

CONSUMER DIRECTION FRAUD FORM

Member and Employer of Record

You've chosen to participate in Consumer Direction. This means you will employ the people who give some of your home care services. The person you hire will work directly for you (instead of an agency).

Selecting Your Worker:

You may already know who you want to hire to give your care. It could be a friend or family member. BUT, you can't hire your spouse, Representative for Consumer Direction, legal guardian, or Power of Attorney (POA) to provide care. AND, you can't pay family members or others to provide care that they would have given for free. CHOICES only pays for care to meet needs that can't be met by family members or others who help you.

You can't pay anyone who lives with you to provide Personal Care Visits, Attendant Care, or In-Home Respite Care.

If you are receiving Companion Care (only available if you are enrolled in CHOICES Group 2), you can't hire any of the following people to provide your care:

- An immediate family member (spouse, parent, grandparent, child, grandchild, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law including adopted and step-family members) OR
- Anyone you live with (or that you have lived with in the last 5 years)

Service Agreement:

You or your Representative for Consumer Direction must sign a Service Agreement with each worker you employ. It's like a contract that sets out what each of you agree to do. The Service Agreement must include:

- The services the worker will provide;
- The rate the worker will be paid; and
- Any self-directed health care tasks the worker will perform while giving your care.

The services listed in the Service Agreement must be provided to you (the member) only. Workers cannot provide services to your family members, friends, or pets (except for service animals). AND, workers cannot be paid for services provided while you are not at home, for example in the hospital, Nursing Facility, or at a doctor's appointment accompanied by unpaid support.

What is TennCare Fraud or Abuse?

The Tennessee Office of Inspector General (OIG) or the Tennessee Bureau of Investigation Medicaid Fraud Control Unit (MFCU) may investigate suspected fraud and abuse of the TennCare program, including CHOICES Consumer Direction. Fraud is an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State law (see 42 CFR 455.2). Abuse is provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professional recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Medicaid program (see 42 CFR 455.2).

Some examples of fraud include:

- A worker putting time on their timesheet that they did not work; they will be paid for working when he really did not work
- Letting your worker put more time on their timesheet without really providing your support, you are allowing them to commit fraud
- Hiring someone who TennCare says is not allowed to work for you (for example, someone who lives with you or, for Companion Care, hiring an immediate family member)
- Changing the time in the Time4Care app after the Worker has clocked in and/or not using the Time4Care app

To tell us about fraud and abuse, call Public Partnerships for free at 1-888-866-1154. Here are some other places that you can call or write to report fraud and abuse:

Agency	Phone	Address
Office of Inspector General (OIG)	1-800-433-3982 toll-free	Office of Inspector General P.O. Box 282368 Nashville, TN 37228
Tennessee Bureau of Investigation (TBI)	1-800-433-5454 toll-free	TBI Medicaid Fraud Control Unit 901 R.S. Glass Blvd. Nashville, TN 37216

You can also tell us about fraud and abuse online. Go to <http://tn.gov/tnoig>. Then click on “Report Fraud” on the left-hand side of the page.

By agreeing to participate in Consumer Direction, you acknowledge that you have received the following information:

- Workers providing hourly services do not live in your home.
- If receiving companion care, the worker is not an immediate family member (spouse, parent, grandparent, child, grandchild, sibling, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law – including adopted and step-family members) and the worker has not
- lived with you during the last five years.
- Member will not receive hourly or companion care services in a worker’s home.
- Services provided through Consumer Direction will not be provided to anyone but the CHOICES member.
- Workers will not perform services while you are not at home.

Violation in any of these areas is considered fraud and could lead to an investigation by the Office of Inspector General (OIG) or the Tennessee Bureau of Investigation Medicaid Fraud Control Unit (MFCU) and potentially criminal charges.

Does the worker currently live with the member? Yes No

Has the worker lived with the member within the last 5 years? Yes No N/A
(for companion care workers only)

Is the member related to the worker? Yes No
Adopted, In-laws and step-family members are included.

If yes, what is the relationship? Parent Child Sibling Grandparent
 Aunt/Uncle Cousin Spouse Grandchild
 Legally Appointed Guardian

List all addresses in which you have lived within the past 5 years.

Street Address	City	State	Zip Code
Street Address	City	State	Zip Code
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I acknowledge that I have read and understand the information provided in this form:

_____ Member/Employer Name	_____ Date of Birth
_____ Member/Employer Signature	_____ Date