



SUCCESSFULLY EMPLOYING YOUR PERSONAL ASSISTANTS

A Workshop Series for People with Disabilities

PARTICIPANT HANDOUTS

Workshop II

**Understanding the
Consumer-Directed Option:**

Is It Right for You?

Understanding the Consumer-Directed Option: *Is It Right for You?*

Workshop Goal and Objectives

Goal

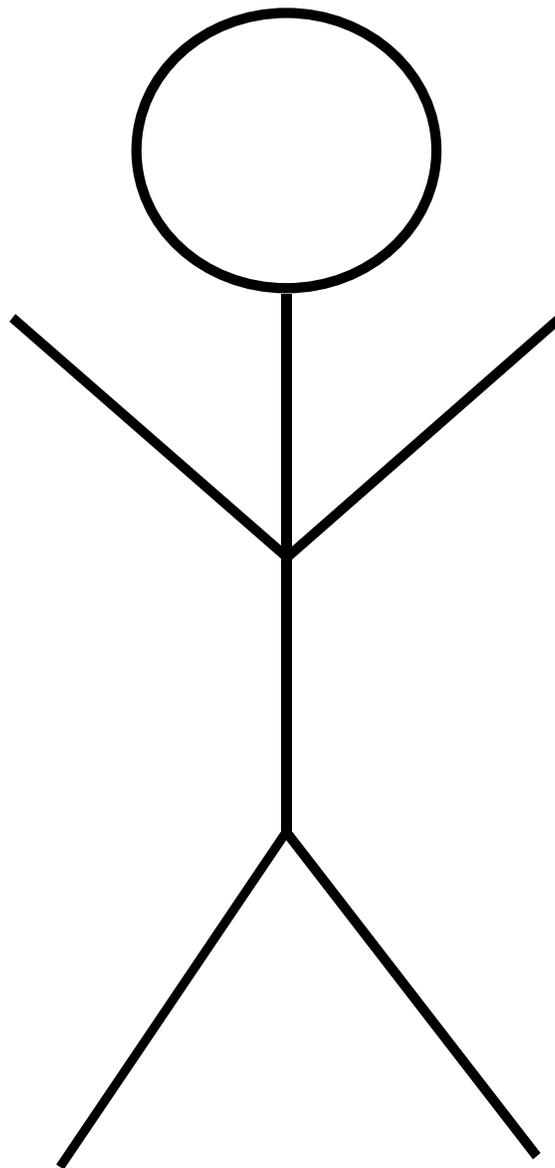
After completing this workshop, participants will have the information they need to make an informed choice about the consumer-directed option.

Objectives

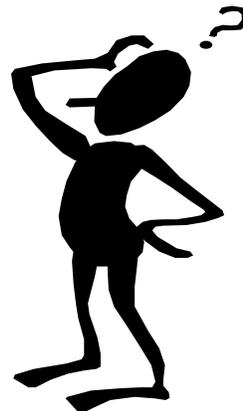
Participants who complete this workshop will be able to:

- ◆ Describe the consumer-directed service model and the rights and responsibilities that go with consumer-directed services.
- ◆ Identify their personal assistance needs and preferences.
- ◆ Determine if the consumer-directed option is the best option for them.

My Ideal (or Perfect) Personal Assistant



People with disabilities who need attendant services are better off using personal assistants who are hired, trained, scheduled, and supervised by home care agencies.



Advantages and Disadvantages of Two Personal Assistance Models

Consumer-Directed		Agency	
Advantages	Disadvantages	Advantages	Disadvantages
Learn more; more empowering for consumers	There is a lack of consumer education on the model	Trained home health aides know what they are doing	Impersonal, non-relational
Consumers and staff are more motivated and committed in this model	Wrong choices—not knowing how to make right choices about staffing	Act professionally and give respect—command respect back	Untrained in the way I want my services
Consumer does more on their own	“I’ve been told I can’t do consumer direction”; some consumers are discouraged from CD model	Understand the big picture and what needs to be accomplished	Turnover is high—different day, different aide
Easier to end bad matches	Consumers may be overbearing towards staff	May afford better pay—more money to work with	Fewer outings
Consumer can communicate needs better	Knowing boundaries between PAs and consumers	Pool of back-up staff as needed	Passionless?
Staff understands consumer better	Not understanding legal issues, liability, safety	Vacation and sick help	Rules oriented/ restrictive
Teaches consumers more responsibility	Assumption by some that consumers know what and how to do it—when in fact they may not	Accountability on part of the agency providing services	Too many people in the middle between consumers and PAs
Budget (may) go further	Not knowing background of provider/staff; safety issues	Supervision—PAs are supervised by experienced supervisors	Mismatched caregiver–consumer; consumer has no choice

Consumer-Directed		Agency	
Advantages	Disadvantages	Advantages	Disadvantages
Helps boost the consumer's self esteem	Limited access to information—new programs, new rules, services; isolation	Well trained	Inflexible
Better control over life (consumer)	Current systems aren't supportive	Relieves consumers of details of being an employer—administrative stuff	Possible low wages and benefits
Workers may get paid more	Consumer not able to take charge and express needs	Health insurance for direct-care workers	Repetition leads to burnout
Workers get better schedules—the flexibility and repeatability; predictable	Consumer not knowing how to meet their goals	Access to additional resources—e.g., wheelchair, van	Lack of support
Consumers get along better with staff	Finding staff may be difficult	Stability over time, potentially	Lonely job for the caregivers
Consumers go on more outings	Understanding employment rules; administration	Agency can be the first resort; it is readily available	Bad schedules for caregivers—2 hours here; 2 hours there
Leads to better relationship between staff and consumer	Staff may get paid less	Can handle crises that come up	Agency can interpret rules strictly
Freedom	Staff do not have benefits—health insurance, pension, paid personal days, etc.	Connection and networking	Aides cannot provide help with medical care—e.g.: suctioning, medications, diabetes testing, etc.
		Criminal background checks	No control over budget
		State regulations; liability	
		Freedom from many responsibilities	

The Agency-with-Choice Option for Michigan Consumers Interested in Self-Determination

Agency with Choice is a type of provider agency that supports you so you can effectively hire and manage support workers yourself.

In the Agency with Choice model, you and the agency share the employer duties. The agency handles many of the legal and technical employer duties—but you are the managing employer. You recruit, hire, supervise, and, if necessary, fire your own worker(s). The agency can provide you with as much support as you request with these tasks. For example, the agency can help you recruit and interview potential workers. However, the agency cannot interfere with your authority as the managing employer. You and the agency enter into a three-party agreement with each support worker that describes the duties and responsibilities of each party.

The Agency with Choice's duties include:

- Paying your workers;
- Withholding income and other taxes for your workers and making payments of withheld taxes directly to the appropriate government agency; and
- Providing employee benefits such as health insurance.

You can choose any worker who meets the provider requirements. You are free to hire eligible friends or family members or can recruit workers through word of mouth, advertisements, or other means. You cannot hire your legal guardian or a relative who has legal responsibility for you (such as your spouse). You set the terms and conditions of employment, determine the hours and job duties, and authorize payment by the agency to the worker by signing timesheets.

For more information, contact your supports coordinator or the self-determination coordinator at your agency.

Agency and Consumer-Directed Models: Rights and Responsibilities

	Routine Function/Concern	Agency	Consumer-Directed	Agency with Choice
		Responsibility falls on: (When "agency" is the answer in the CD model, it refers to the party that oversees the program or handles the financial responsibilities.)		
RECRUIT PAs	Advertise and recruit PAs (including costs)			
	Screen applications and interview candidates			
	Check employment references			
	Hire PAs			
	Calculate hourly wage and benefits			
	Ensure PA paperwork is in order and submitted			
MANAGE SERVICES	Review and submit PA timesheets			
	Schedule PAs			
	Establish, implement, and manage back-up and emergency plans for when a scheduled PA cannot work or is on vacation			
	Maintain accurate records on PAs; report changes			

	Routine Function/Concern	Agency	Consumer-Directed	Agency with Choice
		Responsibility falls on: <i>(When "agency" is the answer in the CD model, it refers to the party that oversees the program or handles the financial responsibilities.)</i>		
OVERSEE FISCAL/ LEGAL	Coordinate all matters related to PA taxes and benefits			
	Cover PA work-related injuries or illnesses under the terms and conditions of the Worker's Compensation Policy			
	Pay PAs based on timesheets submitted			
	Ensure PAs have annual TB test and physical exam			
SUPERVISE PAs	Determine which duties PAs will and will not perform			
	Hold supervisory meetings with PAs regularly			
	Determine training needs			
	Ensure PAs have supplies and resources needed to complete tasks			
	Provide feedback, evaluation, praise			
	Fire undesirable PAs			

Other Program-Specific Responsibilities:

MI Choice Waiver¹, Self-Determination and Agency-with-Choice Models: Rights & Responsibilities

	Routine Function/Concern	MI Choice Waiver Vendor Agency	Self-Determination	
			Choice Voucher System	Agency With Choice
<i>Responsibility Falls On:</i>				
RECRUIT AND HIRE PAs	Advertise and recruit PAs (including costs)	A²	C	A &/or C
	Screen applications and interview candidates	A	C	A &/or C
	Check employment references	A	C	A &/or C
	Decide which PAs to hire	A	C	A &/or C
	Calculate hourly wage	A	C³	A &/or C
	Ensure PA initial paperwork is in order and submitted	A Consumer Sign-off	C,PA, & FI	A & C & PA
MANAGE SERVICES	Review and submit PA timesheets	C & A	C with PA	C, PA & A
	Schedule PAs	A	C with PA	C with PA
	Establish, implement, and manage back-up and emergency plans for when a scheduled PA cannot work or is on vacation	A	C with SC support	A & C
	Maintain accurate records on PAs; report changes	A & C⁴	C &/or FI	A &/or C

¹ Supports Coordinators (SC) initiate and often facilitate person-centered planning and support consumers who decide to pursue self-determination. For consumers in self-determination, Supports Coordinators can advise and help consumers in preparing to hire, recruiting and screening PAs, and in reaching work agreements.

² A = Agency, C = Consumer, PA = Personal Assistant, FI = Fiscal Intermediary, SC = Supports Coordinators

³ Waiver contracts outline budgeted amount, based on "reasonable and customary." Consumer sets wages and hours based on contract. At this time the program does not cover benefits for PAs.

⁴ Consumers' fear of reporting inaccuracies of PAs' reports is a concern.

	Routine Function/Concern	MI Choice Waiver Vendor Agency	Self-Determination Choice Voucher System	Agency with Choice
		<i>Responsibility Falls On:</i>		
OVERSEE FISCAL/LEGAL	Coordinate all matters related to PA taxes and benefits	A⁵	FI	A
	Cover PA work-related injuries or illnesses under the terms and conditions of the Worker's Compensation Policy ⁶	A	FI	A
	Pay PAs based on timesheets submitted	A	FI	A
	Ensure PAs have First Aid, CPR and Universal Precautions training	A	C⁷	A
SUPERVISE PAS	Plan and direct PAs in day-to-day duties	A, some C	C⁸	C
	Hold supervisory meetings with PAs regularly	A	C	C
	Determine PA and consumer training needs	A, some C	C⁹, some A	A, some C
	Provide feedback, evaluation, and praise	A & C	C	C
	Fire undesirable PAs	A	C	C

Other Program-Specific Responsibilities:

⁵ A = Agency, C = Consumer, PA = Personal Assistant, FI = Fiscal Intermediary

⁶ May not apply to workers in Michigan – we have to check

⁷ Supports Coordinators will provide mechanism for training; consumer must ensure PAs complete.

⁸ Supports Coordinators can support consumers in determining appropriate PA duties.

⁹ Supports Coordinators will assist consumers in identifying their own and PA training needs.

Medicaid Home Help Program (MQC3) Rights & Responsibilities

		Consumer	QC3	DHS
RECRUIT PROVIDERS	Advertise and recruit (Home Help) providers. (Consumer incurs own costs if done themselves.)	☐	☐	
	Screen applications and interview candidates.	☐	☐	
	Check employment references.	☐	☐	
	Hire providers.	☐		
	DHS determines time and tasks which determines the consumer benefits to pay provider.			☐
	Ensure provider's DHS Statement of Employment paperwork is in order and submitted.	☐		☐
MANAGE SERVICES	Review and sign provider's DHS quarterly log forms.	☐		
	Schedule providers.	☐		
	Establish, implement, and manage back-up & emergency plan for when a scheduled provider cannot work or is on vacation.	☐	10	
	Maintain accurate records on providers; report changes.	☐		
OVERSEE FISCAL/LEGAL	Coordinate all matters related to provider taxes. (Provider is responsible for all but FICA.)			☐
	Cover provider's work-related injuries or illnesses under the terms and conditions of the worker's compensation policy.			11
	Pay providers based on DHS approved hours and quarterly log sheets submitted.	☐		☐
	Ensure providers have annual TB test and physical exam (not required by DHS).			
SUPERVISE PROVIDERS	Determine tasks providers will perform, based on DHS valuation.			☐
	Determine how providers will perform or complete the DHS approved tasks.	☐		
	Hold supervisory meetings with providers regularly.	☐		
	Determine training needs.	☐	12	
	Provide feedback, evaluation, praise.	☐		
	Fire undesirable providers.	☐		

¹⁰ QC3 has plans to establish lists of providers available for back-up and emergency care in the near future

¹¹ There currently is no worker's compensation available to Home Help providers through DHS.

¹² QC3 and the SEIU have training programs in place currently with additional topics to be added in the future. Providers can contact QC3 or their SEIU representative for more information.

Agency and the Partners in Personal Assistance Models: Rights and Responsibilities

	Routine Function/Concern	Consumer Employer	Agency	PPA – Partners in Personal Assistance
RECRUIT PAS	Advertise and recruit PAs (including costs)	CE¹³		PPA
	Screen applications and interview candidates	CE		PPA
	Check employment references	CE		PPA
	Hire PAs	CE		PPA
	Calculate hourly wage and benefits			PPA
	Ensure PA paperwork is in order and submitted	CE		PPA
MANAGE SERVICES	Review and submit PA timesheets	CE		
	Schedule PAs to stay within allocated budget	CE		
	Establish, implement, and manage back-up and emergency plans for when a scheduled PA cannot work or is on vacation	CE		PPA assists – CE has ultimate responsibility to monitor and manage backup
	Maintain accurate records on PAs; report changes	CE		PPA

¹³ PPA recruits candidates for Consumer Employers, but CEs, are encouraged to be as active as possible in all aspects of recruiting, screening, and management. CEs can also recruit their own PAs and link them to the PPA hiring process. CEs who need assistance are also encouraged to arrange support for their employer role with family and friends.

	Routine Function/Concern	Consumer Employer	Agency	PPA – Partners in Personal Assistance
OVERSEE FISCAL and LEGAL ISSUES	Coordinate all matters related to PA taxes and benefits			PPA
	Cover PA work-related injuries or illnesses under the terms and conditions of the worker’s compensation policy			PPA
	Pay PAs based on timesheets submitted			PPA
	Ensure PAs have annual TB test and physical exam			PPA
SUPERVISE PAS	Determine which duties PAs will and will not perform	CE		
	Hold supervisory meetings with PAs regularly	CE		
	Determine training needs	CE		PPA
	Provide feedback, evaluation, praise	CE		
	Fire undesirable PAs	CE¹⁴		PPA
	Provide CPR, First Aid & other mandated training			PPA

¹⁴ CEs may fire an undesirable PA at any time. PPA may intervene to fire a PA who is not living up to the organization’s standards.