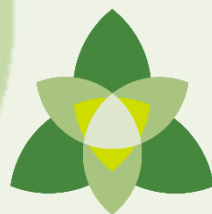


# Employer of Record Handbook Supplement

Individual & Family-Directed Supports



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HEALTH RESOURCES

Transforming Lives. Building Community Well-Being.

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## Trillium Health Resources

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<b>Trillium Northern Regional Office</b>	<b>Trillium Central Regional Office</b>	<b>Trillium Southern Regional Office</b>
144 Community College Rd. Ahoskie, NC 27910-9320	201 W 1st Street, Greenville, NC 27858-1132	3809 Shipyard Blvd. Wilmington, NC 28403-6150

Member & Recipient Service Line - 1.877.685.2415  
Administrative & Business Matters – 1.866.998.2597



## **AN INTRODUCTION TO SELF-DIRECTED SUPPORTS**

This chapter is an introduction to self-directing services through the NC Innovations Waiver. In the NC Innovations Waiver, participant-directed services are called Individual & Family-Directed Supports. Members and families can direct some or all of the services that are paid through NC Innovations funding. Self-directing services gives Members and families more control over the way their services are provided. In this section, we cover important information that will provide an introduction to Self-Directed Supports.

### **PRINCIPLES OF SELF-DETERMINATION**

- ▲ Services that May be Self-Directed
- ▲ Advantages of Individual & Family-Directed Supports
- ▲ Individual & Family-Directed Supports Model

### **SERVICES THAT MAY BE SELF-DIRECTED**

Members and families may choose to direct one or more service. In addition to self-directing some services, Members and families may also continue to receive provider directed services. Services that may be Self-Directed are:

- ▲ Community Living & Supports
- ▲ Member Goods and Services
- ▲ Natural Support Education
- ▲ Respite Services
- ▲ Supported Employment Services
- ▲ Supported Living

## RESOURCES FOR DIRECTING YOUR SERVICES

This chapter provides a quick overview of the resources available to you if you choose to direct some or all of your services. In the Employer of Record Model, you are the Employer. Trillium recognizes that it takes time for Members and their families to feel confident about directing services.

Following are the resources that are available when you choose to self-direct your services:

- ▲ The Employer (You)
- ▲ Financial Support Services Agency
- ▲ Community Navigator Agency
- ▲ Care Manager
- ▲ Representative

### THE EMPLOYER

As the Employer, you are responsible for all aspects of managing your employees. Additionally, you are responsible for ensuring that services are provided as outlined in the Individual Support Plan.

### FINANCIAL SUPPORT SERVICES AGENCY

Financial Support Services Agencies provide many Administrative functions. These include paying your employees, paying your Worker's Compensation Insurance and providing you with important information related to managing your employees and your budget

### COMMUNITY NAVIGATOR AGENCY

Community Navigators provide your initial training to learn about directing your services. Community Navigators will continue to assist as you learn to take on all of the responsibilities related to directing your services.

### CARE MANAGER

Care Management is provided to Members and Families who direct their services.

### REPRESENTATIVE

Representatives assist you to carry out your responsibilities as the Employer.

## GETTING STARTED: AN OVERVIEW OF WHAT TO EXPECT

This chapter provides an overview of the steps a Member or Family takes to determine if they want to direct some or all of their services.

The following sections highlight what to expect in each step.

### STEP 1 - ORIENTATION FOR THE EMPLOYER TO DIRECT YOUR SERVICES

An Orientation to Individual and Family-Directed Supports is provided by your Care Manager at the time of your Initial and Annual Individual Support Plan (ISP) planning process. Written materials are also given to the member, family, and/or legally responsible person, providing basic information about self-directing your services.

Your Care Manager explains educational opportunities that are available through Community Navigator Services for Members/Families interested in learning more information about self-directing services. Your Care Manager discusses the option of having a Representative.

### STEP 2 – YOU EXPRESS INTEREST DIRECTING YOUR SERVICES AND IDENTIFY MANAGING EMPLOYER

The Managing Employer who is one of the following members is identified:

- ▲ Participant (member receiving services);
- ▲ Parent(s) of a minor participant; or
- ▲ Legal Guardian
- ▲ A Limited Liability Corporation (LLC) **may not** be the Employer of Record.

You discuss the option of Representative with your Care Manager. Your Care Manager will assist in process of identifying a Representative when needed.

Your Care Manager makes a referral to Community Navigator agency for training to direct your services when this service (Community Navigator) is not currently part of the member's ISP. This training provides detailed information on self-directing your services.

### STEP 3 - TRAINING FOR THE EMPLOYER (YOU)

The Community Navigator works with the Member/Family, the Employer, and/or Representative at a time and location determined by the person receiving services and/or Employer to provide required Individual and Family-Directed Supports Training. When there is a Representative, the Employer and the Representative will be encouraged to attend the training together. The Community Navigator provider will give you and your Representative, if applicable, a copy of the Individual and Family Directed Supports Employer handbook along with any other additional materials that may be helpful.

## **STEP 4 - TRAINING CERTIFICATE ISSUED**

After the training, the Community Navigator issues a training completion certificate to the Employer and/or Representative, as applicable. Copies are provided to your Care Manager.

## **STEP 5 - DECISION MADE BY THE EMPLOYER TO SELF-DIRECT**

The person receiving services and/or the Employer makes a decision to self-direct their services or continue with provider-directed services. The Employer or Representative, if applicable, will inform the Care Manager of their decision. The Care Manager also provides the prospective Employer and prospective Representative with copies of the complete service definition, including direct service employee qualifications, for each service definition the prospective Employer wants to self-direct.

The Care Manager reviews the ISP with the prospective Employer and members of the member's planning team. The prospective Employer determines the Model of Individual and Family Directed Supports to use; decides which services are to be self-directed; and which services, if any, are to continue under the Provider Directed Option. Only one model of Individual and Family Directed Supports may be selected at a time, either Employer of Record *or* Agency with Choice.

## **STEP 6 - INDIVIDUAL FAMILY-DIRECTED SUPPORTS ASSESSMENT COMPLETED**

Your Care Manager completes an Individual and Family-Directed Supports Assessment, with the Employer and the Representative, if applicable, if you have decided to direct your services.

If determined a Representative is needed to assist you to direct your services, the Representative is identified and attends training on the Individual and Family-Directed Support option. After training completed, the Individual Family-Directed Supports Assessment is completed.

## **STEP 7 - REPRESENTATIVE DOCUMENTS ARE COMPLETED**

If a Representative is desired or required, the Representative Screening Questionnaire, Designation of Representative and Representative Agreement is completed by your Care Manager.

## **STEP 8 – INDIVIDUAL FAMILY-DIRECTED SUPPORTS ASSESSMENT ARE SHARED**

Copies of the completed Assessments are given to Prospective Employer and the Community Navigator.

## **STEP 9 - INDIVIDUAL AND FAMILY-DIRECTED SUPPORTS AGREEMENTS SIGNED**

Rights and responsibilities of Employers are outlined in an *Individual and Family-Directed Supports Agreement*. The responsibilities of all parties are also listed in this agreement. You, as the Employer agree to and sign this agreement before beginning to self-direct your services. Your Care Manager will assist you with completing this agreement.



The *Financial Support Services Agreement* outlines the responsibilities of the Financial Support Services Agency. The Financial Supports Services Agency is responsible for ensuring that this agreement is completed.

## **STEP 10 - UPDATING YOUR INDIVIDUAL SUPPORT PLAN (ISP)**

The Care Manager reviews the ISP with the Member/Family, legally responsible person, and representative, as applicable, making necessary changes and includes the following.

1. A decision is made about services that are self-directed and the services and if any that will be provided under the Provider Directed Option.
2. Employee qualifications are determined. The parent or step-parent of a child under 18 or the participant's spouse may not be the employee in the Individual and Family Directed Supports Option.
3. The plan for back-up staffing in the event that an employee hired is unable to provide services as needed, as well as a determination of the emergency and crisis plans or protocols are developed.
4. A statement of how the member receiving services will be involved in self-directing services if the participant is not the Employer is developed.
5. Long-range goals/outcomes for Community Navigator services that focus on the supports you need to direct your services are developed.
6. The plan for monitoring services and supports, including how the Care Manager, Employer, Representative, and Financial Supports Services agency will jointly ensure the health and welfare of the member receiving services is created.
7. An effective date to begin Individual and Family-Directed Supports is established to allow time for employees to be hired, as well as for IDD Utilization Management approval of the ISP.

## **STEP 11 - SUBMITTING YOUR INDIVIDUAL SUPPORT PLAN FOR REVIEW**

Your packet includes the following and will be submitted by your Care Manager to the IDD Utilization Review department for authorization:

1. Individual Support Plan (ISP)
2. Revised Individual Budget
3. An Individual and Family-Directed Supports Assessment
4. Representative Assessment, Screening, and Designation of Representative, if applicable
5. An Individual and Family-Directed Supports Agreement
6. A Financial Support Services Agreement

7. Verification of Individual and Family-Directed Supports Option training provided by Community Navigator agency

## **STEP 12 – SELF-DIRECTED SERVICES BEGIN**

Upon notification of approval of ISP, the Employer begins to direct services. Your Care Manager will provide you with a copy of your approved ISP packet.

## THE EMPLOYMENT PROCESS

This chapter focuses on the process for employees selecting employees. There are three topics:

1. Recruiting applicants
2. Selecting employees
3. Dismissing employees (following the required procedure)

Make sure you are clear on the work schedule and the duties that you expect your new employee to perform. Your Community Navigator will be able to give you assistance as you begin the process of hiring a new employee.

### RECRUITING APPLICANTS

In the Employer of Record Model, the Employer recruits and makes decision to hire staff. The Financial Support Services Agency completes background checks when requested by the Employer. Background checks are reviewed and considered by the Employer.

If the employee meets requirements for the position and both reference and background checks are acceptable, the Employer offers the position to the applicant. If the applicant accepts employment, the Employer and/or Representative works with the Financial Support Services Agency to make sure that forms needed to hire the applicant are completed. An Employee Support Agreement is created and signed by the Employer and representative, if applicable, and the employee.

#### **SEE EMPLOYER RESOURCES AND FORMS APPENDIX 34 FOR EMPLOYEE SUPPORT AGREEMENT**

Before recruiting, you must know what it is you want your employee(s) to do. You must consider the knowledge and skills a person should have to do the work you need. It is helpful for you to have a good idea of what you are looking for when you begin recruiting.

Finding the right employee(s) may take time. It depends on your needs and how well you have planned. Use all the resources you can. Think about whether or not you want to use friends, neighbors or family members, if allowed. Using people you know can make the process easier, but it can strain your relationships.

**Remember:** *The direct service employee may not be: a parent or step-parent of a child under 18, the participant's spouse, the Managing Employee, or the Representative.*

Recruiting can be divided into several tasks:

- |                                |                               |
|--------------------------------|-------------------------------|
| 🌱 Writing Your Job Description | 🌱 Establishing Pay Rates      |
| 🌱 Writing job ads              | 🌱 Screening interested people |
| 🌱 Advertising the jobs         | 🌱 Interviewing applicants     |

## WRITING JOB DESCRIPTION

The job description you develop describes exactly what your employees will do while working with you. You may want to start by thinking about all the tasks you will want them to perform. We provide some tools to assist with putting this information on paper.

*See Employer Resources and Forms Appendix 14 for Building a Job Description*

*See Employer Resources and Forms Appendix 15 for Job Description Sample*

## WRITING JOB ADS

The job description you develop becomes the foundation for your job ad. To begin, you need to decide whether you want many people to respond to your ad or only a few. The rule of thumb in writing job ads is, in general, less information gets more responses; more information gets fewer responses.

It might seem better to have many people respond to your ad. However, if you get a lot of response to a particular ad, it means more people for you to screen and interview, which could make your process more involved. The goal is to get the right people responding to your ad. A well-written ad can help screen out people who are not interested in your job. However, those who do respond would likely be better applicants. So, include enough information to get "quality" applicants. Make sure your ads are written to provide equal opportunity to anyone who is interested in applying.

Below are some sample ads. Notice the "details" in the ads. The first ad is the most general. In each ad, a few words have been added to make it more specific than the ad before it. Read each ad carefully to see how adding one or more key words make them more specific.

### EMPLOYEE WANTED #1

Nonsmoker needed to work with adult who has disabilities, assist with housekeeping and going to volunteer in community. Days negotiable. \$9 an hour. Call (719) 555-5555 or send email to [myemail@writeme.com](mailto:myemail@writeme.com).

### EMPLOYEE WANTED #2

Nonsmoker needed to work with adult female who has disabilities, assist with housekeeping and volunteering at local animal shelter. Days negotiable. \$9 an hour. Call (719) 555-5555 or send email to [myemail@writeme.com](mailto:myemail@writeme.com).

### EMPLOYEE WANTED #3

Nonsmoker needed to work with adult female who has disabilities, assist with laundry, grocery shopping, housekeeping and volunteering at local animal shelter. Days negotiable. \$9 an hour. Call (719) 555-5555 or send email to [myemail@writeme.com](mailto:myemail@writeme.com).

### EMPLOYEE WANTED #4

Nonsmoker needed to work with adult **female** who needs assistance with mobility, personal care, **laundry** and housekeeping. **Some lifting involved. Employee would also provide support during volunteering at local animal shelter.** Days negotiable. \$9 an hour; **limited paid vacation included.** Call (719) 555-5555 or send email to [myemail@writeme.com](mailto:myemail@writeme.com).

In the first ad, both men and women are likely to respond. However, men are less likely to respond to the second ad. Likewise, people who do not like doing laundry may not respond to the third.

People who feel uncomfortable working with people with mobility assistance needs or who cannot lift are not likely to respond to the fourth. Regardless of your approach, it is ultimately your decision as to what to put in your ads. A suggestion is to try several ads with different information in each to see what will work best for you.

*See Employer Resources and Forms Appendix 1 - Sample Ads for Direct Support Employees*

You do not need to include your name or home address. All you need is a way for people to contact you. This could be by phone, email, or regular mail. If you want people to contact you by mail, consider renting a post office box. Although you will have to pay a PO Box rental fee, it will give you more control. Whichever way you choose to be contacted, protect your privacy as much as possible.

## **POSTING JOB ADS**

The best place to put up an ad is the place that gets you the best employees. But, where is that? This is a challenge and requires you to be creative. Here are some suggestions.

- ▲ Colleges and universities can be good places for ads. Students often look to gain work experience and often need money. Many colleges provide employment services. Contact the career center about listing a job.
- ▲ Friends, family, neighbors, current employees, faith communities and area businesses may be good "word-of-mouth" resources. Let personal contacts know you are looking for a worker, but make it clear you will do the screening and selecting.
- ▲ Agencies that help people find jobs may be good resources. This might include job service centers and vocational rehabilitation offices. Ask them if they have a place where you can post your ads.
- ▲ Medical facilities, such as hospitals and clinics, may be good sources. Some of the staff may be interested in finding extra part-time work. Ask at the Human Resources/ Personnel department.
- ▲ Private employment agencies are an option but do proceed carefully. These agencies will likely charge you or the employee a fee for a successful hire. If you do use an employment agency, you will have to sign a contract for their services. Make sure you read and understand any documents the agency gives you before you sign an agreement.

- 🌱 Local publications can be a less costly resource. Many community groups have newsletters in which you may post ads. Local newspapers are usually cheaper than citywide newspapers and your ad will reach people in your own area. Call a publication and ask to speak to someone in the classified department. Be sure to place your ad in the "Help Wanted" section. You will be charged by the word or line, so make your ads brief but with enough essential information. Get the best price. Some consumers say this is the best way to find employees in large, urban areas.
- 🌱 Use bulletin boards to hang posters or index cards in high traffic areas. This approach seems to work quite well in small towns where people tend to know each other. High traffic areas might include supermarkets, drug stores, banks, Laundromats, places of worship and community centers.

Remember, recruiting is an **on-going** activity. As long as you are directing your own supports, you will need to recruit employees, especially as back-up employees.

Employees will not be with you forever so stay on top of your recruiting skills and activities. Be ready to recruit on very short notice. Do not forget about people you liked but did not select at first. They might make good back-up employees. They might someday become your regular employees.

## **ESTABLISHING EMPLOYEE PAY RATES**

You are responsible for setting the pay rate for your employees. You will have a tool to use to develop your budget. Your Financial Support Services agency uses your Individual and Family-Directed Budget to pay employees, employer taxes, and other employee related expenditures.

## **SCREENING INTERESTED PEOPLE**

After putting out an ad, be ready to respond to people who contact you. Have the job description nearby or easily accessible. Review it several times, if necessary, so you can talk about it when someone calls about the job. It is important to respond quickly to people who have contacted you about the job. Good employees will not wait around very long.

During the screening process, you eliminate people who are not appropriate or who do not meet your needs. You can screen potential employees either by phone or in person. Whichever way you prefer, keep in mind that you do not have to interview each applicant. Screening will save time and effort for you and everyone else.

When you talk to interested people, ask them what kind of pay they are looking for and how many hours a week they are available. With this information, you can screen out certain people who either want more pay or who cannot work your schedule. If the person sounds like she/he might work out, continue talking. Ask brief and important questions that will help you decide if she/he will meet your needs. Ask the most important questions first and avoid those that suggest you are not being fair. If you are unsure what might be illegal, your Community Navigator will help you.

*See Employer Resources and Forms Appendix 6 - Sample Screening Questions*

## **INTERVIEWING APPLICANTS**

The information that you learn from interviews with applicants is important to making a good selection. Take time to plan your interview, which means planning the questions you will ask. Interviews should be face-to-face meetings. Remember, the interview is when you and the applicant see if the situation will work for both of you. You may want to consider a neutral place for your interviews such as a meeting room at your local library.

Plan your interview questions. Use questions that will ask about abilities, skills and character. Once you have an idea of the questions you want to ask, write them down on paper (or computer), if possible. To be fair to each person, use the same questions for each interview.

*See Employer Resources and Forms Appendix 7 - Sample Interview Questions*

Prior to the interview, think about how you will ask the questions and any necessary follow up questions. When you start the interview, try to put the person at ease. You are more likely to get a true sense of what a person is like if she/he is comfortable. Start with questions that are more general like, "What did you like about your last job?"

Then, move to more sensitive questions later in the interview like, "What do you see will be your biggest challenge working with a person who has disabilities" or "What will be your biggest challenge working with a member who needs personal care?" There are many ways to interview. The process involves giving and receiving information on both sides.

During the interview:

- 🌱 Describe the job requirements in detail.
- 🌱 Ask work-related, open-ended questions (ones that require more than a yes/no answer).
- 🌱 Tell the person what you expect in an employee.
- 🌱 Tell the person about the work schedule.
- 🌱 Ask about transportation.
- 🌱 Provide the person with a copy of the job description and employee guidelines.
- 🌱 Explain your disability or medical condition as well as you can.
- 🌱 Be very up-front and clear, especially about duties that might make a person uncomfortable.
- 🌱 Notice not only what the person says, but also how she/he says it.
- 🌱 Give the person plenty of chances to ask questions, and give honest answers.
- 🌱 Give the person general information about wages, any benefits available, and how Self-Direction works.

As you near the end of the interview, ask the person if she/he is interested in the job. If the person seems like someone you would likely select, ask for references. Do not make your decision right then, but tell the person you will notify them of your decision.

Generally you should interview more than one person. This is an important decision, and you want to have as much choice as you can. Keep notes on your thoughts and feelings about the people and their answers to your questions. This helps you avoid getting confused about details. Use these notes to help you compare the good and bad points of the people you have interviewed. Give yourself time to think about who is most likely to meet your needs.

Discuss the pros and cons of each applicant with your partner with someone you trust. It is best to do this right after the interview so you will remember the details of the interview.

During the interview, be sure to confirm the work references that the applicant has provided on their application. It is your responsibility to get the references.

## **AVOIDING DISCRIMINATION**

There are certain questions that can be considered discriminatory if they are asked during the interview. They are off-limits because the questions can result in discrimination against certain members, even if that is not your intent.

Some questions do involve issues that may be of valid concern to you in looking for a direct support worker. The best way to handle them is to identify and state clearly in your ads what your requirements are for the job.

*See Employer Resources and Forms Appendix 8 – Avoiding Discrimination: Questions NOT to Ask*

## **SELECTING EMPLOYEES**

Now you select the person you want from the people you interviewed. In making your choice, think about these questions:

- 🌱 What important skills and experience does each person have?
- 🌱 What is you're feeling about each person, based on the interview and other contacts you have had?
- 🌱 How would it feel working with each of the people you interviewed?
- 🌱 Does the applicant meet the minimum requirement for the supports that will be provided per Innovations Waiver Guidelines?
- 🌱 Does the applicant meet additional requirements for the supports that will be provided?

Some qualities in people are harder to assess. Ask yourself if you will feel comfortable giving the person directions and even corrections. This is very important if you are thinking about selecting a friend or relative. How do you feel about spending a lot of time with the person? Remember that



safety, reliability and quality work are the most important features for an employee to have. The lifestyle of employees may not have anything to do with the quality of his or her work.

### **COMMUNICATING WITH YOUR FINANCIAL SUPPORT SERVICES AGENCY**

It is important to let the Financial Supports Services agency know as soon as possible that you have made a decision about the person you would like to hire. Good communication ensures that your new employee can start working as soon as possible. The Financial Supports Services agency will need all required documents before they complete the Criminal Background check.

### **CRIMINAL BACKGROUND CHECKS**

The Financial Supports Services agency will conduct the criminal background check for applicants you are interested in selecting to work for you. The Financial Supports Services agency will provide the results of the criminal record check to the Employer or Representative.

The Employer may not hire an applicant whose criminal record or Health Care Registry check pose a potential risk to person receiving services. Additionally **the Employer may not hire applicants whose criminal background checks are positive for any convictions listed in §108-C-4:**

- ▲ Any criminal offense related to the applicants involvement with Medicaid, Medicare, or Health Choice programs within the last 10 years. Example: a charge or conviction of Medicaid fraud
- ▲ Refer to the following link for additional information  
[https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_108C/GS\\_108C-4.pdf](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_108C/GS_108C-4.pdf)

### **PERSONNEL FILES**

The Employer of Record keeps the personnel file on each employee. As the Employer, it is your responsibility to maintain the privacy of your employees. Please keep sensitive information to include documents with Social Security Numbers, Date of Birth, supervision notes in a location that only you can access. Results of background and health registry checks may contain sensitive information and it is important that it remains private. The Background Check and Health Registry Checks should be kept separate from other Employee Information because it contains sensitive Information.

### **EMPLOYEE SUPPORT AGREEMENTS**

You will create an Employee Support Agreement that outlines what you expect from each of your employees. The Employee Support Agreement is reviewed with all new employees before they begin working for you. The Employee Support Agreement goes hand in hand with your employee's Supervision Plan. Later, you can use the agreement to help you evaluate the employee's work performance. It can help you decide if you want to keep the person or the specific areas in which they need to improve their work.

Again, the Employee Support Agreement should be reviewed with your new employees before they begin working for you. Agreements should include at a minimum the following information:

- 🌱 Wages
- 🌱 Behaviors the employee should have on the job
- 🌱 Benefits (if any)
- 🌱 Grounds for dismissal (firing)
- 🌱 Services the employee will provide
- 🌱 Other working conditions
- 🌱 Work schedules

You may also want to review this agreement monthly when your employee is new and still learning the responsibilities of their job. This is a great way to talk to employees about the areas where they are doing really well and the areas where they still need to learn and improve their work.

*See [Employer Resources and Forms Appendix 34 for Employee Support Agreement](#)*

## **SUPERVISION PLAN**

The Supervision Plan maps out important details about how you will ensure your staff are meeting your expectations. Supervision Plans answer these questions:

- 🌱 How often you will observe your employee working and review their written documentation?
- 🌱 How often will you be reviewing the Time and Billing Forms completed by the employee? (at least twice per month is required)
- 🌱 How often that you will meet with each employee (at least monthly is the current requirement)?
- 🌱 What training your employees need to do their job?
- 🌱 How and where will you document your notes from your supervision? Using a supervision log is a good way to keep this information.

*See [Employer Resources and Forms Appendix 36 or Supervision Plan Sample](#)*

*See [Employer Resources and Forms Appendix 37 for Supervision Log Sample](#)*

## **EMPLOYEE GUIDELINES**

Employee Guidelines set the work rules for your employees. Your guidelines will lay out what you expect in many areas. It is important that you provide written guidelines to your employees.

Here are some topics to consider including:

- 🌱 Using Cell Phone
- 🌱 Smoking
- 🌱 Eating Meals While Working
- 🌱 Visitors
- 🌱 Handling Your Money
- 🌱 Dress Code

*See [Employer Resources and Forms Appendix 38 for Areas to Think About in Developing Employee Guidelines](#)*

*See [Employer Resources and Forms Appendix 39 for Sample Employee Evaluation](#)*

## **DISMISSING (REPLACING) EMPLOYEES**

Most people do not like having to dismiss or replace someone. However, sometimes that "perfect" person you selected does not work out. People and situations change. If you find at some point that your employee is not meeting your needs, you may have to replace that person using a well thought out procedure. Before approaching your Employee, you plan how you will communicate the dismissal to your employee. For example, before dismissing an employee, you will want to be clear on the specific duties the employee was not performing to your expectation. This will help you plan your conversation which doesn't need to cover every issue you had with the employee, but clearly provides a summary of why you are dismissing the employee.

Keeping an updated Employee Support Agreement and keeping a regular schedule for reviewing your employee's job performance can help you decide if you have grounds for dismissing. It is easy to compare the Employer Support Agreement with the work your employee is actually performing.

### **SOME REASONS FOR DISMISSING**

- ▲ The reasons to fire someone will vary. Here are some of the most common reasons:
- ▲ The employee's work does not meet agreed upon expectations.
- ▲ The employee does not respond fast enough to meet your changing needs.
- ▲ The employee is late or fails to show up too many times.
- ▲ You feel that the employee's personal habits/behaviors get in the way of doing the job you need done.
- ▲ The employee does not pay attention to your instructions.
- ▲ You find you are having too many arguments.
- ▲ You do not feel safe and comfortable with the employee.
- ▲ The employee has a schedule that is not flexible enough for you.
- ▲ The employee violates your employment conditions, seriously or often.

### **REASONS FOR IMMEDIATE DISMISSALS**

Some actions by an employee may be reasons for dismissing (firing) the employee right away. You should have put these in your Employee Support Agreement, as we talked about earlier. Hopefully you covered these with your employee when she/he started working for you.

Reasons for immediate dismissal include actions such as:

- |   |                                  |
|---|----------------------------------|
| ▲ Drinking on the job                         | ▲ Being caught stealing from you |
| ▲ Using illegal drugs on the job              | ▲ Abusing you in any way         |
| ▲ Coming to work impaired by alcohol or drugs | ▲ Violating your confidentiality |

## **HOW TO DISMISS OR FIRE EMPLOYEES**

You may want to ask your Community Navigator for suggestions on how to plan for the dismissal. Be prepared to answer questions related to final pay and make sure to get any of your property back from the employee. Usually this happens at the end of the dismissal conversation.

You will want to make sure that you have talked with the employee about your concerns. This would have given the employee time to improve. If you decide to give the employee another chance, have a written agreement that states what the employee is required to do in order to not be dismissed.

If you decide that the employee should be dismissed, consider the following in your planning:

- 🌱 **How much notice should you give your employee?** Be fair, but remember that if you give the employee advance notice, you may risk even more problems with his or her work and behavior.
- 🌱 **Who will provide your support once you fire the employee?** Before you fire your present employee, have at least one backup employee ready to step in right away.
- 🌱 **Are you safe and secure?** If the employee is going to be dismissed and had access to the keys to your residence or car, get them back on the same day that you fire the individual.
- 🌱 **Learn from the experience.** After you have had some time to consider the situation, think about what you have learned from it. Would you deal with the situation in a different way? Was there a question you would have asked in the interview process that would have helped you realize that this was not the person for you?
- 🌱 **The Care Manager** will alert the proper agency when abuse or fraud was the reason for the dismissal.

## MANAGING YOUR EMPLOYEES

This chapter focuses on how to manage your employees. There are six topics:

1. Training Employees
2. Scheduling Employees
3. Supervising Employees
4. Evaluating Employees
5. Dealing with Abuse or Neglect
6. Preventing Theft

### TRAINING EMPLOYEES

Training your employees is very important. The Employer and/or Representative, if applicable, train direct support employees. The Employer is responsible for making sure that employees receive established training requirements. You must make sure your employees have the proper training in order to meet your needs and give you quality support. There are many ways to train. Here are some suggestions:

#### **ALL EMPLOYEES WILL NEED SOME TRAINING**

Even if your new employee has performed this kind of work before, she/he does not know how you like things done. Teach your employee to complete tasks the way you want them done.

#### **PREPARE**

Before you start training, have all the equipment and supplies you will need for the training. If possible, schedule training when you will not be disturbed. You and your employee need time to focus on the training.

#### **EXPLAIN YOUR DISABILITY OR YOUR MEDICAL CONDITION**

Tell your employee about your disability or medical condition and how it affects your daily life. Do not leave anything out. Does your disability or condition have symptoms that could be alarming to a new employee? If so, talk about it. If your disability or condition has symptoms that could be unfamiliar to the uninformed public, prepare your employee to deal with this also. Use many examples. The more your employee knows of your disability, the better support she/he can give you.

#### **REVIEW YOUR EMPLOYEE SUPPORT AGREEMENT FOR THIS EMPLOYEE**

You talked about your expectations in the interview. Make sure your employee hears they are important. Explain anything that is unclear. Let him or her ask questions. If your work plan agreement causes problems, deal with it right then. If you cannot resolve the problem, you may not want him or her to continue working for you. If this is the case, do not do any further training.

#### **HAVE A TRAINING PLAN**

Begin each training lesson with an overview of what you will cover. At the end of the lesson, sum up what you have taught. If you need more than one lesson to cover a topic, review what you have taught in earlier lessons first. Answer any questions, and then move on to new material.

### **EXPLAIN TASKS**

When explaining a task that must be done a certain way, tell the employee she/he must do it in a certain way and explain why. If the task must be done at a certain time, explain why. Describe each step carefully. The employee must understand all parts of a task and how they fit together.

### **DEMONSTRATING NEW TASKS**

A good way for your employee to learn a new task is to have the employee watch someone else do it first. Have a friend, family member, or another skilled employee show him how to do the new task. Make sure she/he sees several times how the task is to be done. Then, let the employee practice it and tell him how she/he is doing.

### **COVER THE STEPS IN THE TASK**

If you are using a checklist, have your employee review the checklist on the task as you work through each step. Or, you could have your employee write down each of the steps as you explain them. Review what your employee writes to be sure that she/he understood all steps correctly.

### **STRESS SAFETY**

Stressing safety is very important. If you have life support or medical equipment, make sure the employee knows how and when to use it. Train the employee to understand and use “universal precautions” whenever needed. Make sure the employee knows what to do in case of an emergency.

### **REVIEW CONFIDENTIALITY**

It is important that you talk to your employees about the importance of respecting your privacy. Your employees should not talk about their work for you with their friends and family. Your employees should not share any personal information about you or your family. Not following your rules about confidentiality is a reason to fire your employee. It is a good idea to ask your employee to sign a confidentiality agreement.

[See Employer Resources and Forms Appendix 23 for Confidentiality Agreement Sample](#)

### **BE PATIENT**

Your employee may not get all your directions right the first or even the second time. Making mistakes is part of learning. Ask for feedback and give the employee plenty of chances to ask questions. ***Be Patient!***

### **BE SENSITIVE TO YOUR EMPLOYEE**

Some people may be able to learn a whole task at once. Others may need a slower pace. Pay attention to your employee’s feelings and reactions as you train. Give thought to how much new knowledge your employee is able learn at one time.

### **RESPECT YOUR EMPLOYEE**

Respect your employee's ability to learn and how much she/he already knows.

### **GIVE YOUR EMPLOYEE FEEDBACK**

Giving your employee feedback during training as well as on the job is very important. Talk about what is working and, more importantly, what is not working. Like most people, your worker needs both positive and corrective feedback.

### **CORRECT MISTAKES**

When your employee performs a task differently than the way you wanted it done, point it out. Patiently remind your employee how you want it done. Remember, you are trying to fix the mistake, not the person.

### **PRAISE GOOD WORK**

When your employee performs tasks the way you want them done, point this out. Praise your employee for good work, and do not forget to say, "Thank you." This is a powerful motivator for employees.

### **EVALUATE YOUR EMPLOYEE'S PERFORMANCE AND BEHAVIOR**

Let your employee know you will be evaluating work and behavior regularly. Review the evaluation document beforehand and discuss what you expect. Share copies of your evaluations. We will talk more about evaluating employees later in this Chapter.

## **SCHEDULING EMPLOYEES**

If you only have one employee, scheduling is simple. If you have more than one, scheduling is more difficult. Plan enough time for scheduling and dividing tasks among your employees. You must balance your needs to have reliable, timely support with your employee's needs. Here are some things to consider.

### **HOW IMPORTANT IS THE SCHEDULE?**

Tell your employees that the schedule is important. If you do not tell them, they will not know. In your work plan agreement, be very clear about your expectations on scheduling. Also, tell your employee what she/he can expect when she/he does not follow the schedule. Post your schedule in a place where all will see it. Check it frequently so that you always know what is going on.

### **WHO DECIDES ON THE SCHEDULE?**

You will work with your employees to develop a schedule that meets your needs. Remember, though, that you and all your employees have to be concerned with the schedule. You will have a better relationship with your employees if they feel you have thought about their needs when putting the schedule together. Talk to your employees about the schedule as you are putting it together. After you get their input, give them a written draft to review.

As much as you can, include their input into the final schedule. Try as you might, you may not meet everyone's scheduling needs. If you cannot, explain how and why you developed the schedule as you did.

### **HOW DO YOU SET UP A SCHEDULE?**

There is no one right way to set up an employee schedule. To begin, you might review your support tasks checklist. Decide which employees should do what tasks on which days. You might divide the tasks among your employees equally. Or, you may assign employees based on their skills and abilities.

However, you set up the schedule, remember you will have to do it again as things change. Keep in mind that once an employee has worked 40 hours in a work week, he/she is earns overtime for any additional hours worked. This means that you will pay more for any hours that this employee works. This will affect your overall budget in that you will be able to afford fewer hours because of the extra money you are spending paying for overtime hours.

Sometimes this is unavoidable, but you should try to avoid when possible. However, you set up the schedule, remember you will have to do it again as things change.

*It is important that when scheduling services that they are provided in the appropriate settings as specified in the Innovations Waiver.*

[See Employer Resources and Forms Appendix 35 – Employee Schedule Sample](#)

### **HOW DOES THE SCHEDULE GET CHANGED?**

Stress to your employees that everyone must respect the schedule, including you. There could be times when you or an employee really needs to change the schedule. Decide how this will happen and be sure all employees understand the process. Decide, for example, how much notice you need before changing the schedule. Also, tell them how much notice you will give them when making a change. Explain when you might not be able to give that much notice.

Be very aware of issues around starting and ending times. You want your employees to be on time, not late. Decide how you will handle employees being late and let them know the consequences. Be very careful about asking employees to stay late. There is a **limit on the number of hours that some services** may be provided in a day and you must be careful not to exceed this limit. It also important to respect the employee's time in the same way you want them to respect yours and asking them to stay late may cause some difficulties for them. If you often ask employees to stay late, you will cause problems in your relationships, and you will lose employees. On the other hand, if you respect their time, you have more right to expect employees to respect yours.

## **SUPERVISING EMPLOYEES**

This means you direct, oversee and manage employees in order to receive the care you need. In supervising, consider 1) quality; 2) quantity; 3) time; and 4) rules:



1. **Quality** looks at how well tasks are being done. Do employees perform tasks the way they were taught or some other way?
2. **Quantity** looks at the amount. Are employees performing every task as required or are they skipping some?
3. **Time** is about the schedule. Do employees perform tasks when they are scheduled?
4. **By the Rules** looks at whether or not employees are following your guidelines.

Let's say you tell your employees to only park in your driveway and not on the street in front of your neighbor's house. Although where the car is parked may not have a direct impact on your care, it is your rule and it is to be followed. Remember, supervising is more art than science. You will need to work with your employees on what style of supervision works best for you and them.

Talking with your employees when they are not performing their job to your satisfaction is important. Make the time to have these conversations so your employees have a chance to make improvements.

It is important that you are clear about what you want them to change and what will happen if they do not make changes. You may want to just have a conversation at first. If the employee still does not make needed changes, you will want to put your expectations in writing.

*See Employer Resources and Forms Appendix 42 – Notice of Unsatisfactory Performance*

*See Employer Resources and Forms Appendix 43 - Sample Process for Handling Conflict*

### **BE READY TO TRAIN**

Since things change, good supervision will require on-going training. If your situation changes, you may need to train the employee on how to do new tasks. Your employee may have questions that training did not cover. When this happens, train as discussed at the beginning of this Chapter. Even though something is clear to you does not mean it is clear to your employee.

### **MONITOR YOUR EMPLOYEE'S PERFORMANCE**

By monitoring employees, you can tell if they are performing tasks the way you taught them. If not, more training may be necessary. If training does not help, you may need to take a different approach with them, as we will discuss later. The main point is, pay attention to what your employees are doing. Be sure to tell them the things that they are doing well. Also, provide specific directions on how you want them to improve or change the work that is not satisfactory to you.

### **BE CLEAR ABOUT WHAT YOU WANT**

By agreeing to take the job, your worker has agreed to perform tasks the way you need them to be done. You have a right to expect it, as well. Be clear about what you want and how you want it. If you are not clear, the employee has to guess and may guess incorrectly.

## **WORK TOGETHER**

Work with your employee as a partner to solve problems. Listen to your employee's suggestions. She/he may have some good ideas or some useful experience to draw on. Remember that, "two heads are better than one."

## **LEARN TO SAY "NO"**

If you do not agree with your employee's suggestions or ideas, say so. Be honest and respectful. It will help to develop a stronger relationship.

## **BE IN CHARGE**

Although your employee may have suggestions, you are in charge. Even if she/he has worked where Members/Families have had little control over decisions, she/he needs to understand that you have control and the right to live your life as you choose. In addition, you do not need your employee's approval of what you do. Respect your employee, but know that she/he is there to assist you, not make decisions for you.

## **DEAL WITH PROBLEMS**

When your employee performs poorly, point it out. With patience, remind how to do things the way they were taught. Deal with the problem when it happens. Problems that are not handled quickly may get worse. Be respectful when correcting. If possible, tell the employee what you expect in private.

If an employee keeps making the same mistakes, consider giving him or her more training. You may ask your Community Navigator for suggestions too. If more training does not help, discuss the situation with the employee. Try to discover if the employee understands that his or her performance is not acceptable. If after the discussion she/he does not improve, try giving him a warning. You may want to develop the warning letter to explain the details to your employee.

If the performance still does not improve, it will be necessary to take disciplinary action, up to and including discharge.

## **PRAISE YOUR EMPLOYEES**

Tell you employee when she/he does something right and especially when she/he does something more than what was required. Let the employee know that you value the support. Most people will appreciate being recognized for good work.

## **EVALUATING EMPLOYEES**

You are responsible for providing ongoing and annual feedback to your employees. To ensure you are getting the best care from your employees, evaluate them regularly. Even though you supervise your employees daily, you should still do a formal evaluation from time to time.

How often you evaluate employees will be different for each person. New employees should be evaluated frequently until you are sure of their work. For more experienced employees, evaluations

can be scheduled farther apart. Essentially, the better you feel about an employee's performance, the less you will need to do formal evaluations. If you are having problems with an employee's performance, plan to evaluate more often.

Using a formal evaluation can help you remind the worker of duties. Keep copies of all evaluations, and give copies to the worker. If the worker has had problems, refer back to past evaluations. Reviewing past evaluations can be very helpful to you if you are thinking you may have to fire the worker.

[See Employer Resources and Forms Appendix 39 – Sample Employer Evaluations Questions](#)

### **HANDLING CONFLICT**

By using the interview, selection and evaluation processes described in the previous section, you will hopefully reduce the number of serious conflicts that may occur between you and your employees. The better prepared you are to address problems when they arise, the more comfortable and confident you will be in your role as an employer. A good working relationship may have conflicts, but they will likely be small and easily addressed.

[See Employer Resources and Forms Appendix 43 - Sample Process for Handling Conflict](#)

### **DEALING WITH ABUSE OR NEGLECT**

You should always have good support, and you should make sure your employees treat you well. On rare occasions employees abuse the people they are selected to support. For your own safety, know what abuse really is and how to deal with it.

- ▲ **Physical Abuse** includes hitting, slapping, pinching, kicking and other forms of rough treatment. If an employee does something intending to cause you pain, that may be physical abuse.
- ▲ **Verbal Abuse** means any use of spoken or written words or gestures that are meant to insult or attack you or to make you feel bad.
- ▲ **Psychological Abuse** includes actions or statements that are meant to humiliate or threaten you or to cause you emotional harm.
- ▲ **Sexual Abuse** includes unwanted sexual attention, touching, fondling or attack. Any sexual behavior towards you by an employee that makes you uneasy is sexual abuse.  
You also need to be careful that your interactions with your employee do not make him/her think you are making unwanted advancements toward him/her.
- ▲ **Neglect** means an employee is not meeting your basic needs for food, hygiene, clothing or health maintenance. After you have given the employee directions about these things, the employee should make sure your basic needs are met.

If you feel an employee is abusing or neglecting you, be ready to take action immediately.

- ▲ Get away from the person to somewhere safe in your home
- ▲ If you feel that you are in an emergency situation and your life is in danger, then call 911

- 🌱 Call your Community Navigator, a family member, or friend to be with you
- 🌱 Try to get your description of what happened recorded
- 🌱 Talk with people on your support team

Remember, you are responsible for dealing with employee problems. Be sure you are safe and that you have other supports in place. Talk with a staff from your Community Navigator provider about your concerns. Please tell your Care Manager right away if you feel you are being abused by your staff in any way.

## **PREVENTING THEFT**

It is possible, although rare, that an employee will try to steal something. You are responsible for dealing with an employee who may try to steal from you. Below are some ideas to help prevent theft and what to do if an employee does steal from you.

### **KEEP TRACK OF YOUR MONEY AND VALUABLES**

Do not keep a lot of cash around your home. Keep small valuables such as jewelry and cash locked away. Keep track of how much money you have on hand. Know where your purse or wallet is at all times. If you need your employee to handle cash for you, make sure she/he does so under your direction. If you have several employees, consider giving only one of them access to your valuables. In this way, you only have to be concerned about one person.

### **BE CAREFUL WITH CHECKS AND CREDIT CARDS**

Do not give an employee your credit card, credit card number or a blank signed check to use when you are not with him or her. Doing so could tempt a dishonest employee to steal from you. If your employee must shop for you, always get a receipt showing what was spent. In these cases, keep careful watch on your bank accounts.

### **KEEP TRACK OF YOUR MEDICATIONS**

Some medications are more valuable than cash. Many individuals say stealing medications is a bigger problem than stealing money. Store your medications in a locked drawer or cabinet.

Keep track of when you need to reorder your medications. Know how much medication you have on hand and how much you order. If you have more than one employee, consider giving only one of them access to your medications. This limits the number of people to be concerned about regarding your medications.

### **KEEP TRACK OF YOUR POSSESSIONS**

Keep an up-to-date list of all your valuables such as TVs, stereos, computers, antiques and jewelry. If something is missing, this list will be helpful to police and to your insurance company. Let your employee know you have such a list. Being aware that you have such a list may discourage theft.

### **BE CAREFUL ABOUT USE OF YOUR CAR**

Do not let your employee use your car or van without you. If you must, make sure you have known the employee very well for a long time before allowing use of your car. Even then, keep track of the miles your employee puts on the car.

### **BE CAREFUL WITH HOUSE AND CAR KEYS**

In many cases, you may have to give your employee a key to your home. At the same time, you do not want your employee to enter your home without your permission.

One idea for keeping your home safe is to have two door locks, which take different keys. Give your employee a key to one lock. You keep the key to the other one. This way you can lock the door so even your employee cannot enter.

Consider a combination lock system. Give the combination to your employee while she/he is with you. You can easily change the code if she/he stops working for you. A combination lock can be very useful when you have to fire an employee. Be very careful about keys when an employee stops working for you, or when you have to fire an employee. You may consider getting your locks changed even if the employee returns your keys.

### **TALK ABOUT HONESTY IN YOUR EMPLOYEE SUPPORT AGREEMENT**

Keep your Employee Support Agreement with your employee(s) up to date. In that agreement, talk about what happens if the employee is not honest. Be clear that you expect honesty, and that you will not allow a person who is not honest to work for you.

The above tips will help prevent theft. Sometimes, no matter what you do, an employee will steal from you. If that happens, remember you are responsible for dealing with the issue.

If you find small things missing here and there, tell the employee. Do not accuse the person of stealing without proof. Say something like "I seem to be missing things. I'm going to have to pay more attention to where we put things." Letting the employee know you are paying attention may prevent any more theft.

If the stealing is more serious, call the police. Also, tell your Community Navigator provider and your Care Manager. You may or may not get back what was stolen, but taking action could help keep that employee from stealing from you again or from other consumers.

## **RISK AND EMERGENCY PLANNING**

This chapter focuses on the Risk and Emergency Planning. The Care Manager shares the results of the Risk/Support Needs Assessment completed prior to the development of the Individual Support Plan (ISP) with the Employer of Record. Each identified risk is addressed in the Individual Support Plan, if needed. Employees must be trained to implement risk strategies that are specifically related to the member's needs.

Six topics are covered:

1. Back-Up Staffing
2. Planning for Medical Emergencies
3. Planning for Weather & Environmental Emergencies
4. Review of Back-up and Emergency Plans
5. What to Include in your Individual Support Plan
6. Primary Crisis Response

## **BACK-UP STAFFING**

For an member who participates in the Employer of Record Model of and Family Directed Supports, the ISP includes a back-up staffing plan. The Employer of Record should hire enough employees so that back-up staff is usually available when the regularly scheduled employee is sick, takes vacation or is otherwise unavailable. Back-up staffing is included in the ISP for members participating in the Employer of Record Model for the purpose of unplanned, emergency staffing needs.

Employers of Record must remember to adjust the Individual and Family Directed Service Budget if over-time pay is authorized to meet unexpected back-up staffing needs. Use of over-time pay for employees, on a regular basis, will likely result in the over spending of the Individual & Family-Directed Services Budget.

Here are some tips for covering employee emergencies.

- 🌱 Select more than one regular employee to work for you. If one employee is sick or something comes up, the other might be able to fill in. For example, select one person for weekdays and another for weekends.
- 🌱 Keep an updated list of people you liked but could not select as regular employees. Check with them from time to time to see if they are still able to work for you as back-ups.
- 🌱 Ask family, friends or neighbors if they would fill in when you have an emergency.
- 🌱 Let them know whether you might be able to pay them when they help. If you are directing your services through the Employer of Record Model, you should recruit and hire back-up staff. In both models, staff will need to be hired and properly trained before they can be paid Back-up staff.
- 🌱 Make sure your back-up staff are fully trained in how to support you and how to handle any emergencies that may arise.
- 🌱 The Employer of Record is responsible for back-up staffing needs of individuals and will ensure back-up staffing is available as outlined in your ISP.

## **PLANNING FOR MEDICAL EMERGENCIES**

As you train your employees, make sure they know what to do in case of emergencies. After all, if you have a medical emergency, you may not be able to direct your employees. Here are some tips related to medical emergencies:

- ▲ You should discuss both routine emergencies, such as cuts and burns requiring first aid, and other emergencies specifically related to your disability or medical condition.
- ▲ Inform your employees about your medical insurance information.
- ▲ Provide all your employees with a list of emergency contacts and procedures
- ▲ If you have life support or medical equipment, make sure the employees know how and when to use it and what to do if the equipment fails.
- ▲ If you have advanced health directives, make sure your employees know where they are located.
- ▲ Tell your employees who they need to call if a medical emergency happens.
- ▲ People's names, telephone numbers and a description of what kind of emergency each person is to be contacted for to provide help needs to be included in your crisis plan.

## **PLANNING FOR FIRE & DISASTER EMERGENCIES**

It is important to have a plan for fire & disaster emergencies and to practice them with your staff. When directing your services through the Employer of Record Model, you are responsible for preparing plans for weather emergencies and assuring your staff are trained to implement them. The plans will teach your employees what to do in case of weather or environmental emergencies should the need arise.

Examples of elements that should be included in your plan:

- ▲ Fire
- ▲ Power outages
- ▲ Severe weather conditions such as tornados, hurricanes, floods, and snow/ice storms, including emergency water and food supply location
- ▲ Situations that would require evacuation including emergency evacuation routes, shelter locations, and medications, supplies, and important papers to take in case of evacuation
- ▲ Back-up power for equipment
- ▲ Water and food supply location
- ▲ Emergency evacuation routes and shelter locations
- ▲ Medication and supplies to take with you, in case of necessary evacuation from your home
- ▲ Who to call for help
- ▲ Review of Back-up and Emergency Plans

## **FIRE EVACUATION PLAN**

Employers must develop a fire evacuation plan and provide training to employees. The evacuation plan must include a drawing showing exit routes. This plan must be available to employees but does not need to be posted. Employees should receive training to ensure they know the all evacuation routes.

## **REVIEW OF BACK-UP AND EMERGENCY PLANS**

In the Employer of Record Model, the Employer reviews Back-Up and Emergency Plans **every three months** to make sure they still work. The plan for review or testing the plans should be included in the ISP, and a note should be made when they are reviewed or tested.

For example, if family or friends are listed as back-up supports, and if these individuals move, change jobs, have new family responsibilities, or develop health problems, they may not be able to provide back-up services for the member. Contact should also be maintained with paid back-up employees on a regular basis to make sure they are still available. The Employer of Record may want to give the back-up employees a few hours of work periodically to maintain relationships with them. As a part of your review, the Individual and Family Directed Supports Budget and Budget Tool should be reviewed to make sure there are enough funds to use the current emergency plan.

Care Managers monitor Back-Up and Emergency Plans and reflect any changes in these plans in the ISP. Provider Network may review Back-Up, Emergency Plans and Incident Report during the annual review process.

### Minimum Requirements for Back-up Plans in Individual and Family Directed Supports

- ▲ The Plan provides immediate coverage if the employee is absent, and the member cannot be left alone.
- ▲ The Plan indicates who to call if there are unmet, emergency staffing needs or the back-up staffing plans are not working.
- ▲ The Plan includes at least two back-up supports (unpaid supports, paid employees, and/or provider agencies) for each critical service.
- ▲ The Plan includes a plan to test/review the back-up plan at least quarterly. The Employer of Record must keep records showing that this was done.
- ▲ The Plan is unique to the member.
- ▲ The Plan includes written evidence that the system is immediately accessible, and that it is realistically operational.
- ▲ In the Employer of Record Model, the plan must list the Back-up Staffing.

[See Employer Resources and Forms Appendix 50 Emergency Plans Review Log](#)

[See Employer Resources and Forms Appendix 57 Sample Fire & Disaster Plan](#)



## Minimum Requirements for Emergency Plans in Individual and Family Directed Supports

- 🌱 The Plan identifies risks and ways to manage those risks.
- 🌱 The Plan identifies emergency responses related to weather and environmental emergencies.
- 🌱 The Plan includes contacts numbers for emergency situations including 911, Trillium, Access, DSS Adult and Child Protective Services; and the Division of Emergency Management Services. Emergency Numbers must be posted, and include the location of the first aid kit or first aid supplies.
- 🌱 The Plan is unique to the member.

## WHAT TO INCLUDE IN YOUR INDIVIDUAL SUPPORT PLAN

The Individual Support Plan (ISP) must include a back-up staffing plan that is used when:

- 🌱 There is a need to change or dismiss an employee.
- 🌱 The employee quits unexpectedly.
- 🌱 The employee is sick or on vacation.

Additional requirements for back-up plans in Individual and Family-Directed Supports are:

- 🌱 The plan provides immediate coverage when the absence of the employee would jeopardize the health and welfare of the participant.
- 🌱 The Plan indicates whom to call when back-up staffing is needed.
- 🌱 Your procedures, regardless of the self-direction model for testing back-up staffing plans are clearly described in the ISP.
- 🌱 The plan identifies any risks and ways to manage those risks.
- 🌱 The plan uses formal and informal supports.

## PRIMARY CRISIS RESPONSE

Employer of Record may choose a Crisis Response provider based on the member's support needs. If the member has a need that requires crisis intervention, the Employer of Record or Representative contacts the Agency that they have selected.

The Care Manager will provide education on to the Employer and Representative on the following:

- 🌱 An enrolled Provider of one of the Innovation Wavier Crisis Services (Crisis Intervention & Stabilization Supports, Crisis Consultation, or Out of Home Crisis). These services are provider directed and would be identified on the Individual Support Plan and Cost Summary
- 🌱 Mobile Crisis Management provider
- 🌱 NC START

When the member has an identified Crisis Service need the Individual Support Plan shall detail this need in the Crisis Plan section. The selection of the Crisis Provider is individualized and will be decided based on the member's identified Crisis Service support needs.

Additionally, the Employer can contract with an enhanced professional to provide support during a crisis. This professional can be a Qualified Professional with crisis response experience or a Medical professional to provide assistance and education to prevent medical emergencies, such as an RN.

## SERVICE DOCUMENTATION

This chapter focuses on the Employers or Record Responsibility's responsibility regarding service documentation. Employers of Record are required to have employee's document services following State established criteria. Services must be documented prior to submitting time and billing claims to the Financial Support Agency. The documentation is stored in the member/family home, and must be maintained in a secure location. The minimum service documentation requirements for services provided through the NC Innovations Waiver are contained in this Chapter and the [DMH/DD/SAS Records Management and Documentation Manual 45-2](#). A Community Navigator can provide information about documentation requirements and assist the Employer of Record in locating this document on the DMH/DD/SAS website, or ordering a hard copy of the Manual.

There are three topics in this chapter:

1. Role of the Community Navigator
2. Employer of Record Responsibilities
3. Elements of Service Documentation

### ROLE OF THE COMMUNITY NAVIGATOR

A Community Navigator or Community Navigator Agency provides a start-up lock box containing documentation forms to the Employer of Record.

The lock box is a secure place to maintain service documentation. The Employer of Record must also supply these different forms for employee use. The Community Navigator Agency only provides approved Trillium forms to the Employer of Record. **It is extremely important that the Employer of Record monitor all service documentation by direct service employees.**

## **Service Changes**

*Services must be provided as written in the Individual Support Plan. If changes are needed, the Care Coordinator must update the ISP and obtain DD Utilization Management Approval.*

*Changes in duration or frequency of services must be requested by contacting the Care Coordinator, who prepares an ISP Update. Duration of service is how long the service lasts (for example, the amount of service hours). Frequency of service is when the service occurs (for example, the number of days per week the service is provided).*

## **EMPLOYER OF RECORD RESPONSIBILITIES**

The Employer of Record must maintain the following documentation:

- ▲ The Individual Support Plan (ISP) and all revisions to the ISP, including long-range outcomes, the Individual Budget and all revisions to the Budget
- ▲ Short-Range Goals to meet long-range outcomes
- ▲ Strategies for completion of Outcomes/Goals in the ISP
- ▲ Any related correspondence from Trillium
- ▲ Required Service documentation

## **ELEMENTS OF SERVICE DOCUMENTATION**

### **SHORT-RANGE GOALS AND STRATEGIES**

The Employer of Record and/or Representative are responsible for developing and implementing short-range goals and task analyses/strategies for achieving long-range Individual Support Plan outcomes. Community Navigators train Employers of Record on development of short-range goals and task analysis/ strategies.

**Short-range goals** are steps taken to achieve the long-range outcomes. They are statements describing a proposed behavior, or what the participant will do. Short-range goals are based on wants/needs of the participant. They are based on the member's preferences or needs, not staff convenience or preference.

A **strategy** is a long-term plan of action designed to achieve a particular outcome. Strategies are used to make a problem easier to understand and solve. A strategy is adaptable rather than a rigid set of instructions, for example to assist a participant with behavioral issues.

A **task analysis** is a process for determining in detail the specific behaviors required of staff to assist the member with the implementation of an outcome. Task analysis includes a detailed description of any unique factors involved in or required for one or more people to perform a given task. For example, a task analysis would be used to assist an member with a specific daily living skill.

Short-range goals, strategies and/or task analysis must be in place prior to service delivery. This includes having the signature of the member and/or legally responsible person for initial plans and all updates prior to implementing the goals. If a signature page is developed for the strategies or task analysis, this signature page could serve as the signed document and therefore each page of the strategies or task analysis would not require a separate signature.

## **TYPES OF DOCUMENTATION**

There are two types of documentation used in Individual & Family-Directed Services: Service Notes and Service Grids.

### **SERVICE NOTES**

For Service Note requirements, the Employer of Record refers to the DMH/DD/SAS Records Management and Documentation Manual 45-2 (chapter 8 & 9). The following NC Innovations Individual & Family-Directed Service require a service note, which includes items 1 through 13, under Contents of a Service Note, Chapter 8 of the DMH/DD/SAS Records Management and Documentation Manual 45-2:

- ▲ Community Navigator
- ▲ Individual-Directed Goods and Services (required for service component)
- ▲ Natural Supports Education Service Grid

For Service Grid requirements, the Employer of Record refers to the DMH/DD/SAS Records Management and Documentation Manual 45-2 (chapter 8 & 9). A service grid should include all elements 1 through 10, under Required Elements of a Service Grid, Chapter 8 of the Record Management and Documentation Manual.

A service grid shall be completed daily or per activity to reflect the service provided and may only be used for the following Individual & Family-Directed Services:

- ▲ Community Living and Supports
- ▲ Community Networking
- ▲ Respite Care
- ▲ Supported Employment

## **SIGNATURES**

All entries in the service record shall be signed with a full signature. A full signature is to include the credentials, degree or licensure for professional staff or the position of the individual who provided the service for paraprofessional staff. Please refer to the DMH/DD/SAS Records Management and Documentation Manual 45-2 (chapter 9) for signature requirements.

## **FREQUENCY OF SERVICE DOCUMENTATION**

All NC Innovations services require a daily or per activity service note or grid. The person who provided the service shall write and sign the service note or grid. The service note or grid shall be documented on the day that the service was provided or no later than the next work day. If a service or grid is not documented on the day the service was provided, it shall be considered a "late entry". The entry shall be noted as a "late entry" and, at minimum, the date documentation was made and the date for which the documentation should have been made. For example, "Late Entry made on 2/15/12 for 2/14/12." The late entry must include a dated signature. (See Corrections in the Service Record below for information about late entry timelines for billing purposes.)

Service notes shall be made at the frequency necessary to indicate significant changes in the member's status, needs or changes in the Individual Support Plan.

## **CORRECTIONS IN THE SERVICE RECORD**

Changes or modifications in the original documentation for the purpose of making a correction can be made at any time, when appropriate. Whenever corrections are necessary in the member's record, the Employer of Record should refer to the procedures as noted in the DMH/DD/SAS Records Management and Documentation Manual 45-2 (chapter 9). However, for quality assurance and reimbursement purposes, all necessary documentation or corrections to support billing shall be properly completed within seven (7) working days. Therefore, for billing purposes, corrections must be made within the prescribed timeframes.

## **SPECIFIC SERVICE DOCUMENTATION**

### **COMMUNITY LIVING AND SUPPORTS**

Maintain service grid signed by the individual providing the service documenting the date of the service, the amount of time involved in the service and a description of the activities related to the long-range outcomes and the short-range goals.

### **COMMUNITY NETWORKING**

Maintain service grid signed by the individual providing the service documenting the date of the service, the amount of time involved in the service and a description of the activities related to the long-range outcomes and the short-range goals.

For conferences, classes, and related materials purchased in conjunction with these an invoice will be required.

For Community Networking Transportation that is not part of the provision of a staffed service with an established per trip rate, maintain a record with a signature of a representative providing the transportation.

For Community Networking Transportation that is not part of the provision of a staffed service with a per mile charge, maintain a record that documents the date service was provided, the specific activity

that the person is being transported to/from, and the mileage related to the transportation of the person. The person providing transportation shall sign the record.

### **INDIVIDUAL DIRECTED GOODS AND SERVICES**

The Financial Support Agency shall maintain an invoice from the supplier showing the date the Good was provided to the member and the cost, including related charges (i.e., applicable delivery charges.) Services will require a service note, signed by the individual providing the service, documenting the date of the service, the amount of time involved in the service and a description of the activities related to the long-range outcomes and the short-range goals.

### **NATURAL SUPPORTS EDUCATION**

Maintain service note, signed by the individual providing the service, documenting the date of the service, the amount of time involved in the service and a description of the activities related to the long-range outcomes and the short-range goals. For conferences, classes and related materials purchased in conjunction with these, an invoice will be required.

### **RESPIRE SERVICES**

Documentation shall be made on a daily basis and must contain the following components: name of the individual; the record number; the service provided; the date of service; duration of service; task performed including comments on any behaviors, which are considered relevant to the member's continuity of care; that special instructions were followed; and signature of the individual providing the service (initials if the full signature is included on the page when the use of a grid is used for documenting). A grid may be used to document this service.

### **SUPPORTED EMPLOYMENT**

Maintain service note documentation, signed and dated by the individual providing the service, documenting the date of the service, the amount of time involved in the service and a description of the activities related to the long-range outcomes and short-range goals, and transportation provided to the Member. A grid may be used to document this service.

### **GENERAL RECORDS ADMINISTRATION**

Employers of Record will make service documentation available to the Care Manager, Trillium staff, DMH/DD/SAS, DMA, and/or CMS to review the documentation to support a claim for NC Innovations services rendered, when requested.

Records must be accessible for inspection and must be brought to a designated location for review when requested by the Quality Management Department, State of North Carolina, and/or Federal Government.

### **HOW LONG RECORDS MUST BE KEPT**

Employment-related documentation must be kept for at least five years after the employee ends employment with the Employer of Record, and until all outstanding lawsuits, claims, and audits are resolved. Service-specific documentation must be maintained by the NC Innovations Employer of

Record for 11 years after the date of the last encounter or, for minors, 12 years from the 18<sup>th</sup> birthday. If the Employer of Record decides to not continue to self-direct services, the record or a dually-certified copy of the record would be sent to Trillium Quality Management within 60 days of self-directing service(s).

## BUDGETING

This chapter focuses on the budgeting process and covers creating your budget and keeping track of spending. There are two main topics:

1. Basic Guidelines for Creating Your Budget
2. Your Responsibilities for Using Your Budget

### BASIC GUIDELINES FOR CREATING YOUR BUDGET

In Self-Direction, you have an Individual Support Plan and a set amount of money available to you through the NC Innovations Waiver. You must make and maintain a budget for services and items you need that are included in Individual Support Plan and are approved for purchase.

Your Budget Process will:

- ▲ Define how much money you have to spend each month to meet the needs described in your Individual Support Plan
- ▲ Describe how you plan to use the funds available to you through the NC Innovations Waiver goals and outcomes in your plan
- ▲ Ensure you understand purchases approved as part of your plan in an effort to prevent you from overspending

In developing your budget, you, with the assistance of your Care Manager, will determine things such as:

1. What services and supplies do I need that are written in my Individual Support Plan?
2. What natural supports do I have to help me meet some of my needs?
3. How much money do I have to spend to meet my needs?
4. What am I allowed to purchase with my available funds?
5. What are costs related to Employees?

When you have answered these questions *in detail*, you have developed the basic ingredients for a good individual budget. Let us look at each of these questions.

1. What services and supplies do I need that are written in my Individual Support Plan?

By now, you should have a very good idea of the services you need, how often you need them, and how many employees are needed.

2. What natural supports do I have to help me meet some of my needs?

As a responsible citizen, it is important for you to spend public money wisely and contribute some of your own resources for your support.



Think about how you can meet your needs with your own money, or help from friends and family. Also think about supports you might find in your community that do not cost anything, such as churches or faith communities, clubs, community centers, etc.

### 3. How much money do I have to spend to meet my needs?

In Self-Direction, you have a set amount of money available to you that is designated through the Innovations Waiver. To learn more about how your available amount is determined, ask your Care Manager.

### 4. What am I allowed to purchase with my available funds?

There are rules you must follow for using your available funds. Information about what you are allowed to use for your budget amount is provided in this guide. The most basic rule is that everything you buy must be related to your needs. If you are unsure of what the rules allow, ask your Care Manager for guidance.

Here are some general examples of what may and may not be allowed in your budget: Examples of items that could be approved for purchase:

Your Self-Direction budget MAY be used for things such as:

- 🌱 help with personal care, like bathing, hair washing and care of your teeth
- 🌱 help with cleaning, laundry, meal preparation and other household chores related to person receiving services
- 🌱 installing ramps or grab bars
- 🌱 independent living supports, errands or shopping
- 🌱 adaptive equipment, such as mobility aids, communications devices and hygiene equipment
- 🌱 repairs to adaptive equipment
- 🌱 consumable medical supplies such as pads, diapers, bandages,
- 🌱 emergency alert response installation and maintenance
- 🌱 supported employment services and job coaching
- 🌱 services or purchases that support your ability to live as independently as possible and avoid the need for admission to an intermediate care facility
- 🌱 Specific items that you can purchase will be in your approved individual budget.

### **Examples of items NOT typically approved for purchase**

Your Self-Direction budget MAY NOT be used for things such as:

- 🌱 gifts for employees, family or friends
- 🌱 companionship services
- 🌱 loans to your employees

- 🌱 payments to someone to be your Representative
- 🌱 clothing
- 🌱 alcoholic beverages
- 🌱 televisions, stereos, radios, or VCRs
- 🌱 tobacco products
- 🌱 services that are available, without charge, from community organizations
- 🌱 items that are illegal

If you need some things not approved for purchasing through your public money, you might be able to buy these things with your own money, with the help of family and friends or community organizations.

#### 5. What are costs related to Employees?

The expenses related to your Employees are paid through your budget. All these expenses will be paid by the Financial Support Services agency. It is important you have an understanding of what employee costs are part of your budget.

### **WAGES**

When thinking about what to pay your employees, you will work closely with the Financial Support Services agency. You make the final decision regarding the pay for your employees. Here are some things to think about when considering wages for employees:

- 🌱 Does the Employer (You) have an established pay range for employees?
- 🌱 What is the usual rate for employees in your area?
- 🌱 What rate will you need to pay to get employees who meet your needs?
- 🌱 Will you pay different wages based on the person's skill and experience?
- 🌱 Do you need employees with skills that will require a higher wage?
- 🌱 If you need employees to work at odd times, like very early mornings or Saturday nights, will you pay more for those times?
- 🌱 Will you give raises to employees who have been with you a long time?
- 🌱 Will you give bonuses to your staff after they finish their training?
- 🌱 Will you give bonuses to your staff who have been with you for a long time?

*For information on Employee Wages See Appendix F Employee Bonuses*

### **TAXES**

What you pay employees must also include payments for required state and federal taxes. The Financial Support Services agency makes sure taxes are deducted from your employee's wages.

These are some of the deductions from your employee's wages:

- 🌱 Social Security & Medicare
- 🌱 SUTA - State Unemployment
- 🌱 FUTA - Federal Unemployment

### **WORKER'S COMPENSATION INSURANCE**

North Carolina will require Employees Compensation Insurance for your employees. The Financial Support Services agency makes sure your employees are covered.

If any of your employees are injured while working, it is important they report it to you and the Financial Support Services agency as soon as possible. As the Employer, you should make certain this takes place within 24 hours of the injury. The cost for Worker's Compensation Insurance is included in your budget.

*For more information on Budgets See Appendix D and E*

### **YOUR RESPONSIBILITIES FOR USING YOUR BUDGET**

You have several responsibilities for using your approved Self-Direction Budget. These are:

1. Develop a balanced budget based on support needs and services you plan to self-direct.
2. Work with your Care Manager to submit your budget for approval by IDD Utilization Management.
3. Work with your Care Manager to make purchases allowable with your individual budget and Individual Support Plan.
4. Work with your Community Navigator and Financial Support Services agency to keep track of what you are spending each month so you do not spend more than budgeted. You will use the Budget Tool to make your budget. The Budget Tool makes it easy for you to see different options.  
Manage your budget so you don't over utilize or under utilize services. This means making sure your employees are not working more OR fewer hours than were authorized in your ISP.
5. Work with your Care Manager to revise your individual budget when your needs change, along with your Individual Support Plan.

Work with your Community Navigator and Financial Support Services agency to manage any Reserve in your budget.

#### **1. DEVELOPING YOUR BUDGET FOR SERVICES THAT YOU WILL SELF-DIRECT**

Only include services in your budget that you plan to utilize. The dollar amount of these services will become the funding that you will spend on all expenses related to self directing your services.

For example, if you generally don't utilize respite services, do not include the funding for those services. Instead, include only hours you believe you will use.

Include a Reserve in your budget for unplanned or unexpected situations such as employee vacancy, illness of you or your employees. The reserve is a set aside amount of money that would be used for vacation and sick days for employees and time needed to hire new staff. It is recommended that each employer set aside 2 weeks of time to recruit staff along with at least 10 days for vacation time. If your experience as an Employer indicates that more than 10 days is needed, put more days in your reserve.

Your budget must be balanced. This means that the “funding” for all of your services must be greater than all expenses (employee expenses, employer supplies, and training). Example of balanced budget: Funding = \$60,000 and Expenses = \$60,000.

Example of a budget that is not balanced: Funding \$60,000 and Expenses \$61,000.

Account for **All** of your expenses in your budget for services that you will self direct.

## **2. SUBMITTING YOUR BUDGET FOR APPROVAL TO IDD UTILIZATION MANAGEMENT.**

The Care Manager will have been very involved with you in providing guidance and resources as you created your individual budget. Once you have made your decisions and have created an individual budget, your Care Manager will submit it to IDD Utilization Management for approval. Approval of your budget must be received before you can start to self-direct your services. Often, the budget is approved at the same time your Individual Support Plan is approved. When reviewing your individual budget for approval to begin payments, your Care Manager will let you know of any items on your budget that do not agree with the rules of the Innovations Waiver Self-Direction. Your Care Manager will work with you to fix these budget problems to meet the program rules and regulations.

The following people will receive copies of your approved budget:

- 🌱 You
- 🌱 Your Representative (if you have one)
- 🌱 Your Financial Support Services Agency

## **3. MAKE PURCHASES PLANNED IN YOUR BUDGET.**

You should buy the services and other purchases you put into your budget and Individual Support Plan.

This means you are meeting your needs and effectively managing your own services. It means your budget is being used according to the established rules. Making purchases you have put in your budget will keep you from overspending.

## **4. KEEP TRACK OF MONTHLY SPENDING.**

You need to keep track of your spending throughout the month so you do not overspend your budget. This monthly tracking can be very simple. The Financial Support Services agency will send you a report each month telling you exactly what you have spent in pay to your employees and other purchases. However, the report will be sent to you too late in the month to prevent overspending.

Your Community Navigator can provide you with training and guidance on how to track your expenses. This report should match what you have recorded you spent. This is why it is important for you to keep track of what you spend. The report from your Financial Supports Services agency is a way for you to check your expenses and your balance.

Some general examples of things you will want to write down:

- ▲ Hours each of your employees worked
- ▲ Supplies purchased
- ▲ Special equipment purchased
- ▲ Special service purchased, e.g., job skills class
- ▲ The costs of all the items or services you purchased

## 5. AVOID OVER UTILIZATION OF SERVICES

### Over Utilization of Services

Over Utilization of Services occurs when your employees work more hours than were authorized in Individual Support Plan. As the Employer, you must make sure that your employees are paid for all of the hours that you schedule them to work. The Employer must ensure that employees are not scheduled to work more hours than are authorized.

#### Following is an Example of Over Utilization of Services:

- ▲ 20 hours per week of Community Living and Supports authorized in your ISP
- ▲ Your employees work 25 hours of Community Living and Supports for 10 weeks due to a misunderstanding. (5 hours x 10 weeks = 50 hours)
- ▲ This mistake results in Over Utilizing 50 hours of services that were not authorized in the ISP. The 50 hours calculates to \$750.00 of Over Utilization of Services. Employers are responsible for making sure to stay within their budget.

*Calculating the Over Utilization Dollar Amount: For an Example, see Appendix H.*

### Tips for Correcting Over Utilization of Services

In order to have enough money to pay your staff for the entire plan year, (You) the Employer will need to make adjustments:

- ▲ Consider changes to optional expenses (benefits such as mileage reimbursement)
- ▲ Delay a planned bonus until the next plan year when there is funding available
- ▲ Reduce the number of hours that your employees are scheduled to work as long as the needs of the person receiving services are met
- ▲ Reduce hourly pay for your employees
- ▲ Request additional hours in your ISP for the rest of the plan year when this is necessary to ensure the person receiving services needs are met

## Tips for Avoiding Over Utilization of Services

As the Employer, you are responsible to:

- ▲ Use the Budget Tool to create your budget. Enter all expenses and adjust expenses such as hourly rate for your employee to create your balanced budget.
- ▲ Know how many hours are authorized in the budget for each service
- ▲ Know how many hours your employees may work each week to stay within the authorized hours in the budget
- ▲ Ensure that employees are scheduled to work no more than hours authorized in the budget
- ▲ Make sure the rate you plan to pay your employees does not result in a negative budget or overspending
- ▲ Ensure that the employee's timesheets reflect the hours that you scheduled your employees to work.
- ▲ Track the hours that Employees are working regularly and compare with what is authorized in your ISP and with the monthly budget reports provided by Financial Support Services agency
- ▲ Avoid paying Overtime pay. Wage and Labor law required OT rate after 40 hours worked. This is very expensive and will impact your budget quickly. Example: The OT rate for employees paid \$15.00/hour is \$22.50/hour
- ▲ Make any adjustments to work schedules quickly to ensure employees are working the correct number of hours
- ▲ Your Community Navigator can assist if you have questions about the number of hours authorized in the budget

## 6. AVOID UNDER UTILIZING SERVICES

### Under Utilization of Services

Under Utilization occurs when employees **work fewer hours** than were authorized in the Individual Support Plan.

When employees work, the Financial Support Services agency bills Trillium for each of those hours. The Financial Support agency keeps these dollars in your account to pay your expenses.

Developing each budget starts with calculating the total dollars that will be billed for services worked by the EORs employees. This total dollar amount will be referred to as funding. The total annual "funding" is the dollar amount available to pay expenses. Expenses may not equal more than what is available to spend.

The Employer sets expenses such as pay rates and employee benefits based on the "funding" that is created by the hours worked by employees and "claimed" by the Financial Support Services agency on behalf of the EOR.

## Here is an Example of Under Utilization of Services:

- 🌱 1000 hours of Community Living and Supports is authorized in your ISP
- 🌱 The billable service rate for Community Living and Supports is \$20.00 per hour.
- 🌱 For each hour worked by your employees, the Financial Support Services agency will bill Trillium \$20.00.
- 🌱 Annual Expenses in the budget equal \$18,000
- 🌱 Reserve Fund includes \$2000 for unexpected expenses
- 🌱 During the first 4 months of the plan year, you have a couple of employees who don't work their scheduled hours
- 🌱 Employees not working scheduled hours during first 4 months of the plan year, results in a \$4,000 Under Utilization of Services.
- 🌱 Since your employees did not work their hours, the FSS agency could not bill for them. This results in your budget being smaller amount of dollars (funding) than you planned for when you set your expenses for the year.
- 🌱 This budget is short \$4000 and as the employer, you will need to act.

*Calculating the Under Utilization: For an Example, see Appendix H.*

## Tips for Correcting Under Utilization of Services

- 🌱 The Employer can use their Reserve Fund to pay for salaries
- 🌱 Consider changes to optional expenses (benefits such as mileage reimbursement)
- 🌱 Postpone / delay a bonus until the next plan year
- 🌱 Ensure Employees work all scheduled hours for rest of the plan year
- 🌱 Reduce the number of hours worked by employees (Note: Employees must work # of hours authorized in ISP)
- 🌱 Reduce the rate of pay for the employees as this makes your funding last longer

## Tips for Avoiding Under Utilization of Services

- 🌱 Use the Budget Tool to create your budget. Enter all expenses and adjust expenses such as hourly rate for your employee to create your balanced budget.
- 🌱 Know how many hours your employees may work each week to stay within the authorized hours in the budget
- 🌱 Ensure that employees are working ALL hours authorized in the budget
- 🌱 Ensure that the employees timesheets reflect the hours that you scheduled your employees to work

- 🌱 Track the hours that Employees are working regularly and compare with what is authorized in your ISP and with the monthly budget reports provided by Financial Support Services agency
- 🌱 Make any adjustments as soon as possible when there is under utilization of services. This may mean hiring additional back up staff, hiring new staff who can work the hours that you need.
- 🌱 Hire as quickly as possible when one of your employees leaves (or let's you know they plan to resign) so the hours authorized in your ISP are available to you.
- 🌱 For planned time when your employee may not work (example, your family vacation), consider if there are other days/times for the employee working that would benefit the person receiving services.
- 🌱 For unplanned time when you or your employee is sick, are there other days/times for the employee working that would benefit person receiving services
- 🌱 Set aside enough in the Reserve Fund to allow for unexpected events (illness, call outs due to employee illness, Snow Days)
- 🌱 Your Community Navigator can assist if you have questions about the number of hours authorized in the budget
- 🌱 Increase flexibility in utilizing hours. Instruct Care Manager to show service hours in annual allotments instead of weekly/monthly in your ISP. This provides flexibility as hours may be used over the course of the plan year. This prevents hours from being "lost" if not worked within the week or month.
- 🌱 FSS provider will build TAR for Lifetime for periodic services

## **7. AVOID PAYING YOUR EMPLOYEES OVERTIME (OT) PAY**

Understand Overtime and how it affects your budget and develop strategies to avoid as OT adds up very quickly. When you employees work more than 40 hours in a week, you must pay them time and one half for each hour worked.

If your employees earn \$10 per hour, the overtime rate is \$15. So instead of paying \$10/hour for 1 hour of services, your pay \$15 for 1 hour of service.

## **8. REVISE YOUR INDIVIDUAL BUDGET.**

You should purchase what you wrote down on your individual budget. However, you may need to change your purchases slightly as long as the purchases are related to the needs you identified as part of your approved Individual Support Plan and budget.

You can revise your budget with your Care Manager. Your Care Manager will help you do this according to the rules of IDD Utilization Management. Your Care Manager will help you make decisions regarding the needed changes to your Individual Support Plan and/or budget. Call your Care Manager any time you are unsure if a new budget or Individual Support Plan is needed.

Your Care Management can discuss what you want to change and let you know if a new Individual Support Plan or budget is required.



## 9. MANAGE RESERVE IN YOUR BUDGET.

Members directing services may accumulate a reserve in the budget maintained by the FSS provider. The reserve is made up of dollars not spent during the current plan year. The EOR may make decisions with regard to how to spend these dollars per established guidelines. Budget Reserve may roll over from one plan year to another.

The Reserve may be used for expenses such as Employee bonuses, training, mileage, insurance benefits for employees, Leave Plan (Vacation/Sick) and reserve for OT. Reserve dollars cannot be used for home/vehicle modification, ATEs, or other expenses that would be covered by an Innovations Waiver service or is normally the responsibility of the member or LRP.

### SUMMARY

- ▲ You can create a budget based on your allocated funds and your Individual Support Plan.
- ▲ Your budget must be approved by IDD Utilization Management before any purchases are allowed.
- ▲ You should keep track of your spending throughout the month. This includes hours worked by your employees, supplies and equipment, etc.
- ▲ Keep track of the hours your employees work to ensure you don't go over the hours authorized in ISP.
- ▲ Review your employee's timesheet carefully to ensure all hours worked are accurate.
- ▲ You must keep your spending within the monthly budget.
- ▲ Start recruiting for your vacant positions as soon as possible. Paying employees Overtime will quickly create a negative balance in your budget. Contact your Community Navigator as soon as possible to develop and put into place your recruitment plan.
- ▲ Your purchases must meet a need listed on your approved Individual Support Plan.
- ▲ If your needs are different from your Individual Support Plan, call your Care Manager to discuss the need for a revised Individual Support Plan and/or budget.
- ▲ You should call your Care Manager if you have questions about developing or using your budget. Avoid Over Utilizing your Services. This means that your employees are working more hours than were authorized in your ISP.
- ▲ Avoid Under Utilizing Services. This means that your employees are working fewer hours than were authorized in your ISP.
- ▲ Avoid Over Time as much as possible. Recruit for vacant positions immediately and use back up employees when your regular employees can't work.

## WORKING WITH THE FINANCIAL SUPPORT SERVICES AGENCY

This Chapter provides additional information about services provided by the Financial Support Services Agency. This chapter focuses on the initial set up with the Financial Support Services Agency and the services the agency will provide. This chapter also covers what to expect if there are issues related to your employees or paperwork that need to be resolved.

### GETTING STARTED WITH THE FINANCIAL SUPPORT SERVICES AGENCY

- ▲ The Financial Support Services Agency provides the Employer and Representative, if applicable, with written materials about services. Whenever Financial Support Agency procedures change, the Employer and Representative will be notified of those changes in writing.
- ▲ Once Financial Support Services Agency is authorized, the Financial Support Agency submits a written application and authorization to the Director of the Internal Revenue Service Center. This application notifies the IRS that the Financial Support Agency is authorized to act on behalf of the Employer of Record (the person designated in the referral form) in fiscal and tax matters. Once this application is approved by the IRS Service Center Director, a letter of authorization is sent to the agent. Authorization is effective the date the letter is postmarked. The Financial Support Services Agency also files for a federal tax identification number on behalf of the Employer of Record.
- ▲ A Financial Support Agreement is completed, which outlines the functions that the Financial Support Agency will perform and the functions that the Employer of Record and representative, if applicable perform.
- ▲ Once an employee is selected by the Employer of Record and/or Representative and approved by Trillium, the Financial Support Agency provides the Employer of Record or representative an **Employee Hire Packet** that includes the forms needed to get the employee signed up to begin work. This packet also includes instructions about time and billing sheets and payroll schedules, as well as where to send information and when. The Financial Support Agency provides Employers of Record with written materials that include a list of forms included in the Employee Hire Packet.
- ▲ The employee keeps time and billing sheets that must be verified and are approved by the Employer of Record and/or representative. These time and billing sheets are submitted to the Financial Support Agency on an agreed upon schedule. The Financial Support Agency generates a paycheck for the employee and distributes it to the employee. The Financial Support Agency completes withholding, inclusive of taxes and benefits. These include taxes required by law and additional benefits agreed upon by the Employer of Record and/or representative. The Financial Support Agency bills Trillium for all services provided during that month. The Financial Support Agency also withholds taxes as required by law from the employee's pay.

The Financial Support Agency provides written information to the Employer of Record or representative, if applicable, about tax withholdings, and answers questions about withholdings.

The Financial Support Agency is required to bill the Trillium for services within a specified time. It is important for the Employer of Record to understand and submit time sheets and service billing information to the Financial Support Agency in a timely manner.

Late claims could result in non-payment of service billing, decreasing the funds available in the Individual & Family-Directed Budget.

The Financial Support Services Agency keeps the following types of records:

- 🌱 A record for each participant who uses Financial Support Services Agency, including both labor and non-labor expenses
- 🌱 A record for each employee hired
- 🌱 Records for all billings and reports to Trillium
- 🌱 Copies of monthly expenditure reports

Each month, the Employer of Record and Representative, if applicable, receive a report of the previous month's expenditures and remaining funding (billing of Medicaid services). This information is also sent to the Care Manager. The Employer of Record and/or Representative are responsible for making sure that records are accurate and complete. If there are questions about the reports, the Financial Support Agency should be contacted right away. The Community Navigator is also available to help in understanding the report.

The Financial Support Agency notifies Trillium when:


- 🌱 Spending is more than 15% of the projected prorated budget year-to-date
- 🌱 Spending is less than 50% of the projected prorated budget year-to-date
- 🌱 Spending of funds budgeted for staffing is more than 15% of the projected prorated budget year-to-date
- 🌱 Spending of funds budgeted for staffing is less than 50% of the projected prorated budget year-to-date

## **FINANCIAL SUPPORT SERVICE (FSS) PROVIDER TRANSFER**

- 🌱 EORs may transfer to a Financial Support Service provider following the FSS Provider Transfer Calendar. Only one FSS provider may report State and Federal taxes within a calendar quarter. The schedule for transfers is based on the employee payroll tax reporting.

 To allow for adequate time for the process, please follow this schedule:

Quarter	Transition Month	Contact Care Manager
1 <sup>st</sup> Quarter	March	January
2 <sup>nd</sup> Quarter	June	April
3 <sup>rd</sup> Quarter	September	July
4 <sup>th</sup> Quarter	December	October

 Your Care Manager will provide additional information regarding the timeline for the transition. At any time, your Care Manager can assist with linking you with a FSS provider so you can obtain information about their services.

## QUALITY ASSURANCE

The Individual & Family-Directed Support Employer Handbook contains information about Quality Assurance in Individual & Family-Directed Supports. This Chapter provides additional information to complement that Chapter related to the implementation of Quality Assurance practices. This chapter focuses on three topics:

1. Incident Reports
2. Annual Reports
3. Plans of Correction

### INCIDENT REPORTS

The North Carolina Administrative Code requires Trillium to receive, review, and follow-up on reports of Level II and Level III Incidents that occur in provider agencies. This includes incidents that occur in services provided under the Individual & Family-Directed Supports option. Incidents are reviewed to ensure that appropriate preventions and interventions are put in place for member's in relation to serious occurrences.

**DEFINITIONS** (all definitions are based on NC Administrative Code definitions)

- 🌱 **Incident:** Any happening which is not consistent with the routine operation of a facility or service or the routine care of a member and that is likely to lead to adverse effects upon an Individual.
- 🌱 **Level I Incident:** Any incident that does not meet the requirements to be classified as a Level II or Level III Incident.
- 🌱 **Level II Incident:** An incident that results in a member's health or safety or a threat to the health and safety of others due to the member's behavior.
- 🌱 **Level III Incident:** Any Incident that results in death or permanent physical or psychological impairment to an individual; a death or permanent physical or psychological impairment caused by an individual; or a threat to public safety caused by an individual.

### RESTRICTIVE INTERVENTIONS

Employers are responsible for developing a policy that states whether employees will be allowed to utilize restrictive techniques. If the Employer allows restrictive techniques to be utilized by your employees, the policy must state what happens after a restrictive technique is used. Employers must also maintain a log of each instance when restrictive techniques are utilized. Reports related to restrictive techniques will be reviewed during annual reviews.

When developing the Restrictive Interventions Policy, reporting must include any restrictive intervention that is:

- 🌱 used in an unplanned, emergency situation (i.e., not part of the member's service plan)

- ▲ planned, but administered improperly or without proper authorization by staff without proper training or for longer than the authorized time
- ▲ planned but resulting in discomfort, complaint, or injury requiring treatment by a licensed health professional

Please note the following:

- ▲ Type(s) of intervention: If more than one intervention is used, number in order of use
- ▲ Appropriate administration: Answer “Yes” if the restrictive intervention is administered by a person without current training certification for more than the authorized time and/or in an unauthorized manner
- ▲ Discomfort, complaint or injury: If the member requires treatment beyond first aid by a licensed health professional due to discomfort, complaint or injury or if anyone alleges abuse of the individual answer “Yes”.

See Employer Resources and Forms Appendix 59 Sample Restrictive Intervention Policy

### **LEVEL I INCIDENTS**

These incidents are documented on the Employer of Record’s form. Employers of Record or Representatives must have a form to record Level I Incidents that includes directions for reporting and timelines for reporting. These reports must be kept on file and given to the Quality Management Department if the Employer is no longer participating in the Individual & Family-Directed Supports option.

Incident Reports should be kept separate from the Individual Support Plan data.

*See Employer Resources and Forms Appendix 52 for Sample Level 1 Incident Reporting Form*

If a **Level I** Incident occurs, the Employer or Representative must:

- ▲ Attend to the health and safety of the member
- ▲ Analyze the cause of the incident
- ▲ Correct issues/processes that contributed to the incident
- ▲ Review incidents to identify and develop preventive measures for similar incidents
- ▲ Keep records about the analysis, corrective action and preventive measures taken.

### **LEVEL II INCIDENTS**

**Level II** Incidents must be documented on the State’s mandated form which outlines specific types of Incidents that meet this level. If a Level II Incident occurs, the Employer of Record or Representative must:

- ▲ Report to law enforcement agencies, as needed
- ▲ Submit the State Mandated Incident Reporting Form to the Quality Management Department within 72 hours of occurrence

- ▲ If the Incident Report involves restrictive intervention, information concerning the Restrictive Intervention is included in the State Mandated Incident Reporting Form.
- ▲ Review Incidents to identify/develop preventive measures for similar Incidents
- ▲ Keep records about the analysis, corrective action, and preventive measures taken. Copies of these records may be reviewed annually.

When an enrollee reports that they are being abused, neglected, or exploited by the staff member that they have hired to provide support, the Quality Management Department will ensure completion of an internal investigation upon receiving the Incident Report.

In instances where there is suspicion of abuse, neglect, or exploitation by a parent, guardian or EOR, the Care Manager will complete an Incident Report and complete any required reporting. The Quality Management Department will be responsible for ensuring the internal investigation is completed.

***SEE EMPLOYER RESOURCES AND FORMS APPENDIX 54 FOR DHHS INCIDENT AND DEATH REPORT FORM***

**LEVEL III INCIDENTS**

Level III Incidents must be documented on the State's mandated form which outlines specific types of Incidents that meet this level. If a Level III Incident occurs, the Employer of Record or Representative must complete an Incident Report within 24 hours:

- ▲ Notify the Quality Management Department **verbally** who will notify the State.
- ▲ If the Representative is reporting, the Employer of Record must be notified
- ▲ Notify law enforcement authorities
- ▲ Secure the participant's record immediately following the incident
- ▲ Make a copy of the participant's record
- ▲ Send a copy of the record to the Quality Management Department

**The Employer of Record or Representative Must Also**

- ▲ Submit the State Mandated Incident Reporting Form to the Quality Management Department within 72 hours of occurrence. If a death occurs as the result of a suicide, accident, homicide or other violence, the Quality Management Department will notify the State.
- ▲ If a death occurs within 72 hours of seclusion or restraint, the Quality Management Department will be notified immediately by your Care Manager. The Quality Management Department will make an immediate report to the State.
- ▲ Review incidents to identify/develop preventive measures for similar incidents
- ▲ Keep records about the analysis, corrective action, and preventive measures taken. Copies of these records may be reviewed annually.

## **FOLLOW UP/REVIEW OF AN INCIDENT OR PATTERNS OF INCIDENTS**

A follow-up review with the Employer and/or Representative may occur if, after receiving information and clarification from an Employer or Representative regarding an incident or pattern of incidents, there are issues related to:

- ▲ Failure to provide appropriate protections to a member that places them in a situation of endangerment to their health and safety
- ▲ Failure of the Employer of Record to detect patterns of incidents
- ▲ Failure to provide appropriate responses to an incident or pattern of incidents
- ▲ Failure to report incidents within given timeframes, reporting requirements or timelines
- ▲ Failure of the Employer or Representative to submit appropriate documentation related to the incident; follow up to the incident; or administrative actions taken within given timelines.

Follow-up can include interviews with the Employer, Representative, Participant, direct service employee, and/or other family members who may have knowledge of the incident.

These individuals may be asked to submit a written statement or sign a statement that has their answers to questions asked. The home, vehicle, or medication storage may be reviewed, as well as the member's record. Administrative files, including billing records, may also be reviewed.

The Employer of Record and Representative, if applicable, will receive a written report of the Quality Management Incident Review.

The report will include required actions of the Employer and Representative including other agencies that must be notified, plans of correction required, and date the plans of corrections are due to the Quality Management Department. Serious incidents, patterns of Incidents, or failure to take correction action may result referral to the IDD Utilization Management Department with a recommendation to terminate Individual & Family-Directed Supports. Termination from Individual & Family-Directed Supports will result in the member returning to the Provider-Directed Supports option.

Incident Reports must be completed and submitted to the Quality Management Department as required by State Rule.

The Back-Up Staffing Incident Reporting Form is completed and maintained by the Employer any time the Member does not have paid back-up staff. The Employer of Record, or Representative, as needed, indicates how the member's needs were met in the absence of paid staff in the Incident Report. The Innovations Incident Reporting For Failure To Provide Back-Up Staffing form is submitted twice monthly to the Quality Management Department on the 1<sup>st</sup> (due no later than 7 days after the 15<sup>th</sup>) and 15<sup>th</sup> of month (due no later than 7 days after the end of the month).

*[See Employer Resources and Forms Appendix 52 for a Sample Level 1 Incident Report Form](#)*

*[See Employer Resources and Forms Appendix 53 for Back-Up Staffing Incident Reporting Form](#)*



## **ANNUAL REVIEWS**

Trillium will also conduct an annual review of services provided under the Individual & Family-Directed Supports option. The Employer of Record is notified of the scheduled review. Annual Reviews may include:

- ▲ Interviews
- ▲ Service Documentation
- ▲ Employee interviews
- ▲ Reviews of Incident report reviews
- ▲ Reviews of Emergency and Medical Plans
- ▲ Reviews of training and supervision documentation for your employees
- ▲ Reviews of back-up staffing plans testing documentation

The Employer of Record and the Care Manager are provided a copy of the Annual Review Report. Provider Network Coordinators are assigned to Employers of Record to assist in monitoring activities. Following up on any Employer non-compliance issues brought to the attention of Network by Care Managers or other departments or agencies involved with Individual & Family-Directed Supports.

## **ADDITIONAL ASSISTANCE AND SUPPORT**

A need for additional assistance and support could be reported to Trillium by the Financial Support Services Agency, Community Navigator, or other individual. Issues could also be discovered during monitoring by the Care Manager, Network, or State. While not an inclusive list, the following matters may indicate a need for additional assistance and support.

- ▲ Not spending enough funds to provide services, equipment or supplies, as specified in the ISP without reasonable explanation
- ▲ Overspending the Individual & Family-Directed Services Budget at a rate that suggests that the ISP will not be sustainable over the plan year
- ▲ On-going difficulty in hiring staff
- ▲ Inability to supervise or fire an employee when needed
- ▲ Not responding to notices requesting missing information from the Financial Support Services, and reminders from Care Managers/Community Navigators about missing information
- ▲ Not implementing the ISP as approved
- ▲ Not properly documenting services
- ▲ Not providing training to employees

## **PLANS OF CORRECTION**

Plans of Correction are helpful when mistakes occur for the first time, are due to misunderstandings, and can be corrected.

An example of using a plan of correction to address problems might be not submitting time and billing sheets by the deadline for payroll. More serious problems include overspending the budget and not having adequate funds to meet payroll or lack of documentation for services provided by an employee. A plan of correction may be as simple as requiring an Employer of Record to discuss issues with a Community Navigator. Or, a plan of correction may be more detailed and prescriptive such as requiring an Employer of Record to spend a certain amount of the budget on staff training. A format that can be used in submitting a plan of correction is located in the Employer Resources and Forms. Your Community Navigator can assist you in developing a plan of correction.

## WITHDRAWING FROM EMPLOYER OF RECORD SELF-DIRECTION MODEL

Technical Assistance will be provided as needed to assist Employers/Representatives to be successful. Community Navigator is a required service until the Employer/Representative is competent in all areas of Employer of Record. Employers may be asked to utilize specific tools to manage their employee's work hours. Additionally, EORs may be required to work with Community Navigator to ensure they understand their monthly budget reports. Technical Assistance may consist of:

- ▲ Attending all or a portion of the Employer of Record Training
- ▲ Obtaining a Representative to assist the Employer of Record to perform duties
- ▲ Accepting Community Navigator Assistance to resolve issue(s) or learn to perform identified Employer of Record responsibility

### WITHDRAWING FROM EMPLOYER OF RECORD SELF-DIRECTION MODEL

Members may withdraw from the option at any time by notifying the Care Manager. The Care Manager prepares a revision to the ISP, and submits the revision to IDD Utilization Management Department, so that provider directed services are authorized for the participant with no service lapse. The following steps are followed:

- a. Employer requests that the Care Manager terminate Individual and Family Directed Services option, and return the beneficiary to provider-directed services.
- b. Care Manager asks the Employer to select a provider and updates the ISP to reflect termination of employer directed supports and the provider agency selected by the employer to provide provider-directed services.
- c. The legally responsible person signs the ISP, and the Care Manager submits.
- d. Trillium approves the ISP, authorizes provider-directed services and terminates Financial Supports Services.
- e. Trillium sends a letter to the legally responsible person, Financial Supports Agency and Community Navigator notifying them of the termination from the EOR self-direction model. Effective date determined by the legally responsible person's request the date of the termination of payroll to employees. The letter is copied to the Care Manager and DMA.
- f. The Employer of Record notifies staff that they are no longer employed under the Individual and Family Directed Services option.
- g. The finance department reconciles the individual budget with the Financial Supports Agency. Any non-used funds are returned to Trillium by the Financial Supports Agency. The Employer of Record is required to return all service documentation to Trillium Medical Records.

## **INVOLUNTARY TERMINATION FROM EMPLOYER OF RECORD SELF-DIRECTION MODEL**

Members participating in Individual and Family Directed Services may be removed from Individual and Family Directed Services involuntarily under the following circumstances:

- a. Immediate health and safety concern, including maltreatment of the beneficiary
- b. Repeated unapproved expenditures/misuse of NC Innovations funds
- c. No approved representative available when the Employer of Record is determined to need one
- d. Refusal to accept the necessary Community Navigator services
- e. Refusal to allow Care Manager to monitor services
- f. Refusal to participate in Trillium, state or federal monitoring
- g. Non-compliance with individual and family supports, Financial Supports Agency, and/or employee support agreements
- h. Inability to implement the approved ISP or comply with NC Innovations requirements, despite reasonable efforts to provide additional technical assistance and support (for event requiring additional technical assistance/corrective action plan in twelve months).

Trillium may remove a member from Employer of Record, after consultation with the DMA, in instances when the participant's health and safety are compromised, or after an employer has made the same major mistake three different times in one year. A major mistake includes:

- a. the inability to implement the Individual Support Plan and/or
- b. the inability to comply with NC Innovations requirements.

Trillium will make reasonable efforts to provide technical assistance and/or support prior to terminating from Employer of Record. Each member will be given every opportunity to be successful.

Termination of the Participant Directed Option will occur immediately in the following circumstances:

- c. the member's health and/or safety are compromised,
- d. misuse of Innovations Waiver funds,
- e. suspected fraud or abuse of funds,
- f. no approved representative when one is required,
- g. refusal to accept required Community Navigator services,
- h. refusal to allow Care Management monitoring, and
- i. refusal to participate in Trillium, State, or federal monitoring.

If it is determined at any point in the investigation that the person immediately needs to return to the provider directed option to ensure their health and safety, this can be recommended.

The following steps are followed:

- a. Concerns and/or allegations of major problems with the implementation of EOR are reported/discovered.
- b. The Trillium consultant investigates the concerns or allegations of major problems. The consultant will review all available plans of correction and documentation.
- c. Depending on results of the investigation, the consultant may recommend termination of self direction through EOR. If the removal is an emergency, Trillium contacts the Office of the Medical Director and obtains a decision regarding removal. This decision is reported to DMA the first working day following the removal.
- d. Termination from the EOR self-direction option is normally at the end of a month; however, when the termination is due to a threat to the beneficiary's health and safety, such as physical abuse, termination occurs immediately, and provider-directed services resumes immediately.
- e. If the employer disagrees with the decision of the Trillium/DMA, the employer may file a reconsideration request or a grievance.
- f. Steps b through g of the voluntary termination procedure are followed to return the participant to the provider-directed supports option.

## APPENDIX A: EMPLOYER OF RECORD CHECKLIST

#	Items To Be Completed	Date Completed
1.	Complete Orientation with Care Manager	
2.	Inform Care Manager of interest in attending training; may need to revise Individual Support Plan to add Community Navigator Services to provide Training	
3.	Consider if Representative is desired; If yes, include in training.	
4.	Select Community Navigator provider and participate in an initial overview conversation. Optional: Work with Community Navigator to create projected Individual and family Directed budget. This will provide information about staff salaries and other expenses. Ensure you have the current copy of your cost summary for services.	
5.	Attend Full Individual & Family-Directed Services Training and ensure copy of Training Certificate is provided to Care Manager	
6.	Make decision to participate in Individual/Family Directed Supports and determine model (Employer of Record). Inform Care Manager of decision. Discuss Relative as Provider if applicable. <b>The EOR may not be paid to provide services that are self-directed.</b>	
7.	Consider if Representative is desired at completion of training; if needed name Representative, and have prospective Representative attend training and sign Representative Agreements	
8.	Complete Community Navigator EOR Review and discuss Community Navigator goals, if applicable	
9.	Complete Individual & Family-Directed Support Assessments with Care Manager and discuss Community Navigator goals, if applicable	
10.	Finalize Individual & Family-Directed Budget using Budget Tool with assistance of Community Navigator.	
11.	Sign copy of a print out of the budget prepared with Budget Tool. Community Navigator submits the print out to the Care Manager.	






#	Items To Be Completed	Date Completed
12.	Assist Care Manager in completing or updating Individual Support Plan to include <ul style="list-style-type: none"> <li>🌱 Identify projected Effective Date for directing through EOR to begin</li> <li>🌱 Select Model of Individual/Family Directed Supports</li> <li>🌱 Identify Employee Qualifications beyond required</li> <li>🌱 Determine involvement of the member in Individual/Family Supports</li> <li>🌱 Development of Back-up Staffing Plan and Select Back Up Provider</li> <li>🌱 Develop emergency medical plan (See Sample Emergency Medical Preparedness Plan – Appendix 58)</li> <li>🌱 Select Primary Crisis Provider</li> <li>🌱 Determine Employer Supplies that need to be purchased and include in plan revision, if applicable</li> <li>🌱 Determine services to be self-directed</li> <li>🌱 Identify and develop Long-term Community Navigator Goals as appropriate</li> <li>🌱 Discuss any needs through Individual Goods and Services that will be included in the ISP.</li> </ul>	
13.	Sign Individual Support Plan and Individual & Family-Directed Supports Agreement	
	*Utilization Management notifies Care Manager of decision to self-direct through EOR model and Care Manager will notify Employer.	
14.	Decide number of employees needed to deliver services Develop Employee Schedule to factor in number of needed support hours Determine qualifications for employees. Set pay rates for employees Develop Job Descriptions	
15.	Consider Relative As Provider process, if applicable	
16.	When considering hiring staff from your current provider, consider the amount of notice s/he will need to provide current employer, requests for training	

#	Items To Be Completed	Date Completed
	certificates (i.e. CPR, First Aid, and Medication Training) when determining when to begin directing your services	
17.	Participate in meeting with Financial Support Agency and Community Navigator to complete Employer Packet, including signing Financial Support Agreement.	
18.	Develop Plan for Fire and Disaster Plan	
19.	Create Fire Evacuation Exit Plan (drawing that must be available to employees, not posted) & develop Fire-Disaster Plan	
20.	Develop short term goals and strategies for long range outcomes in the Individual Support Plan.	
21.	Potential Restrictive Interventions are presented to the Trillium Client Right's Committee.	
22.	Develop Restrictive Interventions Statement and/or Policy.	
23.	Financial Support Agency informs Employer of Record that EIN and Workers' Compensation Insurance has been obtained.	
24.	Develop Employee Guidelines	
25.	Interview and hire Your Staff	
26.	Set Up Personnel Files for your Employees	
27.	Develop Supervision Plans	
28.	Evaluate & Set Employee Training Requirements	
29.	Arrange Training for Your Staff	



## APPENDIX B: EMPLOYER OF RECORD RESPONSIBILITIES

MONTHLY TASKS	
Employee Supervision	<ul style="list-style-type: none"> <li>🌱 Observe work of employee (If Relative As Employer, must observe at least 1 hour per month.)</li> <li>🌱 Review employee's documentation (time sheets, service documentation)</li> <li>🌱 Meet with employee and document the supervision per your Supervision Plan(s) at least 2 hours per month</li> </ul>
Monthly Expenditure Report	<ul style="list-style-type: none"> <li>🌱 Review Monthly Expenditure Report</li> </ul>
Time Sheets /Billing Sheets	<ul style="list-style-type: none"> <li>🌱 Review and submit Employee Time Sheets and Billing Sheets to Financial Support Agency</li> </ul>
QUARTERLY TASKS	
Emergency Plans	<ul style="list-style-type: none"> <li>🌱 Review Emergency Plans and revise as needed</li> <li>🌱 Document review of Emergency Plans</li> </ul>
Back-Up Staffing Plan	<ul style="list-style-type: none"> <li>🌱 Review/test the Back-Up Staffing Plan (e.g. make contact with individuals listed, whether paid staff or natural supports, to ensure that they are still available)</li> <li>🌱 If Back-Up Staffing Plan needs to be revised, notify Care Manager</li> <li>🌱 Document the review/testing of Back-Up Staffing Plan</li> </ul>
ONGOING TASKS	
Short-Range Goals for Each Service	<ul style="list-style-type: none"> <li>🌱 Develop and/or revise short-range goals as needed</li> <li>🌱 All short-range goals must link back to a Long-Range Outcome in the ISP and all required elements must be included.</li> </ul>
Service Documentation	<ul style="list-style-type: none"> <li>🌱 Ensure that employees are documenting service delivery on the date of the service.</li> <li>🌱 Ensure that all required elements of service documentation are included.</li> </ul>
Employee Instruction/Training	<ul style="list-style-type: none"> <li>🌱 Ensure that employees know goals/strategies and that they have access to Emergency Plans, Emergency Numbers, short-range goals and interventions/strategies, Behavior Support Plan if applicable, Crisis Plan if applicable</li> <li>🌱 Ensure that employees receive required/needed training and that this training is documented</li> </ul>

<b>ONGOING TASKS ( continued)</b>	
Service Delivery/ Documentation of Service Deviations	<ul style="list-style-type: none"> <li> Ensure that services are delivered as outlined in the ISP (e.g. number of service units/hours per week)</li> <li> Document Service Deviations, as applicable (any instance in which service is not delivered at frequency/intensity outlined in ISP)</li> </ul>
Incident Reports	 Submit Incident Reports to Trillium as required
Employment of Relative/Guardian Living In Same Home as Participant	 The Employer of Record cannot furnish a service that is self-directed. If a relative/guardian living in the same home as participant is employed, all requirements related to Employment of Relative/Guardian must be followed.
Delivery of Personal Care or Respite in Worker's Home	 Ensure that a completed "Health & Safety Checklist /Agreement for Personal Care or Respite provided in the Direct Service Employee's Home" is on file if Personal Care or Respite is being provided in the employee's home

## APPENDIX C: SERVICE DOCUMENTATION GUIDELINE

Type	Document	Requirement
<b>Plan</b>	Current ISP/Updates to ISP/ Individual Budget	<ul style="list-style-type: none"> <li>▲ Employer of Record must maintain a copy of Annual ISP, any ISP Updates since start of Annual Plan, and Individual Budget</li> </ul>
<b>Plan</b>	Short-Range Goals in place for each service self-directed, relate back to long range outcome in ISP, and include all required elements	<ul style="list-style-type: none"> <li>▲ Short-Range Goal (s) must be in place BEFORE service is delivered. Each short-range goal must tie back to a long-range outcome in the ISP and all required elements must be included.</li> <li>▲ Required elements include               <ul style="list-style-type: none"> <li>○ measurable goal statement</li> <li>○ strategies/interventions/task analysis to meet the goal</li> <li>○ target date including month/day/year</li> <li>○ signature of Legally Responsible Person</li> </ul> </li> </ul>
<b>Plan</b>	Target dates for short-range goals have not expired	<ul style="list-style-type: none"> <li>▲ Goals cannot continue after the target date. Employers cannot bill for working with members on expired goals.</li> </ul>
<b>Plan</b>	Employee has access to copy of short-range goals and task analysis/strategies	<ul style="list-style-type: none"> <li>▲ The employee/worker must know specifically what the goals are and the established strategies/task analysis to achieve the goals.</li> <li>▲ The employee must have access to a copy of the short-range goals.</li> </ul>
<b>Plan</b>	Behavior Support Plan	<ul style="list-style-type: none"> <li>▲ If the member has a Behavior Support Plan, the Employer of Record must have a copy and a copy must be accessible to employees. The Employer of Record must provide training to all employees.</li> </ul>
<b>Plan</b>	Crisis Plan	<ul style="list-style-type: none"> <li>▲ If the member has a Crisis Plan, the Employer of Record must have a copy and a copy must be accessible to employees.</li> </ul>
<b>Service</b>	Services documented using service note or service grid, as applicable to service.	<ul style="list-style-type: none"> <li>▲ A service note or grid must be completed for each service delivered.</li> <li>▲ A service grid is allowed only for self-directed Community Networking, Community Living and Supports, Respite, and Supported Employment. All other self-directed services require a service note.</li> </ul>

Type	Document	Requirement
<b>Service</b>	<p>Service documentation completed on day of service or on next work day and includes all required elements</p> <p>(see to right)</p>	<ul style="list-style-type: none"> <li>▲ Service documentation must be completed on the day of service or no later than the next work day. Service documentation not completed on the date of service is considered a "late entry".</li> <li>▲ Service Notes: name of member receiving service, Medicaid ID#, Name of Service, month/day/year of service, purpose of service (tied to specific short-range goal), description of intervention/support provided, duration, effectiveness of the intervention, full signature and degree or position.</li> <li>▲ Modified Service Note (allowed for Respite only): name of member, Medicaid ID#, month/day/year of service, name of service, duration, tasks performed, full signature with degree or position.</li> <li>▲ Service Grid: name of member receiving service, Medicaid ID#, month/day/year of service, goal addressed, number or letter as specified in appropriate key which reflects the intervention/ activities/tasks performed, number or letter as specified in the appropriate key which reflects the assessment of progress toward goal, duration, initials of individual providing service, corresponding full signature in signature log section of grid.</li> </ul>
<b>Service</b>	<p>Time and Billing Sheet completed for each pay period and submitted to Financial Support Agency</p>	<ul style="list-style-type: none"> <li>▲ Employer of Record must submit Time and Billing Sheet to the Financial Support Agency. The timesheets document employee hours and result in paycheck.</li> <li>▲ The Time and Billing Sheet is used by the Financial Support Agency to generate claims to Trillium for the services so that the Financial Support Agency can be paid for services your employee have provided.</li> </ul>

## APPENDIX D: EMPLOYER OF RECORD BUDGET REFERENCE GUIDE

Expenses Covered By Monthly Financial Support Services Fee	Employer Related Expenses Covered by Employer Supplies	Employer Expenditures Covered through Community Navigator Agency	Expenses Covered by Individual Budget
Expenses are Not Deducted from Individual's Budget.	Expenses are Not Deducted from Individual's Budget.	Expenses are Not Deducted from Individual's Budget.	Expenses Deducted from Individual Budget.
Billing Code: T2025U1	Billing Code: T2025U2	Billing Code: N/A	Code: See Rate Sheet
Rate: \$ 85 per month	Rate: Refer to Invoice for Costs	Rate: N/A	Rate: See Rate Sheet or Invoice as appropriate
Add-On to Base Budget; counts towards Waiver Cost Limit	Add-On to Base Budget; counts towards Waiver Cost Limit	No Charge to Budget /does not count towards Waiver Cost Limit	Counts towards Individual/Family Directed Budget and Waiver Cost Limit
New Employer Packet	Training for employees: CPR	Time and Billing Sheets	Employee Hourly Wage (at least minimum wage)
Financial Support Services Agency Brochure	Training for employees: First Aide	Incident Report Forms	Employment Taxes
Financial Support Services Agreement and Amendments	Training for employees: Blood borne Pathogens	Documentation and other forms provided to Employers	Overtime pay

Copies of employee criminal record check forms with return stamped envelopes	Training for employees: Medication Administration	Training Materials such as Notebooks and Handbooks	Benefits provided to employees: paid vacation or sick leave, holiday pay or differential pay, bonuses, insurance premiums, etc. determined by employer
Stamped Envelope to Return New Employer /Employee Packets	As Needed; Filing cabinet , file Box, hanging files, folders	Training Materials such as Notebooks and Handbooks	Workers Compensation Insurance

Expenses Covered By Monthly Financial Support Services Fee	Employer Related Expenses Covered by Employer Supplies	Employer Expenditures Covered through Community Navigator Agency	Expenses Covered by Individual Budget
Expenses are Not Deducted from Individual's Budget.	Expenses are Not Deducted from Individual's Budget.	Expenses are Not Deducted from Individual's Budget.	Expenses Deducted from Individual Budget.
Billing Code: T2025U1	Billing Code: T2025U2	Billing Code: N/A	Code: See Rate Sheet
Rate: \$ 85 per month	Rate: Refer to Invoice for Costs	Rate: N/A	Rate: See Rate Sheet or Invoice as appropriate
Add-On to Base Budget; counts towards Waiver Cost Limit	Add-On to Base Budget; counts towards Waiver Cost Limit	No Charge to Budget/ does not count towards Waiver Cost Limit	Counts towards Individual/Family Directed Budget and Waiver Cost Limit

Processing New Employee Hire Packets	Start-Up Supplies: one box of gloves		Use of Back-Up Staffing Provider Agency: cost is the maximum allowable rate for the service provided by the back-up staffing agency
Payroll set-up	Start-Up Supplies: one CPR mask and one first-aid kit		Training materials directly related to the training of a habilitation service (does not include personal items; requires invoice)
Payroll processing, quarterly payroll tax filings	Applicant Background Checks		
Monthly Report to Employer	Blood borne Pathogens Equipment: Gloves/First Aid supplies.		
Processing invoices/checks for Goods and Services/other items			

Expenses Covered By Monthly Financial Support Services Fee	Employer Related Expenses Covered by Employer Supplies	Employer Expenditures Covered through Community Navigator Agency	Expenses Covered by Individual Budget
Expenses are Not Deducted from Individual's Budget.	Expenses are Not Deducted from Individual's Budget.	Expenses are Not Deducted from Individual's Budget.	Expenses Deducted from Individual Budget.
Billing Code: T2025U1	Billing Code: T2025U2		Code: See Rate Sheet
Rate: \$ 85 per month	Rate: Refer to Invoice for Costs	Billing Code: N/A	Rate: See Rate Sheet or Invoice as appropriate
Filing claims for services authorized by Employers	Hepatitis B Vaccinations for employees (requires invoice)		
Stamped envelopes addressed to Financial Support Agency for use by Employers to return time sheets			



## APPENDIX E: UNDERSTANDING THE EMPLOYER OF RECORD BUDGET REFERENCE GUIDE

### 1. MONTHLY FINANCIAL SUPPORT INDIVIDUAL MAINTENANCE FEE

**DEFINITION:** This is the monthly fee paid to the Financial Support Agency to cover the cost of providing Financial Support Services on behalf of Employers of Record. In Provider Directed Services, these expenditures are paid out of the service reimbursement rate.

- ▲ Financial Support Services Fees are considered an “Add on” to the Individual Base Budget
- ▲ The Care Manager includes these fees in the Individual Support Plan and Individual Budget
- ▲ This fee is not budgeted in the Budget Tool
- ▲ This fee **does** count towards the overall waiver cost limit.

**APPROVAL REQUIRED:** IDD Utilization Management approves one unit of service per month for each member participating in Individual & Family-Directed Services, Employer of Record Model

### 2. EMPLOYER RELATED EXPENSES (EMPLOYER SUPPLIES)

**DEFINITION:** These are basic Employer of Record start-up and ongoing expenses. It also pays for costs related to training for your staff. These expenses are included in the Individual Budget. In Provider-Directed Services, these expenditures would be paid out of the service reimbursement rate.

- ▲ These expenses are not budgeted in the Budget Tool. The Employer of Record Financial Support Services Fees are an “Add on” to the Individual Base Budget.
- ▲ The Care Manager includes these in the Individual Support Plan and Individual Budget.
- ▲ These expenses require approval by IDD Utilization Management.
- ▲ This fee does count towards the overall waiver cost limit.

**Approval Required:** IDD Utilization Management approves these expenses, as needed.

### 3. COST COVERED BY COMMUNITY NAVIGATOR AGENCY

**DEFINITION:** The Community Navigator Agency provides these materials to the Employer of Record. In Provider-Directed Services, these expenditures are paid out of the service reimbursement rate.

- ▲ These expenditures are not budgeted in the Budget Tool
- ▲ These expenditures do not count towards the Waiver Cost Limit.

**Approval Required:** None

## 4. SERVICE RATE (EXPENSES COVERED BY INDIVIDUAL BUDGET)

### A. INDIVIDUAL & FAMILY-DIRECTED SERVICES BUDGET REVENUES (BILLED BY THE FINANCIAL SUPPORT SERVICES Agency, this is the money available for self-directing services.)

**Definition:** The hours of service for each service to be self-directed multiplied by the Individual & Family-Directed Rate for each service.

**Points to remember:**

- ▲ The Service Rate is the maximum hourly Medicaid rate on the Trillium Employer of Record Fee Schedule for each service.
- ▲ The Care Manager provides the current Rate Sheet and Individual Budget to the Employer of Record.
- ▲ The service must be provided as approved in the Individual Support Plan and billed to be counted as revenue for the Individual & Family-Directed Budget.
- ▲ The Budget Tool is used to assist Employers of Record in budgeting. The Community Navigator and the Financial Support Services Agency assists the Employer of Record in preparing the Budget Tool.
- ▲ The Community Navigator also assists the Employer of Record in signing a print out of the Budget Tool and submitting it to the Financial Support Agency.
- ▲ Employers of Record must document why a service was not provided as written in the Individual Support Plan, and report via the Back-Up Staffing Incident Reporting Form, if needed.

**Approval Required:** Approval Required: IDD Utilization Management approves the actual Self-Directed (Individual & Family-Directed) Services.

### B. SERVICE RATE COSTS

**Definition:** The costs cover the employees' salaries, benefits, associated taxes, and other expenses needed.

**Approval Required:** IDD Utilization Management approves the actual Self-Directed (Individual & Family-Directed) Services but not the expenses covered under the service rate.

## APPENDIX F: EMPLOYEE BONUSES

If employee bonuses are issued, the funds for paying those bonuses are budgeted in the Budget Tool and paid by the Financial Support Agency on behalf of the Employer of Record. When the Employer of Record plans to request that a bonus be issued to an employee, the following process is followed:

1. The Employer of Record reviews the Budget Tool to make sure that it is current. The Community Navigator participates in the review and updating of the Budget Tool.
2. The Review of the Budget Tool, at a minimum, ensures that all revenues (units of services billed or planned to be billed) are current. Areas that must be closely reviewed include, but are not limited to:
  - 🌱 **Service hours:** While services are authorized and budgeted at the beginning of the Individual's Plan Year, services billed could be less than planned. For example if the member is sick and does not receive a service, the Budget Tool may need to be adjusted to reflect fewer budget expenditures.
  - 🌱 **Overtime pay for employees:** If this was not planned, the Budget Tool may need to be adjusted to reflect additional expenses.
3. After reviewing the Budget Tool, the Employer of Record includes the amount of the bonus for each employee who is to receive the bonus in the Budget Tool, being careful to consider any projected/potential non-billing of service hours or unanticipated overtime or other unplanned expenditures.
4. The Employer of Record makes a request for payment of the bonus following procedures established by the Financial Support Services Agency. The Employer of Record retains the responsibility for ensuring that all anticipated revenues and expenditures are accurately reflected in the Budget Tool and that the Individual & Family-Directed Supports Budget is not overspent.
5. The Financial Support Services Agency processes the request. If the Financial Support Agency has questions about the request or the amount of funds in the Employer of Record's budget, the Care Manager and/or IDD Utilization Management Department are contacted.
6. The Financial Support Services Agency pays the employee the requested bonus with the next scheduled payroll.

## APPENDIX F – EMPLOYERS SUPPLIES

If the Employer identifies a need that can be met under Employer Supplies, the following steps are followed.

- ▲ Review the Expenditure Chart to determine if the Employer Supply can be purchased. Your Care Manager can provide a copy of the complete service definition.
- ▲ **Note:** Employer Supplies is an “add-on” to the Base Budget. Funds do not need to be “saved” from the Individual & Family-Directed Services Budget.
- ▲ Determine who will provide the Employer Supplies (vendor name, address and contact person)
- ▲ Determine the cost of the Employer Supplies, including any shipping charges. The cost must not result in the Individual Budget exceeding the waiver cost limit of \$135,000 per year. Taxes may be included when requesting items under Employer Supplies. Please note that a script and letter of medical necessity are not needed for Employer Supplies. The Employer may use a printed online shopping cart summary as a quote and handwrite in any required elements.
- ▲ Prepare a quote for the item or service that will be purchased including following elements:
  - All items must be itemized individually with cost per item.
  - Size, gender, and/or color specifications should also be included on the quote.
  - The quote must be dated and if the quote has an expiration date, it will need to be submitted for approval prior to expiring, otherwise a new quote must be obtained.
  - The quote must include the member’s first and last name which can be written on the quote by Employer.
  - The quote should include a contact person and email for the vendor, along with a phone number and company address. For larger retail companies, it may not be possible to include the name and email for a contact person.
  - If shipping is being requested, it needs to be listed separately from the item(s) on the quote.
- ▲ Determine the payment process from the supplier/provider, including the ordering and payment addresses. For example the supplier or provider may require full payment with an order for an item rather than payment after the member has received the item. The Community Navigator can assist the Employer with identifying suppliers and obtaining payment information.
- ▲ Discuss the request with the Care Manager and determine if additional information is needed.
- ▲ Assist in developing a statement of why the item is needed, including how it meets the service definition.
- ▲ Obtain any additional information needed to process the request and submit it along to the Care Manager, requesting that the Care Manager complete an Individual Support Plan Update. Your Community Navigator can assist with this process.

- 🌱 Sign the revised Individual Support Plan so that the Individual Support Plan can be submitted to Utilization Management for review.
- 🌱 Once approved by Utilization Management, provide the Financial Support Services Agency with a Purchase Request along with any additional needed information details so purchase can be made on behalf of the Employer.

The Employer should not purchase items as reimbursement is not available. All purchases must be made by the Financial Support Services Agency.

- 🌱 The Financial Support Services Agency will not process the request or order/pay for the Employer Supplies until an authorization is received from Utilization Management.
- 🌱 Unless prepayment is required by the supplier, the Financial Support Services Agency will not pay for Employer Supplies until the item is provided. Approval by Utilization Management is required for prepayment.
- 🌱 Review the invoice/packing slip/receipt once the Employer Supply is received / obtained, confirming that the Employer Supply was received as requested.
- 🌱 Submit receipt and submit it to the Financial Support Service Agency authorizing payment for the Employer Supplies.
- 🌱 Notify the Care Manager that the Employer Supply was received or completed (i.e. item purchases, training attended or Hepatitis B vaccinations obtained).
- 🌱 If there is a problem with item / service purchased, discuss the problem with the Care Manager prior to submitting the invoice/packing slip/receipt to the Financial Support Service Agency.
- 🌱 Remember that Employer Supplies are Medicaid funds. Medicaid funds must be used for the least costly alternatives that meet the member's disability needs and must only be for the member, not the member's family.
- 🌱 A member has access to Employer Supplies once an employee has begun delivering a billable service under Individual & Family-Directed Supports – EOR model.

## APPENDIX G – INDIVIDUAL GOODS AND SERVICES

If the Employer identifies a need that can be met under Individual Goods and Services, the following steps are followed.

- ▲ Review the service definition to determine if the good (items that can be purchased) or service they wish to purchase is potentially covered under the Individual Goods and Services definition. Your Care Manager can provide a copy of the complete service definition.
  - **Note:** Individual Goods and Services are an “add-on” to the Base Budget. Funds do not need to be “saved” from the Individual & Family-Directed Services Budget.
- ▲ Determine who will provide the Good or Service (vendor name, address and contact person)
- ▲ Determine the cost of the Good or Service, including any shipping charges, making sure that the total cost does not exceed the service limitation (\$2,000 annually). The cost must not result in the Individual Budget exceeding the waiver cost limit of \$135,000 per year. Taxes may be included when requesting items under Individual Goods and Services when a script is not needed. Depending on the nature of the good or service, a script and letter of medical necessity may be necessary. The Employer may use a printed online shopping cart summary as a quote and handwrite in any required elements.
- ▲ Prepare a quote for the item or service that will be purchased including following elements:
  - All items must be itemized individually with cost per item.
  - Size, gender, and/or color specifications should also be included on the quote.
  - The quote must be dated and if the quote has an expiration date, it will need to be submitted for approval prior to expiring, otherwise a new quote must be obtained.
  - The quote must include the member’s first and last name which can be written on the quote by Employer.
  - The quote should include a contact person and email for the vendor, along with a phone number and company address. For larger retail companies, it may not be possible to include the name and email for a contact person.
  - If shipping is being requested, it needs to be listed separately from the item(s) on the quote.
- ▲ Determine the payment process from the supplier/provider, including the ordering and payment addresses. For example the supplier or provider may require full payment with an order for an item rather than payment after the member has received the item. The Community Navigator can assist the Employer with identifying suppliers and obtaining payment information.
- ▲ Discuss the request with the Care Manager and determine if additional information is needed.
- ▲ Assist in developing a statement of why the item is needed, including how it meets the service definition.

Include a statement that the member does not have the funds to purchase the Goods or Services. Items that are requested for Health and Safety reasons should be accompanied by an Assessment.

- 🌱 Obtain any additional information needed to process the request and submit it along with the previously obtained supporting documentation to the Care Manager, requesting that the Care Manager complete an Individual Support Plan Update. This information may include a supporting recommendation from a professional. Your Community Navigator can assist with this process.
- 🌱 Sign the revised Individual Support Plan so that the Individual Support Plan can be submitted to Utilization Management for review
- 🌱 Provide the Financial Support Services Agency with any form or payment information needed by the Agency.
- 🌱 The Financial Support Services Agency will not process the request or order/pay for the Individual Good or Service until an authorization is received from Utilization Management.

The Employer should not purchase items as reimbursement is not available. All purchases must be made by the Financial Support Services Agency.

- 🌱 Unless prepayment is required by the supplier, the Financial Support Services Agency will not pay for the Good or Service until the Good or Service is received by the Individual. Prepayment must be authorized by Utilization Management.
- 🌱 Review the invoice/packing slip / receipt once the Good or Service is received, confirming that the Good or Service was provided as requested and at the rate requested.
- 🌱 Submit receipt and submit it to the Financial Support Service Agency authorizing payment for the Good or Service.
- 🌱 Notify the Care Manager that the Good or Service was received.
- 🌱 If there is a problem with the Good or Service, discuss the problem with the Care Manager prior to submitting the invoice/packing slip to the Financial Support Service Agency.
- 🌱 Remember that Individual Goods and Services are Medicaid funds. Medicaid funds must be used for the least costly alternatives that meet the member's disability needs and must only be for the member, not the member's family.
- 🌱 Payment under Medicaid is payment in full for the approved service or good. The item cannot be funded if it exceeds the maximum annual allowable cost (\$2,000), or if the payment includes costs for other family members or staff.
- 🌱 A member has access to Individual Goods and Services once an employee has begun delivering a billable service under Individual & Family-Directed Supports.

## **EXAMPLES OF GOODS AND SERVICES THAT MAY BE REQUESTED**

The lists provided below are not exhaustive lists. It is important to remember that the criteria for the service definition must be met based on the member's needs. Not all members will meet the criteria for a particular item listed.

- ▲ Fitness items when there is an identified need for weight loss and/or increased physical activity and/or a plan for increasing community integration
- ▲ Electric toothbrushes to decrease dependence on paid services
- ▲ Health club membership or community pool membership when there is an identified need for weight loss and/or increased physical activity and/or a plan for increasing community membership (only for member membership, will not cover family memberships)
- ▲ Community membership when there is a plan for increasing community integration
- ▲ Household appliances to decrease dependence on paid services
- ▲ Adapted or specialized furniture to decrease dependence on paid services and/or will increase member's safety in the home
- ▲ Memory prompting devices to decrease dependence on paid service
- ▲ Specialized activity devices to decrease dependence on paid service
- ▲ Hippo therapy (horseback riding), play therapy, music therapy, art therapy, if this will increase community integration and/or decrease dependence on paid services
- ▲ Camp fees, excluding payments for room and board when attendance will increase community integration and/or decrease dependence on paid services
- ▲ Two way radios to decrease dependence on paid services
- ▲ Rain capes for wheelchairs when the member uses a wheelchair for mobility outside the home
- ▲ Laundry service to decrease dependence on paid service

## **EXAMPLES OF GOODS AND SERVICES NOT COVERED**

- ▲ Items covered under Medicare, the State Medicaid Plan or NC Innovations
- ▲ A third party is responsible for payment: private insurance, education, home schooling and vocational services covered by Vocational Rehabilitation, others
- ▲ Items that benefit members other than the member receiving NC Innovations services
- ▲ Room and Board
- ▲ Personal items not related to the member's disability needs
- ▲ Expenses or equipment related to living in a licensed facility or licensed/unlicensed alternative family living home
- ▲ Lodging or meal costs for the member or paid or unpaid caregiver



- 🌱 Experimental treatments
- 🌱 Pets and their related costs
- 🌱 Vacation expenses
- 🌱 Vehicle maintenance that is not related to the person's disability; disability related vehicle modifications are requested under Vehicle Modifications
- 🌱 Special diets

## APPENDIX H – KEY BUDGET CONCEPTS

### BALANCED BUDGET

The Employer sets expenses such as employee salaries and employee benefits based on the “funding” money available. The Employer is responsible for managing a balanced budget. This means that expenses cannot equal more than monies available. Your cost summary identifies the services that you plan to self-direct and is an **estimate** of what you plan to spend on services. For example, you may have 4184 Units of Respite on your cost summary each year, but only regularly use half of that amount of Respite each plan year.

Your cost summary is used as the foundation to create a balanced budget for expenses related to self-directing through EOR. You will submit your budget to your FSS provider and they will review to ensure that the proposed budget is balanced.

### MONIES AVAILABLE FOR EXPENSES

Following is an example of a Cost Summary that includes 3 authorized services that will be self-directed. When determining what monies are available for expenses, start by considering all authorized services. Next, consider what services you actually used last year or the year before and make any needed adjustments to the monies available.

Let’s look at your cost summary for authorized services.

#### SNAPSHOT OF A COST SUMMARY:

Service Name	Service Code	Provider	Units Requested	Start Date	End Date	Established Rate	Specified Rate	Annual Amount
Community Living & Supports - Individual	T2013 TF	FSS Provider	8,364	08/01/19	07/31/19	\$5.56		\$46,503.84
Respite Care - Individual	S5150	FSS Provider	4,184	08/01/19	07/31/19	\$3.71		\$15,522.64
Supported Employment Services - Individual	H2025	FSS Provider	4,184	08/01/19	07/31/19	\$7.75		\$32,426.00

- ▲ In this example, the EOR plans to use 2091 hours (8364 Units) of Community Living and Supports and 1046 hours (4184 Units) of Supported Employment in the upcoming plan year.
- ▲ 1046 hours of Respite has been authorized, but based on past usage of this service and what you anticipate needing and using this year, the Respite needs to be adjusted.
- ▲ This adjustment will create a more accurate monies available total for your EOR budget.

**Let’s make adjustments to monies available for expenses.**

The adjustment of Respite services will create a more accurate monies available total. The monies available total is the amount of money available for spending for your EOR budget.

Without the adjustment to Respite services, the monies available is inflated or misleading and gives the impression that you have more monies available for expenses than you do.

**SNAPSHOT OF MONIES AVAILABLE:**

Service Name	Cost Summary Annual Hours	Cost Summary Annual Amount	Historical Annual Hours	Monies Available
1. Community Living and Supports	2091 hours 8364 Units	\$46,503.84	2091 hours 8364 Units	\$46,503.84
2. Respite	1046 hours 4184 Units	\$15,522.64	523 hours 2092 Units	\$7,761.32
3. Supported Employment	1046 hours 4184 Units	\$32,426.00	1046 hours 4184 Units	\$32,426.00
		<del>\$94,452.48</del>		\$86,691.16

- ▲ Based on an adjustment for past use of Respite services from 1046 hours to 523 hours, the monies available for Respite is \$7,761.32 not \$15,522.64.
- ▲ In this example, the monies available for the EOR budget is \$86,691, not \$94,452.48. Expenses may not total more than \$86,691.

**BILLING FOR SERVICES**

Your FSS Agency bills for hours worked by your employees and this creates the “funding” monies available that is used to pay for expenses that include your staff wages and associated state and federal taxes. When your employee provides 1 hour of a service, the FSS agency bills Trillium for 1 hour. Each service has an established rate. There is a list of rates on Trillium’s website located on the Provider Page.

**OPTIONAL EXPENSES**

- ▲ Optional expenses include paying mileage, employee bonuses, health insurance, or some types of training. The Employer decides if they will pay option expenses. Employee Benefits such as expenses, paid vacation or sick leave is also optional.
- ▲ Optional expenses may only be paid if there is money in the budget to pay all required expenses.

**REQUIRED EXPENSES**

Paying at least minimum wage for all hours worked by your employee is required. Paying state and federal taxes is another example of required expenses. Workers Compensation and training such as First Aid/CPR are other examples of required expenses. If you have questions about required expenses, please talk with your Community Navigator.

## OVERTIME PAY

The Cost of OT is expensive, so avoid when possible. Instead of paying OT, hire new employee or assign to hours to one of your Back Up employees. In the example below, it costs an extra \$434.40 when paying OT for 2 Employees. Combined 2 employees work 60 OT hours.

Instead of paying \$900 for 60 hours of work, the Employer is paying \$1334.40. Paying at an OT rate, the Employer is paying an extra \$444.80 for 60 hours.

### **PAYING OVERTIME RATE OF \$22.24 VERSUS STRAIGHT RATE OF \$15.00**

<b>Straight Rate</b>	<b>Hours</b>	<b>Pay Check Amount</b>
\$15.00 Employee 1	40	\$600.00
\$15.00 Employee 2	20	\$300.00
<b>Total Cost for Hours at Straight Rate</b>	<b>60</b>	<b>\$900.00</b>
<b>OT Rate</b>		
\$22.24 Employee 1	40	\$889.60
\$22.24 Employee 2	20	\$444.80
<b>Total Cost for Hours at OT Rate</b>	<b>60</b>	<b>\$1334.40</b>
<b>Difference in Paying OT Rate for 60 hours</b>		<b>\$434.40</b>

## OVER UTILIZATION OF SERVICES

Over Utilizing services is using more services than was authorized in the Individual Support Plan. More specifically, it is paying your employees for working more hours than was authorized in the ISP.

### OVER UTILIZATION OF SERVICES EXAMPLE

20 hours per week of Community Living and Supports is authorized in your ISP. Employees earn \$15/hour

- ▲ Your employees work 25 hours per week off Community Living and Supports for 10 weeks due to a misunderstanding.
- ▲ This misunderstanding results in Over Utilizing 50 hours of services that were not authorized in the ISP and costs \$750.00 that were not planned for in budget.
- ▲ Calculations: 5 additional/unauthorized hours worked x 10 weeks = 50 hours; 50 hours x \$15/hour = \$750.00

## UNDER UTILIZATION OF SERVICES

Underutilizing services is using fewer services than was authorized in the ISP. More specifically, your employees are not working the hours authorized in the ISP. If employees do not work scheduled hours, the FSS agency cannot bill for these hours.

## **UNDER UTILIZATION OF SERVICES EXAMPLE:**

1000 hours of Community Living and Supports is authorized in your ISP

- ▲ The billable service rate for Community Living and Supports is \$20.00 per hour.
- ▲ For each hour worked by your employees, the Financial Support Services agency will bill Trillium \$20.00.
- ▲ During the first 4 months of the plan year, 2 employees don't work their scheduled hours.
- ▲ Employees not working scheduled hours during first 4 months of the plan year, results in a \$4,000 Under Utilization of Services.

Since your employees did not work their scheduled hours, the FSS agency could not bill for those hours. This results in your budget amount or monies available to spend on expenses