

- What are the benefits of checking references?
- What questions will I ask references?
- What type of references will I ask my applicants to provide?

Review the “Reference Checking” aid in Appendix G for more ideas.

HIRING AND ORIENTING AN EMPLOYEE

Section 4

As covered in Module I, the FMS will send you an employer and employee packet. Filling out all the forms can be overwhelming, but Module I provided descriptions of the forms and where to send them when they are completed.

Keep in mind that your employee will not be paid for any services they provide until:

- **All employee and employer paperwork has been completed and processed**
- **The potential employee successfully passes a background check conducted by the AA**
- **You have a current plan authorizing CD-PASS services**

Selecting an Employee

When you are finished screening, interviewing and checking references, it is time to make a decision about which applicant(s) you want to hire.

Questions to Consider

When you are deciding which applicant to hire, you may want to consider the following questions:

- What important skills and experience does each person have?
- What is your feeling about each person, based on the interview and other contacts you have had?
- What useful information did you get from each person's references?
- How would it feel working with each of the people you interviewed?
- Would you feel comfortable giving these people directions and even corrections? This is especially important if you are thinking about hiring a friend or relative.

Remember that you can hire more than one employee. Consider asking the applicants you decide not to hire if they would be interested in working as back-up employees for you.

Making the Job Offer

Once your applicant has successfully passed the background check, the updated service plan has been approved, and all paperwork has been completed correctly and received by the FMS, the FMS will notify you that your PSA and/or APSA can begin working for you.

You will want to agree on the pay rate, starting date, starting time, and work schedule. If you plan to offer your employee benefits, review those at this time. If you have not already done so, exchange phone numbers so that you can contact each other if plans change or in case of an emergency.

You will also want to give your new employee a copy of the CD-PASS Employee Handbook (DHS Pub. No. 13-01), which is included in your packet.

Recording Time Worked

Your employees are required to use Electronic Visit Verification (EVV) to record their time worked. Complete instructions are included in the employee packet. Employees are required to record their check-in and check-out times. If you receive both PSA and APSA services, your employee will be required to complete a separate check in and check out for each service provided.

Employee(s) Payroll Schedule

Your employee(s) will be paid twice monthly, according to the FMS payment schedule.

To get a copy of the current the FMS payroll schedule, visit their website or request the current payroll schedule by calling the FMS.

You can also request a copy of the current payroll schedule by calling the FMS.

Documentation and Keeping Records

Documentation and keeping records is important in CD-PASS. As an employer, you need to keep track of your employees' time in and out in case there are ever any discrepancies with the payroll system. Develop a system for keeping track of all letters, forms, and agreements that are related to your role as a CD-PASS employer. Keeping good records will help you remember important events and conversations, and it can help you in dealing with an employee problem or with a problem with the AA or the FMS.

Make sure you keep written copies of all agreements and arrangements you make with your employee(s). This includes applications, hiring agreements, schedules, instructions, and evaluations. Keep a separate file for each employee with all the documents that pertain to that employee. Include any notes you have made to yourself about that employee.

When an employee quits or is dismissed, complete a Separation of Employment form and fax or mail to the FMS. For employee phone number and address changes, contact the FMS. To update your own address or phone, contact your CDA/CM.

Ask Yourself…

- Where will I keep information and papers related to my employee(s)?

TRAINING AN EMPLOYEE

Section 5

Most people have preferences for the way their personal assistance services are delivered. You will need to train your employee to provide assistance in the way you prefer. If your employee will be providing APSA, such as administering a prescribed bowel program or routine care for ostomies, you will need to document in the employee's file that he/she has been trained and can perform the tasks you require. If training by a nurse is needed, you will need to consult with your CDA/CM to coordinate training with your AD*vantage* home care nurse.

Training Methods

All employees will need some training. Even if your new employee is a Certified Nurse Aide (CNA) or has worked as a PSA for others, he/she does not know how you like things done. Train your employee(s) to do tasks the way you want them done. Here are some suggestions to help with employee training:

Prepare: Before you start training, have all the equipment and supplies you will need for the training. If possible, schedule training when you will not be disturbed.

Explain your personal care needs as outlined on your service plan.

- **Develop a training plan**
  Begin each training lesson with an overview of what you will cover. At the end of the lesson, sum up what you have taught. If you need more than one lesson to cover a topic, review what you have taught in earlier lessons first. Answer any questions, and then move on to new material.

- **Explain the task**
  When explaining a task that must be done a certain way, tell your employee(s) he/she must do it in a certain way and explain why. If the task must be done at a certain time, explain why.

- **Describe each step carefully**
  Your employee must understand all parts of a task and how they fit together.

- **Demonstrate new tasks**
  A good way for your employee to learn a new task is to have him/her watch someone else do it first. Have a friend, family member or other skilled employee show him/her how to do the new task. Make sure he/she sees several times how the task is to be done. Then, let the employee practice it and tell him/her how he/she is doing.

- **Cover the steps in the task**
  If you are using a checklist, have your employee review the checklist as you work through each step of the task. Or, you could have your employee write down each of the steps as you explain them. Review what your employee writes to be sure he/she got all the steps correct.

- **Stress safety**
  If you have life support equipment, make sure the employee knows how and when to use it. Train your employee to understand and use "universal precautions" whenever needed. Make sure your employee knows what to do in case of an emergency.

- **Be patient**
  Your employee may not understand your directions the first or second time you explain them. Repetition is part of learning. Ask for feedback and give him/her plenty of chances to ask questions.

- **Be sensitive to your employee**
  Some people are able to learn an entire task at once and others need a slower pace. Pay attention to your employee's feelings and reactions as you train. Think about how much new information your employee can learn at one time.

- **Respect your employee**
  Respect your employee's ability to learn and how much he/she already knows. Also, clearly explain that you have to be sure he/she understands exactly what you want and how you want it done.

- **Give your employee feedback**
  Giving your employee feedback during training and on the job is very important. Talk about what is not working and, more importantly, what is working. Like most people, your employee needs both positive and corrective feedback.

- **Correct mistakes**
  When your employee does a task differently than the way you wanted it done, point it out. Patiently remind him/her how you want it done. Remember that you are trying to fix the mistake, not the person.

- **Praise good work**
  When your employee does tasks the way you want them done, point this out. Praise your employee for good work, and don't forget to say, "Thank you." This is a powerful motivator for employees.

- **Evaluate your employee's work and behavior**
  Let your employee know you will be evaluating his/her work and behavior regularly. Share copies of your evaluations with your employee. You will read more about supervising and evaluating employees in the next section.

Ask Yourself…

- How will I train my employee?
- What tasks will I train?
- Will I ask any family members or friends to help with training?
- How will I provide feedback and correct mistakes?

SUPERVISING AND EVALUATING YOUR EMPLOYEE(S)

Section 6

Supervising and evaluating your employee(s) will be an on-going task for you as an employer. Good supervision can improve both the quality of assistance you receive and your relationship with your employee(s).

Supervising

In CD-PASS, you are the supervisor for your employee(s). This means you direct, oversee, and manage them in order to receive the services you need.

While supervising, consider:

1. **Quality:** Do your employees do tasks the way they were taught or some other way? Is the work being done well?
2. **Quantity:** Are your employees doing every task as required or are they skipping some? Do you need your employee(s) to do more work in the time allowed?
3. **Time:** Do your employees do tasks when they are scheduled? Are they arriving to work on time and leaving on time? It is expected that employers will keep a record in the home of when your employee clocks in/out.
4. **Rules:** Are your employees following your guidelines? For example, if you want your television turned off while your employee(s) completes his/her tasks, your rule should be followed even if it does not directly impact your services.

Supervising Tips and Techniques

Keep in mind that supervising is more art than science. You will need to work with your employee(s) on what style of supervision works best for you and him/her.

Be ready to keep training. Things will change and good supervision will require ongoing training. If your situation changes, training on new tasks may be necessary. Your employee(s) may have more questions that training did not cover. Even though something is clear to you doesn't mean it is clear to your employee(s).

Monitor your employees' work. Monitor your employee(s), so you can tell him/her if he/she is doing the tasks the way you taught. If not, more training may be necessary. If training doesn't help, you may need to take a different approach, as we will discuss later. The main point is, pay attention to what your employee(s) is doing.

Be clear about what you want. By agreeing to take the job, your employee has agreed to do tasks the way you need them to be done, and you have a right to expect that in return. Be clear about what you want and how you want it done. If you are not clear, your employee will guess how you want something done, which will increase the chance that you are not happy with your assistance.

Work together. Work with your employee as a partner to solve problems. Listen to your employees' suggestions. He/she may have some good ideas or some useful experience to draw on. Remember that "two heads are better than one."

Learn to say "No." If you do not agree with your employees' suggestions or ideas, say so. But, be respectful – it will help to develop a stronger relationship.

Be in charge. Although your employee(s) may have suggestions, you are in charge. Even if he/she has worked in situations where clients or patients had little control, in CD-PASS you do have control and the right to live your life as you choose. Also, you do not need your employee's approval of what you do. Respect your employee(s), but know that he/she is there to assist you, not to decide things for you.

Deal with problems. When your employee(s) performs poorly, point it out. With patience, remind him/her how to do things. Deal with problems when they happen. Problems that are not handled quickly may get worse. Be respectful when correcting. Remember: you are trying to fix the problem, not the person.

Take disciplinary action when necessary. If correction and more training don't help, the problem is performance, not skills. In this case, discuss the situation with the employee. Try to discover if the employee understands that his/her current performance is not acceptable. If after the discussion he/she does not improve, try giving him/her a warning. If the performance still does not improve, it will be necessary to take disciplinary action, up to and including termination. Make sure the employee is aware of the consequences of his/her behavior. Consider using "if-then" statements: "If ________________ continues, then ________________ will happen."

Praise your employee(s). Thank your employee(s) when he/she does something the way you asked and especially when he/she does something more than what was required. Let your employee(s) know that you value the support. Most people will appreciate being recognized for good work.

Your employee(s) is a person. Treat him/her as such. In all things, treat your employee(s) the way you want to be treated. Treat your employee(s) respectfully, like he/she is your partner.

Evaluating

To ensure you are getting the best services from your employee(s), evaluate them regularly. Even though you supervise your employee(s) daily, you may want to do a formal evaluation from time to time.

How often you evaluate employee(s) will be different for each person. You may wish to evaluate your new employee(s) weekly until you are confident of his/her work. For more experienced employee(s), evaluations can be scheduled further apart. Essentially, the more confidence you feel about an employee's performance, the less you'll need to do formal evaluations.

If you have problems with an employee's performance, plan to evaluate him/her more often. For formal evaluations, use a prepared evaluation form. Be sure your form has the same or similar items as the employee's job description. Include items on the evaluation important to your services and comfort.

Using a formal evaluation can help you remind your employee(s) of his/her duties. Keep copies of all evaluations, and give copies to your employee(s). If an employee has had problems, refer back to past evaluations. Reviewing past evaluations can be very helpful to you if you think you may have to terminate him/her.

Evaluations can also be a time to praise your employee(s) for the good work he/she has done. Remember, everyone appreciates sincere praise.

Ask Yourself…

- How often will I evaluate my employees?
- What criteria will I use to evaluate my employees?
- Will I need any help supervising, evaluating, correcting or terminating my employees?

Creating a Respectful Workplace

As a Member in the AD*vantage* program, you are probably already familiar with your home being someone else's workplace. However, now that you are also the employer and supervisor, you have a greater responsibility for making sure your home is a respectful workplace for you and your employee(s).

Making your home a pleasant place to work in will reward both you and your employee(s). If you treat your employee(s) with respect, he/she is much more likely to want to continue working for you and to give you quality service and support.

Creating a respectful workplace will be an ongoing process. To maintain a respectful workplace, the necessary elements are listening and relationship building. "The relationship that matters most is the one between workers and their direct supervisors. It is essential that supervisors communicate with workers and begin to understand what respect feels, sounds and looks like to them" (McDonald, 2007, p.12).

Here are some ideas for creating a respectful workplace:

- Try to build a rapport with your employee(s) – you can start with something as simple as asking how their day is going and build from there.
- Show you are listening when your employee talks to you by maintaining eye contact or responding with questions or comments.
- Avoid comments or jokes that could be considered racist, sexist or offensive.
- Before acting, consider the impact of your words and actions on others.
- Understand your triggers or "hot buttons." Knowing what makes you angry and frustrated enables you to manage your reactions and respond in a more appropriate manner.
- When problems arise, address them in a positive and solution-focused manner.
- Rely on facts rather than assumptions. Gather relevant facts before acting on assumptions.
- View current difficult situations from a broader and more realistic perspective by considering what they mean in the overall scheme of things.

TERMINATION OF AN EMPLOYEE

Section 7

Most people don't like dismissing or firing someone. However, sometimes an employee you hired will not work out. People change and situations change. If you find your employee is not meeting your needs, you may have to dismiss that person. Keeping a hiring agreement up-to-date and keeping a regular schedule for reviewing your employee's job performance can help you decide if you have grounds for dismissal. Weigh all your options before you dismiss an employee. Sometimes trying to correct problems with an employee might be a better option since hiring a new employee will take time and effort, and there is no guarantee a new employee will be a better worker.

If you are uncomfortable or unsure about how to terminate an employee, contact your Authorized Representative or a trusted friend for suggestions that protect your safety and make the termination process more manageable. Once you terminate an employee, submit a Separation of Employment form to the FMS right away to make necessary changes to the employee's work file and to your records.

> NOTE: If the FMS does not receive notification of termination, they may continue to pay time claimed by this employee from your budget.

Terminating employment does not always mean "firing" an employee. There are many other circumstances where an employer must terminate the employment relationship. The FMS will need a Separation of Employment form from you for all of the following reasons:

1. Employee quits for any reason
2. You decide not to schedule the employee for any more work
3. You are no longer able to reach your employee
4. You and your employee mutually agree to end the employment
5. Your employee moves away, is unable to work anymore, passes away, etc.

Some Grounds for Involuntary Termination

Involuntary termination is generally considered "firing" an employee. The reasons to "fire" someone will vary. Here are some of the most common reasons:

- The employee's work does not meet your expectations
- The employee does not learn fast enough to meet your changing needs
- The employee is late or fails to show up regularly
- The employee's personal habits bother you
- The employee does not pay attention to your instructions
- The employee argues with you when given directions
- You do not feel safe and comfortable with the employee, even after working with him/her for several weeks
- The employee has a schedule that is not flexible enough for you
- The employee violates your employment conditions

Grounds for Immediate Termination

Some actions by an employee may be grounds for dismissing, or firing, him/her right away. You should cover these with your employee when he/she starts working for you. These grounds include actions such as:

- Drinking alcohol on the job
- Taking illegal drugs on the job
- Coming to work under the influence of drugs or alcohol
- Stealing from you
- Abusing, neglecting or exploiting you in any way
- Misusing your services
- Submitting false claims for reimbursement

REHIRING A TERMINATED/PREVIOUS EMPLOYEE

If you decide to rehire a past employee you must follow the process below:

- Complete a new employee application packet and submit to the FMS by mail
- The FMS will contact the AA to process the criminal background request
- The FMS will notify you when your employee's paperwork has all been received, processed, and ready for him/her to begin working
- The FMS will provide you with an ID for your employee

REMEMBER your PSA/APSA may NOT begin working for you and will not be paid for services provided until their packet is completed correctly and a background check is passed, even if they have worked for you before.

References

Department of Health and Human Services (2001). Coordinated Invitation to Apply for Systems Change Grants for Community Living. Retrieved May 31, 2007, from www.cms.hhs.gov/RealChoice/downloads/2001Solicitation.pdf.

McDonald, Ingrid J. (2007, April). Respectful Relationships: The Heart of Better Jobs Better Care. Retrieved May 29, 2007, from www.bjbc.org.

Richman, Barbara. (2007, April). Ten Tips for Creating Respect and Civility in Your Workplace. Employment and Labor Update. Retrieved May 30, 2007, from www.lorman.com.

Notes:

Appendix

A

AD*vantage* Member Rights

As a Member in the AD*vantage* program, you have the authority and the right to make decisions based on what works best for you. The AD*vantage* program and the Centers for Medicare and Medicaid Services uphold certain rights for Members. You have the right to freedom of choice and action and freedom from coercion and control. You can expect the following rights to be honored by those who provide your services and supports.

As a Member, you have the right to:

- Be treated with respect and dignity, and as competent to make decisions
- Be communicated with effectively and directly, and in a language and format that best meets your needs
- Have accurate, objective, relevant, complete and culturally appropriate information
- Refuse proposed assistance, equipment or treatment
- Appeal decisions and register complaints

B Sample Newspaper Ads

Help wanted for older adult female. Light housekeeping, meal preparation, personal care, 20 hours a week. References required. Call (918) 555-1224 between 10 a.m. and 6 p.m.

Part-time skilled Personal Services Assistant sought for weekday mornings. Nonsmokers only, 15 hours per week. Contact Brad at (918) 555-1232.

Personal Services Assistant: Female with disability needs dependable, intelligent female personal services assistant to assist with daily activities. Must be able to drive, perform light housekeeping and prepare simple meals. 20 hours per week. $8 per hour. References Required. Contact Connie at (918) 555-2333.

Mature, responsible female student needed to assist disabled student with self-care activities, transportation and meal preparation. Weekday mornings, 15 hours per week. Pleasant surroundings, must like dogs. Call Maureen at (405) 555-1234.

Assist man with a disability with daily activities. Must be able to drive and cook. Four hours per day. References required. Contact Rudy at (405) 555-2222 weekday evenings.

C

Writing a Job Description

When writing a description of the tasks for which you require assistance, describe the level of assistance required; skill and physical requirements; frequency; day and time(s) of days; and approximate length of time for the tasks or activity.

Tasks	Level of Assistance	Skill/Physical Requirements Personal Characteristics	Frequency	Length of Time
Bathing	Help with reaching area	Reaching, bending	Three times per week	30 minutes
	Help with washing hair	Stooping		
	Stand-by			
Dressing	Help with shoes and socks	Stooping, bending	Daily	15 minutes
	Buttoning and fastening	Finger dexterity		
	Getting clothes out			
	Total assist with both dressing and undressing (Will choose own clothes)			
Assistance with Bathroom Transfers	Helping in and out of tub	Ability to support weight	Three times per week	Five minutes
	Using mechanical lift	Ability to operate lift	Four times daily	Five minutes
	On and off toilet		Four times daily	Five minutes
Bladder Care	Emptying and cleaning Foley bags	Knowledge and skill in proper techniques	Three times weekly	30 minutes
	Changing Foley bags	Knowledge and skill in proper techniques		
	Changing pads or briefs			
	Making sure body areas are clean and dry			

Tasks	Level of Assistance	Skill/Physical Requirements Personal Characteristics	Frequency	Length of Time
Bladder Care (continued)	Inspecting skin for breakdowns or irritations			
Bowel Care	Assisting with bowel stimulation program	Knowledge and skill in proper techniques	Two times weekly	10 minutes
	Inserting suppositories		As needed	
	Changing pads or briefs		Two times daily	Five minutes
Transfers	In bed from chair; out of bed to chair	Knowledge and skill in proper techniques	Two times daily	
	In and out of vehicles		Three times weekly	
	Moving from one place to another		Four times daily	
Exercises/ROM Program	Following prescription	Ability to follow directions	Once a week	30 minutes
Meal Preparation	Preparing simple meals – sandwiches, soup, etc.	Knowledge of low-fat, low-salt dietary requirements	Two times a day	15 minutes
	Preparing special dietary meal plans	Knowledge of diabetic dietary requirements		30 minutes
Housekeeping/ Laundry	Dusting, sweeping, mopping, vacuuming	Stooping, reaching, bending	One time a week	One hour
	Cleaning kitchen		Four times a week	45 minutes
	Cleaning bathrooms – scrub tub and sink		One time a week	30 minutes
	Sorting laundry, washing and drying clothes, folding items,		One time a week	Two hours

Tasks	Level of Assistance	Skill/Physical Requirements Personal Characteristics	Frequency	Length of Time
Grocery Shopping	Making list	Ability to read and write	One time a week	Two hours
	Shopping for items	Ability to count		
	Paying for items			
	Bringing items into home, putting items away			
Correspondence	Writing letter	Spelling, grammar	One time a week	30 minutes
	Scheduling appointments		Two times a month	15 minutes
Transportation	Shopping/errands	Has valid Okla. driver's license and insurance	Two times a week	30 minutes
Phone	Able to use phone		Two times per visit/day	Five minutes

Job Description Template

Tasks	Level of Assistance	Skill/Physical Requirements Personal Characteristics	Frequency	Length of Time

D CD-PASS Employee Qualifications

Anyone who works as a CD-PASS employee, either as a PSA or an APSA, must meet the qualifications listed below:

- Is 18 years old or older
- Has a valid Oklahoma driver's license and insurance if providing transportation
- Has the ability to perform personal care tasks
- Has verifiable personal identification
- Completes training on "universal precautions"
- Demonstrates ability to perform all PSA and APSA tasks you require
- Has verifiable work references
- Is clear of notations related to abuse, neglect or exploitation in the Oklahoma Nurse Aide and Non-Technical Services Worker Registry
- Is not included on the Oklahoma Child Care Restricted Registry
- Is not included on Oklahoma Community Services Worker Registry
- Is not convicted of a barrier criminal offense
- Is not listed on the violent offenders or sex offenders registry
- Is not listed on the national Office of Inspector General exclusion list

E Telephone Screening Tool

Screening applicants by phone will save time by eliminating those who do not qualify for the job. When applicants call to inquire about the job or to set up an interview, ask them about their qualifications and give a brief description of your service needs.

Ask the applicant if he/she has about five minutes to answer some questions and, if the screening goes well, set up an interview time.

Brief Description of Job

____
____
____
____

Work schedule: ____

Sample Questions

Is there anything I described that you cannot or will not do? _________________________
____

Are the hours workable for you? ❑ Yes ❑ No

Are you at least 18 years of age? ❑ Yes ❑ No

Do you have a Social Security number? ❑ Yes ❑ No

Do you dislike and/or are you allergic to animals? ❑ Yes ❑ No

Do you mind working in a smoke-free environment? ❑ Yes ❑ No

Do you mind working in a smoke-filled environment? ❑ Yes ❑ No

Are there any reasons you would not be able to travel to my neighborhood? ❑ Yes ❑ No

Do you have a valid driver's license? ❑ Yes ❑ No

Do you have experience providing personal assistance services? ❑ Yes ❑ No
Do you mind assisting me in bathing, toileting and dressing? ❑ Yes ❑ No

If you are interested:

When can you come in for an interview? Date____________ Time________

If you are not interested:

Thank you for your time. I appreciate your interest in this job. I'm also interviewing other applicants at this time. If you are one of the applicants chosen for a face-to-face interview, I'll call you. (Applicant's phone number: _________________)

F

Face-to-Face Interviewing

Steps:
1. Prepare for the interview. Review job description requirements. Write questions.
2. Tell the applicant
   - About the job and the hours needed. General information about CD-PASS, wages and benefits (if any) offered.
   - That you will be asking him/her some interview questions.
   - That you will give him/her an opportunity to ask questions afterward.
3. Ask the interview questions. Start out with general questions.
4. Ask the applicant if he/she has any questions.
5. Tell the applicant what the next steps will be (background and reference checks).

Sample Interview Questions
- What did you like about your last job? (General)
- What do you consider your greatest strengths? (General)
- How has your past work experience provided you with skills that could be applied to this position? (Work history)
- What kind of training do you have that relates to this position? (Work knowledge)
- Have you had any experience in caring for a person with disabilities, specifically (state your disability)? (Work history)
- This job has some physical requirements such as heavy lifting and bending. Do you need any accommodations in order to meet these requirements? Is there anything on my list of tasks that you cannot provide? (Work capacity)
- Describe your understanding of how to prevent the spread of germs. (Work knowledge)
- Have you had any formal training on changing Foley bags? (Work knowledge)
- I have a condition that requires me to eat a special diet. Are you familiar with or are you willing to learn how to prepare special meals for me? (Work knowledge)
- Do you smoke or are you opposed to working with someone who does smoke? (Employee relations)
- Do you have allergies to pets? (Employee relations)
- Have you ever had a position in which you were entrusted with handling cash? (Honesty)
- What would your former supervisor say about entrusting you with cash? (Honesty)
- What would you consider good reasons to be absent/late to work? (Employment)
- If you are selected for this position, when could you start work? (Employment)
- Are you willing to work a flexible schedule? If I had an emergency, would you be able or willing to come over to my house? (Employment)

Reference Checking

G

Applicant Name ______________________________

Date _______________

Reference Name ______________________________

Tell the reference: “I am considering hiring __________________as a Personal Services Assistant to work in my home. He/she has listed you as a reference. Do you have a few minutes to answer some questions?”

1. In what capacity do you know the applicant and how long have you known him/her?

____

____

2. What are his/her strengths and limitations?

____

____

3. How does she/he handle stress?

____

____

4. Do you think he/she is honest?

____

____

5. Would you trust him/her to have access to your house and car? ❑ Yes ❑ No

6. Would you trust him/her to handle cash? ❑ Yes ❑ No

7. Do you think he/she is reliable? ❑ Yes ❑ No

8. Do you think he/she would be good at this type of work? ❑ Yes ❑ No

9. If this is a former employer ask:

A. How long did he/she work for you? _________________________

B. Was he /she dependable? ❑ Yes ❑ No

C. Was he/she on time for work? ❑ Yes ❑ No

D. Was he/she able to work independently? ❑ Yes ❑ No

E. How often was he/she absent without notice? ___________________

F. How did he/she deal with handling money on the job? ____________

10. Knowing what you know about the person, is there any reason that this person should not work in my home as a Personal Service Assistant? ❑ Yes ❑ No

H Documentation of Qualifications to Provide Advanced Personal Care Services (APSA)

APSA Name: ______________________________

APSA Demonstrates the Ability to Perform the Following Tasks	APSA Initials	Employer/ Initials	Date
1. Routine care for tracheotomies			
2. Routine care for gastrostomies			
3. Routine care for colostomies			
4. Removal of external catheters, inspect skin and reapply			
5. Administer prescribed bowel program including use of suppositories and sphincter stimulation and enemas (prepackaged only) with individuals without contraindicating rectal or intestinal condition			
6. Application of medicated (prescription) lotions or ointments, and dry, non-sterile dressings to unbroken skin			
7. Use lift for transfers			
8. Manually assist with oral medications			
9. Provide passive range of motion (non-resistive flexion of joint) delivered in accordance with the plan of care			
10. Application of non-sterile dressings to superficial skin breaks or abrasions			
Other competencies			
11.			
12.			
13.			

______________________________ ______________________________
Signature APSA Date

______________________________ ______________________________
Signature of Employer Date

Notes:

Notes:

Oklahoma Department of Human Services

Aging Services

DHS Pub. No. 12-33 Revised 01/2020
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