

# Consumer Direction Handbook

Including simple tips on being an  
employer and directing your own care

¿Necesita un manual de TennCare<sup>sm</sup> en español? Para conseguir un manual en español, llame a **Consumer Direct Care Network** al **888-532-1907**.

**We do not allow unfair treatment in TennCare<sup>sm</sup>.**

No one is treated in a different way because of race, beliefs, language, birthplace, disability, religion, sex, color, or age. Read more about your right to fair treatment in you TennCare<sup>sm</sup> Member Handbook.

# Table of Contents

Introduction	2
What is Consumer Direction?	2
Using a Representative as the Employer of Record for Consumer Direction	3
Help you'll receive in Consumer Direction	3
Who can be in Consumer Direction?	4
Services available in Consumer Direction	5
Transportation	5
Self-Direction of Health Care Tasks	6
Backup Plan for Consumer Direction	6
Being an Employer in Consumer Direction	7
Writing a job description	7
Deciding how much to pay workers	8
Minimum requirements for Consumer Directed workers	8
Hiring friends and family	9
Finding workers	9
Screening people you may want to hire	9
Interviewing	10
Narrowing down the applicants	15
Making an offer	16
Background and registry checks	16
Training your workers	16
General supervision	17
Performance evaluation	18
Signing a Service Agreement	18
Setting and changing your workers' Schedule	18
When things don't work out—firing an employee	19
Protecting property and personal safety	20
Meeting your needs while you get started in Consumer Direction	20
Withdrawal from Consumer Direction	20
Appendix A: Sample job description and want ads	21

## Introduction

This handbook tells you about Consumer Direction in the CHOICES program. It includes some tips on how to hire your own workers and direct your own care. You'll get more information and training from your Supports Broker.

## What is Consumer Direction?

**Consumer Direction** is a way of getting some of the kinds long term services and supports you need. Long Term Services and Supports are sometimes called "LTSS" for short. They are also known as **Home and Community Based Services** or HCBS.

Consumer Direction gives you more choice and control over WHO gives your LTSS and HOW your care is given. To make these choices, you must accept the responsibility of being an employer to the worker or workers providing your services.

In Consumer Direction, **you** actually employ the people who give some of your long-term services—they work for you (instead of a service provider agencies). This means that you must be able to do the things that an employer would do. These include things like:

- Find, interview, and hire workers to provide services for you.
- Define workers' job duties.
- Develop a job description for your workers.
- Train workers to deliver your care based on your needs and preferences.
- Provide a safe working environment.
- Set the schedule at which your workers will give your care.
- Make sure your workers enter, in the EVV system, of the time worked everyday.
- Make sure your workers provide only as much care as you are approved to receive by your Managed Care Organization (you can talk to your CHOICES Care Coordinator about this).
- Monitor to make sure that no worker gives you more than 40 hours of care in a week, if the worker does work over 40 hours in a week, overtime must be paid.

If this happens, you may not be able to stay in consumer direction

- Supervise your workers.
- Evaluate your workers' job performance.
- Address problems or concerns with your workers' performance.
- Fire a worker when needed.
- Decide how much your workers will be paid (from a range of rates set by the State).
- Review the time your workers report to be sure it's right.
- Ensure there are good notes kept in your home about the care your workers provide.
- Develop a backup plan to address times that a scheduled worker doesn't show up (you can't decide to just go without services).

- Activate the backup plan when needed.

### **Using a Representative as the Employer of Record for Consumer Direction**

What if you can't do some or all the things listed above? Then, you can choose a family member, friend, or someone close to you to do these things for you. It's called an "Employer of

Record." It's important that you pick someone who knows you very well that you can depend on. The person you pick to be your Employer of Record should not abuse alcohol or drugs. They shouldn't have a history of abusing, neglecting, or exploiting you or anyone else.

To be the Employer of Record, the person must:

- Be at least 18 years of age.
- Know you very well.
- Understand the kinds of care you need and how you want care to be given.
- Know your schedule and routine.
- Know your health care needs and the medicine you take.
- Be willing and able to do all of the things that are required to be in Consumer Direction.
- Live with you in your home OR be present in your home often enough to supervise staff. This usually means at least part of every worker's shift. But, it may be less as long as it's enough to be sure you're getting the quality care you need.
- Be willing to sign a Representative Agreement, saying they agree to do all of the things required for Consumer Direction.

Your Representative can't be paid to do these things for you. And, they can't be paid to give any of your care through Consumer Direction.

Your Care Coordinator will help you complete a self-assessment. It will help decide if you need an Employer of Record.

What if you need a Representative but don't have (or want) anyone to serve in that role? You may not be able to get care through Consumer Direction. If so, you'll get the covered services you need through provider agencies.

### **Help you'll receive in Consumer Direction**

You or your representative will have help doing some of the things you must do as an employer. The help will be provided by Consumer Direct Care Network (CDTN). There are 2 kinds of help you'll receive:

- CDTN will help you and your workers with paperwork and payments.
- They'll help you fill out the paperwork you must complete to be an employer.
- They'll help your workers fill out the paperwork they must complete to be your employees.
- They'll provide training for you (see *Training your workers* below for the training that you provide), your Representative, and the workers you pick.
- They'll make sure the workers you pick are qualified to deliver your care, and that they have a background check performed and are not on an exclusionary list that would not allow them to work for you.

- Once you know when you want to get your services based on your approved Person-Centered Support Plan (PCSP), they'll help you check to make sure your worker is using the EVV system the right way.
- They'll pay your workers for the approved service they give.
- They'll withhold, file and pay all required payroll taxes

CDTN will hire or contract with a Supports Broker for you. A Supports Broker is a person who will help you with the **other** kinds of things you must do as an employer. These are things like:

- Find and interview workers
- Write job descriptions
- Train workers
- Schedule workers based on your PCSP
- Develop an initial backup plan to address times when a scheduled worker doesn't show up

BUT, your Supports Broker CAN'T supervise your workers. You or your Representative must be able to do that by yourself.

Besides helping you with the things listed above, CDTN is required:

- To report any suspected abuse, neglect or financial exploitation by your workers, your Representative for Consumer Direction, or others.
- To report:
  - Severe injuries that occur while you're getting care through consumer direction
  - Mistakes your workers make giving you medicine (if you elect to self- direct health care tasks)

TennCare<sup>sm</sup> will pay Consumer Direct Care for the help they give.

### **Who can be in Consumer Direction?**

To be in Consumer Direction:

- You must be either enrolled in CHOICES Group 2 or CHOICES Group 3. **For more information on CHOICES Group 2 or Group 3, please refer to your TennCare<sup>sm</sup> member handbook.** Those are parts of the CHOICES program for people who receive home care or HCBS.
- You can't live in a Community-Based Residential Alternative facility. This includes an Assisted Living Facility, Community Living Support Housing, or Adult Care Home. If you live in one of these places, the facility provider will give you the help you need.
- You must need one or more of the services that can be provided through Consumer Direction. The services you need are listed in your PCSP. Your PCSP is written by you and your Care Coordinator based on an assessment of your needs.
- You must be able to do all the things required to employ your own staff. OR, you must have a qualified Representative for Consumer Direction who signs an agreement to do all of these things.
- You must have a signed Person-Centered Support Plan which includes things to help keep you healthy and safe in your home. This includes any additional risks that may result from choosing

to hire your own workers through Consumer Direction.

- Your TennCare<sup>sm</sup> health plan (MCO) must be able to safely meet your needs in your home while you're in Consumer Direction.

You must have a backup plan that will make sure your needs are met when a scheduled worker fails to show up.

- You and your workers must agree to use the services of Consumer Direct Care to help you.

## Services available in Consumer Direction

These are the services that can be provided through Consumer Direction. The kind and amount of care you'll get depends on what you need. Those services are listed in your PCSP. You **can't** get more services by choosing to be in Consumer Direction, even if the amount you pay your workers is less than it would cost to get care through a provider agency. You can **only** get the services you need that are listed in your PCSP.

- **Personal care visits** (up to 2 visits per day) – Short visits lasting no more than 4 hours at a time and are at least 4 hours apart. Someone will help you do things like get out of bed, take a bath, get dressed, fix and eat meals, or use the bathroom.
- **Attendant care** (up to 1080 hours per calendar year or up to 1,400 hours per calendar year if you need help with household chores like laundry or sweeping) – The same kinds of help you'd get with personal care visits, but for periods of time that are longer than 4 hours or are less than 4 hours apart. You can only get attendant care when your needs can't be met with personal care visits.
- **In-home respite care** (up to 216 hours per calendar year) - Someone to come and stay with you in your home for a short time so your caregiver can get some rest.
- **Companion Care** (Only available for persons enrolled in CHOICES Group 2) – Someone you hire who lives with you in your home to help with personal care whenever you need it. (Available only for people in Consumer Direction who need care throughout the day and night that can't be provided by unpaid caregivers. And only when it costs no more than other kinds of home care that would meet your needs.)

You can choose to get some of these services through Consumer Direction **and** get some home care from providers that contract with your TennCare<sup>sm</sup> health plan. BUT, you must use contract providers for care you can't get through Consumer Direction.

### Transportation

In Consumer Direction, you can have your workers go with you into the community. The things they're helping you with must be part of the service they're providing. For example, you can have a worker go with you to a doctor's appointment. They can go with you to help you grocery shop or pick up medicine.

You can also decide to have a worker drive you to those places in the community—if they're willing to. They must have a valid driver's license and proof of insurance. AND, they must give CDTN a copy.

If you're going to have a worker go with you or drive you places, it must be part of the job description. It must be listed in the "Tasks to be performed" for that service in your Service Agreement. If it is, the

time spent doing those things can be paid as part of the hourly wage for that service. The cost of travel back and forth (including gas) cannot. You and your worker

must decide first whose car they'll drive. And you must decide if you'll pay for gas or pay the worker back for gas or mileage. This must be part of your Service Agreement.

No additional hours of service will be approved for your workers to go with you or drive you places. And, no additional payment will be made through CHOICES. The cost of transportation is not covered for services provided through Consumer Direction.

### **Self-Direction of Health Care Tasks**

If you decide to be in Consumer Direction, you have another choice to make. You can have the workers you hire also help you with medication administration and other health care tasks that are medically necessary—as long as you and your doctor say it is OK. It's called "Self-Direction of Health Care Tasks."

If you need help with your medicine and don't have family members to help you, normally only a nurse could give you medicine. But, in Consumer Direction, you can have your workers help you with your medicine and other health care tasks that are medically necessary instead of a nurse.

You can't hire someone JUST to give you medicine. Giving your medicine or having your worker help with other health care tasks is something extra you can have a worker do while he is giving your other care.

It's your job to talk with your doctor about having your workers help you with your medicine and other health care tasks that are medically necessary. It is either your representative or your responsibility to train the worker for any specific tasks you need provided. If your doctor says it's OK and you decide to self-direct your workers to give you medicine and assist with other health tasks that are needed:

- It must be written in your PCSP.
- It must be included in the "Tasks to be performed" for that service in your Service Agreement.
- You or your Representative must train your workers on how to give your medicine and perform other needed tasks.
- Your backup plan for Consumer Direction must say who will give your medicine and assist with other health care tasks if your worker doesn't show up.

Talk with your care coordinator if you have any questions about self-direction of health care tasks.

### **Backup Plan for Consumer Direction**

In CHOICES, you must have a backup plan for times when a scheduled worker doesn't show up. You'll need backup for *all* of the home services you receive, including those you get through Consumer Direction. The backup plan for Consumer Direction says how you or your Representative will be sure your needs are met if a scheduled worker doesn't show up. It includes:

- The name and phone numbers of people who have agreed to help you

- The kind of help they can provide
- When they can help you
- The order in which they should be contacted

Your backup may be family members, friends, and neighbors who have volunteered to help you at no charge. It could also be Consumer Directed workers who have agreed to provide paid backup for other workers. It could even be a provider agency you've contacted that has agreed to provide paid backup for you. Your MCO will **not** have provider agencies waiting to step in if your workers don't show up. **Developing a backup plan for your Consumer Directed workers is your responsibility.** But, your Supports Broker can help you with your first backup plan.

You or your Representative must find the people (or provider agencies) who can serve as back-up. You (or your Representative) must contact each person or provider to see if they're willing and available to provide backup care. CDTN must follow up with each of them to confirm that they've agreed to provide backup care. CDTN will share this information with your MCO.

Your Care Coordinator must review your backup plan. Your Care Coordinator must agree that your backup plan is adequate *before* you can start receiving care through Consumer Direction. When you have to use your backup plan, your Care Coordinator will make sure it works for you. They'll make sure you're not going without needed services. And, if needed, your Care Coordinator will help you make changes to your backup plan.

It's your responsibility to call in backup help when a Consumer Directed worker doesn't show up. You can't just go without care. To continue receiving care through Consumer Direction, you must be able to get the care you need.

## Being an Employer in Consumer Direction

### Writing a job description

Before you start looking for a worker to provide services for you, it's a good first step to write a job description. It's a good idea even if you plan on hiring a friend or family member. A job description helps you decide what kinds of help you need, and what you're looking for in a worker. It also helps your workers know what you expect.

You can use the job description as a guide when screening or interviewing applicants. You can make sure applicants are willing and able to give the kinds of help you need.

You can also use it to help you train the workers you hire, and to monitor their performance. Are they doing the things you hired them to do?

The job description should include:

- A summary of basic job duties
- Qualifications the person must have
- Specific information on how you want the job performed



- Days and times you need help

You should discuss the job description with your workers and make sure they agree to perform the care you need. Have them sign a copy of the job description or attach it to your Service Agreement.

If your needs change, you can update the job description. Review the job description with your workers any time it changes and at least once a year.

### **Deciding how much to pay your workers**

There are several rates that can be paid for **most** of the services available through Consumer Direction. These rates are set by the State. For **most** services, you can decide which rate you'll pay each worker for the services they provide. You can pay different workers a different rate, but you can only set one rate for each worker. How do you know which rate to pay? Here are some things you may want to think about:

- How much experience does the worker have providing care for you or for others?
- Will care be provided during "normal" work hours? Or, will the worker provide care in the evenings or on weekends?
- What kinds of tasks will the worker perform? Are they simple tasks, or do they require more skill and effort? Is there heavy lifting involved?
- Will the worker be helping you with your medicine or other health care tasks?
- Will the worker be going with you or transporting you into the community?

Your Supports Broker will talk with you about the rates you can choose to pay. You don't get to set your worker's rate for Companion Care. The rates are already set by the State. The rate is based on the number of days each week you need live-in help. If you need live-in help 7 days a week, there's one rate. If you have other help on the weekends and only need live-in help 5 days a week, there's a different rate. There's a daily rate for Companion Care. BUT, it's **only** for backup care. It can be paid to a qualified worker when your live-in Companion is sick or unexpectedly not able to work. BUT, the daily rate can't be paid as part of ongoing Companion Care services.

### **Minimum requirements for workers**

A person must meet all of these requirements to be a worker in Consumer Direction:

- 18 years of age or older.
- Not the member's Representative for Consumer Direction.
- Not the member's spouse, legal guardian or Power of Attorney.
- Able to perform all of the services (including tasks) needed by the member.
- Able to provide care at the schedule needed by the member.
- Able to read, write, understand instructions and communicate with the member.
- Have a valid Social Security number and authorized to work in the United States.
- Have and pass a criminal record check performed, including checks of the abuse and sexual offender registries.
- Complete all required training (including CPR and First Aid).
- Complete all required paperwork to provide care through Consumer Direction.

- Sign a Medicaid Agreement and obtain a Medicaid provider number.
- Have a valid driver's license and proof of insurance (if they'll drive you places).

### **Hiring friends and family**

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

You **can't** pay anyone who lives with you to provide Personal Care Visits, Attendant Care, or In- Home Respite Care. AND, you **can't** hire any of these people to give Companion Care (Only available if you are enrolled in CHOICES Group 2):

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

### **Finding workers**

If you don't already know who you want to hire, there are lots of ways to find workers. Be sure friends and family members know you're looking to hire someone to help you. You can make a flyer or advertisement. You can post it on bulletin boards at local employment offices, grocery stores, churches, colleges or social service agencies—any place you think you may find people looking for work. Call first or talk with someone to find out about rules they may have for posting flyers.

You can also run an ad in the employment section of local college or community newspapers. If you run an ad, be sure to ask how much it will cost first. If it's a daily paper, Sunday ads probably cost more than weekday ads. It's OK to ask for help trying to keep the cost as low as possible. It's also OK to call around and check prices before you decide where to place your ad. In making an ad or flyer, be careful to not include too much information. Never include your name, instead describe yourself. For example, "Young man who uses a wheelchair needs help with..." or "Elderly woman looking for help with ...". And never give your home address. It may be best to have interested people respond by phone. That way, you can screen them first.

### **Screening people you may want to hire**

Once you identify people interested in working for you, you may want to screen them first. Screening means that you ask some questions to find out more about that person. It will help you decide if you want to interview that person. Screening is usually done over the phone, but it could be done through email or other ways too.

Screening helps the applicant understand what you're looking for in an employee and what to expect. You can use the job description as a guide. Tell each applicant you screen that you're required by law and TennCare<sup>SM</sup> rules to conduct a criminal background check, and that you will be checking references. You may also want to mention the rate (or range of rates) you're willing to pay, and make sure the applicant is still interested.

Ask and answer only job-related questions during the screening. Don't ever give out personal information, except what the person must know in order to decide if they can deliver the care you need.

Here are some quick tips and reminders about screening applicants:

- Call people back as soon as possible.
- Provide basic information about the job and ask if it sounds like something they're interested in and able to do.
- Ask a few questions:
  - Why are you interested in this kind of work?
  - What training or experience do you have?
  - Are there any parts of the job you may not be able to do? You may want to ask specifically about things like lifting, transfers, help with bathing or toileting, or medication. If you need someone to accompany or transport you into the community, you may want to ask about that too.
- Be organized and take notes. It will be difficult to remember each applicant's responses.
- You may want a family member or friend to help you. You can also ask your Supports Broker.
- Don't answer any personal questions.

If, at the end of your screening, you think you'd like to interview this person, you can set a time while you're on the phone. If you're not sure, you can politely end the conversation by saying, "Thank you for your time. I'll be making my final selections by (date) and will contact my top choices to set up an interview. Thanks again, good-bye."

Remember...you don't have to interview everyone. Let each person know you'll call them back if you decide to interview them.

### **Interviewing**

Once you've screened applicants, you're ready to interview applicants you may want to hire.

A face-to-face interview gives you the chance to learn as much as you can about the person applying for the job. It also gives the applicant a chance to learn more about the job—what you need and expect—so both of you can make a good decision. This works best if you're prepared.

It's a good idea to have questions ready that you want to ask. Here are some examples. Pick those that make sense for you. Add other questions about the kind of help you need.

- Tell me a little about yourself.
- Tell me about your work experience.
- What do you like best and least about the work you have done in the past?
- Do you have any training or experience helping someone who is elderly or who has a disability? Give me some examples.

- Are you comfortable around people with disabilities?
- Are you prompt and reliable?
- How much notice would you need if I need extra help and I am approved for more hours of care?
- Would you be able to help me with lifts or transfers using the right equipment?
- Can you think quickly on your feet? Give me some examples.
- How do you handle differences of opinion with an employer? Can you give an example?
- How do you handle constructive criticism? Can you give an example?
- How do you deal with another person's anger or frustration?
- Do you feel comfortable helping bathe someone?
- Do you feel comfortable helping with toileting?
- Are there things you don't feel comfortable doing?
- Do you have reliable transportation to and from work?
- Describe your best qualities.
- Describe your worst qualities.
- What's your pet peeve?
- Do you prefer/require lots of supervision, or just a task list?
- Do you have any questions/concerns about the job?

Questions you CAN'T ask during a screening or interview

When you're an employer, you must be fair to all of the people who apply to work for you. To help you treat people fairly, there are questions you shouldn't ask during a screening or interview, or use as reasons to hire (or not hire) someone. It's against the law to not hire a person for any of these reasons:

- **Marital/Parental Status**
  - Don't ask applicants if they're married, pregnant or planning to become pregnant.
  - Don't ask if applicants have children, the number or age of their children, or about childcare.
  - You may ask if a person can work the hours you need help, but you must ask all applicants (men and women) the same question.
  - Don't ask the applicant about the names of family members or where they work.
- **National Origin or Native Language**
  - Don't ask about a person's birthplace or citizenship. You can ask, "If hired, can you provide proof that you're eligible to work in the U.S.?" But, you don't need to ask since all new employees must complete the federal I-9 form and provide that proof. If you decide to ask the question, you must ask all applicants (not just someone you think may not be a U.S. citizen).
  - Don't ask the person about their native (or first) language. It's OK to make sure the applicant can clearly understand and communicate with you in order to do their job. But, you can't simply ask what language the person speaks.

- **Age**
  - Never ask an applicant's age except to make sure the person is at least 18 years old, which is required for Consumer Direction.
- **Religion, Schools, and Organizations**
  - Don't ask any questions about religious beliefs. Don't ask if the person goes to church or where they go to church. It's OK to be sure they understand the work schedule and can provide care when you need it.
  - Don't ask the person about their star (or zodiac) sign.
  - Don't ask where a person goes to school. But, you can ask about education the person has completed that may help them do the job.
  - Don't ask about clubs or organizations the person belongs to.
- **Criminal Record**
  - Don't ask if the person has ever been arrested. But you may ask about a conviction if it's related to the job. For example, you could ask if the applicant has ever been convicted of driving under the influence if the person you're hiring will be driving you into the community. Remember, all workers must have a criminal background check performed in order to provide care in Consumer Direction.
- **Discharge from Military Service**
  - You can ask about military service, but can't ask about the type of discharge. That's because it might be a way to learn about other things you can't ask about—like disabilities or arrests.
- **Race**
  - You can't ask about or discriminate against any applicant based on their race.
- **Disabilities and Health Problems**
  - With the passage of the Americans with Disabilities Act of 1990 (ADA), you must be very careful when asking questions about an applicant's abilities (or disabilities). You can't ask if the person has any disabilities or health problems. Instead, describe the requirements of the job and focus on the applicant's ability to meet them. You can ask applicants if they're able to perform all the required tasks safely.
  - What if an applicant voluntarily discloses a disability or has an obvious disability? If you think it may be necessary to make changes so the applicant can perform the job, you may ask limited follow-up questions to decide what those changes might be. But, never ask questions about the kind or severity of the person's disability.
- **Sex**
  - You can't discriminate against any applicant based on their gender.
- **Political Party**
  - You can't ask about their political party the person belongs to or how they vote.
- **Job Attendance**
  - You should tell applicants when care will be needed and make sure they can work the hours that you need them. It's also OK to ask about an applicant's attendance

record at previous jobs. (People miss work for lots of reasons, not just illness.) But, you can't ask how many absences at a prior job were due to illness. You can't ask about job-related injuries or workers' compensation claims. Don't ask about the health of family members or others in their life either. Under the ADA, you can't decide not to hire someone because they have a relationship or association with a person who has a disability.

- **Drug Use**

- It is OK to ask an applicant about current use of illegal drugs. BUT, you can't ask about prior use of illegal drugs or about any prescription drugs they now take. AND, you can't ask the person if they have any addictions.

- **Finances**

- You can't ask if the person owns or rents their home.
- You can't ask if the person owns a car, unless the job includes transporting you into the community, and the person will need to drive their own car.
- You can't ask the person's credit rating.

Set a day and time for the interview that works for you and the applicant. Decide where you'll meet. If you're interviewing in your home, give the person directions to your house. If you prefer not to interview in your home, find another place that works for both of you. Be sure you have each other's phone number in case one of you needs to change the time.

#### When the applicant arrives

Pay close attention. Do they look neat and clean? Are they dressed appropriately? Do they seem comfortable around you? Do you feel comfortable around them? Find out as much as you can about them. You will be hiring someone who may perform very personal tasks for you. Your decision may be based on just a few contacts. Make the interview count. Your health and safety depend on the choice you make.

- Try to help the applicant feel comfortable. You can ask, "Did you have any trouble finding the house?" Talking about the weather is always safe and helps people relax.
- Have the applicant fill out a job application. (CDTN will give you one.) Then give them the job description. Have the applicant read the job description while you look over the application. Pay attention to:
  - How does it look? Is it neat?
  - Past experience
  - Is it complete? (Does it include work experience and education?)
  - What are the employment patterns? (Are there frequent job changes?)
- Be sure to ask about:
  - Gaps in employment (any time period of over one month)
  - Things that are missing (education, former employers)
  - Inconsistency (information or dates that don't make sense)

(If you have questions about any of the information on the application, ask them during the

interview.)

- Explain your disability/needs, as you feel comfortable.
  - Give information that would be important for someone to understand if they were helping you.
  - Review the job description.
- Ask the Interview Questions.

After you finish your questions, ask applicants if they have any questions. The questions they ask can tell you a lot. Be sure not to talk too much—you want to learn about them.

#### Things to look out for

- An applicant who:
  - Has alcohol on their breath
  - Appears unclean (dirty hair, dirty fingernails, messy clothes)
  - Is rude or disrespectful
  - Is late
  - Discloses confidential or negative information about previous employer
  - Takes control of the interview
  - Seems to have pity toward you
  - Makes little eye contact (Keep in mind it might also mean the person is shy or from a culture that thinks too much eye contact is disrespectful.)
  - Begins the interview by telling you all the things s/he can't do or all the times they can't work
  - Can't provide references or contact information for former employees (Even someone who just moved should have friends or previous employers elsewhere.)
  - Says they just really need a job and will take anything for now
  - Looks to a non-disabled person in the room for guidance or directs responses to that person

#### Be sure to discuss

- Duties and responsibilities of the job
- Specific hours and days of work
- Rate of pay
- Arranged time off
- How they will be trained
- How their performance will be evaluated
- How much notice is expected from the worker and employer for termination of services
- Be sure to take good notes during the interview. You can refer back to your notes to decide who you want to hire. You don't have to do the interview alone. You can ask a friend or family member to sit in on the interview with you. You can also ask your Supports Broker. It may also

be helpful to have someone else to compare notes with after the interview.

### Here are some quick tips and reminders about interviewing applicants

- Hold the interview in a place that's safe for you.
- Having a second person sit in is a good idea for safety, and because that person may notice things during the interview that you don't.
- Eliminate distractions. Turn the TV and radio off. Make sure pets and children will not interrupt.
  - Recognize that it's natural to feel nervous when interviewing, the prospective worker is probably nervous too.
  - Being prepared for the interview will lower your anxiety level.
  - Having a friend or family member with you may help calm your nerves.
- Be Prepared. Before the interview, make sure you have:
  - A blank application form (CDTN will give you one)
  - A job description
  - Information about your disability
  - Information about special equipment you use
  - A way to record your impressions (write them yourself, have a tape recorder or ask a friend to take notes)
  - A list of the interview questions you will ask (see list of suggested questions we have included in this handbook)
- Planning the Interview Questions
  - Decide ahead of time what questions you will ask, and write them down.
  - Frame your interview questions to give you the information you need. (At the very least you want someone who is trustworthy, reliable and responsible. Ask questions that will give you that information).
  - By using the same list of questions for each applicant, you will be able to compare their responses more easily.
  - Don't ask illegal questions. (See the "Questions You CAN'T Ask in a Screening or Interview" page.)

### **Narrowing down the applicants**

Once you've completed your interviews, you're ready to choose your top candidates. Review the answers the applicants gave you to the interview questions along with notes you made. If you had a friend or family member with you during the interviews, compare notes with them.

After you've considered everything and picked the best ones, you need to **check references**. This is an important step. Never hire someone without talking with each of the references they provide. You should also call former employers if they're not listed as references.

Keep a list of names and numbers of your other top choices, even if the first one accepts. You may want to hire more than 1 worker. OR, you may want to see if others would be willing to be backup workers when your regular worker can't be there. You may also want to come back to this list if the worker you hire doesn't work out.



## **Making an offer**

Only after these steps have been completed are you ready to make an offer. Call and offer the job to the person you want to work for you. If they accept, you'll need to meet with the worker to fill out the employment packet provided by CDTN. Your workers must complete and submit all required paperwork to CDTN and complete all required training **before** they can begin work. CDTN will let you know when your workers are ready to start.

## **Background and registry checks**

If they accept the offer, then CDTN will do the background check and check the abuse and sexual offender registries. They must pass these checks before they can begin to work for you. What if they don't? You can choose to hire a worker who fails the background check (not the registry checks) IF you review the results and determine with your Care Coordinator that the results are acceptable. Think carefully before deciding to do this. If you decide to hire someone with a criminal history, you do so at your own personal risk.

## **Training your workers**

There are different kinds of training your workers must complete. All workers must complete this training, even friends and family. Some of the training will be provided or arranged by CDTN. There's a list of training topics CDTN must cover.

In addition, you must train your workers on how to provide care for you. Schedule a time to orient and train your new worker.

You'll want to review the job description again, but in more detail. In addition to talking about each of the tasks to be performed, you'll explain how you want each of those tasks performed. Even if your worker has experience, your situation is unique and different. Set the tone that you are the employer. Even if you talked about some of these things in the interview, it's important that you do it again.

Training a new worker should include:

- A tour of your living space.
  - Show your new worker where supplies and equipment are kept.
- Talk about your disability.
  - Discuss your disability and anything specific your worker should know (i.e., Do you get more fatigued as the day goes on? Are you sensitive to cold? Do you have days on which you can do more for yourself than other days?).
- Explain and demonstrate worker duties.
  - Give an overview of the job duties. Use the job description.
  - Talk about how you want each task to be performed; give step-by-step instructions, including the order in which they should be performed. Be specific.
  - If possible, have someone there who helps you that can help demonstrate the tasks.
- Safety and Security
  - Lifts and Transfers - Review safe procedures for completing lifts and transfers.

- If you're requiring your worker to lift you, train them in proper lifting procedures to avoid injury to either one of you.
- Discuss safety guidelines for any disability-related equipment the worker will be expected to use.
- Reinforce safety guidelines for any household appliances or equipment the worker will be expected to use.
- Discuss what to do in case of an emergency with your worker.
- Universal Precautions - Reinforce the importance of washing hands thoroughly before preparing food, and before and after personal care duties. Discuss the use of plastic gloves if preferred.

- Expectations – Review the following topics:

Job Description and Performance Expectations. Be sure to stress the following topics:

- **Confidentiality** - What you say and do in your home should remain confidential. The kind of help being provided by your worker is not to be discussed with their friends, family members or other individuals they may work for. Be specific. Some people think if they are not saying something bad about you, it is not a violation of confidentiality. The worker should be reminded that it is not only disrespectful, but that violating confidentiality can be grounds for termination.
  - Punctuality – Make sure your worker understands the importance of reporting to work on time. If late, this can result in your care not being provided as needed. It can also cause problems with the electronic visit verification (EVV) system and your worker's paycheck.
  - Record Keeping – Make sure your worker understands the importance of using then EVV application when starting and ending your care. If they don't it WILL cause your worker to not be paid timely. It can also lead to that person not being able to be your worker anymore
  - Notice of time off - What are your expectations?
  - Mutual Respect - Let your worker know the kind of behavior you expect and what they can expect from you in return.
  - Acceptable Behavioral Standards – Be clear about what you think is appropriate work behavior and what is not. (how you speak to each other, dress standards, etc.)
- Review the rate of pay and appropriate schedule, and make sure your worker checks in/checks out with the EVV application.

### **General supervision**

Being a good employer requires that you talk with your workers on a regular basis to let them know if they're doing a good job. You should tell them the things they're doing well, and areas where they could do better. If there are problems, you should address them with the worker right away.

Talk with and treat your worker as you would like to be treated. Be clear about job duties and about their performance. Be respectful when giving direction and feedback.

Feedback should also be specific. Say, “You did a good job of cleaning the kitchen yesterday after dinner,” rather than just “Good job.” Tell your worker, “I need you to give me more time to move from my bed to the chair,” rather than “You move too fast.”

### **Performance evaluation**

In addition to providing your worker with regular feedback, it’s important to formally review their job performance at least once a year. The formal performance evaluation should review the good and bad things you’ve already talked about with your worker. If there are problems your employee needs to work on, you should talk with them about ways to improve performance, agree on what these are and set a timeframe to re-evaluate.

File the evaluation and your notes of the discussion in the binder CDTN gives you.

## **Signing a Service Agreement**

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

The Service Agreement must include:

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

A worker can’t start giving your care through Consumer Direction until:

- They have completed all required paperwork and training.
- Passed a background check.
- Been found by CDTN to meet all other requirements to be a worker in Consumer Direction.
- AND signed a service agreement.

### **Setting and changing your workers’ schedule**

Your PCSP lists the services you need. For example, it may say you need 20 hours of Attendant Care per week. This is how services are approved by your MCO—based on the type of service you need, how much of each service you need.

Once you hire workers to give your care through consumer direction, you must decide the hours that each of your employees will work. The schedule for your employees must match the amount that’s in your PCSP.

So, if you have 2 workers and need the services listed above, one worker might deliver your 5 hours of Attendant Care Visits on Monday and Thursday mornings, and the other might give your 10 hours of Attendant Care services on Saturday. You get to decide how to schedule your workers to give your care, based on your preference and needs listed in your PCSP.

You may choose to have a worker provide more than one service for you. For example, the same worker may provide both Personal Care Visits and Attendant Care. That’s fine as long as they don’t provide more than 40 hours of care each week. Workers can’t work overtime in the

CHOICES program. (This doesn't apply to Companion Care since companions aren't working all the time. They're providing care off and on throughout the day and night, when you need it.)

Your worker will need to record all time worked by checking in and out for each shift using an EVV compliant time entry method. They may use CareAttend mobile app. If your worker cannot use the CareAttend app you will need to notify your Support Broker. You are responsible for reviewing and approving all time entries. You can do this by using the CDTN web portal, CareAttend app or via telephone.

What if you want to change your workers' schedule? You can, but the hours cannot be more than what is listed in your PCSP. What if you want to change the number of hours you receive care? You must contact your Care Coordinator and they will discuss this with you. Your MCO will have to send CDTN a new authorization to give your care based on the new number of hours.

*If a worker gives you more care than what is on your PCSP the worker may not get paid.*

### **When Things Don't Work Out – Firing an Employee**

Firing a worker is never easy. The worker may be a nice person who is just not meeting your needs.

If you decide to fire a worker, you may want to have another person with you when you tell them. This could be a family member, friend, or your Supports Broker. If you think the worker may become angry or do something to harm you, you should not be alone when you have this discussion.

If possible, do some advance planning. Decide what the final date of employment will be. Try to have another worker ready to give your care. If not, make sure the people in your backup plan are ready to give your care while you find someone.

You should fire a worker right away if your worker has:

- Stolen something from you (this includes using your money or a debit or credit card to buy something without your OK)
- Neglected or abused you, or threatened to harm you
- Done anything that places you at serious risk of harm
- Severely violated your Service Agreement

Any actions that are against the law should be reported to the police. This should be reported to the MCO, they will submit an incident form and follow their protocol.

CDTN will file the report if notified first and will work with the Member to terminate/disassociate the worker in CareAttend Portal and assist with hiring a new employee.

If you must terminate your worker's employment:

- Keep written notes of the discussion and your reasons for letting them go. This will protect you in case of a later dispute.
- Keep employment records for a while.
- Make sure you get back any keys or other items the person has.

If there are things the worker does well, you can offer to write a letter of reference highlighting those skills.

### **Protecting Property and Personal Safety**

When you receive care at home, it's a good idea to take a few simple steps to protect your safety and your property.

To protect your property:

- Make an inventory of valuable items in your home, the date of purchase and the price. Give a copy of the inventory to your insurance agent or a family member. If you have a loss it will help you file a claim.
- Mark valuable items so that if they are stolen they are easier to recover.
- Consider buying homeowner's or renter's insurance to help recover items in case of theft or other loss.
- Check your phone bill and credit card bill to ensure that charges are not being made by someone else.
- Make sure you get keys back from any ex-employee. Change your locks if any keys are not returned by ex-employees.

To protect your personal safety:

- If anyone threatens you, notify police as well as neighbors and family/friends. Make sure neighbors and family/friends are aware if you fire an employee.
- Always dial 9-1-1 in an emergency.

### **Meeting Your Needs While You Get Started in Consumer Direction**

It may take a while to get your care started through Consumer Direction. You must complete required paperwork and training. Then, you must find workers to hire. They must complete required paperwork and training and pass a background check.

We want to make sure you get the care you need while you're getting started in Consumer Direction. So, your care coordinator will help you choose a contracted provider agencies that can give your care until your workers are ready. Then, you can start getting the care through Consumer Direction.

## Withdrawal from Consumer Direction

Deciding you don't want to be in Consumer Direction anymore

What if you decide you don't like hiring or managing your own workers?

- You can withdraw from Consumer Direction at any time.
- You can choose to keep getting some services through Consumer Direction and decide to use provider agencies for other services.
- You can start getting all your care through provider agencies. It's up to you.

To end Consumer Direction of any or all services, call your Care Coordinator. They will work with CDTN. After you contact your Care Coordinator, you will need to let your workers know that you will no longer need their services after a certain date. Work closely with your Care Coordinator to be sure you allow enough time to get provider agencies in place before you stop getting care through Consumer Direction.

### **When your MCO decides it's not safe for you to be in Consumer Direction anymore**

If your Care Coordinator feels it is unsafe for you to continue getting care through Consumer Direction OR you are not able to manage your workers, you may not be able to stay in Consumer Direction. This includes things like:

- Your Representative is not able to help you anymore and you don't have anyone else.
- You can't find or keep workers to give your care.
- Your backup plan isn't working.
- Your workers are not using the EVV system

Your Care Coordinator can recommend that you stop being in Consumer Direction, but the final decision is made by TennCare<sup>sm</sup>. Before your Consumer Direction ends, you'll get a letter. That letter will say how to appeal if you think you can make sure your workers use the EVV system and it's safe for you to stay in Consumer Direction.

If you stop getting care through Consumer Direction, you'll get the care you need from providers contracted with your MCO. What if you've been getting Companion Care through Consumer Direction? You can get other kinds of care that will meet your needs. Companion Care is only available through Consumer Direction. Your Care Coordinator will work with you to update your PCSP and help you choose a contracted Provider.

## Appendix

### Sample Job Description:

#### **Attendant Care services needed for a 35-year-old female with physical disabilities.**

**Duties include:** assistance with bathing, dressing, personal hygiene, toileting (including bowel and bladder care), eating, and range of motion exercises. Accompany into the community as needed. Give medication during hours care is provided.

**Education and Experience:** No degree required. Prefer someone with experience providing attendant services in the home for a person with disabilities.

**Salary Range:** \$10.00 to \$12.50 an hour depending on experience.

**Hours:** 5 hours per day, Monday, Wednesday and Friday, from 7:00 a.m. to noon and some weekend hours.

**Other Requirements:** The person selected should be prompt, reliable, able to work independently and have good personal hygiene. The person selected must submit to a criminal background check.

### Sample Want Ads:

**Wanted:** Person to work full-time as an Attendant for a person with a physical disability. Some light housekeeping and cooking required. Wages based on experience. Call Deborah at (XXX) 555-XXXX.

**Need dependable person** to provide personal care visits for a person with a disability. 6 p.m. to 9 p.m. M-F.  
Salary  
\$8.00/hour. Call Bill at (XXX) 555-XXXX.