

PARTICIPANT DIRECTION OPTION  
**EMPLOYMENT HANDBOOK**

Revision Date: May 31, 2016



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# WELCOME!

Welcome to self-directed services and the Participant Direction Option! Consumer Direct encourages people to have more control and choice over the services they receive and live the lives they want. People who self-direct their services report being happier with the services they receive and the independence they have as a result.

The purpose of this Handbook is to help participants and their direct service workers (DSW) understand their responsibilities in the self-directed program and the Florida and Federal rules and regulations. It's a lot of information. Please read this Handbook carefully. It will answer many of your questions. Keep it as a reference for the future.

If you have questions, you can get more information by:

- Looking up the information in this Handbook
- Calling Consumer Direct

Phone: 954-368-2069

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We hope your experience with Consumer Direct and the Participant Direction Option is enjoyable and rewarding.

## ***AN EXPLANATION OF SELF-DIRECTED SERVICES***

Self-directed services give the participant (person receiving services) more choice, control and independence. Self-direction means:

- The person receiving services or participant is the boss.
- The participant is the employer.
- The participant decides who provides their services and supports.
- The participant decides when and how services are provided.
- The participant interviews, hires, trains, schedules, reviews, and dismisses direct service workers (DSW).

The person who self-directs his or her care is called the **participant**. A participant is a “person receiving services” and is the employer. Sometimes a **Personal Representative (PR)** acts as the employer on the participant’s behalf. The DSW works for the participant, **not** for Consumer Direct.

A **care plan** outlines the type and amount of services that have been approved for the participant to receive. The plan is based on an assessment done by the Case Manager of a Managed Care Company.

The participant hires, trains and supervises the DSW. The participant signs time sheets. This indicates the participant’s approval for the DSW’s payment.

Consumer Direct contracts with the State of Florida as a Fiscal Management Agency (FMA). As an FMA, Consumer Direct provides fiscal management services. This means that Consumer Direct essentially is a bank for receiving and dispersing public funds. Consumer Direct bills for the participant’s Medicaid services, pays the DSW for work performed as well as the associated taxes, and monitors authorization. Additionally, Consumer Direct provides ongoing support to the participant to help him or her be successful with managing his or her care. Tasks Consumer Direct performs include:

- Collect and process time sheets
- Broker and process workers’ compensation and insurance
- Process background checks for DSWs
- Provide employer skills training (recruiting, hiring and training)
- Produce monthly authorization summaries to track use of hours

In this Handbook, participant and employer are one and the same. The participant is the employer and the employer is the participant.

# ***PARTICIPANT RESPONSIBILITIES***

## ***Work Place Harassment***

As an employer, the participant has a responsibility to keep the work place harassment free.

Harassment, including sexual harassment, is contrary to the basic standards of conduct between individuals and is prohibited by Title VII of the Civil Rights of 1964, the Equal Opportunity Commission and State regulations.

### **Definitions**

Harassment– any verbal, physical or visual conduct or action that belittles or shows hostility or dislike towards any individual because of race, color, religion, gender, national origin, age, disability, physical features, creed, marital status, sexual preference or status with regard to public assistance and which has the purpose or effect of creating an intimidating, hostile or offensive workplace, interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Sexual Harassment– unwelcome sexual advances, requests for sexual favors and/or all other verbal, physical or visual conduct of a sexual or otherwise objectionable nature where submission is made explicitly or implicitly a term or condition of obtaining or continuing employment, or is used as the basis for making employment decisions, or has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile or offensive work environment. Sexual Harassment includes third-party situations in which an individual is offended by the sexual interaction, conduct or communication between others.

### **Direct Service Worker's responsibilities**

DSWs are to always conduct themselves in a manner consistent with the spirit and intent of this policy. If a DSW believes he or she is a victim of harassment, sexual or otherwise, he or she may choose to take action before filing a formal complaint. When talking to another individual regarding harassment, the DSW must state the facts as they see them, describe their feelings or reactions to the incident (s), and state what he or she would like to happen next.

A DSW may, at any time, file a complaint with either the State of Florida Equal Rights Division or the United States Equal Employment Opportunity Commission concerning a perceived violation of this policy. Retaliation or intimidation directed towards anyone who makes a complaint will not be tolerated.

## ***Alcohol and Drug Free Workplace***

Using or having alcohol or any illegal drug, in any amount while working, is not allowed. Violating this policy can result in a DSW losing his or her job.

## **Insurance**

Consumer Direct offers Workers' Compensation to the participant's DSWs. This means that the DSW's medical costs are paid for if injured on the job. The DSW may be paid for time they cannot work, if injured on the job. If a DSW is injured on the job, he or she **MUST** report the injury or accident to the participant. The DSW must call the Consumer Direct **Injury Hotline (1-888-541-1701)** immediately. If the DSW does not report an injury right away, the Workers' Compensation claim may be delayed or denied. Please call immediately.

## **Worker Injury Reporting**

Consumer Direct holds the Workers' Compensation policy and must be informed of any injury in the workplace. Please follow these steps:

**1. Get medical help if needed.**

- If the injury is serious and life-threatening, someone should call 911.
- If the injury needs medical treatment (but is not life-threatening), the DSW should go to an urgent-care clinic or doctor's office. If the DSW cannot get to a clinic or a doctor's office, go to the emergency room.

**2. Call the Consumer Direct Injury Hotline to report the injury/illness immediately. The DSW must call as soon as the injury or illness happens, even if it does not seem serious.**

- The Injury Hotline number is **1-888-541-1701**.
- Injuries can be reported 24-hours a day, 7-days a week.

**3. Please tell the participant of the injury or illness before you leave work.**

In addition, the DSW must report injuries that occur away from the work place to the Injury Hotline. This is for the DSW's safety. Consumer Direct wants to make sure that the injury will not worsen by working. If an injury occurs away from work, please call the Hotline.

## **Safety**

The participant and DSW are responsible for:

- ✓ Maintaining a safe and healthy work environment
- ✓ Following all federal, state, and local health and safety laws and requirements

Both the participant and DSW should:

- ✓ Always follow correct practices and procedures so that injury, illness and damage to property is avoided

Please report any unsafe conditions immediately to the Case Manager, Adult Protective Services or the authorities, if appropriate.

## **Medicaid Fraud**

The money for services in the program comes from state and federal governments. Fraud or abuse of this Medicaid program is against the law. If a participant or DSW is suspected of Medicaid fraud or abuse, it must be reported to the State.

Examples of participant (employer) or DSW fraud and abuse of Medicaid funds are:

- Writing down more time than was actually worked on a time sheet
- Accepting pay for time that was not worked
- “Padding” time sheets...such as showing up late or leaving early and writing down more time than actually worked, or taking a break and not subtracting break time when the time is recorded
- Stating that tasks or procedures were completed when they were not done
- Changing another person’s time sheet or paperwork
- Forging a DSW’s or participant’s signature
- Turning in a false claim for time worked or tasks completed when these were not done and there was knowledge of it
- Suggesting or helping a participant get services or supplies that are not required for the person’s disability
- Not providing the quality of services for a participant that is expected

If you think a participant, DSW or Consumer Direct is doing something that is fraudulent, please contact:

**Medicaid Fraud Control Unit 1-866-966-7226**

## **Abuse, Neglect and Exploitation**

Abuse, neglect, and exploitation are difficult issues to talk about, yet they are probably the most important issues to address. Most DSWs provide excellent care. However, some DSWs take advantage of the participants for whom they work and who are in need of their help. For the participant’s safety, Consumer Direct will relay what abuse is and how to deal with it if it happens.

*Please let Consumer Direct know if abuse, neglect or exploitation has occurred. The Florida Abuse Hotline is **1-800-962-2873**. Abuse, neglect and exploitation are against the law.*

The different types of abuse are:

**Physical Abuse** includes hitting, slapping, pinching, kicking and other forms of rough treatment. If a DSW does something on purpose to cause physical pain, it may be physical abuse. For example, you have fallen down. Your DSW gets mad, grabs and forcefully pulls you up. Bruises are left on your arms.



**Verbal Abuse** means any time a DSW uses spoken or written words or gestures that are meant to insult, attack or make the participant feel bad. For example: you forget to take your pills and your DSW says, “You are so stupid.”

**Psychological Abuse** happens if a DSW uses actions or makes statements that are meant to humiliate, threaten or cause emotional harm. For example, your DSW continually tells you, “You cannot take care of yourself. Without me you would be nothing.”

**Sexual Abuse** includes any unwanted sexual annoyance, touching, fondling or attack. Any sexual behavior by a DSW that makes the participant uneasy is sexual abuse. For example, your DSW fondles your breasts when giving you a bath.

**Neglect** means a DSW is not meeting the basic needs for food, hygiene, clothing or health maintenance. Neglect includes repeated acts of carelessness. After giving the DSW directions about these things, he or she should make sure that basic needs are met. For example, your DSW consistently takes your good food. She then cooks your meals with the leftovers, but the meals are not balanced and do not follow your diet restrictions.

**Exploitation** happens when the participant trusts someone and the DSW lies or scares the participant in order to take or use property or money for him or herself. Exploitation would be a DSW taking something of value from you without permission. For example, taking your television, DVD player or automobile without asking your permission is exploitation. Or your DSW convinces you to put his name on your checking account. He then takes some money from your account telling you it is for the extra time he has worked.

If a participant feels a DSW is abusing or exploiting, deal with the situation right away. If the abuse is slight, the first step may be talking to the DSW:

- The participant should tell the DSW the actions and behaviors he or she does not like.
- Tell the DSW if the behavior does not stop right away, he or she will have to be replaced with another DSW.

This approach may be effective for a DSW who is unaware of how his or her behavior is making the participant feel. Be ready to take more action right away if the behavior does not stop.

In most abuse cases, the DSW should be dismissed immediately. **DO NOT** put up with mistreatment. Protect yourself. Safety is the priority. Remember, use the Emergency and Backup Plan to find a backup DSW if it is necessary to dismiss someone because of abuse.

There are things the participant can do to protect him or herself:

1. Check References - even if the person seems nice! Get at least three (3) references.
2. Let applicants know there is a background check - an abuser will usually opt out.
3. Let the DSW know from the start that abusive or unsafe behavior will not be tolerated. If such behavior occurs, the police WILL be called.
4. Make sure DSW(s) know there is support of family and friends.
5. Solve problems early. Do not let emotions build.
6. Do not minimize DSW behavior that is not liked or uncomfortable. The participant should tell other people if feeling unsafe or threatened.
7. Do not think the situation will just go away. Deal with it right away.
8. Do not ignore feeling afraid, tell someone. Remember, Consumer Direct is here to help!

#### How to Recognize Potential Abuse

- Does the DSW ignore instructions and requests?
- Does the DSW make mistakes and then blame other people?
- Does the DSW ask personal questions unrelated to care, such as managing finances?
- Does the DSW eat the participant's food without asking?
- Does the DSW make unwanted comments about the participant's appearance, weight, clothing, speech, eating habits, etc.?
- Is there less money than expected in the participant's wallet, purse or account?
- Are there unfamiliar charges in the participant's checking or credit card account?
- Does the DSW attempt to control the participant's choices, such as what to wear or eat?

If "yes" is the answer to any of these questions, there may be potential for abuse.

All persons employed by Consumer Direct are mandatory reporters of suspected abuse, neglect, exploitation, or self-neglect. This means if the participant tells of an incident of abuse, Consumer Direct must report it.

Please report any of the following acts immediately:

- Engaging in, or threatening a participant or a member of the participant's household with physical, sexual, mental abuse or coercion
- Exploiting a participant for financial gain or failing to remove a DSW who has exploited a participant for financial gain
- Theft of medication, money, property, supplies, equipment, or other assets of a participant
- Failing to report a theft, as described in this section
- Failing to remove from contact with a participant any DSW who is under the influence of alcohol or drugs while providing services to a participant, or whose use of alcohol or drugs interferes with work performance or participant safety.
- Violating, or knowingly allowing a DSW to violate state or federal laws regulating prescription drugs and controlled substances, including forging prescriptions and unlawfully distributing prescriptions
- Failing to report to the State or MCO facts known to Consumer Direct or an agency's DSW regarding the incompetent or illegal practice or conduct of a DSW in connection with personal care services
- Performing, or allowing a DSW to perform a service beyond that person's professional training
- Failing to perform the acts within a DSW's scope of competence and training that are necessary to prevent harm or increase the risk of harm to a participant
- Violating the disclosure of information provisions of the Health Insurance Portability and Accountability Act of 1996
- Discriminating, or allowing a DSW to discriminate, on the basis of race, religion, color, national origin, ancestry, or sex in the provision of care to a participant

***Remember***, reports of abuse, neglect and exploitation must be investigated. If the Florida Abuse Hotline receives a report, they will be in contact to get more information. Do not be alarmed. Their job is to keep participants safe.

## ***Documents and Record-Keeping (online time entry/time sheets)***

DSWs help maintain weekly online time cards (or paper time sheet) for each participant for whom they provide services. Online time cards and paper time sheets are legal documents that track actual hours worked. They must contain:

- Name of the participant and DSW
- Days of the week and dates that services were provided
- Time in and time out (start and stop times)
- Legal signature from participant and DSW (paper time sheet only)
- Service code from Care Plan
- Total hours worked

Consumer Direct will issue payment to the DSW on behalf of the participant on a biweekly basis following submission of accurate online time entries (or paper time sheet). Time cards must be received by midnight on Monday of each week. Submittal of work-time records after this deadline may experience a delay in payment, in which case payment may be issued the following week on a non-scheduled pay date. Submitting time online is the best method of time entry. It results in a more accurate and timely payment and DSWs do not have to rely on the mail to submit time sheets.

DSWs can make corrections to online time cards any time prior to the entry being reviewed and approved by the participant. For paper time sheets, corrections can be made by drawing a single line through the error, entering the correct information nearby, and having both the DSW and the participant initial the change.

Incorrect or incomplete submission of online time cards/paper time sheets will need to be resubmitted with corrections, which may result in delay of pay.

### **Working Hours and Payroll**

DSWs will fulfill their commitments to all hours and schedules they accept from the participant. Definite hours are not guaranteed. Positions are classified as “temporary” because the work is not guaranteed. The participant will determine job duties and work schedules based on the participant’s current and approved Care Plan.

Consumer Direct issues pay on behalf of the participant through direct deposit to the DSW's bank account or by paycard every other Friday, according to the Consumer Direct Payroll Schedule. Paper checks may be used from time to time. Paystubs (a summary of pay) are sent to the DSW's address on file and are mailed from Consumer Direct's processing center in Montana on Wednesday of payroll week. In order for the DSW to be paid correctly, online time entries (or paper time sheets) **must** be received by midnight on Monday each week.

W2's are issued to all DSWs by January 31<sup>st</sup> for the previous year. If a DSW has not received a W2 by February 10<sup>th</sup>, please call the Consumer Direct office at 954-368-2069 or toll free at 1-877-270-9580.

## ***Confidentiality and Disclosure***

DSWs will keep **all** information concerning the participant's medical care confidential, except when reporting is required. This includes the following situations:

- Any reasonable cause to suspect that the participant has threatened, or poses a threat to, the physical safety of another person, and it appears possible that the threat may be carried out
- Any reasonable cause to suspect that the participant is at risk of imminent bodily harm
- Any reasonable cause to suspect abuse, neglect, exploitation, death, or other reportable incidents

Additionally, DSWs will report to Consumer Direct and their managed care case manager any situations of potential harm.

## ***Notifications to Consumer Direct***

Please notify Consumer Direct within one (1) business day of the following:

- Changes in employment status
- Dismissal or resignation of a DSW
- Felony conviction of a DSW
- Hospitalization intake and discharge dates
- Service eligibility changes

Within five (5) days (both participants and DSWs):

- Name change
- Address change
- Phone number change

Please call or email Consumer Direct and notify the office of these changes as soon as possible.

## ***Termination of Services***

Services may be terminated by Consumer Direct or the participant. The process is as follows:

### **By Consumer Direct**

Consumer Direct may terminate the working relationship with a participant. In doing this, Consumer Direct must provide advance written notice to the participant based on Consumer Direct policy. Consumer Direct will not terminate services without offering additional training or encouraging the use of a personal representative.

**By the Participant**

The participant may choose to terminate services at any time; however, 30-days prior notice is preferred. The termination may be to drop out of the Participant Direction Option program or to transfer services to another program or provider.

**Freedom of Choice and Agency Transfers**

Consumer Direct hopes to meet all of the participant's needs and to continue to provide the best service possible. Please let Consumer Direct know if the Company is not meeting this goal. Participants have the right to choose a provider agency. The participant can contact their case manager or Consumer Direct if they wish to transfer to another agency.

**Consumer Direct for Florida, LLC.**

**4577 N. Nob Hill Road, Suite 206  
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1-877-270-9580 Toll-Free Phone  
1-877-344-0999 Toll-Free Fax  
infoFL@consumerdirectcare.com**

**Important Contact Phone numbers**

Consumer Direct Injury Hotline..... 1-888-541-1701  
Consumer Direct Fraud Hotline..... 1-877-532-8530  
Florida Abuse Hotline..... 1-800-962-2873

***Notice of Privacy Practices***

Consumer Direct for Florida, LLC (Consumer Direct) is required by law to maintain the privacy of the participant's health information and to provide notice of Consumer Direct's legal duties and privacy practices with respect to that health information. Please refer to the privacy practices at the end of this Handbook.

***The Participant's Backup Plan***

There will be times when a regularly scheduled DSW cannot work. It is important to have a backup plan for these times. Consumer Direct will be unable to provide assistance if the participant's regularly scheduled DSW is unable to work. It is the participant's responsibility to find a replacement.

**Maintaining a Current Backup Plan**

- The participant is responsible for developing a list of backup workers (friends, neighbors, church members, other participants' DSWs) who can be contacted when their regularly-scheduled DSW cannot provide services. These individuals can be paid if they are eligible to work (trained and have a Level II Background Screening)
- Or the participant can contact the MCO's contracted providers to provide backup services.
- Backup plans should be in writing and kept on file

- Backup plans must be developed prior to the start of services
- Update the backup plan if there are any changes in staff or your needs
- Emergency numbers are identified and posted near or next to the phone(s)
- People to contact in case of an emergency are identified on the Backup Plan.
- Backup plans will not result in a DSW working overtime – overtime is not permitted.

## **Emergency Planning**

Emergency planning is a good idea for everyone. Having a plan for dealing with different types of emergencies, such as medical emergencies, hospitalizations, fires, power outages, severe weather, and other natural disasters help keep the participant safe and minimize any injury or damage.

Things to consider when making a plan:

1. Make a list of people to contact for each type of emergency.
2. Make a plan on how to contact family and DSWs if there is a power outage or natural disaster.
3. Make a list of medications and/or equipment to take if it's necessary to evacuate.
4. Organize medical information, emergency contact information and, if applicable, living will information, and place it all together in an easy to access location.
5. Store extra food and water in case of a severe weather emergency or other natural disaster.
6. Discuss with and include DSWs in emergency planning. It is helpful to keep emergency information near the telephone. Show the DSW this list and talk about an emergency plan during orientation and training.

Other emergencies to consider:

- What is the plan in case of a fire or in a power outage?
- What are the evacuation routes and who should be called?
- In the event of an emergency related to the participant's disability, what does the DSW need to do, who should he or she call, or where should he or she take the participant?
- Some fire departments have special stickers to put in the participant's window to let them know of a disability. Then the firemen can plan for a special evacuation, if necessary.

## **Current Emergency and Backup Plan**

It is a good idea to hang the Backup Plan on the refrigerator or in a common place. That way both the participant and DSWs know where it is and what to do if it is needed.

## ***MyDirectCare***

My Direct Care is a secure website for participants who self-direct their services through Consumer Direct. Consumer Direct's goal is to provide tools and resources that empower participants to choose and direct their care, enabling them to live independently in their homes and communities. Through this secure site, participants will be able to submit electronic time cards and access the online job board. Brief descriptions of each follow:

- **Time cards:** Online time entry and approval provides an efficient and accurate way to enter time into the Consumer Direct payroll system. The electronic time card also provides information on the status of all time and payroll entries.
- **Job Board:** An online tool for participants to post job openings they may have and for job seekers to respond. DSWs can post their availability to work.

Please see the chapter titled **Online Services** for in depth descriptions and instructions for using this resource.

## ***Compliments, Complaints and Grievances***

Participant's and DSW's feedback, both good and not so good, is very important to us. This section contains the procedure for addressing and submitting compliments, complaints and grievances. A Feedback Form is included. For additional forms, please visit Frequently Used Forms at [www.consumerdirectfl.com](http://www.consumerdirectfl.com) or contact a Consumer Direct office at 954-368-2069 or 1-877-270-9580 (toll free).

### **Complaint and Grievance Procedure**

If a participant has a complaint about the services received from Consumer Direct, please report it. The Company wants to resolve it early before the concern gets bigger. The earlier it is talked about it the better, so things do not build up. A complaint may be made verbally or in writing using the form provided in the Enrollment Packet. It is also on the Consumer Direct website.

A grievance should be filed if the participant feels their rights have been violated or disagree with a Consumer Direct policy. Grievances are viewed as more serious and are fully investigated by Consumer Direct administrative staff. They are processed similarly to a complaint.

Consumer Direct will respond to all complaints in a reasonable and prompt manner and attempt to work with the participant to find a positive solution. The complaint will be addressed within a maximum of five business days.

If the participant is not satisfied with the resolution of the complaint, the next step is to talk to the next person in charge. The participant can ask the person working with them who that person is. The participant's complaint or grievance can go up the chain to the President of Consumer Direct to reach a solution.

If the participant feels that Consumer Direct has not addressed the complaint to their satisfaction, a formal complaint may be filed with the case manager.



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# ***DIRECT SERVICE WORKERS***

## ***Recruiting and Interviewing***

How does a participant advertise and hire a DSW? Consider the community where the participant lives. He or she may be able to create an advertisement on a sheet of paper and be able to place it at the local job service/employment office, grocery store, laundromat, church, community college or university, social service agency, community newspaper, free weekly advertising guide or center for Independent Living.

Call these places first, find out who to talk to and ask about their rules for posting flyers or submitting an advertisement.

### **Get the Word Out**

The participant should tell family, friends, other participants and even people they meet they are looking for a DSW. This can be a great way to find a DSW. Many times other participants have DSWs who want to work more hours or who are willing to fill in. Be sure to tell the case manager. A person who knows the participant and someone to recommend can increase the chance of finding a reliable candidate for the job.

### **Things to Remember While Screening Job Applicants**

It is illegal to ask people certain questions which provide information that can be used to discriminate against them, like age and health. **Questions that *cannot* be asked in an interview:**

- How old are you?
- What is your native language?
- Are you married?
- Do you have any children?
- Have you ever been arrested?
- What church do you attend?
- What is your religion?
- Do you belong to any clubs or organizations?
- What is your credit rating?
- Do you own or rent your home?
- In what country were you born?
- When were you born?
- Do you have a disability or medical condition?
- Are you a republican or democrat?
- What are your family members' names?
- What is your race?

### **Criminal Background Check**

Florida requires Level II background screening be done on each DSW. Applicants need to know that a criminal background check occurs. If they have a history of neglect, abuse or exploitation, they cannot be hired, which may eliminate some applicants. It is important to know this information for safety of the participant. Information about the background check is in the Enrollment Packet.

Consumer Direct will review the background check once received. It will be compared to the State's list of barring offenses. If the DSW is not eligible to work, Consumer Direct will call the participant. A list of barring offenses is included in the Enrollment Packet.

A DSW is NOT ALLOWED to work without background screening. A background check has to be completed every five years.

### ***Hiring Direct Service Workers***

Because the Participant is the employer, he or she is responsible for hiring DSWs. There is required paperwork that **must** be completed before a DSW can begin work. One of Consumer Direct's roles is to assist with this legal requirement. In addition, each DSW must complete a few trainings before they can begin work. The training modules required are: Abuse, Neglect and Exploitation; Lifting and Moving Patients; Infection Control; Exposure Control and Employee Training; and HIPAA. They can be found on the Consumer Direct website and are included in this handbook.

### **Direct Service Worker Packets - How to Hire a DSW and Request a Direct Service Worker Packet**

Once a participant finds the person they would like to hire as a DSW, they can locate all employment forms and a complete Direct Service Worker Enrollment and Hiring Packet at [www.consumerdirectfl.com](http://www.consumerdirectfl.com) or contact the Consumer Direct office at 954-368-2069 or 1-877-270-9580 (toll free). The prospective DSW will have to complete the entire packet and have it approved by Consumer Direct.

### **How to Help a Direct Service Worker Fill Out the DSW Packet**

As the employer, the participant is required to ensure the DSW packet is completed. Please double check that the packet is filled out completely. There are directions in the packet on how to fill out each form. Incomplete packets will be returned to the participant. To fulfill Consumer Direct's payroll and contractual obligations, DSWs cannot begin working until each form in the packet has been completed, approved by Consumer Direct, and the participant receives an Okay to Work letter. Hours worked prior to being hired and receiving the Okay to Work letter will not be paid, as the hours are considered unauthorized.

### **The I-9 Form**

Please follow the instructions provided with the form. Refer to the back of the I-9 form for a complete list of approved documentation. As the employer, the participant is required to approve the I-9 in Section 2 with their signature and date. This form must be completed before the DSW starts work.

**Additional materials about Recruiting, Interviewing, Hiring, and Managing DSWs are available. Visit [www.consumerdirectfl.com](http://www.consumerdirectfl.com) for materials. For a paper copy of the**

**information, please contact Consumer Direct at 954-368-2069 or toll free at 1-877-270-9580.**

**Remember:** Contact Consumer Direct at the above numbers if there is ever a problem with a DSW and the participant doesn't know how to respond or if there are any changes for DSWs.

## ***Orientation and Training***

A DSW's first day of work is the perfect time to orient them to the job and discuss expectations. Orientation is the time to give a tour of the house, explain expectations, discuss what the DSW needs to do and clearly explain the job duties. Try to schedule the first day at a time when the participant and DSW do not have to rush. The participant may consider:

- Having a friend help out
- Being very clear about job duties
- Organizing paperwork, training materials, etc.
- Thinking ahead: If the DSW will be cleaning the house, think about how to get supplies, their role in buying supplies, the need to keep receipts, where to store the supplies, etc.
- Setting the work schedule
- Identify house rules they need to know about

And at the end of the first day, tell the new DSW the things they did well. That will help them know to keep doing those things.

Orientation should include:

1. A tour of the living space.
  - a. Show the new DSW where supplies and equipment are kept
  - b. Tell the DSW of any living space that is off limits
  - c. Show the DSW where emergency exits are
  - d. Show the DSW where the fire extinguisher is and how to get out of the house if there is a fire
2. Give information about the participant's disability – is there anything specific the DSW should know (i.e., trouble falling asleep? sensitive to certain smells? blood sugar issues?)
3. Explain and show what the DSW needs to do.
  - a. Give an overview of the job duties.
  - b. Use a checklist, job description, or other method to explain specific duties in the order the participant wants them done.
  - c. Have him or her observe an experienced DSW or family member completing all the tasks.
  - d. Instruct one step at a time. Make sure the DSW can do the step before going on to the next step.
  - e. Consider using a training video.

#### 4. Safety and Security

- a. Lifts and Transfers - Review safe procedures for completing lifts and transfers.
- b. Discuss safety guidelines for any disability-related equipment the DSW will be expected to use.
- c. Reinforce safety guidelines for any household appliances or equipment the DSW will be expected to use.
- d. Discuss the emergency and backup plan with the DSW.
- e. How will the DSW get in and out of the participant's home? If the participant is not able to open the door, set up a procedure so that the DSW can get in.
- f. Universal Precautions - Reinforce the importance of washing hands thoroughly before preparing food, and before and after personal care duties. Discuss the use of plastic gloves and where they are stored if preferred. Let him or her know if there is a sharps container (see Exposure Control Plan training).
- g. Show him or her where the fire extinguisher is. Show them how to use it (if they do not know).

5. Expectations – The participant needs to be clear with expectations of the DSW's performance. It is better to start firm and then relax. The participant needs to stress the topics important to him or her. Here are some examples:

- a. Confidentiality - What the participant (employer) says and does while the DSW works should remain confidential. The kind of help being provided by the DSW is personal and should not to be discussed with friends, family members or other individuals they may work for. Some people think that as long as they are not saying something bad about the participant (employer), then what they say is not a violation of confidentiality. The DSW should be reminded that it is not only disrespectful, but that violating confidentiality can be grounds for termination. The DSW must complete a HIPAA test at the start of employment so they know the law.
- b. Use of household items – The participant needs to give some thought to the rules regarding use of the phone, car, washing machine, and computer/printer and eating the participant's food. State these rules clearly at orientation. It is always easier to state the rules clearly during the first meeting, than to wait until after an offense has happened.
- c. Tell the DSW the rate of pay, explain the pay schedule and other time sheet reporting requirements.

Again, it is very important to treat all DSWs equally. What is done for one DSW must be done for another. That is why training and orientation for DSWs is very important. This will help prevent discrimination charges and unemployment claims.

#### **Work Schedule**

The work schedule helps the DSW know what days of the week and times he or she needs to work. The participant sets the schedule and outlines the tasks the DSW needs to complete at work on the Participant/Direct Service Worker Agreement and Direct service Worker Job Description. The schedule is given or sent to Consumer Direct at enrollment and any time there is a permanent change in the work schedule.

## *Treating Direct Service Workers Consistently and Fairly*

It is important to treat all DSWs consistently. If not, the DSW may feel like the participant is discriminating against him or her. For example, if you let one DSW be flexible with the time she starts her shift, allowing another DSW the same courtesy is something to consider. When DSWs have special requests, like leaving early to go to a child's baseball game, it is nice to grant the request; just remember the same consideration for each DSW.

It is equally important to treat DSWs fairly. If a DSW is not doing a good job, give him or her constructive feedback. Point out what he is doing wrong and let him know how to do the task differently. When a DSW does something good, let him or her know that too! It is important to keep track of the feedback given in a notebook, in case the DSW does not improve and the participant needs to dismiss him. That way, if he claims unemployment, he cannot say that he was wrongfully discharged. A wrongful discharge can result in unemployment rates increasing. That will affect the hourly wage paid to DSWs.

Always remember to be respectful of all DSWs. Raising one's voice, calling the DSW names or yelling at them affects how DSWs feel about their job. This behavior can be viewed as abusive even if the DSW is a family member. The participant should treat DSWs as he or she wants to be treated. This is called mutual respect.

The DSW is a visitor in the participant's home. The participant needs to let him or her know the rules. As an employer, there are specific areas to be discussed. Examples follow:

### 1. Style of communication

- It is important that the DSW communicates using the participant's preferred language (for example, Spanish, sign language, communication device, in writing, etc.).
- The DSW needs to be open, honest and direct at all times and able to discuss issues that may be uncomfortable
- The DSW should take direction from the participant and do what is asked. Expect the DSW to be open to suggestions and share his or her ideas.
- Respectful communication (between the participant and the DSW)-no yelling, name calling, etc.

### 2. Work Commitment

- DSW to always do his or her best
- DSW to work for more than a year
- DSW is positive and friendly

### 3. Responding to a crisis situation

- Need the DSW to problem solve when unexpected situations happen
- Remain calm and provide immediate care to the participant and try to prevent further danger or injury.
- Contact emergency services in order to resolve the situation (for example, police, ambulance, fire department).

- Follow emergency procedures as outlined by the participant.
4. Dress code for work
    - Wear proper clothing during working hours (the participant decides what that is). Proper clothes are comfortable clothing and shoes. For example, nice shirts, no torn shirts or shirts with logos, pants should fit properly, not hang down or be too baggy or too tight. Shorts and skirts should not be too short. Shoes should be nice tennis shoes or comfortable working shoes not flip flops or bedroom shoes.
    - Must be clean and smell clean.
    - Hair should be pulled back.
    - Do not wear perfume or cologne.
  5. Time Management
    - Complete all jobs on time.
    - Be sure to maintain quality of care.
    - If the DSW feels more time is needed to complete a task, discuss it with the participant to avoid creating a stressful environment.
    - Plan ahead.
  6. Work Schedule
    - DSW will report to work on time and be ready to begin at the scheduled time.
    - DSW will call the participant in advance or as soon as is possible if the DSW is unable to make it to work or will be late.
    - If the DSW wants time off, he or she will ask at least two weeks prior to the date(s) needed.
  7. Record Keeping
    - DSW will maintain time sheets, any daily log documentation necessary, participant's calendar of appointments if necessary and work schedule.
    - All documents will be kept neat and organized in space designated by participant.
    - DSW will notify Consumer Direct if there is a change in address

Note that the State of Florida and Medicaid can charge a DSW with fraud if he or she records hours on a time sheet that were not worked.

8. Confidentiality
  - DSW will not share any information learned about the participant with any person or agency without the participant's expressed written consent. This includes, but is not limited to, medical history and condition, personal preferences, personal care needs, family information, personal finances and appointments.

## Participant Responses

After working for a while, the DSW may start doing some things that the participant does not like. For example, a DSW is frequently late for work. A policy may need to be set that applies to being late. The policy could be that being late three times automatically means that the participant will decide whether to keep using the DSW.

The participant may set a policy that if a DSW takes something without asking, he or she will be dismissed immediately.

It is good to let the DSW know right away of consequences to negative behavior. Remember, a policy set for one DSW must be applied to all DSWs.

**In order to treat each DSW the same, the participant (employer) must train, orient and supervise each DSW the same.**

## Training Tips

1. There are three steps to use when training the DSW. They are:
  - tell the DSW what he or she will be taught
  - tell the DSW what they are expected to learn
  - repeat what the DSW was told

If more training is needed, have a second session and briefly review what was taught in the first session, then begin new material.

2. When giving instructions for a task, such as transferring out of the wheelchair, describe each step of the task. Do not move to the next step until the DSW has the first step down.
3. Do not assume that the DSW will understand what is being taught right away. Ask for feedback and encourage questions.
4. When explaining any task or routine to the DSW, describe why it is important for something to be done in a certain way or at a specific time.
5. Be consistent in explaining things. If something gets changed, explain why it was changed.
6. Be patient. The DSW probably will not get all your directions right the first time.
7. Try to be aware of how much the DSW can learn at one time. Some individuals may be able to learn a whole task or routine at once, while others may require more gradual training sessions.
8. If possible, have a friend, family member, or previous DSW show how to do the tasks and routines to the new DSW.



9. Give the DSW both constructive feedback (how to improve) and positive feedback. For example:

Constructive feedback: "I need you to cut up my food into smaller pieces, please."

When the DSW does a procedure incorrectly, bring it to their attention and patiently remind him or her of the correct way to do it.

Positive feedback praises correct performance by telling the DSW exactly what was performed correctly. For example, "Thanks for cutting up my meat this size. It is easier for me to chew and swallow."

Open communication with the DSW is important. The more direct and honest the participant is the better. This will guard against misunderstandings and disagreements.

### ***Managing Direct Service Workers***

Managing and supervising DSWs requires that the participant be direct and assertive with communication, create a good working relationship, give positive and constructive feedback, deal with conflict and evaluate the performance of the DSW. How the participant manages and supervises DSWs affects how long they will work, how happy they are working and the quality of the services they provide.

#### **Direct Communication and Being Assertive**

Working with a DSW that provides in-home services is different from other working relationships. Most other employer/employee relationships do not involve such personal contact. In order to be a good supervisor and be sure needs are being met, the participant will have to be direct with communication and assertive. This means the participant will have to be comfortable expressing needs and how he or she wants things done.

How the participant communicates with the DSW is a big part of the success of the employer-employee relationship. Sometimes a friendship already exists. If this is the case, it is important for both the participant and DSW to remember the roles in the working relationship.

Being assertive and direct with communication means:

- speaking up for oneself
- explaining care needs
- being clear with likes and dislikes
- being respectful
- using "I statements." For example, "when you do \_\_\_\_\_, I feel \_\_\_\_\_."  
This communicates the effect of the DSW's behavior and does not personalize the feedback.

## **Supervising Others**

Being a supervisor means that it is the participant's responsibility to help the DSW do his or her job to the participant's satisfaction. If the DSW is doing the job well, compliment him or her. If they are not doing the job right, the participant needs to tell the DSW that as well.

Feedback about how the DSW is doing should be specific. The best kind of feedback is positive feedback. Complimenting the DSW, thanking him or her and showing appreciation will keep the DSW doing those things. If the participant is unhappy with how the DSW is doing something, tell or show the DSW how to do the task differently. For example, "I like it when you cook spaghetti" or "It feels better to me when you roll me to the right side."

The supervising participant tries to:

- Create a positive relationship with the DSW
- Show interest in the DSW
- Create a pleasant work atmosphere
- Indicate belief (confidence) in the DSW
- Explain the rules clearly and expect they are followed
- Explain the consequences of breaking the rules
- Be consistent in how the participant responds to each DSW
- Be a coach. Avoid being demanding or commanding.

## **Creating a Good Working Environment**

It is hard to find good DSWs so it is important to create a relationship that is long lasting. Most DSWs stay with a job because it is personally rewarding. The participant wants the DSW to be satisfied with his or her work and continue to work a long time. Below are some ideas for creating a good working environment:

- Treat DSWs with kindness, fairness and respect
- Be constructive with feedback (focus on the behavior, not the person)
- Keep communication open
- Discuss problems as they arise
- Avoid taking out frustrations on the DSW
- Use a sense of humor
- Be flexible when possible (If the DSW asks to come in a few minutes late because they have an event at school for their child, for example)
- Show interest in the DSW as a person (does the DSW have children, etc.)
- Reward the DSW for the work done. Most important is to express appreciation for the work the DSW is doing.
- Check in with the DSW about how he or she likes the job. If the DSW is unhappy in any way, the participant has opportunity to fix it.

To summarize, the participant has the opportunity to provide a positive work environment for the DSW. This, in turn, helps the DSW be happy, productive and motivated to work.

Good communication between the participant and DSW is the key to a good working relationship. A DSW who is happy in his or her work will stay longer and do a better job.

## **Resolving Conflict**

Conflicts are a natural part of establishing and building a relationship. Conflict is not the problem. It is usually how people deal with the conflict that is the problem. It is important to deal with problems as they come up. It is best to keep emotions in check so things do not get worse than they should be. DSWs will usually respond in a non-threatening and positive way if the participant is fair and consistent.

If there is a conflict over job duties, pay, time off, social conduct or use of property, remind the DSW of the original agreement. If the DSW refuses to follow the rules, be prepared to replace them.

If a problem comes up, it may help to use a step-by-step process to resolve the problem.

### **1. Identify the Problem**

This seems simple enough, but sometimes not everyone will agree that there is a problem. It may be a problem for the participant that the DSW wears headphones and listens to music when cleaning the house but it is not a problem for her.

### **2. Define the Problem**

Try not to attach motives, blame and make value judgments. Ask open-ended questions and use active listening to get a better understanding and definition of the problem.

Whose responsibility is it to solve this problem? Examples include:

A broken wheelchair is the participant's problem, but the DSW could help solve the problem.

A DSW who listens to music when cleaning is the participant's problem because the DSW cannot hear when the participant might need him or her.

The DSW lost her childcare and cannot make other arrangements for a week. This problem belongs to both the participant and DSW.

When solving problems, each person involved should have input, but whoever has ownership of the problem should make the final decision.

### **3. Generate Solutions**

Everyone involved should suggest solutions. Do not criticize any suggestions at this step. Brainstorm as many ideas as possible. Write down every solution, no matter what it is.

### **4. Discussion and Evaluation**

Everyone involved should discuss the positives and negatives of each solution suggested. Writing out a list of the good and bad can help in the evaluation process.

### **5. Select a Solution**

Decide on the solution that will best solve the problem.

## 6. Make a Plan

Everyone involved should agree on who will do what, where, when, and how to solve the problem.

## 7. Evaluation of the Solution

Set a date and time to discuss whether the solution is working and revise the plan as needed. By facing problems right away, working relationships can be strengthened and improved. Working relationships that use problem solving can keep everyone working as a team and with less stress.

## **Correcting the action of Direct Service Workers**

When a DSW is not following rules or meeting the participant's expectations, it is the responsibility of the participant to let the DSW know so he or she can correct his or her behavior. Many participants use a 3-step process called "progressive discipline" to help DSWs understand that their work must be improved or corrected. The steps are:

- (1) Verbal warning
- (2) Written warning
- (3) Job termination

This process gives the DSW opportunity to improve. If they do not, the participant will need to think about whether he or she wants them to continue working. By putting it in writing (even if a verbal warning), the DSW cannot deny being talked to before he or she was dismissed. It is also a good idea to decide a plan of action. What will the DSW do to improve? Is there something the participant (employer) can do to help?

If there is a problem it helps to:

- a. Schedule an extra appointment with the DSW. In order for it to be paid time, the discussion must occur within the authorized hours.
- b. Before the meeting, write down any concerns so that thoughts are organized and key points are remembered. Discuss concerns. Be aware of emotions and how they affect what is being said. Anger, being critical and defensiveness will not help explain concerns.
- c. Use "I" statements. This shows ownership of the experience. For example: "I feel frustrated about your late arrival every day. It makes me anxious because I worry about getting to the bathroom." Avoid blaming (for example, "you do not care about me or you would be on time"), as this will put the DSW immediately on the defensive. They will not hear the whole problem.
- d. Let the DSW have a chance to voice his or her concerns. Listen. Do not interrupt.
- e. The participant needs to be willing to examine him or herself and own their part in the conflict.
- f. Come to a final agreement about the problem. Put it in writing so that each person leaves with the same understanding of what will happen.
- g. If it is not possible to solve the problem, remember that there is support available. Sometimes involving someone else is helpful. Call Consumer Direct or the case manager.

## ***Paying Direct Service Workers***

Pay periods are every two weeks. A pay period begins on a Sunday and ends on a Saturday. Paydays are every other Friday. Both pay periods and paydays are identified on the pay schedule. If a DSW quits, the final check will be paid according to the pay schedule. When a DSW is terminated (fired), wages owed will be paid within three working days of termination (not including weekends and holidays). In addition, a DSW is paid within three working days if a DSW no longer works because the participant is not receiving fiscal services through Consumer Direct. Please see pay calendar.

A DSW will not be paid for hours worked or tasks performed that are not authorized on the Care Plan. If the participant has the DSW work hours that are not authorized on the care plan or do tasks that are not approved, he or she may be responsible for payment.

## ***Terminating Direct Service Workers***

DSWs may choose to end their employment with the participant, or vice versa. To terminate employment, a final time sheet must be submitted within two (2) business days of the last date of employment to Consumer Direct so that the DSW receives payment, by law.

Unfortunately, not everyone that is hired is capable of doing the job. They may not be reliable or hardworking. Terminating employment is hard to do. It is never easy to fire someone. The DSW may be a nice person who is just not doing the job. Other people may not be honest or may break policy (for example, stealing from the participant).

The participant decides to terminate the DSW. Consider the following:

- State the reasons for termination clearly, without attacking the DSW personally.
- Have another person there if the DSW might be angry or put the participant's safety at risk
- Dismiss him or her over the phone, if possible.
- Have a backup DSW ready to start in case the DSW gets upset and quits right away.
- It is illegal to threaten or withhold payment of wages, even if the participant is not satisfied with the work being performed. Just give notice and terminate employment.

If the DSW is simply not working out (for example, personality conflicts, scheduling difficulties), consider giving a two-week notice, if waiting does not put the participant in an uncomfortable situation. This gives both the participant and DSW time to plan.

Employment should be terminated immediately if the DSW has:

- Stolen something
- Been abusive physically or mentally
- Broken confidentiality
- Not followed the Direct Service Worker Agreement

Any actions that are against the law should be reported to the police immediately.

### ***Reporting Status Changes***

DSWs and participants must inform Consumer Direct using the Status Change Form within five (5) business days of any change in the following:

- Name
- Mailing address
- Home address
- Telephone number

Delayed reporting of this information could result in delayed or incorrect pay. Additional copies of the status change form can be obtained by visiting [www.consumerdirectfl.com](http://www.consumerdirectfl.com) or by calling Consumer Direct at 954-368-2069 or 1-877-270-9580 (toll free).

## ONLINE SERVICES

Participants and Direct Service Workers (DSW) associated with Consumer Direct have access to numerous online services available through a secure website, My Direct Care. This tool is part of the fiscal management services that Consumer Direct for Florida offers. The primary benefits of this secure site include:

- Online time entry and approval provides an efficient and error-minimizing way to enter time into the Consumer Direct payroll system. The electronic time sheets provide information on the status of all time and payroll entries.
- The Job Board is a tool for participants to post job openings and for job seekers to respond. New applicants and existing Direct Service Workers (employees) wishing to work more hours can post their availability.



Figure 1. My Direct Care Home Page with Login

**Note on terminology:** My Direct Care uses the terms "Client" and "Participant" for Medicaid program recipients. In the descriptions below, the terms "Client" and "Participant" refer to the Participant enrolled in the Participant Direction Option program. The term Employer refers to either the Participant enrolled in the Participant Direction Option program or their Representative. The term Employee refers to the Direct Service Worker.

### User Registration

Consumer Direct will issue My Direct Care User ID numbers to both Employers and Employees shortly after approving completed enrollment packets. Once you have your ID number, you can self-register at My Direct Care and establish your Login Name, Password and User Profile. To register, follow these steps:

1. On a computer with internet access, open a browser window and enter [HTTPS://fl.mydirectcare.com](https://fl.mydirectcare.com) in the address bar or click on the MyDirectCare links on the Consumer Direct for Florida website, [www.consumerdirectfl.com](http://www.consumerdirectfl.com) . This will take you to the opening page of My Direct Care as shown in Figure 1.



Figure 2. Opening User Registration Page

2. On the top menu, click on the User Registration link to open the User Registration page (Figure 2).
3. In the *Register As* field, select Employee if you are a Direct Service Worker. Select Participant if you are an Employer (Figure 3).

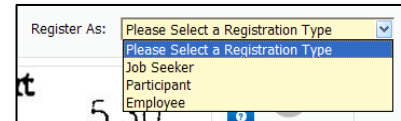


Figure 3. Selecting a Registration Type

4. After selecting a Registration Type, fill in the additional fields that appear (Figure 4).
  - *State* – select Florida.
  - *User ID* – enter the ID provided you by Consumer Direct. Please call the Consumer Direct office if you have not received your ID.
  - *Date of Birth* – enter in the format shown.
  - *Zip Code* – enter in the format shown.
  - *SSN* – this field only appears for Employees. Enter the last 4 digits of your social security number.

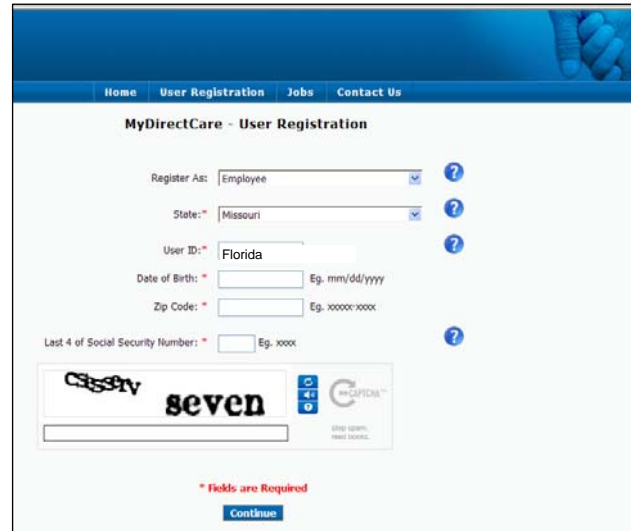


Figure 4. User Registration Page Fields

**Note to Employers:** User Registration fields are specific to the Participant. Date of Birth and Zip Code must be those of the Participant.

5. Enter the security phrase displayed and click Continue. Type the phrase as two unique words separated by a space. Since this is your first time using My Direct Care, you will now be directed to a User Registration Profile page (Figure 5).
6. **Complete your User Registration Profile** – This is where you will set up your Login Name (Email Address) and Password for logging into My Direct Care. You will also provide contact information and answer two security questions, which may be used later if you forget your password and need to reset it.

Your password must be at least seven characters in length, and contain at least one special character (#, %, &, \*, +, etc.) and at least one number. For example, participant\$123. It's a good idea to write your password down and keep in a secure location. You will enter your email address and password every time you login to My Direct Care.



**Note to Employers:** If a Representative will be managing the My Direct Care account on behalf of the Participant, enter all profile fields with the Representative's name and contact information. Do not enter contact information for the Participant.

**7. Finish the Registration Process**

- When you have completed all the profile fields, check the "I agree to the Terms of Use" checkbox at the bottom of the page. After checking the box, a "Register" button will appear (Figure 6). Clicking the button will complete the registration process and direct you back to the home page.

**8. You can now login and begin using online services** – The login area is in the upper left corner of the home page, next to the padlock (Figure1). Enter your email address (Login Name) and password into the fields and click on the Login button.

**Figure 5. User Registration Profile**

After you have successfully registered, your User Profile information can be updated at any time by selecting Settings and Update Your Online Information from the main menu. To change your password, select Settings and Update Password from the main menu.

**Figure 6. Register button**

**Overview of the Time Entry and Approval Process**

- Upon completion of a scheduled shift, the Employee will log into My Direct Care and enter the shift worked in a time sheet calendar. Time entry for each shift will include the Participant's name, the service provided (Service Code), and beginning and ending shift times. Shifts must coincide with the Participant's Care Plan.
- At the end of the work week when time sheets would normally be due, the Employee submits all shifts for approval.
- At the end of the work week when time sheets would normally be due, the Employer will log into My Direct Care, review, and approve the Employee's time.
- Once the time has been approved by the Employer, entries can be processed and paid by Consumer Direct.

**Employee Time Entry**

Select eTime Sheet from the top menu (Figure 7) to open the Time Sheet Calendar (Figure 8). The

**Figure 7. Employee Main Menu**

calendar will display one full work week – Sunday through Saturday. The current work week will display as a default. You can navigate to other work weeks by using the scroll buttons at the top of the calendar. Date and Day of Week will display across the top of the calendar, while one-hour time slots, beginning at midnight, display across the left edge of the calendar. If the Employee works for more than one Participant, they will need to select which Participant they are entering time for in the “Client Filter”.

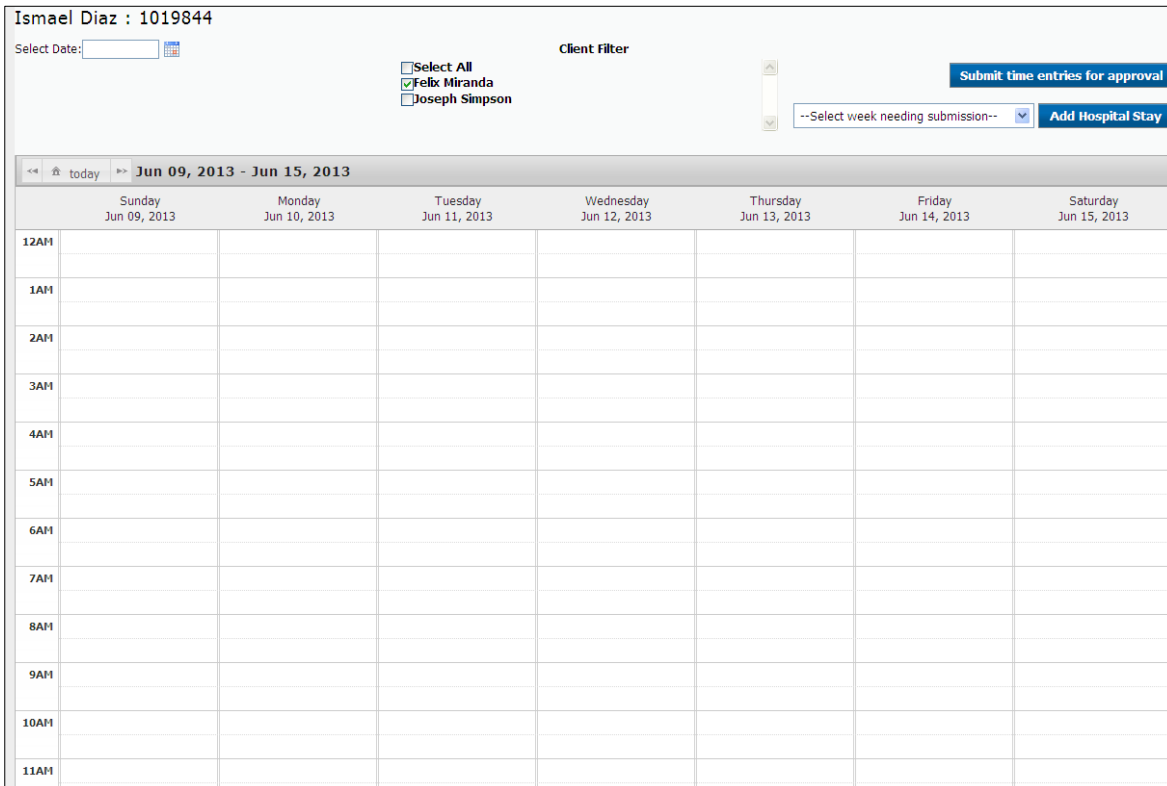


Figure 8. Employee Time Sheet Calendar

**Create a New Time Entry** by clicking in the calendar on the date and shift starting time. This will bring up a New Calendar Service Task window (Figure 9), where you will enter the information for the shift worked:

- Client – from the drop down, select the Participant worked for.
- Service Code – from the drop down, select the code for the service provided and authorized on the care plan.
- Start Time – the starting shift time should correspond to where you clicked in the calendar. If needed, change the shift start time by clicking on the time displayed, and then selecting a time from the drop down.
- End Time: Select the shift ending time from the drop down.

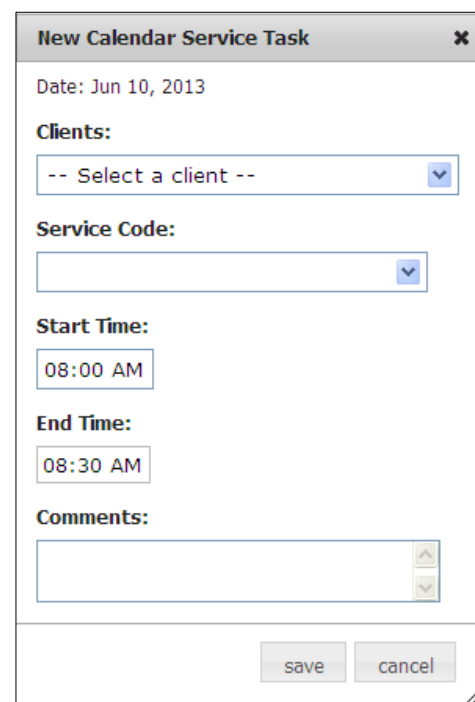
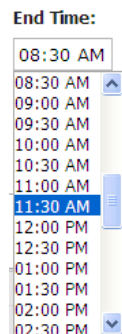


Figure 9. Calendar Task Window

Click on the **Save button** when you have entered all the information for the shift worked. The entry will now display in the calendar as a blue rectangle representing the time the shift was worked (Figure 10). The service code and Participant's name will also display in the rectangle. The icon in the upper right corner of the rectangle provides the payroll status for the shift. Immediately after creating the time entry, the status icon will be a gray "S" for a scheduled shift. A legend at the bottom of the calendar defines each pay status icon (Figure 11).

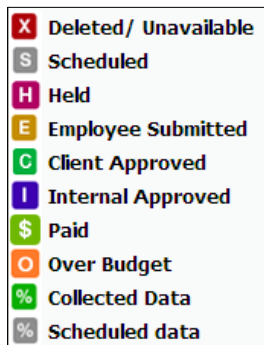


Figure 11. Shift Payroll Status Icons

<< today >> Jun 09, 2013 - Jun 15, 2013			
	Sunday Jun 09, 2013	Monday Jun 10, 2013	Tuesday Jun 11, 2013
12AM			
1AM			
2AM			
3AM			
4AM			
5AM			
6AM			
7AM			
8AM		FEA Services Ongoing Joseph Simpson	
9AM			
10AM			
11AM			
12PM			
1PM			

Figure 10. Shift entered by Employee displays as blue line

**Note:** If you accidentally save with the wrong information, click on the blue outlined entry in the calendar and edit the information in the popup window.

**Note:** Time entries can only be made after a shift is completed. Trying to enter a date or starting/ending time in the future will be denied and return an error message.

### Review and Submit Time Entries for Employer Approval

[Submit time entries for approval](#)

At the end of the work week when all shifts have been entered, the Employee will submit them to their Employer for approval. This is done by clicking the blue "Submit time entries for approval" button, located on the right side of the page above the calendar (Figure 8). Ensure the week of service that you are submitting is displayed in the calendar. After clicking the submission button, a confirmation popup will ask you to (1) verify if there was a change in the client's health during the work week, and (2) certify you worked the hours listed in the calendar. Answer the health question and click the "OK" button to approve the time entries for the work week.

The gold colored "E" payroll status icon **E** will now appear in each blue shift rectangle, indicating the shift was submitted for approval by the Employee.


## Employer Time Approval

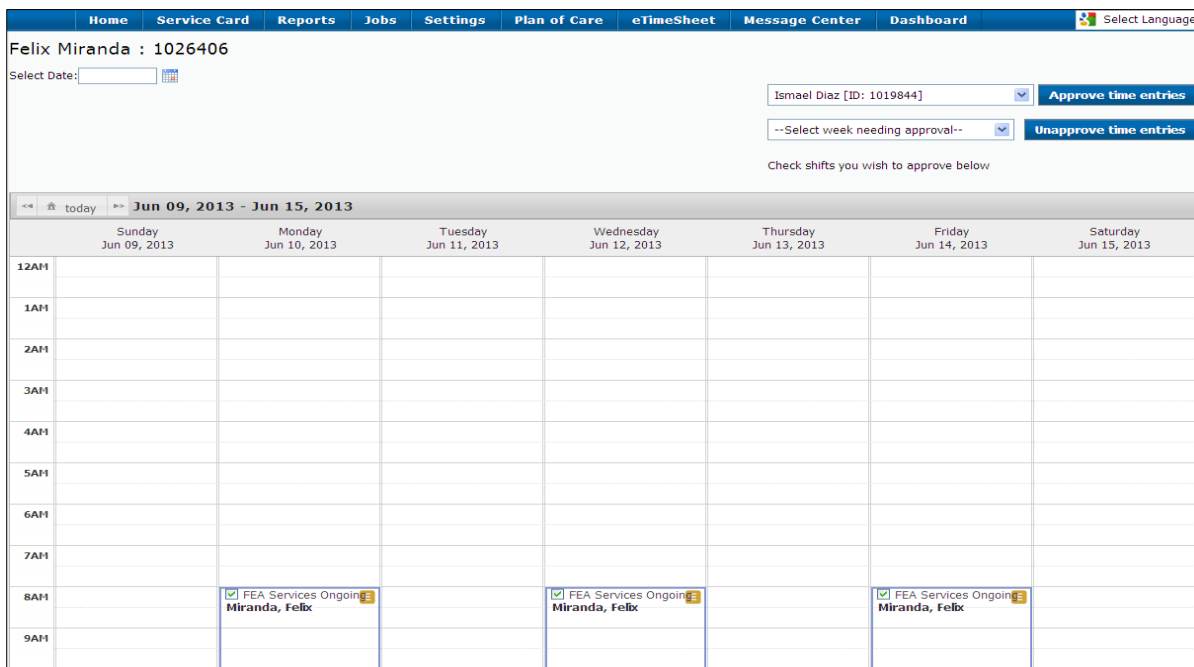
For Employers, the online time approval process is similar to a paper time sheet process in that both systems require review and approval of Employee time entries. The main differences are that the online time sheet system minimizes data entry errors and provides the Employer with far more information regarding the exact status of their budget, payroll, and Employee hours.

### Review and Approval of Employee-submitted time entries

**Approve time entries**

When the Employer logs into My Direct Care and selects eTime Sheet from the top menu, the time sheet calendar will open and display shifts the Employee has submitted for approval (Figure 12). If the Participant (Employer) has more than one Employee, they will need to select the correct Employee from the dropdown above the calendar. The Employer must review all entries and verify the times are correct. Each shift (blue rectangle) needs to be selected with the green check mark  for an action to be applied (approve or not approve the shift). By default, all shifts will be selected, as shown in Figure 12. To approve selected time entries, click on the “Approve time entries” button above the calendar. A “Time Approval Verification” window will appear, asking you to verify that the time entries are correct. Click the “OK” button to complete the approval process.

The green colored “C” payroll status icon  will now appear in each blue shift rectangle, indicating the shift was approved by the “client” (Employer).



	Sunday Jun 09, 2013	Monday Jun 10, 2013	Tuesday Jun 11, 2013	Wednesday Jun 12, 2013	Thursday Jun 13, 2013	Friday Jun 14, 2013	Saturday Jun 15, 2013
12AM							
1AM							
2AM							
3AM							
4AM							
5AM							
6AM							
7AM							
8AM		<input checked="" type="checkbox"/> FEA Services Ongoing Miranda, Felix		<input checked="" type="checkbox"/> FEA Services Ongoing Miranda, Felix		<input checked="" type="checkbox"/> FEA Services Ongoing Miranda, Felix	
9AM							

Figure 12. Employer Time Sheet Calendar

## Job Board

The Job Board is a tool that provides another means for recruiting new or additional assistance. It provides a method for Job Seekers to find Participants who need assistance. When an Employer posts a job (Job Poster), the posting will remain active for 30 days and allows the Job Poster to include as much detail as desired, including notes and requirements. Job Seekers can review the postings and submit an emailed application to the Job Poster via the Job Board. Following the 30-day active period, the posts are archived. Archived posts can be edited, deleted, or reposted as needed. The Job Poster's name, address, email and other contact information remains confidential throughout the process.

### Job Poster

When a Job Poster hovers over the **Jobs** link on the top menu (Figure 13), three submenus become available, including Post a Job, Edit/Delete Your Jobs, and View Archived Posts.

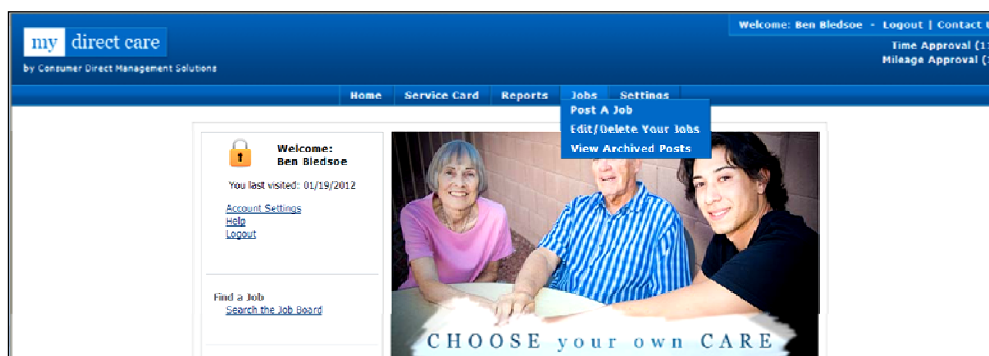


Figure 13. Job Openings Submenu

**Post a Job:** Clicking on the "Post a Job" link will open a form for entering the job description (Figure 14). Complete all the fields with as much information as possible before submitting the job post. If needed, you can always edit the entry later.

**Edit/Delete Your Jobs:** This provides a listing of current jobs posted by the Employer and provides options to edit or delete each entry (Figure 15).

**View Archived Posts:** These are postings that have expired or have been manually archived (Figure 16).

The Job Poster receives an email when a Job Seeker submits their resume to the Job Board, which

The screenshot shows a 'Required Information' form for posting a job. The form includes the following fields and options:

- Job Title: (text input)
- Date Posted: 10/27/2009 (calendar icon)
- Expire Date: 11/27/2009 (calendar icon)
- City: (text input)
- Geographic Area: (text input)
- Client's Disability: (text input)
- Client's Gender: Female (dropdown menu)
- Client's Age: (text input)
- Periods:  Morning,  Afternoon,  Evening,  Overnight (checkboxes with a note '\*Check all that apply')
- Days Needed: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday (checkboxes with a note '\*Check all that apply')
- Total Hours Weekly: 0 - 5 (dropdown menu)
- Wage Range: \$6 - \$8 (dropdown menu)
- Special Skills Required: (text area)
- Notes: (text area)
- Buttons: Submit, Clear, Cancel

Figure 14. Job Posting Form

contains the Job Seeker's application information for review. The Job Seeker's email address is included to facilitate direct communication between the Job Poster and the Job Seeker.

Participant's Posted Jobs						
Date Posted	Title	Location	Wage-Min	City	Job Details	Archive/Delete Job
10-27-2009	Caregiver Test	Southern heights	\$10.00	Big town	<a href="#">Details</a>	<a href="#">Edit Job</a> <a href="#">Archive</a>
10-27-2009	Another Test Position	Northern Lowlands	\$08.00	Smalltown	<a href="#">Details</a>	<a href="#">Edit Job</a> <a href="#">Archive</a>

Click Job details to apply for a job.

**Please Note**  
 Mydirectcare.com is not the job poster, and does not have information on these jobs. The job poster will contact you if interested in your resume, and you may contact the job poster by following on-screen instructions.

Figure 15. Edit/Delete Posted Jobs

Participant's Archived Jobs						
Date Posted	Title	Location	Wage-Min	City	Job Details	Re post Job
10-27-2009	Caregiver Test	Southern heights	\$10.00	Bigtown	<a href="#">Details</a>	<a href="#">Repost</a>
10-27-2009	Another Test Position	Northern Lowlands	\$08.00	Smalltown	<a href="#">Details</a>	<a href="#">Repost</a>

Click Job details to apply for a job.

**Please Note**  
 Mydirectcare.com is not the job poster, and does not have information on these jobs. The job poster will contact you if interested in your resume, and you may contact the job poster by following on-screen instructions.

Figure 16. Archived Posts

**Job Seeker**

When a Job Seeker selects the **Jobs** link from the top menu, they are taken directly to a User Registration screen where they must register before viewing and applying for posted jobs. Once registered, a Job Seeker can view and apply for posted jobs. Once an application has been submitted via the Job Board, an email is generated that transmits their application to the Job Poster for review. A confirmation email is sent to the Job Seeker to verify that the email was transmitted. The Job Seeker's email address is included with their application email to facilitate direct communication between the Job Poster and the Job Seeker.

## **TRAINING**

***Notice of Privacy Practices***

***Abuse, Neglect & Exploitation***

***Lifting and Moving Patients – pamphlet (KRAMES 11356)***

***Infection Control – pamphlet (KRAMES 11386)***

***HIPAA Guide***

***Fraud Prevention Program***

***Participant Guidelines (FL document)***





**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW THIS NOTICE CAREFULLY.**

*We understand the importance of privacy and are committed to maintaining the confidentiality of your medical information. We make a record of the medical care we provide and may receive such records from others. We use these records to provide or enable other health care providers to provide quality medical care, to obtain payment for services provided to you as allowed by your health plan and to enable us to meet our professional and legal obligations to operate this Company properly. We are required by law to maintain the privacy of protected health information, to provide individuals with notice of our legal duties and privacy practices with respect to protected health information, and to notify affected individuals following a breach of unsecured protected health information. This Notice describes how we may use and disclose your medical information. It also describes your rights and our legal obligations with respect to your medical information. If you have any questions about this Notice, please contact our Privacy Officer listed below.*

**Privacy Officer:**

Daryl Holzer  
(406) 532-1900; (888) 532-1907

**Effective Date:**

April 1, 2003; Revised March 26, 2013; Updated February 25, 2015

1. Below is a description, including at least one (1) example, of the types of uses and disclosures that this Company is permitted to make for each of the following purposes: treatment, payment and health care operations.

Disclosures to other health care providers, including, for example, to patients' attending physicians. Submission of claims and supporting documentation including, for example, to organizations responsible to pay for services provided by this Company. Disclosures to conduct the operations of this Company, including, for example, sharing information to supervisors of those who provide care to patients.

2. Below is a description of each of the other purposes for which this Company is permitted or required to use or disclose protected health information without an individual's written consent or authorization.

To patients, incident to another permitted use or disclosure, by agreement, to the Secretary of the U.S. Department of Health and Human Services, as required by law, for public health activities, information about victims of abuse, neglect or domestic violence, health oversight activities, for judicial and administrative proceedings, for law enforcement proceedings, about decedents, for cadaveric organ, eye or tissue donation,

for research purposes, to avert a serious threat to health or safety, for specific government functions, to business associates of this Company, to personal representatives, de-identified information, to workforce members who are victims of crimes, to workers' compensation programs, for involvement in the individual's care and for notification purposes, with the individual present, for limited uses and disclosures when the individual is not present, and for disaster relief purposes.

3. Other uses and disclosures, such as disclosure of psychotherapy notes, use of protected health information for marketing activities and the sale of protected health information, will be made only with the individual's written authorization and the individual may revoke such authorization.
4. The Company may contact the individual to schedule visits and for other coordination of care activities.
5. The individual has the right to request further restrictions on certain uses and disclosures of protected health information, but this Company is not required to agree to any requested restriction(s), except disclosures must be restricted to health plans if the disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law and the protected health information pertains solely to a health care item or service for which the individual or person other than the health plan, on behalf of the individual, has paid this Company in full.
6. The individual has the right to receive confidential communications of protected health information, the right to inspect and copy protected health information, the right to amend protected health information, the right to receive an accounting of disclosures of protected health information and the right to obtain a paper copy of this Notice from the Company upon request.
7. This Company is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information and to notify affected individuals following a breach of unsecured protected health information.
8. This Company is required to abide by the terms of this Notice currently in effect.
9. This Company reserves the right to change the terms of its Notice and to make the new notice provisions effective for all protected health information that it maintains. Individuals may obtain a revised copy of this Notice upon request.
10. Individuals may complain to this Company and to the Secretary of the U.S. Department of Health and Human Services if they believe their privacy rights have been violated. Complaints should be directed to Daryl Holzer, Privacy Officer, at this Company at the following telephone numbers (406) 532-1900 or (888) 532-1907. Individuals will not be retaliated against for filing a complaint.

# Abuse, Neglect and Exploitation

Abuse, neglect, and exploitation are difficult issues to talk about but probably are the most important issues to deal with. Most workers provide excellent care. However, some workers may take advantage of the individuals they work for who need their help. For your own safety, we want to make sure you know what abuse is and how to deal with it if it happens to you. Please let your Program Coordinator or Case Manager know if abuse, neglect or exploitation has occurred. S/he can help you plan for safety. Abuse, neglect and exploitation are against the law.

The different types of abuse are:

**Physical Abuse** includes hitting, slapping, pinching, kicking and other forms of rough treatment. If a worker does something on purpose to cause you physical pain, it may be physical abuse. For example, you have fallen down. Your worker gets mad and grabs you and forcefully pulls you up. Bruises are left on your arms.



**Verbal Abuse** means any time a worker uses spoken or written words or gestures that are meant to insult or attack you or make you feel bad. For example: you forget to take your pills and your worker says, “you are so stupid.”

**Psychological Abuse** happens if a worker uses actions or makes statements that are meant to humiliate or threaten you or to cause you emotional harm. For example, your worker continually tells you that, “you cannot take care of yourself. Without me you would be nothing.”

**Sexual Abuse** includes any unwanted sexual annoyance, touching, fondling or attack. Any sexual behavior by a worker that makes you uneasy is sexual abuse. For example, your worker fondles your breasts when giving you a bath.

**Neglect** means a worker is not meeting your basic needs for food, hygiene, clothing or health maintenance. Neglect includes repeated acts of carelessness. After you have given the service provider/worker directions about these things, s/he should make sure your basic needs are met. For example, your worker consistently takes your good food. She then cooks you meals with the leftovers but the meals are not balanced and do not follow your diet restrictions.

**Exploitation** happens when you trust someone and the person lies to you or scares you in order to take or use your property or money for himself/herself. An example of exploitation would be a worker taking something of value from you without permission. For example, taking your television, DVD player or automobile without asking your permission is exploitation. If your worker asks you to put their name on your bank account, this is exploitation.

For example, your worker convinces you to put his name on your checking account. He then takes some money from your account telling you it is for the extra time he has worked.

If you feel a worker is abusing or exploiting you, take care of the situation right away. If the abuse is slight, you can try talking with the worker:

- Tell him/her what actions or behaviors you do not like.
- Tell the worker that if the behaviors do not stop right away you will need to find another worker.

This approach may be effective for a worker who may not be aware of how you are feeling. Be ready to take more action right away if the behaviors do not stop.

In most abuse cases, you should dismiss the worker immediately. **DO NOT** put up with mistreatment. Protect yourself. Your safety is the priority. Remember you can use your Emergency and Backup Plan to use a “backup” worker if you have to dismiss someone because of abuse.

### **How to Recognize Potential Abuse**

- Does your caregiver ignore your instructions and requests?
- Does your caregiver make mistakes and then blame you or other people?
- Does your caregiver ask personal questions unrelated to your care, such as how you manage your finances?
- Does your caregiver eat your food without asking?
- Does your caregiver make unwanted comments about your appearance, weight, clothing, speech, eating habits, etc.?
- Do you sometimes find less money in your wallet than you expected?
- Are there unfamiliar charges on your checking or credit card account?
- Does your caregiver attempt to control your choices such as what you wear and what you eat?

If you answer “yes” to any of these questions, there may be potential for abuse.

All persons employed by Consumer Direct are mandatory reporters of suspected abuse, neglect, exploitation, or self-neglect. This means if you tell us of an incident of abuse we must report it. Please report any of the following acts to our office immediately:

- Engaging in, or threatening a Member or a person in the Member's household with physical, sexual, mental abuse or coercion
- Exploiting a Member for financial gain or failing to remove a caregiver who has exploited a Member for financial gain
- Theft of medication, money, property, supplies, equipment, or other assets of a Member or the division
- Failing to report a theft as described in this section
- Failing to remove from contact with a Member any employee who is under the influence of alcohol or drugs while providing services to a Member, or whose use of alcohol or drugs interferes with work performance or Member safety.
- Violating, or knowingly allowing an employee to violate, state or federal laws regulating prescription drugs and controlled substances, including forging prescriptions and unlawfully distributing
- Failing to report to the division facts known to the provider agency or an agency's caregiver regarding the incompetent or illegal practice or conduct of a care provider in connection with services
- Performing, or allowing a caregiver to perform, a service that is beyond that person's professional training
- Failing to perform the acts that are within a person's scope of competence and training that are necessary to prevent harm or an increase in the risk of harm to a Member
- Violating the disclosure of information provisions of the Health Insurance Portability and Accountability Act of 1996
- Discriminating, or allowing a caregiver to discriminate, on the basis of race, religion, color, national origin, ancestry, or sex in the provision of care to a Member

**Remember**, reports of abuse, neglect and exploitation must be investigated. When Ault Protective Services receives a report, they will contact you to find out more information. Do not be alarmed. Their job is to keep the public safe.

### **Incident Management and Reporting**

Incident Management refers to the prevention and reporting of abuse, neglect, or exploitation of Members. In the event an incident should occur, the Member, caregiver, or other party must:

- Ensure the safety of the Member
- Obtain medical assistance as needed
- Involve law enforcement as needed
- Report incidents to your county human services department

**Examples of reportable incidents include:**

- **Abuse, Neglect and Exploitation**
  - **Abuse** means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish to a Member.
  - **Neglect** means the failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness to a Member.
  - **Exploitation** means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a Member's belongings or money without the voluntary and informed consent of the Member.
  
- **Death**
  - **Unexpected Death** - death caused by an accident, unknown, or unanticipated cause.
  - **Natural or Expected Death** - any death of an individual caused by a long-term illness, a diagnosed chronic medical condition, or other natural or expected condition resulting in death.
  
- **Other Reportable Incidents**
  - **Environmental Hazard** - an unsafe condition that creates an immediate threat to life or health of a Member.
  - **Law Enforcement Intervention** - the arrest or detention of a person by law enforcement, involvement of law enforcement in an incident or event, or placement of a person in a correctional facility.
  - **Emergency Services** - admission to a hospital or psychiatric facility or provision of emergency services that result in medical care, which is not anticipated for the Member, and would not routinely be provided by a primary care provider.



# **HIPAA Employee Training Guide**

Revision Date: April 11, 2015

**What is HIPAA?**

The Health Insurance Portability and Accountability Act of 1996 (also known as “Kennedy-Kassebaum Act”).

HIPAA regulations address the use and disclosure of Protected Health Information (PHI).

Key HIPAA Elements:

- Health Insurance Portability
- Standards for Electronic Claims Submission
- Security and Privacy Protection

Security and Privacy are addressed in this Training Guide.

**Who is covered by HIPAA?**

Covered Entities (CEs) are organizations that are required to comply with HIPAA standards. There are three types of covered entities:

1. Health plans
2. Health care clearinghouses
3. **Health care providers\*** who transmit any health information in electronic form in connection with one of the standard transactions.

\* Consumer Direct is a health care provider and therefore considered a CE.

**When did the “HIPAA Privacy Rule” go into effect?**

Effective as of April 14, 2003; Revised January 25, 2013

**What is PHI (Protected Health Information)?**

PHI is any health information that contains a unique identifier (to a patient) such as full name, social security number, phone number, etc. PHI is to be protected and kept confidential, whether in **handwritten, printed, electronic, or verbal form.**

**Patients Will Be Notified of Their HIPAA Rights**

Each patient will receive the Consumer Direct Notice of Privacy Practices which explains how medical information may be used and disclosed, and how the patient can access their information. **Ask a Program Manager or the Privacy Officer if you have or receive questions.**

**Patients Can Request Confidential Communication**

Consumer Direct will accommodate reasonable requests from patients to use alternate channels of communication (e.g. work telephone instead of home telephone, alternate mailing address, etc.). **Ask a Program Manager if you have questions.**



**When is “Authorization to Release Information” NOT required by the Patient?**

For treatment, payment, or healthcare operations.

**What are HIPAA “Uses and Disclosures” of PHI?**

**Use:** The sharing, employment, application, utilization, examination, or analysis of such information by an entity that maintains such information.

**Disclosure:** The release, transfer, provision or access to, or divulging in any other manner of information outside the entity holding the information.

**Patients Access to Medical Records**

Patients may wish to view information in their medical records and may express disagreement with its content. Consumer Direct has procedures in place for patients to request access and make corrections to their Consumer Direct records. In the event of any such request by a patient, **ask a Program Manager or the Privacy Officer for assistance.**

**“TOP TEN” HIPAA Tasks**

1. Assign overall responsibility for privacy and security.  
*The Consumer Direct Privacy Officer is Daryl Holzer, who has overall responsibility for privacy issues. Program Managers are available to address any HIPAA-related questions. Jeff Harriott is the Security Official responsible for security measures.*
2. Establish procedures for handling PHI.  
*Consumer Direct has a Privacy Policy (a copy of which is enclosed in this Training Guide) and a Privacy Manual with which to manage privacy issues. A Program Manager or the Privacy Officer can address your questions.*
3. Provide physical security.  
*Includes physical security of office facilities, medical records, billing information, and other PHI. Physical security measures may include using locking file cabinets where PHI is stored.*
4. Provide technical security.  
*Includes securing information stored and transmitted via computers.*
5. Establish rules for protecting patient privacy.  
*This is an essential part of maintaining patient confidentiality. Consumer Direct has Patient Confidentiality requirements outlined in the Employee Handbook that require each employee to maintain the confidentiality of patient information.*
6. Allow patient access to medical records.  
*Patients have the ability to access their medical information and have control over who may review their information. Ask a Program Manager for more information.*

## 7. Respond to complaints

*Consumer Direct has HIPAA compliant forms available for handling any complaint that may occur as a result of privacy protection. Ask a Program Manager for more information.*

## 8. Publish a Notice of Privacy Practices.

*Consumer Direct has posted a Notice of Privacy Practices (NPP) and also provided written notice to each of our patients regarding their rights.*

## 9. Ensure that Business Associates protect patient privacy.

*Business Associates are not Covered Entities (health care providers), like outside consultants, who may come in contact with our Protected Health Information. Consumer Direct will ensure that any business associate protects PHI via contractual agreement.*

## 10. Train the workforce

*Consumer Direct will ensure employees are educated on HIPAA, maintaining confidentiality, protecting PHI, and are familiar with the Consumer Direct HIPAA policy.*

**HIPAA PENALTIES**

- \$100 civil penalty up to a maximum of \$25,000 per year for each standard violated
- Criminal penalties for knowingly disclosing PHI up to a maximum of \$250,000

**PRIVACY POLICY STATEMENT**

**Purpose:** *The following privacy policy is adopted to ensure that Consumer Direct complies fully with all federal and state privacy protection laws and regulations. Protection of patient privacy is of paramount importance to Consumer Direct. Violations of any of these provisions will result in severe disciplinary action including up to termination of employment and possible referral for criminal prosecution.*

**Effective Date:** *This policy is in effect as of April 1, 2003; revised March 26, 2013*

**Expiration Date:** *This policy remains in effect until superseded or cancelled.*

**Privacy Officer:** *Daryl Holzer (888) 532-1907*

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**Uses and Disclosures of Protected Health Information**

It is the policy of Consumer Direct that protected health information may not be used or disclosed except when at least one of the following conditions is true:

1. The individual who is the subject of the information has authorized the use or disclosure.
2. The individual who is the subject of the information has received our Notice of Privacy Practices and acknowledged receipt of the Notice, thus allowing the use or

disclosure, and the use or disclosure is for treatment, payment or health care operations.

3. The individual who is the subject of the information agrees or does not object to the disclosure, and the disclosure is to persons involved in the health care of the individual.
4. The disclosure is to the individual who is the subject of the information or to the U.S. Department of Health and Human Services for compliance-related purposes.
5. The use or disclosure is for one of the HIPAA “public purposes” (i.e. required by law, etc.).

### **Deceased Individuals**

It is the policy of Consumer Direct that privacy protections extend to information concerning deceased individuals.

### **Notice of Privacy Practices**

It is the policy of Consumer Direct that a Notice of Privacy Practices must be published, that this Notice and any revisions to it be provided to all individuals at the earliest practicable time, and that all uses and disclosures of protected health information are in accordance with Consumer Direct’s Notice of Privacy Practices.

### **Restriction Requests**

It is the policy of Consumer Direct that serious consideration must be given to all requests for restrictions on uses and disclosures of protected health information as published in Consumer Direct’s Notice of Privacy Practices. It is furthermore the policy of Consumer Direct that if a particular restriction is agreed to, then Consumer Direct is bound by that restriction.

### **Minimum Necessary Disclosure of Protected Health Information**

It is the policy of Consumer Direct that (except for disclosures made for treatment purposes) all disclosures of protected health information must be limited to the minimum amount of information needed to accomplish the purpose of the disclosure. It is also the policy of Consumer Direct that all requests for protected health information (except requests made for treatment purposes) must be limited to the minimum amount of information needed to accomplish the purpose of the request.

### **Access to Protected Health Information**

It is the policy of Consumer Direct that access to protected health information must be granted to each employee or contractor based on the assigned job functions of the employee or contractor. It is also the policy of Consumer Direct that such access privileges should not exceed those necessary to accomplish the assigned job function.

**Access to Protected Health Information by the Individual**

It is the policy of Consumer Direct that access to protected health information must be granted to the person who is the subject of such information when such access is requested, or at the very least within the timeframes required by the HIPAA Privacy Rule. It is the policy of Consumer Direct to inform the person requesting access where protected health information is located if we do not physically possess such PHI but have knowledge of its location.

**Amendment of Incomplete or Incorrect Protected Health Information**

It is the policy of Consumer Direct that all requests for amendment of incorrect protected health information maintained by Consumer Direct will be considered in a timely fashion. If such requests demonstrate that the information is actually incorrect, Consumer Direct will allow amending language to be added to the appropriate document and this addition will be done in a timely fashion. It is also the policy of Consumer Direct that notice of such corrections will be given to any organization with which the incorrect information has been shared.

**Access by Personal Representatives**

It is the policy of Consumer Direct that access to protected health information must be granted to personal representatives of individuals as though they were the individuals themselves, except in cases of abuse where granting said access might endanger the individual or someone else. We will conform to the relevant custody status and the strictures of state, local, case, and other applicable law when disclosing information about minors to their parents.

**Confidential Communications Channels**

It is the policy of Consumer Direct that confidential communications channels be used, as requested by the individuals, to the extent possible.

**Disclosure Accounting**

It is the policy of Consumer Direct that an accounting of all disclosures subject to such accounting of protected health information be given to individuals whenever such an accounting is requested.

**Marketing Activities**

It is the policy of Consumer Direct that any uses or disclosures of protected health information for marketing activities will be done only after a valid authorization is in effect. It is the policy of Consumer Direct to consider marketing any communication to purchase or use a product or service where an arrangement exists in exchange for direct or indirect

remuneration, or where Consumer Direct encourages purchase or use of a product or service. Consumer Direct does not consider the communication of alternate forms of treatment, or the use of products and services in treatment to be marketing. Furthermore, Consumer Direct adheres to the HIPAA Privacy Rule that face-to-face communication with the patient, or a promotional gift of nominal value given to the patient, does not require an Authorization. All marketing activities will be approved in advance by the Privacy Officer.

### **Judicial and Administrative Proceedings**

It is the policy of Consumer Direct that information be disclosed for the purposes of a judicial or administrative proceeding only when: accompanied by a court or administrative order or grand jury subpoena; when accompanied by a subpoena or discovery request that includes either the authorization of the individual to whom the information applies, documented assurances that good faith effort has been made to adequately notify the individual of the request for their information and there are no outstanding objections by the individual, or a qualified protective order issued by the court. If a subpoena or discovery request is submitted to us without one of those assurances, we will seek to notify the individual, obtain his or her authorization, or obtain a qualified protective order before we disclose any information. In no case will we disclose information other than that required by the court order, subpoena, or discovery request. All releases of information for Judicial and Administrative Proceedings must be approved in advance by the Privacy Officer.

### **De-Identified Data and Limited Data Sets**

It is the policy of Consumer Direct to disclose de-identified data only if it has been properly de-identified by a qualified statistician or by removing all the relevant identifying data. We will make use of limited data sets, but only after the relevant identifying data have been removed and then only to organizations with whom we have adequate data use agreements and only for research, public health, or health care operations purposes.

### **Authorizations**

It is the policy of Consumer Direct that a valid authorization will be obtained for all disclosures that are not for: treatment, payment, health care operations, to the individual or their personal representative, to persons involved with the individuals care, to business associates in their legitimate duties, to facility directories or for public purposes. This authorization will include all the mandatory elements and any authorizations generated from outside Consumer Direct will be checked to see if they are valid.

### **Complaints**

It is the policy of Consumer Direct that all complaints relating to the protection of health information be investigated and resolved in a timely fashion. Furthermore, it is the policy of Consumer Direct that all complaints will be addressed to the Privacy Officer who will be duly authorized to investigate complaints and implement resolutions if the complaint stems from a valid area of non-compliance with the HIPAA Privacy and Security Rule.

**Prohibited Activities**

It is the policy of Consumer Direct that no employee or contractor may engage in any intimidating or retaliatory acts against persons who file complaints or otherwise exercise their rights under HIPAA regulations. It is also the policy of Consumer Direct that no employee or contractor may condition treatment, payment, enrollment or eligibility for benefits on the provision of an authorization to disclose protected health information.

**Responsibility**

It is the policy of Consumer Direct that the responsibility for designing and implementing procedures to implement this policy lies with the Privacy Officer.

**Verification of Identity**

It is the policy of Consumer Direct that the identity of all persons who request access to protected health information be verified before such access is granted.

**Mitigation**

It is the policy of Consumer Direct that the effects of any unauthorized use or disclosure of protected health information be mitigated to the extent possible.

**Safeguards**

It is the policy of Consumer Direct that appropriate physical safeguards will be in place to reasonably safeguard protected health information from any intentional or unintentional use or disclosure that is in violation of the HIPAA Privacy Rule. These safeguards will include physical protection of premises and PHI, technical protection of PHI maintained electronically, and administrative protection. These safeguards will extend to the verbal communication of PHI. These safeguards will extend to PHI that is removed from Consumer Direct.

**Business Associates**

It is the policy of Consumer Direct that business associates must be contractually bound to protect health information to the same degree as set forth in this policy. It is also the policy of Consumer Direct that business associates who violate their agreement will be dealt with first by an attempt to correct the problem, and, if that fails, by termination of the agreement and discontinuation of services by the business associate.

**Training and Awareness**

It is the policy of this Consumer Direct that all members of our workforce have been trained by the compliance date on the policies and procedures governing protected health information and how Consumer Direct complies with the HIPAA Privacy and Security Rule. It is also the policy of Consumer Direct that new members of our workforce receive training on these matters within the employee's probationary period time after joining the workforce. It is the policy of Consumer Direct to provide training should any policy or procedure related to the HIPAA Privacy and Security Rule materially change. This training will be provided within a reasonable time after the policy or procedure materially changes. Furthermore, it is the policy of Consumer Direct that training will be documented indicating participants, date and subject matter.

**Sanctions**

It is the policy of Consumer Direct that sanctions will be in effect for any member of the workforce who intentionally or unintentionally violates any of these policies or any procedures related to the fulfillment of these policies.

**Retention of Records**

It is the policy of Consumer Direct that the HIPAA Privacy Rule records retention requirement of seven years from the date of discharge will be strictly adhered to. For minors, records will be retained for at least three years after the minor reaches the age of majority. All records designated by HIPAA in this retention requirement will be maintained in a manner that allows for access within a reasonable period of time. This records retention time requirement may be extended at Consumer Direct's discretion to meet with other governmental regulations or those requirements imposed by our professional liability carrier.

**Cooperation with Privacy Oversight Authorities**

It is the policy of Consumer Direct that oversight agencies such as the Office for Civil Rights of the Department of Health and Human Services be given full support and cooperation in their efforts to ensure the protection of health information within Consumer Direct. It is also the policy of Consumer Direct that all personnel must cooperate fully with all privacy compliance reviews and investigations.

**Investigation and Enforcement**

It is the policy of Consumer Direct that in addition to cooperation with Privacy Oversight Authorities, Consumer Direct will follow procedures to ensure that investigations are supported internally and that members of our workforce will not be retaliated against for cooperation with any authority. It is our policy to attempt to resolve all investigations and avoid any penalty phase if at all possible.





## ***Federal/State law: fraud must be reported***

As an approved provider or contracted agency with public health and human services departments, employers must comply with all applicable Federal, State and local laws. Therefore, employers **are charged by Federal and State law** with the responsibility of identifying, investigating, and referring to law enforcement officials, **cases of suspected fraud or abuse.**



Fraud is a crime against all taxpayers and is a State and Federal crime. Employers are mandatory reporters of any suspected fraud.

All cases of possible fraud and program abuse should be reported immediately.

To make a report, please call

**1-877-532-8530**

Fraud Hotline

Toll Free

**Be Aware**

# Fraud Prevention Program

EMPLOYEES



▶ *Understanding fraud and the possible risks*

▶ *Assuring compliance with Federal and State laws*

▶ *Preventing fraudulent activities*



**Y**our employer's goal is to create a better workplace, and to ensure and improve the quality of care. Employers should:

- ▶ promote **integrity and ethical behavior**;
- ▶ support high standards of conduct and **zero tolerance for fraud**.

## Fraud is defined as:

*The intentional deception or misrepresentation that an individual knows, or should know to be false, or does not believe to be true, and makes, knowing the deception could result in some unauthorized benefit to himself or some other person(s).*

- Centers for Medicare & Medicaid Services -



## Examples of fraud:

- Accepting pay for time you did not work
- Recording more time than actually worked on a time sheet:
  - "padding" time sheets... such as showing up late or leaving early, or taking a break and not subtracting break time when you write down time
- Stating that tasks or procedures were completed when you did not do them
- Forging other employee's or participant's signature
- Changing another person's time sheet or paperwork
- Turning in a false claim for time worked or tasks completed when these were not done and you knew it
- Suggesting or helping a participant get services or supplies that are not required for the person's disability
- Not following all parts of the contract with the company
- Not providing the expected quality of services for a participant

## Committing fraud

**F**raud may result in significant penalties ranging from warnings to suspension, termination, fines or jail time.

if an employee gives false information or knows of false information and fails to report it, he/she could be convicted of a crime. The employee might have to pay large sums of money or go to jail for up to a year.

If there is reason to believe that the misconduct may violate criminal, civil, or administrative law, then your employer and the organization must promptly report the existence of misconduct to the appropriate Federal and State authorities.

## Preventing fraud

### Current Fraud Prevention Components:

- **All employees** are required to pass a criminal and Office of Inspector General (OIG) **background check**.
- All employees receive **initial and ongoing training** on fraud topics:
  - The Employee Handbook includes the company's standards of conduct, a statement on Corporate Compliance and a fraud component.
  - Regular fraud prevention training, as well as education topics, are provided in newsletters
- Coordinators may make **unannounced visits** and/or calls
- Participants and employees sign an **acknowledgement and an anti-fraud** statement on every time sheet
- A **Fraud Prevention Manual** will be available for administrative employees
- A **Fraud Prevention Hotline** for response to suspected incident of fraud

