

Pennsylvania's Guide to Participant-Directed Services

**Department of Public Welfare
Office of Developmental Programs**

September 2008

Table of Contents

	Page
<u>SECTION I: Explaining Participant-Directed Services</u>	4
Chapter One: Overview of Participant-Directed Services	5
Chapter Two: Who can help you?	8
Chapter Three: E-Z Guide to Participant-Directed Services	11
Chapter Four: Financial Management Service	22
Chapter Five: Participant-Directed Services	29
Chapter Six: Vendor Fiscal/Employer Agent Financial Management Service	35
Chapter Seven: Agency With Choice Financial Management Service	49
Chapter Eight: Facilitating Participant-Directed Services	61
Chapter Nine: Provider-Managed Services	64
<u>Section II: Supporting Information</u>	68
• Definitions and Acronyms List	69
• Qualification Requirements	78
• Prohibitive Offences List	80
<u>Section III: Forms and Agreements</u>	82
• Vendor Fiscal/Employer Agent Financial Management Service Forms and Agreements	83
○ DP 1001: Authorized Surrogate Designation Form	
○ DP 1002: Common Law Employer/Surrogate Agreement Form	
○ DP 1003: Documentation of Support Service Worker (SSW) Qualifications Form*	

Section III: Forms and Agreements (continued)

- DP 1004: Emergency Back-up "Qualified" Support Service Worker (SSW) and/or Natural Non-Paid Support Designation Form
- DP 1005: Monthly Progress Notes
- Agency With Choice Financial Management Service Forms and Agreements 84
 - DP 1006: Authorized Surrogate Designation Form
 - DP 1007: Managing Employer/Surrogate Agreement Form
 - DP 1008: Documentation of Support Service Worker (SSW) Qualifications Form*
 - DP 1009: Emergency Back-up "Qualified" Support Service Worker (SSW) and/or Natural Non-Paid Support Designation Form
 - DP 1010: Monthly Progress Notes

Section IV: Relevant Policy Bulletins

85

- Bulletin 00-08-14, "*Vendor Fiscal/Employer Agent Financial Management Services*"
- Bulletin 00-08-08, "*Agency With Choice Financial Management Services*"
- Bulletin 6000-04-01*, "*Incident Management*"
- Bulletin 00-07-01, "*Provider Billing Documentation Requirements for Waiver Services*"
- Bulletin 00-08-09*, "*Approved Consolidated Waiver Fiscal Year Amendment*"
- Bulletin 00-08-06*, "*Approved Person/Family Directed Support Waiver*"

Section I **(Chapters One-Nine)** **Explaining Participant-Directed** **Services**

Section I of this guide is intended to explain what you need to know about self-directing Participant-Directed Services (PDS) and provide you with as much or as little information as you need or want. Section I of the guide can be used by Chapter or as a whole document. Section I, Chapter Three (the "E-Z Guide to Participant-Directed Services") is a short and simple version of things you will need to know to get familiar with Participant-Directed Services. Chapters Four through Eight are more detailed explanations of Participant-Directed Services than what you read about in the E-Z Guide to Participant-Directed Services. Chapter Nine is a brief description of Provider-Managed Services.

Chapter One

Overview of Participant-Directed Services

Overview of Participant-Directed Services

This guide was developed to help people understand what Participant-Directed Services means and what Participant-Directed Services you can self direct.

Participant Direction, also known as self direction, means that the participant or their surrogate (representative) has decided to become a **Common Law Employer** or a **Managing Employer**. To do this, you must use an Intermediary Service Organization (ISO), now known as **Financial Management Service (FMS) Organizations**. When you become the Common Law Employer or Managing Employer you are able to make decisions about some or all of the supports and services authorized in the participant's person-centered **Individual Support Plan (ISP)**. The person who is the Common Law Employer or Managing Employer must understand and agree to the responsibility of self-directing or managing the Participant-Directed Services and supports in the participant's Individual Support Plan. Participant direction or self direction is different from selecting a provider to manage or take care of the supports and services because the person who becomes the Common Law Employer or Managing Employer does that with some support from the Financial Management Services organization.

To self direct Participant-Directed Services, the participant who is getting the supports and services must live in his or her own private residence or the residence of a family member or friend. Participants living in licensed and unlicensed agency owned, rented, leased, or operated residences may not self direct Participant-Directed Services at this time. Participants in licensed and unlicensed agency owned, rented, leased or operated residences must be given choice in their lives and will experience all the choice and control of living an Everyday Life. To self direct Participant-Directed Services, however, you must become a Common Law Employer or Managing Employer and can only do that by choosing one of the Financial Management Services organizations to self direct Participant-Directed Services.

History has shown that participants and surrogates have done an excellent job of self directing their supports and services when using one of the Financial Management Service options!

Section I, Chapter Three is an E-Z guide to Participant-Directed Services developed for ease in understanding the basic information you need to know so you can make decisions about how you want your supports and services to be managed. Once you read the E-Z guide to Participant-Directed Services, the following chapters in Section I include more detailed information on all the rules and requirements of self directing Participant-Directed Services.

Chapter Two

Who can help you?

Who can help you?

There are many people who play a part in explaining your choices for service delivery and how best to manage supports and services. The Supports Coordinator (SC), Administrative Entity (AE) or County Program, and the Office of Developmental Programs (ODP) are all responsible to provide participants full access to all choices of service management and to also explain those choices to you in a clear and objective manner. These individuals are also required to explain the policies related to those options. The Financial Management Service organizations are responsible to explain their service and how to complete any paperwork related to the use of their service.

The following is a list of people who are able to explain your choices and help you make decisions that are right for you or the person you represent. You can use this page to include contact information on the lines provided below. For support and assistance in locating the contact information for the people below, please contact your Supports Coordinator to help get you started.

- Your family and Friends:

- Your personal support person (soon to be called support broker) or advocate, if you have one:

- Your Supports Coordinator:

- The Supports Coordination Organization where your Supports Coordinator works:

- The Administrative Entity that authorizes your services (Waiver):

- The County Program that provides your funding (non-Waiver):

- Your Office of Developmental Programs Regional Office:

- The Office of Developmental Programs: **1-888-565-9435**

- Financial Management Service Providers/Organizations (Agency With Choice and/or Vendor Fiscal/Employer Agent):

Chapter Three

E-Z Guide to Participant-Directed Services

E-Z Guide to Participant-Directed Services

Making your Decision:

When you receive funding for services, you will need to make some decisions and maybe accept new responsibilities. You will now be called a **"participant"** and have an opportunity to make choices about your supports and services and who will provide them. You may decide who to hire, what to pay them (using the Office of Developmental Programs' approved wage ranges), and decide if you need help with these things. If you live in your own private residence or in the residence of a family member or friend, you can choose one of the following ways to manage and control your supports and services, as well as the funding to pay for the supports and services. You might choose a **Provider Agency** or several provider agencies to handle things for you. You might choose one of the two types of **Financial Management Services**. You might choose a combination of providers and one of the Financial Management Service options. The Financial Management Service organizations used to be called Intermediary Service Organizations. The two options for Financial Management Services are as follows:

- If you choose to become a Common Law Employer and manage your supports and services, you can choose the **"Vendor Fiscal/Employer Agent Financial Management Service" (VF/EA FMS)** option.
- If you would like someone to **share the Common Law Employer responsibilities** with you by becoming a **Managing Employer**, you can choose the **"Agency With Choice Financial Management Service" (AWC FMS)** option.
- You might choose to use **both** a provider agency(s) and one of the two Financial Management Service options offered.

Let's follow Carlos as he looks at the choices he needs to make.

Carlos has completed his planning meeting and will be getting funding to pay for the supports and services he needs. He is looking at the choices he has to make to use his funding to get services and supports. He contacts his Supports Coordinator and starts to look at his choices. A few of Carlos's friends offer to show him how they do things.

Carlos' friend, Gretchen needs services similar to his. He contacts her and finds out that she prefers to use **Provider Agencies** for all of her services. She doesn't want to worry about any details and she trusts the Agency to provide what she needs. Carlos knows this option works best for Gretchen, but he wants to see how Jacob does things.

Jacob gets to hire and dismiss his own staff and he likes that! He wanted to be the Common Law Employer but knew he could not do all the work to be a Common Law Employer so he asked his cousin Bob to be his **surrogate (representative)**. Bob does all of the Common Law Employer responsibilities like interviewing staff, approving time sheets, and scheduling the staff's work hours. Being Jacob's **surrogate (representative)** means that Bob is the **actual employer** of Jacob's staff, but Bob and Jacob work together to ensure that Jacob gets the services he needs in the way that he wants to get them. Bob directs the service workers who provide Jacob's services. Bob works with a Vendor Fiscal/Employer Agent Financial Management Service organization to become the Common Law Employer. Carlos discovers that this option is called the **Vendor Fiscal/Employer Agent Financial Management Service** and that Bob does almost all the Common Law Employer functions except handle the money and payments to workers directly. Jacob informs Carlos that he has a friend Sally who decided she did not need a surrogate and that she is the Common Law Employer. He also has a friend Yon who chose to be the Common Law Employer but Yon has a personal support person to assist him with some of the Common Law Employer functions. Jacob tells Carlos he could arrange a meeting to meet Sally and Yon if he would like to do so. Carlos is very interested in all of the ways you can use the Vendor Fiscal/Employer Agent Financial Management Service option so he may decide to meet

Jacob's friends Sally and Yon. He decides to look at *all* his choices.

Next, he visits his friend DuShane. DuShane is doing things differently than Jacob! He doesn't want to do all of the work needed to hire staff but he wants to take part in picking who will provide his supports and services. He works with an agency who shares the work of a Common Law Employer with him. When DuShane finds someone he wants to work for him, he interviews them and then tells the agency he likes them and wants them hired. Once approved, the agency does the work to hire and pay the person. Carlos discovers that this is called the **Agency With Choice Financial Management Service** because the agency and DuShane share the responsibility of being the Common Law Employer. DuShane is very happy with his choice because he has an important say in who works with him, when they work, and what they do. DuShane tells Carlos that he has friends who also use an Agency With Choice Financial Management Service but those friends decided they needed a surrogate or assistance from a personal support person to perform the employer duties. Carlos is pleased to know you have the same choices to pick a surrogate and use a personal support person in the Agency With Choice Financial Management Service option.

Finally, Carlos calls his friend, Tanisha. He is surprised to find out that she uses a **combination** of the Vendor Fiscal/Employer Agent Financial Management Service and a Provider Agency! Her Supports Coordinator told her it was okay to use one of the Financial Management Services organizations and a provider at the same time since that was what she needed to meet her needs. Tanisha thinks it is great that she can be the Common Law Employer, or get staff through the use of a provider. This option works best for Tanisha and she is very happy!

Now, it is time for Carlos to review his options and choose the one that is right for him. Carlos calls his Supports Coordinator and asks her to help him schedule a team meeting so that he can decide and plan for his supports and services.

You can use the chart on the next two pages of this booklet to review the choices that you have for Financial Management Services. The chart also includes what a provider does so you can compare the Financial Management Service options to provider-managed services and make the choice that is best for you.

History has shown that participants and surrogates have done an excellent job of self directing their supports and services when using one of the Financial Management Service options!

Side-by-Side Comparison Chart

Function	Vendor Fiscal/ Employer Agent Financial Management Service	Agency with Choice Financial Management Service	Provider
Hire Qualified Support Service Workers	Participant or surrogate (representative) recruits, interviews, and hires Support Service Workers. Participant or surrogate (representative) is the Common Law Employer of qualified Support Service Workers.	Participant or surrogate (representative) can recruit and interview Support Service Workers and refer prospective Support Service Workers to the Financial Management Service for assignment back to the participant <u>or</u> select Support Service Workers referred to them by the Financial Management Service. The Financial Management Service and participant or surrogate (representative) are joint-employers of Support Service Workers; the Financial Management Service is the legal employer for human resources, payroll and quality assurance purposes; the participant or surrogate (representative) is the Managing Employer.	Provider has all legal responsibilities for hiring of Support Service Workers and all aspects of service delivery in accordance with the services associated with the participant's Individual Support Plan guided by principles of Self Determination and Everyday Lives.
Ensure Support Service Workers Meet Qualification Criteria	Participant or surrogate (representative) is responsible to ensure all qualified Support Service Workers who providing Waiver services meet applicable provider qualification criteria; the Financial Management Service assists with this function as necessary and maintains documentation of qualification.	The Financial Management Service is responsible for verifying that all qualified Support Service Workers meet the applicable provider qualification criteria for providing Waiver services, which includes conducting the required background checks.	Provider is responsible for verifying that all qualified Support Service Workers meet the applicable provider qualification criteria for providing Waiver services, which includes conducting the required background checks.

Side-by-Side Comparison Chart (continued)

Function	Vendor Fiscal/ Employer Agent Financial Management Service	Agency with Choice Financial Management Service	Provider
Develop Qualified Support Service Workers' Schedules	Participant or surrogate (representative) develops Support Service Workers' work schedules and emergency back-up plans.	Participant or surrogate (representative) develops qualified Support Service Workers' work schedules and emergency back-up plans, with assistance from the Financial Management Service, as requested.	Provider develops qualified Support Service Workers' work schedules and emergency back-up plans.
Develop Qualified Support Service Worker Responsibilities	Participant or surrogate (representative) develops employee responsibilities.	The Financial Management Service develops Financial Management Service-related Support Service Workers' responsibilities; participant or surrogate (representative) develops participant-specific Support Service Workers' responsibilities.	Provider develops employee responsibilities.

What services are identified as Participant-Directed Services?

The following is a list of **Waiver** service categories* identified as Participant-Directed Services. These services are subject to the participant's approved and authorized Individual Support Plan. These services are also subject to any existing service limitation and provider limitations identified in the approved Waivers and corresponding service definitions:

- **Home and Community Habilitation (Unlicensed)**
- **Supported Employment**
- **Transitional Work Services**
- **Home Finding**
- **Homemaker/Chore**
- **Unlicensed Respite**
- **Personal Support Services**
- **Environmental Accessibility Adaptations**
- **Adaptive Appliances/Equipment**
- **Transportation (Mile) and Public Transportation**

***These services are subject to change when and if the Waivers and corresponding service definitions are amended.**

The following is a list of **base-funded** service categories identified as Participant-Directed Services. These services are subject to the approved and authorized Individual Service Plan. These services are also subject to any existing service limitations and provider limitations identified in the approved Service Definitions Bulletin and 55 Pa.Code Chapter 6350 regulations:

- **All services listed above as a Waiver service category in addition to the services listed below**
- **Education Support Services**
- **Family Aide**
- **Special Diet Preparation**
- **Recreation/Leisure Time Activities**
- **Home Rehabilitation**
- **FSS/Consumer Payment**
- **Respite Camp**
- **Support (Medical Environment)**
- **Respite (Medical Environment)**

Abbreviated list of Definitions and Acronyms:

(Complete list of definitions and acronyms can be found in Section II beginning on page 69 of this guide).

(AWC FMS) Agency With Choice Financial Management Service: One of the types of Financial Management Service options. In this model, the agency is the Common Law Employer and the participant or their chosen surrogate (representative) is the Managing Employer.

Common Law Employer: Person who is the legal employer of the staff they hire.

(FMS) Financial Management Service Provider or Organizations: A provider or organization that provides administrative services to support employer functions.

(ISP) Individual Support Plan: An integrated planning document reflecting "Person-Centered Planning", the core values of *Everyday Lives*, and Positive Approaches to result in an enhanced quality of life for everyone who receives supports and services funded by the Pennsylvania Office of Developmental Programs. The ISP includes both paid supports and services and non-paid, natural supports and services that are reflective of the participant's needs.

Liable: When someone is liable, it means they are the person who is responsible by law.

Managing Employer: In the Agency With Choice Financial Management Service option, the person is onsite and enters into a joint-employer arrangement with the Agency With Choice Financial Management Service. The Managing Employer performs some employer functions but is not the Common Law Employer.

Participant: Normally, participant refers to a person enrolled in one of the Waivers. For the purposes of the guide, however, participant refers to a person who receives funding for supports and services from the Office of Developmental Programs.

(PDS) Participant-Directed Services: The identified supports and services that have been identified as eligible for the Participant-Directed Services program that can be paid by the Financial Management Service organization.

Provider Agency: An agency that provides the supports and services needed and requested. The agency is the Common Law Employer.

Self Direct: Participant or their surrogate (representative) manages the Participant-Directed supports and services in the authorized Individual Support Plan by becoming a Common Law Employer or Managing Employer.

(SC) Supports Coordinator: The Supports Coordinator is a paid professional who is responsible for locating, coordinating, and monitoring supports and services for the participant.

(SSW) Support Service Worker: A staff person who is hired by a Common Law Employer and is paid by the Financial Management Services organization.

Surrogate (Representative): The person the participant designates to act on their behalf as the Common Law Employer or Managing Employer. The surrogate (representative) accepts the responsibility of the Common Law Employer or Managing Employer and works with the participant to make sure they are fulfilling their wishes and needs as desired. Sometimes, a surrogate is a legal representative who is legally appointed to act on behalf of the person.

(VF/EA FMS) Vendor Fiscal/Employer Agent Financial Management Service:

One of the types of Financial Management Service options. In this model, the participant or their surrogate (representative) is the Common Law Employer and the Vendor Fiscal/Employer Agent Financial Management Service is the Common Law Employer agent.

Waiver Funding: A type of money the Office of Developmental Programs uses to pay for participant services. The money is part federal dollars and part state dollars and there are federal and state criteria for eligibility for waiver funding.

Non-Waiver or Base Funding: A type of money the Office of Developmental Programs or the County Program uses to pay for participant services. The money is either state dollars or a combination of state and county dollars.

Important Contact Information: Label that must be added here by the Administrative Entity or County Program that includes information on: Supports Coordination Organizations, Administrative Entity and County Program, the local Agency With Choice Financial Management Service, the local Vendor Fiscal/Employer Agent Financial Management Service for base-funded participants, and Acumen contact information for Waiver participants.

Office of Developmental Programs (ODP) Contact Information: (When calling ask for the Participant-Directed Services Point Person)

Southeast Regional Office: 215-560-2245

Northeast Regional Office: 570-963-3166

Central Regional Office: 717-772-6507

Western Regional Office: 412-880-0535

ODP Customer Services Number: 1-888-565-9475

Disability Rights Network (DRN): 1-800-692-7443

