



Personal Assistant's Guide to Consumer Directed Personal Assistance Program

The Consumer Directed Personal Assistance Program (CDPAP) is a statewide Medicaid program that provides an alternative way of receiving home care services. The program allows people who are Medicaid-eligible to have more control over who provides their home care and how it is provided. Consumers enrolled in the CDPAP program are allowed to manage their own care by recruiting, hiring, training, supervising, scheduling and dismissing their own personal assistants. Instead of a home care agency controlling the personal assistants, the Consumer takes on the role of employer for the personal assistants and may employ as many personal assistants as he/she needs to satisfy the Consumer's needs, keeping within the amount of hours of services the Consumer has been authorized by Medicaid to receive.

This guide will help facilitate your participation in the CDPAP program, specifically, assisting you how to become a Consumer under the CDPAP program, how to hire a personal assistant, how to be an effective employer and how to take responsibility for living independently.

WHAT IS CDPAP?

CDPAP is a Medicaid program. You must be enrolled in the Medicaid program as a Consumer and be approved to receive home care to be eligible for CDPAP. The local Department of Social Services (DSS) or a Managed Care Organization (MCO) makes the eligibility decision and must determine that you are able to direct your own home care, or have a personal representative who can do that for you. The DSS or the MCO also determines how many hours of CDPAP services you may receive and, working with you or your designated representative, also determines your plan of care. A plan of care is in effect for six months. The DSS or MCO will review your eligibility for services every six months and make necessary changes to the plan of care.

Once you have been approved for CDPAP, you can begin to interview and hire your personal assistants. After you have decided who your personal assistants will be and how many you need, our job, as the fiscal intermediary, will be to bill the Medicaid program for the CDPAP services your personal assistants provide, handle payroll, payroll taxes and any benefits that your personal assistants may receive, and monitor your participation in CDPAP. As Fiscal Intermediary, we do not participate in your home care in any way. We provide payroll support but you are the employer of the personal assistants and manage your own home care.

WHO IS A CONSUMER?

A Consumer is a person authorized to participate in the CDPAP program by the DSS or MCO. To be eligible to participate in the CDPAP program as a Consumer, you must:

1. Be eligible for medical assistance (Medicaid);
2. Be eligible for home care services, personal care services or private duty nursing services;
3. Have a stable medical condition; "stable medical condition" means that you are not expected to exhibit sudden deterioration or improvement and do not require frequent medical or nursing evaluation or judgment to determine changes in the your plan of care;



4. Be self-directing or, if non self-directing, have a designated representative; “self-directing” means that you are able to: (i) make choices regarding activities of daily living and the type, quality and management of services needed; (ii) understand the impact of those choices; and (iii) assume responsibility for the results of these choices;
5. Require assistance with one or more personal care services, home health aide services or skilled nursing tasks;
6. Participate as needed, or have a designated representative who participates, in the required assessment and reassessment processes.
7. Be willing and able to fulfill the required responsibilities or have a designated representative who is willing and able to fulfill the responsibilities of the CDPAP program.

WHO MAY BE A DESIGNATED REPRESENTATIVE?

A designated representative may be your parent, legal guardian, or any appointed individual who is willing and capable of undertaking the same responsibilities that would otherwise fall to you. The designated representative may not serve as your personal assistant.

WHAT ARE MY RESPONSIBILITIES AS A CONSUMER?

Among other responsibilities outlined in agreements, you will sign with Elara Caring the DSS or MCO, you or your designated representative are responsible to:

1. Manage the plan of care, including recruiting and hiring a sufficient number of personal assistants to provide authorized services, training, supervising and scheduling each personal assistant, and if need be, terminating the personal assistant’s employment, and assuring that each personal assistant completely and safely performs the services.
2. Maintain a safe home environment for the delivery of care.
3. Timely notify Elara Caring and the DSS or MCO of any changes in your medical condition or social circumstances and timely notify Elara Caring of any changes in any personal assistant’s employment status.
4. Provide equal employment opportunities to all prospective personal assistants regardless of race, creed, color, national origin, sex, disability, marital status, and sexual orientation in all employment decisions.
5. Process the required paperwork for Elara Caring including time sheets, annual worker health assessments and other required employment documents.
6. Distribute paychecks to each personal assistant.
7. Train the personal assistants as to the rights and responsibilities of all involved parties.
8. Arrange and schedule backup coverage when a personal assistant is temporarily unavailable for any reason.

Failure to carry out your responsibilities may result in your termination from the CDPAP program.

You are also fully responsible for any personal injury or loss of property that may result from the action or inaction of your personal assistants.



WHAT ARE ELARA CARING'S RESPONSIBILITIES?

As the Fiscal Intermediary, Elara Caring is responsible to:

1. Process the payroll for each personal assistant, including processing income tax and other required wage withholdings and complying with workers' compensation, disability and unemployment insurance.
2. Pay the personal assistant the wage established for the hours worked for you as indicated on the time sheet and authorized by the DSS or MCO.
3. Review submitted time sheets and prepare and submit claims for Medicaid payment in accordance with the rules of the Medicaid program and any applicable contract with a MCO.
4. Ensure that the health status of each personal assistant is assessed before he or she begins to work for you and annually after that.
5. Maintain records for each personal assistant which include: time sheets, the personal assistant health assessments and the information needed for payroll processing and benefit administration.
6. Maintain Consumer records, including copies of the authorizations, reauthorizations and the agreement between you and Elara Caring and any information regarding your performance of responsibilities under the CDPAP program.
7. Monitor your ability, or the ability of your designated representative, if applicable, to fulfill the responsibilities of a Consumer under the CDPAP program.

WHO MAY BE A PERSONAL ASSISTANT?

A personal assistant must:

1. Be at least 18 years of age;
2. Be eligible to work in the United States;
3. Complete and pass all required health screenings; and
4. Not be excluded from the Medicaid program.

A personal assistant may be a family member, friend, neighbor or any other individual. However, a personal assistant may not be your spouse or your designated representative. A personal assistant who is related to you may not live in the same household as you unless he/she lives with you because the amount of assistance required makes his/her presence necessary.

WHAT ARE THE RESPONSIBILITIES OF A PERSONAL ASSISTANT?

A personal assistant is responsible for:

1. Recognizing your authority as his/her employer and supervisor;
2. Completing all tasks designated in your plan of care;
3. Respecting your person, privacy and property;
4. Authorizing Elara Caring to collect and distribute employment-related information;
5. Complying with applicable policies and practices of Elara Caring.

Personal assistants may perform any task listed in your plan of care. These services may include assisting you with bathing, dressing, toileting, grooming, house cleaning, cooking, laundry and other related personal functions and other activities such as nursing, transportation,



transferring, communication assistance, administration of medications and respite services that assists you to be functional. Personal assistants are limited to performing those tasks listed in your plan of care. They cannot perform other tasks and be paid under the CDPAP program. Personal assistants also cannot perform work for other household members. If a task performed by a personal assistant benefits other household members, it is okay, as long as the benefit is incidental.

HOW TO ENROLL A PERSONAL ASSISTANT?

You must inform Elara Caring that the personal assistant has been selected to be hired. Then the personal assistant must provide certain information and complete the necessary payroll forms provided by Elara Caring before he/she may begin working for you.

HOW MANY PERSONAL ASSISTANTS MAY I EMPLOY?

You may hire as many personal assistants as necessary to cover the authorized CDPAP service hours. The number of personal assistants you employ should reflect the number of hours in your plan of care. You should use your judgment and be reasonable with the amount of personal assistants you choose to hire. You are responsible for having backup coverage in case a personal assistant is temporarily unavailable. No single personal assistant should be scheduled to work so many hours that they are unable to receive adequate sleep and personal time.

WHAT ARE THE PERSONAL ASSISTANT'S PERSONNEL REQUIREMENTS?

The following must be completed and submitted to Elara Caring by the personal assistant prior to starting work for you:

1. I-9 form;
2. W4 form including the Notice and Acknowledgment of Pay Rate and Payday;
3. Pre-employment physical (and a health assessment annually as required by Department of Health regulations);
4. Proof of immunizations as required by Department of Health regulations.
5. Hepatitis B form. You should review the Hepatitis B vaccination or declination information with the PA.

We will perform a check of any exclusion from providing services under the Medicaid program and the result will be filed in the personal assistants' personnel file.

WHAT ARE TIME SHEETS?

A time sheet is an official weekly record of the hours worked by the personal assistant. Personal assistants must fill out the time sheets with the time the personal assistants started work for you and the time the personal assistants finished work. You must submit the time sheets to us each week. You should review the information to ensure that each time sheet is complete and all the names and hours worked are correct. Both you and the personal assistants must sign and date the form and attest that the time sheets are accurate. Attesting means that you and the personal assistant are certifying that the time sheets are accurate.

If we find that inaccurate time sheets have been submitted, we may inform you that we will no longer provide fiscal intermediary services to you and we might also report the inaccuracies to



the DSS, MCO and/or the appropriate governmental authorities. Deliberately completing inaccurate time sheets is considered fraud.

WHEN AND HOW DOES A PERSONAL ASSISTANT GET PAID?

A personal assistant will get paid every week.. The personal assistant will get paid only for the hours actually worked and authorized by the DSS or MCO. If the personal assistant's hours exceed authorized hours in any week or if the personal assistant performs work not covered by the plan of care, those hours are not CDPAP service hours and will not be paid by the CDPAP program. They are your responsibility to pay.

If the personal assistant is enrolled in Elara Caring's' Direct Deposit program, the personal assistant's paychecks will be directly deposited in his/her bank account every two weeks. If the personal assistant is not enrolled in our Direct Deposit program, the personal assistant will receive a payroll check every two weeks. The payroll checks will be payable to the personal assistant and will be mailed to your home. You must distribute the payroll checks to the personal assistant.

WILL A PERSONAL ASSISTANT BE PAID WHEN I AM HOSPITALIZED OR ABSENT FROM MY HOME?

CDPAP services cannot be delivered if you are in the hospital or admitted to a higher level of care or otherwise absent from your home. A personal assistant will only be paid for the day of admission and the day of discharge, if the authorization is still active and he/she provided services to you prior to admission or after discharge. If a personal assistant performs CDPAP services during your absence from the home, the hours are your responsibility.

You must inform Elara Caring of any change in your medical condition including the information about your admission to the hospital or higher level of care.

WHEN IS THE PERSONAL ASSISTANT ELIGIBLE FOR WORKER'S COMPENSATION?

If a personal assistant is injured on the job, the personal assistant may be eligible for Worker's Compensation benefits. You and the personal assistant must notify Elara Caring whenever an injury has occurred on the job. We will assist the personal assistant with the completion of the necessary reporting forms and notify the Workers' Compensation carrier.

WHEN IS THE PERSONAL ASSISTANT ELIGIBLE FOR DISABILITY INSURANCE?

A personal assistant unable to work for a continued period of time may be eligible statutory disability benefits. The personal assistant must notify you, and both you and the personal assistant must notify Elara Caring. We will assist the personal assistant with completion of the necessary reporting forms and notify the disability carrier.

WHEN IS THE PERSONAL ASSISTANT ELIGIBLE FOR UNEMPLOYMENT INSURANCE?

You must notify us whenever a personal assistant stops working for you, regardless of whether the personal assistant quit or has been fired. We will review the circumstances with you and determine whether the personal assistant is eligible for unemployment insurance.



HOW DO I CONTACT ELARA CARING?

If you have any questions about the CDPAP program you may contact us during regular business hours: Mon-Fri 9:00am-5:00 pm at (718) 689-1253.

TIPS FOR RECRUITING, HIRING, TRAINING AND SUPERVISING PERSONAL ASSISTANTS

RECRUITING PERSONAL ASSISTANTS

Elara Caring does not provide you with personal assistants. It is your responsibility to recruit and screen candidates for employment. You may utilize many different sources to find potential personal assistants. These may include:

1. Colleges and Universities
2. Word of mouth – Family, friends, neighbors, and other people may know individuals who would be interested in working as a personal assistant
3. Career or employment agencies
4. Nursing homes or assisted living facilities – ask the personnel department for an individual who may be interested working as a personal assistant part time
5. Local newsletters/newspapers or job search websites – run small ads that can be specifically structured to your needs.

Contents of an advertisement may include:

1. A short description of the job
2. The days and hours of you need someone to work
3. The salary
4. Must be at least 18 years of age and eligible to work in the US

You bear all expenses in recruiting personal assistants.

HIRING PERSONAL ASSISTANTS

Telephone Screening: Before you set up an in-person interview with an applicant, you may want to screen the applicant over the phone. Screening will save time for both you and the applicant and the screening will assist you in deciding whom you would like to meet in person to interview. You should describe the job to the applicant, including the hours you will need someone to work, the tasks that must be performed and the expected salary. You should explain the physical demands of the job as well. An applicant needs to know what to expect.

You should ask questions that will immediately help you decide if the applicant will fulfill your needs. The following are a few sample questions that you might ask during the telephone screening.

1. Have you ever been a personal assistant or done similar work?
2. If so, where did you work, what were some of the job tasks? How long did you work at that job?
3. Will you be able to work my scheduled hours?
4. What days are you able to work?



5. Are you willing to assist me with my personal needs (i.e. tasks listed in your plan of care)?
6. How do you feel about housekeeping chores?
7. Are there any household chores you are not willing to do?
8. Can you cook? What dishes do you like to cook?
9. Do you have reliable transportation to get to work?
10. Do you have a driver's license? A vehicle?
11. Are you 18 years of age or older?
12. Have you ever been convicted of a crime?
13. Are you able and willing to carry out the job requirements?
14. Are you eligible to work in the U.S?

These are just a few suggestions for screening an applicant over the telephone. Pay close attention to what the applicant says and try to get a sense of the person's attitude. You should only select people who sound good to you for a formal face-to-face interview. If the applicant appears appropriate, ask him or her to participate in a face-to-face interview.

If possible, we suggest that you do not conduct the interviews in your home. It is better to find a public place, to avoid people having your home address.

Face-to-Face Interviewing: Select the applicants that you liked best from your telephone interviews. Introduce yourself and try to make the applicant feel comfortable. The following are some suggestions of questions you might ask when you begin the interview:

1. Ask the applicant to complete an application form. We have provided a sample form, but you may develop your own.
2. Explain your disability the best you can and describe the job requirements in detail. Be as specific as you can. Review the necessary personal assistant tasks with the applicant.
3. Explain your expectations. It is important for the applicant to know that the tasks listed are required and must be completed in a timely fashion.
4. Ask the applicant why they would like the job. You may get some insight into his or her motivation.
5. Ask the applicant about jobs they have had in the past?

Please keep in mind that certain laws prevent you from asking job applicants about their:

1. Age or their birth date.
2. Race, national origin, sexual orientation, native language.
3. Health, disability, fitness.
4. Marital status.

You may want to ask for personal or employment references. Here are some questions to ask references:

1. Was the applicant dependable?
2. Did the applicant take direction?
3. Can the applicant work independently?
4. Did the applicant get along with co-workers and supervisors?
5. Would the reference recommend the applicant for this position?

By the end of your formal interview, you should have a better sense of whether or not you are interested in hiring the applicant.



HIRING THE APPLICANT

When you discuss hiring the applicant to be your personal assistant, you should agree on the starting date and time the applicant will begin working for you. You should also exchange phone numbers so that each of you may contact the other. You may want to have the applicant sign a Consumer Directed Personal Assistant Acknowledgment Form, outlining their responsibilities as your personal assistant. We have provided you with a sample form, but you may develop your own.

Immediately after hiring the applicant, you should notify the Fiscal Intermediary. Before starting work, the applicant must complete Elara Caring's personnel requirements, which includes:

1. I-9 form;
2. W4 form including the Notice and Acknowledgment of Pay Rate and Payday;
3. Pre-employment physical (and a health assessment annually as required by Department of Health regulations);
4. Proof of immunizations as required by Department of Health regulations.

Once he/she completes the required documents, the personal assistant may begin working for you.

TRAINING PERSONAL ASSISTANTS

You should train your personal assistants how and when you want them to perform the tasks covered by your plan of care.

Below are some suggestions on how to train your personal assistants:

1. Explain your disability in as much detail as possible.
2. Explain any technical terms that the personal assistant may encounter.
3. Explain safety and universal precautions and emergency procedures.
4. Explain how to use all medical equipment that you may need.
5. Give detailed, step-by-step instructions how to do a certain procedure and explain the reasons why you need it done a certain way or at a specific time.
6. Throughout the training sessions, give recaps of your explanations to briefly review what you have already taught.
7. Ask for feedback and encourage questions.
8. Be patient and do not overwhelm the personal assistant with information. Try and be conscious of how best the personal assistant can effectively learn the procedures.
9. Explain the CDPAP program and go over the personal assistants' responsibilities.

SUPERVISING PERSONAL ASSISTANTS

As an employer, you must supervise your personal assistants to ensure that they do all the tasks that you require. You should structure the job duties in a specific way by creating a detailed schedule so your personal assistants know what you expect and when you expect it during their work day. Whatever the task is, you should communicate your expectations. You should give your personal assistants both positive and negative feedback. When the personal assistant does a task incorrectly, bring it to his/her attention and remind him/her of the correct way. When the personal assistant does a task correctly, complimenting him/her can



reinforce good behavior. If there are any problems with your personal assistants you should make a record of it since it might prove useful later.

You should remind your personal assistants that they must complete time sheets for their hours work and you must review them and attest to their accuracy. If you detect fraud, you should notify Elara Caring immediately.