



# West Virginia

## Aged and Disabled Waiver Program

# Personal Options

# Employer Guide



## Table of Contents

Welcome to Personal Options	Page 3
Overview of Personal Options	Page 4
Appointment of a Program Representative	Page 6
Participant/Employer of Record Enrollment Process	Page 7
Supports Available for Self-Directing	Page 9
Employer Roles and Responsibilities	Page 10
Selecting, Hiring, Training and Supervising Employee(s)	Page 12
Employee(s) Timesheets and Payments	Page 15
Spending Plan	Page 17
Complaints and Grievances	Page 19
Reporting of Suspected Abuse, Neglect and Exploitation	Page 20
Summary of ADW Participant's Responsibilities and Rights	Page 21
Frequently Asked Questions	Page 23

## ADW Personal Options Employer Guide

---

### Welcome to Personal Options!

The purpose of this guide is to provide you with information about Personal Options, how to enroll in in the program, and direct your own Aged and Disable Waiver (ADW) services. The guide is to help you make an informed choice about whether Personal Options is right for you. Your legal representatives, program representative, and family members may also use this guide to assist you fulfilling your employer responsibilities.

This guide is not intended to cover everything you need to know about ADW Policy and Personal Options. Additional material can be found on the PPL Website: [www.publicpartnerships.com](http://www.publicpartnerships.com)

#### Important PHONE Numbers:

_____	PPL Resource Consultant Phone Number
1-304-381-3100	PPL Morgantown Office Phone Number
1-304-988-4200	PPL Charleston Office Phone Number
1-304-558-3317	Bureau of Senior Services Phone Number
1-866-385-8920	Kepto Phone Number
1-304-558-1700	Bureau for Medical Services Phone Number (ADW Program)
1-866-429-3465	PPL Customer Service Phone Number (toll free)
1-844-549-8353	WV Non-Emergency Medical Transportation Phone Number

#### Important FAX Numbers:

_____	PPL Resource Consultant Fax Number
1-304-296-1932	PPL Morgantown Office Fax Number
1-304-988-4201	PPL Charleston Office Fax Number
1-866-388-2286	Timesheet Fax Number
1-866-388-1626	Transportation Invoice Fax Number

#### Email:

_____	PPL Resource Consultant's Email Address
<a href="mailto:pplwvadw@pcgus.com">pplwvadw@pcgus.com</a>	PPL ADW Email Address

### Overview of Personal Options

Participant-direction is an optional service delivery method that gives people accessing the Aged and Disabled Medicaid Waiver program an alternative to receiving services through traditional provider agencies. Participant-direction allows choice and control over some of your waiver services so that you may live as independently as possible in your home and community. In West Virginia, the participant-direction option is called Personal Options.

**Person-Centered Planning is the act of choosing and controlling aspects of your life including the decision of:**

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

### The Principles of Self-Determination

- Freedom to choose a meaningful life in the community
- Authority over an authorized amount of dollars in your budget
- Organize resources to enhance your life
- Responsibility for the wise use of public funds
- Confirmation of the important leadership role that individuals and families play in self-direction

### Personal Options at a Glance

- The participant accessing ADW services is the Employer of Record. He/she may appoint a Program Representative to assist with the employer responsibilities.
- The participant can determine when the employee(s) works and their rate of pay. The hourly wage paid to a Personal Attendant may not exceed the Medicaid rate minus all mandatory deductions and must be at least the current minimum wage amount.

### Self-Direction Services through Personal Options

- Personal Attendant Services
- Non-Medical Transportation

### Personal Options Supports

- Financial Management—PCG Public Partnerships (PPL) serves as the Fiscal/ Employer Agent, performing payroll and tax functions on behalf of people who choose Personal Options. PPL's services are paid for by the Bureau for Medical Services at no cost to the participant.
- PPL Resource Consultant—Provides you with training and ongoing assistance regarding employer responsibilities, spending plan development, and budget utilization.
- Case Management—This optional service of the ADW program is provided through a traditional agency provider. The PPL Resource Consultant is NOT your Case Manager.
- People choosing Personal Options may choose to transfer back to the Traditional Services Option at any time.

### **Benefits of Personal Options**

In addition to having increased choice and control over services, people who utilize Personal Options report increased satisfaction and quality of life. Other benefits include:

- People who choose Personal Options have “budget authority” that allows them to choose a service mix and employee(s) wage rates using the funds available in their monthly budget.
- Personal Attendant service hours not provided as planned may be made up on a different day but not carried over into a new month.
- Participants determine when services will be provided, who provides the services and how the services will be provided within Chapter 501 ADW policy.
- The cost of participant-directed services is often less than traditional agency services. This allows people using Personal Options to receive more services from their monthly Medicaid budget.

### **Appointment of a Program Representative to Help with the Responsibilities of Self-Direction**

Participants accessing Personal Options may appoint a Program Representative, such as a family member or trusted friend, to assist them with their responsibilities. An “Appointment of Representative” form is provided in the enrollment packet which the PPL Resource Consultant will provide to you during your first meeting with him/her.

#### **The appointed Program Representative must:**

- Show a strong personal commitment to you to ensure that your needs are met
- Respect your preferences
- Be willing and able to help you with the requirements of participant-direction
- Assist you in verifying your employee(s) timesheets, Personal Attendant Logs, and transportation invoices
- Be at least 18 years old

#### **However, the Program Representative CANNOT:**

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

#### **Involuntary Transfer from Personal Options to a Traditional Service Option**

If you demonstrate the inability to self-direct waiver services, either due to a misuse of funds, non-compliance of program rules or on-going health and welfare risk, you will be required to appoint a Program Representative to assist you with the responsibilities of self-direction. If you refuse to appoint a Program Representative or if your Program Representative fails to assist you with your employer responsibilities, you will be required to transfer to the Traditional Service Option. Your Resource Consultant and/or Case Manager (if applicable) will assist you in this process.

---

## ADW Personal Options Employer Guide

---

### Participant/Employer of Record Enrollment Process

#### **Do I qualify to enroll in Personal Options?**

To participate in Personal Options, you must be medically and financially eligible for the Aged and Disabled Waiver Program. If you are not sure whether you are an ADW member, contact the Bureau of Senior Services at: (304) 558-3317.

Note: PPL has no role in determining medical or financial eligibility for ADW services or Personal Options.

#### **When can I select Personal Options?**

Once you have qualified for the ADW program, you may select Personal Options at 2 points:

- Upon initial medical eligibility determination and Service Level assessment for ADW services, you can choose Personal Options on the Service Delivery Model Selection Form provided by Kepro.
- If you are currently receiving ADW services with a traditional agency, contact the WV Bureau of Senior Services at 304-558-3317 or your Case Manager to request a transfer to Personal Options.

#### **Steps in the Enrollment Process**

##### Step One – Referral to Public Partnerships

Once you have selected Personal Options, the Bureau of Senior Services (BoSS) will provide PPL with the following information:

- Participant Demographic Information (name address, Medicaid number, etc.)
- Pre-Admission Screening (PAS) indicating medical eligibility
- DHS-2 Indicating Financial Eligibility
- Service Delivery Model Selection Form or Personal Options Transfer Form

##### Step Two – Phone Contact by Public Partnerships

PPL will contact you by phone within 3 business days of receiving a completed referral packet from BoSS. The purpose of the phone call is to:

- Introduce Public Partnerships
- Confirm your contact and demographic information
- Provide a brief overview of Personal Options
- Answer your questions regarding Personal Options
- Confirm your interest in Personal Options
- Inform you and your potential employee(s) of the required employee qualifications
- Inform you of next steps

##### Step Three – Phone Contact by Public Partnerships Resource Consultant

Your assigned Resource Consultant will contact you by phone to schedule your enrollment meeting. The enrollment meeting should be completed within 14 calendar days of receiving a completed referral packet from BoSS.

##### Some important questions for you to consider are:

- Do you want to appoint a representative to help you?
- Do you know who you want to hire as your employees?

## ADW Personal Options Employer Guide

---

- Does your potential employee have a current eligible WV Cares Criminal Background Check, and valid CPR and First Aid card?

Having your potential employee(s) at the enrollment visit will help them understand their requirements and begin the process of applying to be your employee.

The enrollment materials include required tax forms that may be difficult for some readers to understand. You may request materials to be sent to you ahead of time for your review, either on your own, or with a representative. This may help you plan questions to ask your Resource Consultant. Otherwise, the PPL Resource Consultant will bring these materials with them to explain in person.

### Step Four – The Enrollment Visit

A PPL Resource Consultant will come to your home to help you enroll in Personal Options. The Resource Consultant will explain the enrollment materials and assist you (and your potential employees, if present) to complete the enrollment packet including the employer of record tax packet. The PPL Resource Consultant will also provide you with an enrollment binder including all necessary forms to assist you to self-direct your services.

At the enrollment meeting, your Resource Consultant will also provide you and your representative (if applicable) with an orientation to Personal Options and skills training to help you become a successful household employer.

### Step Five – Developing your Personal Options Assessment, Participant Directed Service Plan, and Spending Plan

As part of the enrollment process, you will work with your Resource Consultant to develop your Personal Options Assessment, Service Plan, and Spending Plan. If you choose to have Case Management services, your Case Manager will assist with this process.

### Step Six – Notice of Effective Transfer Date/Start Date

Once you have completed all the required forms and your employees have completed and submitted all their required forms and qualifications to PPL, your Resource Consultant will notify you of your effective transfer date or start date for Personal Options.

**If you allow your employee(s) to start before your Resource Consultant informs you of your and your employee start date, you will be responsible for paying your employee(s) for any hours worked before your *Good to Go* start date.**



### Supports Available for Self-Directing

#### Public Partnerships, LLC

The West Virginia Department of Health and Human Resources, Bureau for Medical Services, has contracted with Public Partnerships, LLC (PPL) as the Fiscal/Employer Agent (F/EA) under Personal Options to assist Personal Options participants to self-direct their ADW services. PPL is a national company that assists states to implement self-directed service models. PPL provides several services and supports:

- Financial Management Services
- Resource Consultant Services
- Customer Service
- PPL Website: [www.publicpartnerships.com](http://www.publicpartnerships.com)
- Personal Options PPL Web Portal: <https://fms.publicpartnerships.com/PPLPortal/login.aspx>

These services will be addressed during your participant / employer of record enrollment meeting. Your Resource Consultant will continue providing you with support through monthly phone calls and face-to-face meetings every six months.

#### Public Partnership Customer Service

You may contact Customer Service by calling (toll free) 1-866-429-3465. Customer Service representatives are available between the hours of 9:00 a.m. and 8:00 p.m., Monday through Friday, except for state and federal holidays.

Customer Service will assist you with questions about employee(s) timesheets and pay checks, and provide information and copies of forms you need for self-direction. When you or your employee(s) call Customer Service, your phone number will be verified with the phone number you provided in your enrollment packet. Be prepared to provide your PPL participant or employee(s) identification number, phone number, date of birth, last 4 digits of Social Security Number.

You and your employee(s) may occasionally receive an automated phone call (a BLAZE call) from PPL's Customer Service Center informing you that your Criminal Background Check, CPR, First Aid, or other training requirements are due to expire. Automated calls are also used to notify you of problems with timesheets and travel invoices, etc. If you receive an automated call, please contact PPL's Customer Service Center or your Resource Consultant as soon as possible.

**You and your employee(s) MUST inform PPL of any changes in your or your employee(s)' address and/or phone number.**

### Employer Roles and Responsibilities

A PPL Resource Consultant will contact you, your legal representative and/or Program Representative to schedule an Employer of Record Enrollment meeting.

During this meeting, the Resource Consultant will assist you with your Enrollment Packet which contains the tax forms needed to establish you as the “Employer of Record” with the federal and state government. Your role as an employer and the management of budget has nothing to do with your personal income taxes. You should continue to file your personal taxes (if applicable) as you have always done. As an employer, you will be required to pay employer taxes (Social Security, Medicare, and unemployment taxes) on the wages you pay your employee(s). PPL handles all tax payments for you. The taxes are deducted from your budget. During the enrollment meeting, your Resource Consultant will discuss this process.

#### **As an Employer, you are required to:**

- Maintain a safe working environment free from any harassment, hostilities or illegal drugs.
- Educate your family members to treat your employee(s) with respect and maintain a non-threatening and safe working environment.
- Recruit, select, train, supervise and, when necessary, fire employee(s).
- Ensure your employee(s) meet all the required qualifications including:
  - Completing and passing a criminal background check through WV Cares initially and 5 years thereafter;
  - Completing a hands-on CPR and First Aid trainings through approved CPR-First Aid providers (see list in ADW Policy Manual) and maintain the certifications current;
  - Completing an initial and annual Personal Attendant training;
  - Additionally, employees who provide non-medical transportation service must also have a valid driver’s license, proof of current vehicle insurance, and registration. Copies of these documents must be submitted to PPL prior to transportation service be provided. Copies of renewed documents must also be submitted to PPL if employees continue to provide transportation service.
- Direct employee(s) training.
- Develop your monthly spending plans.
- Determine your employees’ rates of pay (within state guidelines).
- Determine your employees’ work schedules and duties.
- Verify and approve complete and accurate timesheets and Transportation invoices.
- Keep track of your monthly spending plan allocations.
- Keep a current emergency back-up plan for times when employees are unable to report to work as scheduled.
- Be responsible for payment to your employee(s) if you allow your employee(s) to work beyond the hours in your approved Spending Plan.
- Connect with your Resource Consultant through monthly phone calls and biannual 6-month home visits.
- Work with your Resource Consultant and/or Case Manager (if applicable) to update your Service Plan for any long-term changes in your services/service hours.
- Complete the Personal Attendant Log with your employee(s) and submit it to PPL within five business days after the end of the month.

## ADW Personal Options Employer Guide

---

You are responsible for ensuring your employee(s) provide services and supports as defined in your Service Plan developed by you and your Resource Consultant and/ or Case Manager (if applicable). The plan provides your employee(s) with the specific tasks they will complete to support you. You are responsible for making sure your employee(s) accurately document all tasks performed and time worked on their timesheets, Personal Attendant Logs and transportation invoices. Only hours actually worked can be paid. Your signature on these documents will verify these forms are accurate. Knowingly falsifying hours or services provided is Medicaid Fraud and will be reported to the WV Medicaid Fraud Unit for investigation.

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

### **Determine Your Emergency Back-Up Plan for Personal Attendant Services**

You and your Resource Consultant and/or Case Manager (if applicable) will develop an Emergency Back-Up Plan as part of your Person-Centered Service Plan that identifies individuals (employee(s), family members or friends, etc.) who can assist you if your employee(s) is unable to work for you at planned times. The back-up worker may be paid or unpaid.

### Selecting, Hiring, Training and Supervising Employee(s)

All employee(s) must:

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

Note: Individuals who have been convicted of certain offenses or who have committed Medicaid Fraud are not eligible for employment through Personal Options. The negative findings list that would disqualify an applicant for employment is available in the Chapter 501 ADW Policy Manual Section 501.2.1 Criminal Background Checks.

#### Selecting Employee(s)

You may hire your neighbors, friends, and/or family members to provide your services. You may not hire your spouse, your Program Representative or a legal guardian. You should consider the advantages and disadvantages prior to hiring a family member, friend or neighbor:

- Friends and family may be more dependable, easier to find, live nearby and know your needs better. You may feel more comfortable in discussing your needs and goals with them.
- Some disadvantages to hiring friends and family may be that it could be more difficult to supervise them as employee(s) and maintain your personal relationships. It can be especially difficult if you need to fire a friend/family employee.
- If you hire from within the community, you may need to place an advertisement, check bulletin board postings in public places, ask contacts in your community or request names from the Personal Options worker registry.

#### Interviewing Applicants

Prior to the face-to-face interview, you should prepare a list of questions that you will ask each applicant by phone. Write down the name and telephone number of each applicant and take notes to help you remember their responses to your questions.

Do NOT ask questions that could be considered discriminatory during your interview such as:

- What does your spouse do for a living?
- Do you plan to get pregnant?
- Are you a U.S citizen?

The following are suggestions for appropriate interview questions:

- What did you like most and least about your previous job?
- Are you able to do heavy lifting? (If lifting is necessary in their job with you.)
- Do you have any previous experience working with or for people with disabilities and/or people on the Aged and Disabled Waiver?
- Why are you interested in this type of work?
- What qualities, skills or experience do you have?
- How would you feel about taking direction from me?
- What kind of situations do you find most stressful?

## ADW Personal Options Employer Guide

---

- How do you typically deal with stress?
- How would you define confidentiality?
- Who are your references that I may contact?
- Do you have any questions about the job?

Without giving your exact address, generally describe where you live and ask if the travel would be a problem. Ask if they are available for the hours and days that you need them. Discuss any special equipment you might use. Near the end of the conversation, ask the applicant if they have any questions about the job and answer them as best you can.

Once all the phone interviews are completed, make a list of who you might want to hire and contact their references. Calling references can help provide more information including past work history and reliability. When you call, explain who you are and why you are calling. Take notes to help you remember what is said.

After completing phone interviews and checking references, you will want to schedule a face-to-face interview with the best applicants. You might want to have a friend or family member join you for the interview. You may also want to do the interviews somewhere other than your own home due to safety reasons.

### Hiring Employee(s)

When you decide to hire an employee(s), you will need to inform your Resource Consultant and decide:

- Your employee(s)' job duties and responsibilities
- The hourly wage for the Personal Attendant service
- The rate of reimbursement for transportation services (if applicable) not to exceed the current Medicaid rate

Your new potential employee(s) are required to complete all required paperwork and qualifications before they can start providing paid services. Your PPL Resource Consultant will inform you about your employee *Good to Go* date.

### Training Employee(s)

The ADW Policy Manual requires that employee(s) meet certain requirements and have specific training prior to providing services. Initial training must include:

- Cardiopulmonary Resuscitation (CPR) and First Aid – a copy of the CPR and First Aid cards must be submitted to PPL and must be maintained current (no gaps in between) as defined by the terms of the certifying agency
  - CPR: Must be provided by a certified trainer from the American Heart Association, American Red Cross, American Health and Safety Institute, American CPR, National Safety Council, and Emergency Care and Safety Institute. Skills must be demonstrated in person.
  - First Aid: Must be provided by an agency nurse, a certified trainer, or a qualified internet provider including American Heart Association, American Red Cross, and Emergency Care and Safety Institute.
- Universal Precautions (OSHA)
- Personal Attendant Skills—training on assisting people with Activities of Daily Living (ADL's)
- Abuse/Neglect/Exploitation Identification training
- Health Insurance Portability and Accountability Act (HIPAA)

## ADW Personal Options Employer Guide

---

- Direct Care Ethics—training on ethics such as promoting physical and emotional well-being, respect, integrity and responsibility, justice, fairness and equity
- Health and Welfare for Person Receiving Services
- Person-Centered Planning

Note: It is the employee's responsibility to pay for the WV Cares Criminal Background Check, CPR and First Aid training. PPL will provide training materials at no cost for the remaining required training areas.

PPL will maintain copies of your employees' criminal background check results, Office of Inspector General checks, training records and certifications.

### **On the Job Training**

You should train your employee(s) to provide services that meet your needs and goals. You should also:

- Show them your home and introduce employee(s) to family members.
- Share important information about your abilities, needs, and goals. (You may wish to share the Service Plan that lists all your needs and how you want your employee(s) to address them.)
- Have employee(s) practice the duties from your Service Plan.
- Address safety and security needs.

### **Supervising Employee(s)**

The relationship you will have with your employee(s) is of a professional nature. Your employee(s) should:

- Do a good job for you and ask you questions if needed.
- Arrive on time, be ready to work and let you know if they are running late.
- Ask for time off at least 24 hours in advance.
- Be courteous and attentive to your needs and respect your personal life. They should not talk about you or your needs to anyone outside of the job.

Supervising employee(s) requires that you communicate and listen to each other and that you can resolve conflict and differences.

As an employer, you are encouraged to evaluate the work of your employee(s) monthly. An informal evaluation may include a check-in between you and your employees to go over any questions, concerns, or feedback you and your employees may have.

### Employee(s) Timesheets and Payments

#### Timesheets

Each day your employee(s) should record their hours worked and the tasks completed on the Personal Attendant Log. This helps ensure the accuracy of their timesheet before submitting it to PPL for payment. (Specific timesheet instructions are included in the binder provided by your Resource Consultant at the time of your enrollment meeting.)

PPL will provide you and your employee(s) a payroll schedule that includes Pay Period Start Date, Pay Period End Date, Timesheet Submission Deadline, and Timesheet Pay Day. Your employee(s) must submit accurate approved timesheets by the timesheet deadline to be paid on schedule.

Your employee(s) must not submit hours if not worked. The employee(s) must not submit any hours worked when you are in a hospital, nursing home or rehabilitation facility. This is considered Medicaid Fraud and could prevent your employee(s) from working in any of the healthcare fields.

PPL encourages you and your employee(s) to submit electronic timesheets. Instructions on how to submit electronic timesheets are included in the Enrollment Binder.

#### Pay Checks

As the Fiscal Employer Agent with the State of West Virginia, PPL provides financial management services, including all payroll and tax services. You will not handle any money.

Once the timesheet has been submitted accurately and approved by you or your Program Representative, PPL will process payroll and issue payments directly to your employee(s).

#### Employee(s) Wages

You will determine your employee's hourly wage between \$8.75 (or the current minimum wage) and \$13.52 (current Medicaid rate for employee services minus employer taxes) per hour.

#### Taxes

Your employee(s) will be required to pay all applicable state and federal taxes on the wages they earn as your Personal Attendant. PPL will deduct these taxes from your employees' paycheck. Your employee(s) are required to complete tax forms that are included in the Employee Packet.

Mileage is not taxed. It is considered reimbursement for your employee(s) for transporting you to complete essential errands and/or attend community activities related to the Service Plan. **Mileage may not be billed to transport you to your non-emergency medical appointments including visits to your physician.**

Please visit [www.mtm-inc.net/west-virginia](http://www.mtm-inc.net/west-virginia) or call 1-844-549-8353 for information regarding the WV non-emergency medical transportation services.

#### Employee(s) Benefits

PPL is not the employer of your employee(s). PPL does not offer any benefits to your employee(s). You may not use funds from your budget to purchase health benefits for your employee(s) or pay them for vacations, sick leave, etc.

### **Overtime Pay**

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

As an employer, it is suggested that you have multiple workers who work less than 40 hours per week or you plan in advance for necessary reduction of hours worked in order not to use up your budget allotment identified in your Spending Plan before the end of the month. Your Resource Consultant can assist you with the necessary planning.

### **Worker's Compensation**

Your employee(s) will be considered a domestic employee of a household employer and as such, unable to purchase worker's compensation insurance coverage through PPL or through the West Virginia ADW Program. Accordingly, domestic employee(s) are not eligible for worker's compensation benefits if injured on the job. You may wish to clarify with your homeowner or renter insurance to determine coverage.



### Spending Plan

The Spending Plan is a budgeting tool which helps you to accurately plan how and when you will use the authorized monthly Medicaid funds. The amount of your budget is based upon your Service Level of Care determined by Kepro.

Your Resource Consultant will help you develop your monthly budget allocation to meet your needs based on your Personal Options Assessment and Service Plan. Unused funds from one month's budget cannot be carried over to the following month.

It is important you understand that your budget is not reported to the Internal Revenue Service (IRS) as personal income, and you will not receive cash. Instead, it is an amount of money that is allocated on your behalf to pay your employee(s) for your self-directed services. PPL does not deduct any administrative fees from your budget.

As an employer, you will be required to pay employer taxes (Social Security, Medicaid, and unemployment) on the wages you pay your employee(s). PPL will deduct these taxes from the monthly Spending Plan amount for your employee(s) services.

#### Important Points

- The Service Plan and Spending Plan will be used by PPL as an authorization to pay for services and supports on your behalf.
- PPL cannot pay for hours worked or miles traveled that are not in your approved Service Plan and Spending Plan.
- The amount of budget allocation in your Spending Plan can be changed from one service to another to meet your change in needs. You must discuss with your Resource Consultant about any changes needed in your Service Plan and Spending Plan.
- Any changes in Spending Plan must be approved prior to the 1<sup>st</sup> of the following month to become effective on the 1<sup>st</sup> of the month.
- Any employees that work more than 40 hours per week will be eligible for overtime pay if the employee is not living with you. Any hours worked over 40 will be paid time and one-half and thus impact your budget.

#### Developing Your Spending Plan

You will identify your paid and unpaid supports with your Resource Consultant during the development of your Assessment and Service Plan.

Questions you may be asked:

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

Your paid supports will then be reflected in your Spending Plan within your assessed budget.

#### Spending Plan Limits

PPL cannot pay for any hours worked by employee(s) that exceed the monthly Spending Plan. Your employee(s) should not work hours that you have not pre-approved. If you schedule your employee(s)

## ADW Personal Options Employer Guide

---

to work hours beyond the approved amount in the Spending Plan, you will be required to pay the employee(s) for the additional hours out of your personal funds.

Note: If you continually have difficulties managing your self-directed services, PPL may require that you appoint a Program Representative to assist you with this responsibility. In rare cases, it may be recommended that you transfer from Personal Options to a Traditional Service Option so that services can be more closely monitored.

### **Making Changes to Your Spending Plan**

You may contact your Resource Consultant and request to add or remove services, increase or decrease employee(s) wage rates and make other changes to your Spending Plan at any time. Changes to your Spending Plan will begin on the first day of the following month, not within the month that you request the change.

### **Six-Month Review of the Spending Plan**

As part of the program requirements, you will review your spending plan every six months with your PPL Resource Consultant. Together, you will make any changes that need to be made. This is connected to the required six-month review of your Service Plan.

### **Requesting Additional Funds for Your Budget**

If your needs for Personal Attendant services change during your service year, you must complete and submit a Service Level Change Request to Kepro. PPL Resource Consultant will be available to assist you with the process.

Once your request is submitted and approved, your Resource Consultant will work with you to revise your Service Plan and Spending Plan based on the new approved Service Level of Care.

### Complaints and Grievances

#### Complaints

A complaint about a program related issue can usually be resolved by PPL. A complaint may be about PPL, disputes between employees and employers, PPL processes, or PPL tools. Please contact PPL Customer Service or your Resource Consultant to report a complaint. Participants using Personal Options are encouraged to discuss concerns with their Resource Consultants or PPL administration in West Virginia.

The Operating Agency (Bureau of Senior Services, BoSS) can also receive your program complaints either verbally or in writing. Complaints can be made to BoSS toll free at 866-767-1575, emailed to [wvseniorservices@wv.gov](mailto:wvseniorservices@wv.gov), or faxed to 304-558-6647.

#### Grievances

If you are dissatisfied with the services you receive, you have the right to file a grievance. A Participant Grievance Form is included in your Enrollment Binder. On the grievance form, you will describe the concerns that you have with your services as well as what would remedy these concerns.

If you have a grievance regarding your Case Manager (if applicable), you will need to send the completed grievance form to the Case Management Provider Agency with whom they are employed. If you have a grievance regarding your Resource Consultant or other Personal Options staff, contact Public Partnerships (PPL) to begin the grievance process for a Level One grievance. Contact the Bureau of Senior Services for a Level Two grievance.

The Provider Agency or PPL will meet with you in person or by phone to discuss the issue(s). The Provider Agency or PPL will notify you of the decision or action in response to your grievance. The Level One grievance does not go to BoSS first. You may go to a Level Two grievance without going through a Level One first.

#### **Level One Grievance: ADW Case Management (CM) Provider Agency or PPL**

The CM provider and/or PPL has 10 business days from the date they receive a Grievance Form to hold a meeting with you and/or your representative, either in person or by phone. The agency has 5 days from the date of the meeting to respond in writing to the grievance. If you are not satisfied with the agency's decision, you may request that the grievance be submitted to BoSS for a Level Two review and decision.

#### **Level Two Grievance: BoSS**

BoSS has 10 business days from receipt of the Participant Grievance Form to contact you, or your representative, and the Provider Agency and/or PPL to review the Level One decision. Level Two decisions will be based on Medicaid policy and/or health and safety issues. BoSS will provide notice of their decision in writing to you and the Bureau for Medical Services.

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

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

### Reporting of Suspected Abuse, Neglect and Exploitation

As a participant in the WV ADW Program, your employees, and your Resource Consultant are mandated reporters of abuse, neglect and exploitation. They will be expected to report if they observe, hear or suspect an inappropriate action has occurred.

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

### Reporting Suspected Medicaid Fraud

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

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

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

### Summary of ADW Participant's Responsibilities and Rights

#### Participant's Responsibilities

- You must follow ADW program requirements:
- Manage your health and safety.
- Notify your Resource Consultant of any change in your medical or care needs.
- Notify your Resource Consultant of admission to a hospital, nursing home or rehabilitation facility. (Your employee cannot be paid for any hours when you are in one of these settings.)
- Contact your Resource Consultant immediately if there are changes in your Medicaid coverage.
- Notify your Resource Consultant of any change in residence, address or phone number.
- Maintain a safe home environment free of drugs, harassment, etc.
- Participate in the required monthly phone contact and six-month visit with your Resource Consultant.
- Ensure your employees follow your Service Plan.
- Verify services were provided by signing timesheets, Personal Attendant Logs, and transportation invoices.
- Report incidents of abuse, neglect or exploitation to the WV DHHR Adult/Child Protective Services Hotline at 1-800-352-6513.
- Report to your Resource Consultant any fraudulent activity.
- Report any illegal activity of employees to local police or appropriate authorities.

#### Additional Responsibilities when Self-Directing

- Monthly phone contact with the PPL Resource Consultant.
- Daily review and sign off on the timesheet and Personal Attendant Log.
- Six-month review and annual revision of the Spending Plan after your Service Plan meeting.
- Six-month home visit with your PPL Resource Consultant.

#### Maintaining Medical Eligibility for the ADW Program

You will be assessed by Kepro annually to determine whether you continue to meet the medical eligibility requirements for the program. If you receive notice that you are no longer medically eligible for ADW services, you have the right to appeal the decision.

- In order to continue to receive services during the appeal process, you must submit your appeal request (Request for Medicaid Fair Hearing form) within 13 calendar days of the notice date.
- You must notify your Resource Consultant of the appeal.
- You may appeal within 90 days, however, ADW Services are discontinued and your employee(s) can no longer be paid through the program while the appeal is being considered.

#### Maintaining Financial Eligibility for the ADW Program

You are required to complete a financial eligibility review annually through your local Department of Health and Human Resources office. You must notify your Resource Consultant of any change in your financial eligibility status.

#### Participant's Rights

You have the right to:

- Privacy and confidentiality regarding ADW services
- Be treated with dignity and respect at all times
- Have the involvement and support of people you choose

## ADW Personal Options Employer Guide

---

- Make decisions about your personal assistance needs
- Receive information you need to make informed choices
- Appeal decisions about the ADW Program
- Access the WV DHHR Fair Hearing process
- Be involved in decisions about your ADW services
- Be notified of changes in the ADW program in a timely manner
- Transfer to a different provider agency and/or service option
- Address dissatisfaction with services provided by PPL through the agency's grievance procedure.
- Freedom from abuse, neglect and exploitation
- Freedom from retribution when expressing dissatisfaction with services or appealing service decisions

Your rights are explained in your West Virginia ADW Recipient User Guide and in Chapter 501 ADW Policy Manual which is available through your Resource Consultant or from the Bureau for Medical Services. The Chapter 501 is available on-line at <http://www.dhhr.wv.gov/bms/Pages/Manuals.aspx> .

Please refer to your WV ADW Recipient User Guide for further information regarding ADW Program.

### Frequently Asked Questions

Q: Do I have to choose Personal Options?

A: No. ADW members are not required to use Personal Options. This option is available to members who want more choice and control over their services, or who are not satisfied with traditional services. Personal Options is an alternative to the traditional service option.

Q: How does Personal Options work?

A: Participants who choose Personal Options receive a monthly budget based on Service Level. They may spend the budget on Personal Attendant services and Non-Medical transportation services. Participants become the employer of the employees providing Personal Attendant services.

Q: Will I have help with the responsibilities of self-direction?

A: Yes. PPL Resource Consultants help participants with the responsibilities of self-direction. Your Resource Consultant is available to:

- Help you develop the Service Plan and Spending Plan;
- Provide you with required paperwork and training material;
- Assist you and your employees with completing the required paperwork;
- Monitor your health and safety;
- Assist you with maintaining your annual medical eligibility;
- Answer your questions regarding the ADW program and self-direction.

Q: Who may I hire to provide my services?

A: Participants may hire friends, family members and/or a neighbor who is over 18 years old and is legally eligible for employment in the U.S. A participant's spouse, legal guardian, or Program Representative may not be hired as a worker/employee. Employees must have an eligible criminal background check through WV Cares before providing services for payment. PPL will provide information for the required criminal background check. The employee must also complete the required training as stated in the Medicaid Aged and Disabled Waiver Policy Manual (including CPR and First Aid). The Resource Consultant will provide participants with information and resources to train their employees.

Q: How will I pay my employees?

A: PPL provides financial management services, including performing all payroll and tax services, on behalf of participants. Participants do not handle any money directly. Participants must verify and approve all timesheets and invoices submitted by employees.

Q: Do I determine how much I pay my employee?

A: Yes. Participants may pay their employees between \$8.75 (current minimum wage) and \$13.52 per hour. Participants should take their hourly service needs into consideration when determining an employee's wages.

Q: Can I still use a traditional Medicaid Aged & Disabled Waiver agency while enrolled in Personal Options?

## ADW Personal Options Employer Guide

---

A: Yes. Participants may choose to have Case Management services provided by a Case Management agency, as long as the agency agrees to do so. The PPL Resource Consultant will assist participants to identify agencies in the community.

Q: If I don't want the responsibility of Personal Options, can I transfer to the traditional agency service option?

A: Yes. Participants can transfer to the traditional agency service option at any time.

Q: How is my monthly budget determined?

A: Members who choose Personal Options receive a monthly budget based on Service Level of Care determined at their initial and annual medical evaluation.

Q: What are the current monthly budget amounts?

Level A = \$ 981.58  
Level B = \$ 1,379.62  
Level C = \$ 1,777.66  
Level D = \$ 2,175.70

Q: What are the current rates for services in Personal Options?

Service	Unit	Current Rate (2018)
Personal Attendant Services	Hourly	\$8.75 to \$13.52 per hour
Transportation	Mile	Up to \$0.54 per mile

Your Resource Consultant will inform you if there is any change in the service rates.

Q: Will I be able to get more hours of Personal Attendant services compared to traditional agency service option?

A: Depending on how much you pay your employee(s), you may be able to get more hours of Personal Attendant services than is allowed in the traditional program.

Q: Will the monthly budget be reported as income and affect my personal income taxes or eligibility for public benefits?

A: No. You will receive no cash and the monthly budget is not reportable income. Your role as an employer has nothing to do with your personal income taxes. You should continue to file your personal taxes (if applicable) as you have always done. As an employer, you will be required to pay employer taxes (Social Security, Medicaid, and unemployment) on the wages you pay your employees. PPL will deduct these taxes from the monthly budget amount for homemaker services.

Q: Will my employees' wages be taxable?



## ADW Personal Options Employer Guide

---

A: Yes. Your employees will be required to pay all applicable State and Federal taxes. PPL will deduct these taxes from your employees' paycheck.

Q: Is Non-Medical Transportation service taxable?

A: No. The mileage rate (currently up to \$0.54 per mile) is not reportable as income. It is considered reimbursement for your employee for transporting you in the community.

Q: Will my employees be eligible to work overtime and receive overtime pay?

A: Yes, unless your employees reside with you.

Q: Will my employees be eligible for worker's compensation benefits?

A: No. Employees of self-directing participants are considered domestic employees of household employers. At this time, household employers are not able to purchase worker's compensation insurance coverage in West Virginia. Accordingly, domestic employees are not eligible for worker's compensation benefits if injured on the job.

Q: Will my employees be eligible for health benefits and vacation pay?

A: No. You may not use the monthly budget to purchase health benefits for your employees or pay them for vacations, sick leave, etc.