



LTSS



# Employment and Community First CHOICES 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 Tennessee (CDTN) a:**

**Amerigroup servicio: 1-888-398-0664**

**BlueCare servicio: 1-888-450-3240**

**United servicio: 1-888-444-3109**

**We do not allow unfair treatment within 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 your TennCare<sup>SM</sup> Member Handbook.

# Table of Contents

Introduction	3
What is Consumer Direction?	3
Using a Representative as the Employer of Record for Consumer Direction	4
Help You Will Receive in Consumer Direction	4
Who Can be in Consumer Direction?	5
Services Available in Consumer Direction	6
Transportation	7
Self-Direction of Health Care Tasks	7
Back-Up Plan for Consumer Direction	8
Being an Employer in Consumer Direction	9
Writing a Job Description	9
Deciding How Much to Pay Workers	9
Minimum Requirements for Consumer Directed Workers	10
Hiring Friends and Family	10
Finding Workers	10
Screening People You May Want to Hire	11
Interviewing	12
Narrowing Down the Applicants	17
Making an Offer	17
Background and Registry Checks	18
Training Your Workers	18
General Supervision	19
Performance Evaluation	20
Signing a Service Agreement	20
Setting and Changing Your Workers' Schedule	20
When Things do not Work Out—Firing an Employee	21
Protecting Property and Personal Safety	22
Meeting Your Needs While You Get Started in Consumer Direction	22
Withdrawal from Consumer Direction	23
Appendix A: Sample Job Description and Want Ads	24

## Introduction

This handbook tells you about Consumer Direction in the Employment and Community First CHOICES (ECF CHOICES) program. It includes some tips on how to hire your own workers. It gives you tips on how to direct your own care. You will get more information and training from your Supports Broker.

### What is Consumer Direction?

**Consumer Direction** is a way of getting some of the kinds of 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 provides your supports. It also gives you a choice on 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** employ the people who provide some of your long-term services. They work for you (instead of a service provider agency). 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 worker(s).
- Train workers to deliver your care based on your needs and preferences.
- Provide a safe working environment.
- Set the schedule that your workers will provide your care.
- Make sure your workers enter their worked time in the EVV system.
- Make sure your workers give only as much care as you are approved to receive by your Managed Care Organization (you can talk to your ECF CHOICES Support Coordinator about this).
- Monitor to make sure that no worker provides 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 is correct.
- Ensure there are good notes kept in your home about the care your workers give.
- Develop a backup plan for times when a scheduled worker does not show up. You cannot 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 cannot do some or all of the things listed above? Then, you can choose a family member. You can choose a friend. You can also choose someone close to you to do these things for you. This person will be called an “Employer of Record.”

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

To be your 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. However, it may be less as long as it is enough to be sure you are 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 cannot be paid to do these things for you. They also cannot be paid to give any of your care through Consumer Direction.

Your Support 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 do not have (or want) anyone to serve in that role? You may not be able to get care through Consumer Direction. If this is the case, you will have access to the covered services you need. This will be through provider agencies.

## **Help You Will 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 Tennessee (CDTN). There are 2 kinds of help you will receive:

1. CDTN will help you and your workers with paperwork and payments.
  - They will help you fill out the paperwork you must complete to be an employer.
  - They will help your workers fill out the paperwork they must complete to be your employees.

- They will provide training for you (see *Training Your Workers* for information on the training that you provide), your Representative, and the workers you pick.
  - They will make sure the workers you pick are qualified to give your care. They will make sure a background check is performed. They will make sure the worker is 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 will help you check to make sure your worker is using the EVV system correctly.
  - They will pay your workers for the approved service they give.
  - They will withhold, file and pay all required payroll taxes.
2. 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 back-up plan for times when a scheduled worker does not show up.

However, your Supports Broker CANNOT 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.
  - Severe injuries that occur while you are 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 CDTN for the help they provide.

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

To be in Consumer Direction:

- You must be either enrolled in ECF CHOICES Group 4, 5, 6 or 7. **For more information on ECF CHOICES groups, please refer to your TennCare<sup>SM</sup> member handbook.**
- You cannot live in Community Living Support Housing. If you live in a CLS home, the provider is responsible to 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 Support Coordinator. It is based on an assessment of your needs.

- You must be able to do all the things required to employ your own staff. If you are not able to do this, you must have a qualified Representative for Consumer Direction. This person must sign an agreement to do all of these things.
- You must have a signed Person-Centered Support Plan. It includes things to help keep you healthy and safe in your home. This includes any extra risks that may come 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 are in Consumer Direction.
- You must have a backup plan. This plan will make sure your needs are met when a scheduled worker does not show up.
- You and your workers must agree to use CDTN services 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 will get depends on what you need. Those services are listed in your PCSP. You **cannot** 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 Assistance:** (Up to 215 hours per month for Group 6 members, expenditure cap for Group 5 limits below 215 hours/month) -

Someone to help with personal care needs or daily living activities in your home, at work, or in the community.

- Includes help with your household chores or errands. They can help you do things like get out of bed, take a bath, and get dressed so that you are ready to go to work or out into the community. They can also help you with **your** household chores (but not other people you live with). This includes things like your cleaning and laundry, help you fix and eat **your** meals, and run **your** errands. And, they can support you in the community to do the things you want to do. Also includes help training someone you know to provide this kind of support.

**Supportive Home Care:** (Subject to expenditure cap) This is like Personal Assistance, but for people who live at home with their family. Someone to help you with personal care needs or daily living activities that your family can't help you with. This help could be in your home, on the job, or in the community. Includes help with **your** household chores (but not the whole family) or errands. They can help you do things like get out of bed, take a bath, and get dressed so that you are ready to go to work or out into the community. They can help with **your** cleaning and laundry; help you fix and eat **your** meals. They can also support you in the community to do the things you want to do.

**Hourly Respite:** (Up to 216 hours per calendar year) - Someone to support you for a short time so your caregiver can have a break. (Only for routine family or other caregivers who aren't paid to support you.)

**Community Transportation:** (Up to 225 hours per month) – Helps you get to work or to other places in the community when public transportation isn't available, and you don't have any other way to get there.

You can choose to get some of these services through Consumer Direction. You can also choose to get some home care from providers that contract with your TennCare<sup>SM</sup> health plan. You must use contract providers for care you cannot get through Consumer Direction.

In Consumer Direction, you can have your workers go with you into the community. The things they are helping you with must be part of the service they are giving. 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. They can go with you to pick up medicine.

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

If you are 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 will drive. You must also decide if you will pay for gas or pay the worker back for gas or mileage. This must be part of your Service Agreement.

No extra hours of service will be approved for your workers to go with you or drive you places. Also, no extra payment will be made through ECF 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. They can also help with other health care tasks that are medically necessary. You and your doctor must say it is medically appropriate. It is called "Self-Direction of Health Care Tasks."

If you need help with your medicine and do not have anyone to help you, normally only a nurse could help. In Consumer Direction, you can have your workers help you with your medicine. They can also help with other health care tasks that are medically necessary.

You **cannot** 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. It would be an extra task to be done while he/she is providing additional services.

It is your job to talk with your doctor about having your workers help you with your medicine and other health care tasks. It is either your representative's or your job to train the worker for any tasks you need done. First, your doctor must say it is okay.

Next, you can decide to self-direct your workers to give you medicine and assist with other health tasks. The following things are required:

- 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 back-up plan for Consumer Direction must say who will give your medicine and assist with other health care tasks if your worker does not show up.

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

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

In ECF CHOICES, you must have a Backup Plan for times when a scheduled worker does not show up. You will need backup for all of the home services you receive. This includes 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 does not show up. A Backup Plan includes:

- The names 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 they should be contacted in.

Your backup may be family members. Your backup may be friends and neighbors who have agreed to help you at no charge. It could also be Consumer Directed workers who have agreed to give paid backup service. It could even be a provider agency you have contacted that has agreed to give paid back-up for you. Your MCO will not have provider agencies waiting to help if your workers do not show up. **Developing a Backup Plan for your Consumer Directed workers is your responsibility.** 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 backup. You (or your Representative) must contact each person or provider to see if they are willing to provide back-up care. CDTN must follow up with each of them to confirm that they have agreed. CDTN will share this information with your MCO.

Your Support Coordinator must review your Backup Plan. Your Support Coordinator must agree that your Backup Plan is okay before you can start receiving supports through Consumer Direction. When you need to use your Backup Plan, your Support Coordinator will make sure it works for you. They will make sure you are not going without needed services. If needed, your Support Coordinator will help you make changes to your Backup Plan.



It is your job to call in backup help when a worker does not show up. You cannot just go without care. To stay in 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, it is a good first step to write a job description. It is 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. It also helps you decide what you are looking for in a worker. It helps your workers know what you expect too.

You can use the job description as a guide when screening/interviewing applicants. You can make sure applicants are willing/able to give the kinds of help you need. You can also use it to help you train the workers you hire. You can use it to monitor their performance too. 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. Make sure they agree to perform the care you need. Have them sign a copy of the job description and 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. Also, review it 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. These rates are set by the State. For **most** services, you can decide which rate you will pay each worker. You can pay different workers a different rate. However, 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? Will the worker provide care in the evenings or on weekends?
- What kinds of tasks will the worker perform? Are they simple tasks? 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.

## **Minimum Requirements for Workers**

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

- Be 18 years of age or older;
- Not be the member's Representative for Consumer Direction;
- Not be the member's spouse, legal guardian or Power of Attorney;
- Be able to perform all of the services (including tasks) needed by the member;
- Be able to provide care at the schedule needed by the member;
- Be able to read, write, understand instructions and communicate with the member;
- Have a valid Social Security number and be authorized to work in the United States;
- Have a criminal record check performed and pass this record check. This includes 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; and
- Have a valid driver's license and proof of insurance (if they will 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. It could be a family member. You cannot hire your spouse. You cannot hire your Representative. You cannot hire a legal guardian. You cannot hire a Power of Attorney. You cannot pay people to provide care they would have provided for free. ECF CHOICES only pays for care to meet needs that cannot be met by others who help you.

You **cannot** pay anyone who lives with you to provide Personal Assistance, Hourly Respite, Supportive Home Care or Community Transportation. This includes:

- 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, son-in-law, or adopted and stepfamily members)
- Anyone you currently live with.

## **Finding Workers**

If you do not know who you want to hire, there are many ways to find workers. Be sure friends and family members know you are looking to hire someone. You can make a flyer. You can also make an advertisement (ad). You can post it on bulletin boards at local employment offices and grocery stores. You could also post it at churches, colleges or social service agencies. You can try any place you think you may find people looking for work. Call first or talk with the establishments to find out about rules they may have for posting flyers. There are also many online job boards where you post your opening.

Never include your name. Instead, describe yourself. For example, "Young man who uses a wheelchair needs help with...". Another example is, "Elderly woman looking for help with ...". 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 find 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. It could be done through email. It could be done other ways too.

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

Ask and answer only job-related questions. Do not ever give out personal information. Only give information on what the person must know in order to decide if they can give 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.
- Ask if it sounds like something they are 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 may 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.
- Do not answer any personal questions.

After screening, if you think you would like to interview this person, you can set a time while you are on the phone. If you are not sure, you can politely end the conversation. You could say *"Thank you for your time. I will be making my final selections by (date) and will contact my top choices to set up an interview. Thanks again, good-bye!"*.

Remember, you do not have to interview everyone. Let each person know you will call them back if you decide to interview them.

## **Interviewing**

Once you have screened applicants, you are ready to interview applicants. A face-to-face interview gives you the chance to learn about the person applying for the job. It also gives the applicant a chance to learn more about the job. It gives the applicant a

chance to learn what you need and expect. This helps both of you make a good decision.

This works best if you are prepared. It is a good idea to have questions ready that you want to ask. Below are some examples of things to ask. Pick those that make sense for you. Add other questions about the kind of help you need.

Some examples of things to ask are:

- 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 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 some examples.
- How do you handle differences of opinion with an employer? 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 do not feel comfortable doing?
- Do you have reliable transportation to and from work?
- Describe your best qualities.
- Describe your worst qualities.
- What are your pet peeves?
- Do you prefer/require lots of supervision or just a task list?
- Do you have any questions or concerns about the job?

### **Questions You Cannot Ask During a Screening or Interview:**

When you are 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 should not ask during a screening or interview. Also, you should not use these reasons to hire (or not hire) someone. It is against the law to not hire a person for any of these reasons:

- **Marital/Parental Status**
  - Do not ask applicants if they are married, pregnant or planning to become pregnant.
  - Do not 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. However, you must ask all applicants (men and women) the same question.
  - Do not ask the applicant about the names of family members or where they work.

- **National Origin or Native Language**
  - Do not ask about a person's birthplace or citizenship. You can ask, "If hired, can you provide proof that you are eligible to work in the U.S.?" However, you do not need to ask since all new employees must complete the federal I-9 form. They will also have to 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).
  - Do not ask the person about their native (or first) language. It is okay to make sure the applicant can clearly understand and communicate with you in order to do their job. However, you cannot 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**
  - Do not ask any questions about religious beliefs. Do not ask if the person goes to church or where they go to church. It is okay to be sure they understand the work schedule and are able to provide care when you need it.
  - Do not ask the person about their star (or zodiac) sign.
  - Do not ask where a person goes to school. You can ask about education the person has completed that may help them do the job.
  - Do not ask about clubs or organizations the person belongs to.
- **Criminal Record**
  - Do not ask if the person has ever been arrested. You may ask about a conviction, if it is related to the job. For example, you could ask if the applicant has ever been convicted of driving under the influence. You should only ask this if the person you are hiring will be driving you into the community. Remember, all workers must have a criminal background check performed in order to give care in Consumer Direction.
- **Discharge from Military Service**
  - You can ask about military service, but cannot ask about the type of discharge. That is because it might be a way to learn about other things you cannot ask about—like disabilities or arrests.
- **Race**
  - You cannot 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 cannot 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 are able to perform all of 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. These questions should help decide what those changes might be. However, never ask questions about the kind or severity of the person's disability.

- **Sex**
  - You cannot discriminate against any applicant based on their gender.
- **Political Party**
  - You cannot ask about the political party the person belongs to or how they vote.
- **Job Attendance**
  - You should tell applicants when care will be needed. Make sure they can work the hours that you need them. It is also okay to ask about an applicant's attendance record at previous jobs. (People miss work for lots of reasons, not just illness.) However, you cannot ask how many absences at a prior job were due to illness. You cannot ask about job-related injuries or workers' compensation claims. Do not ask about the health of family members or others in their life either. Under the ADA, you cannot decide not to hire someone because they have a relationship or association with a person who has a disability.
- **Drug Use**
  - It is okay to ask an applicant about current use of illegal drugs. However, you cannot ask about prior use of illegal drugs. You cannot ask about any prescription drugs they now take. Also, you cannot ask the person if they have any addictions.
- **Finances**
  - You cannot ask if the person owns or rents their home.
  - You cannot 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 cannot ask the person's credit rating.

Set a day and time for the interview that works for you and the applicant. Decide where you will meet. If you are 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?
  - Is past experience included?
  - 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 do not 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 a 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. It could also be that the person is from a culture that thinks too much eye contact is disrespectful).
- Begins the interview by telling you all the things he or she cannot do or all the times they cannot work.
- Cannot 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 the following during the interview:**

- 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. You can refer back to your notes to decide who you want to hire. You do not have to do the interview alone. You can ask a friend or family member to sit in on the interview. You can also ask your Supports Broker. It can 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 is safe for you.
- Having a second person sit in is a good idea for safety and also because that person may notice things during the interview that you do not.
- Eliminate distractions. Turn the TV and radio off. Make sure pets and children will not interrupt.
- Recognize that it is 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 the 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.



Do not ask illegal questions. (See the “Questions You Cannot Ask in a Screening or Interview” page).

### **Narrowing Down the Applicants**

Once you have finished your interviews, you are ready to choose your top candidates. Review the answers the applicants gave you to the interview questions. Review the notes you made too. If you had someone else with you during the interviews, compare notes with them.

After you have considered everything, pick the best ones. Then you need to check references. This is an important step. Never hire someone without talking with each of their references. You should also call former employers. You should call even if they are not listed as references.

Keep a list of names and numbers of your other top choices. Do this even if the first one accepts. You may want to hire more than one worker. Also, you may want to see if others would be willing to be back up workers. You may also want to come back to this list if the worker you hire does not work out.

### **Making an Offer**

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

### **Background and Registry Checks**

If they accept the offer, then CDTN will do the background check. CDTN will also check the abuse and sexual offender registries. They must pass these checks before they can begin to work for you.

What if they do not pass? You can choose to hire a worker who fails the background check. You cannot hire a worker who fails the registry checks though. You must review the results of the background check with your Support Coordinator. You and your Support Coordinator will determine if 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 do. All workers must finish this training. Some of the training will be given by CDTN. Some of the training will be arranged by CDTN. There is a list of training topics CDTN must cover.

Also, you must train your workers on how to provide care for you. Schedule a time to orient and train your new worker. You will want to look over the job description again. Do this in more detail. You will want to talk about each of the tasks to be done.

You will want to talk about how you want each task done. Talk about these things even if your worker has experience. Your care is unique. Set the tone that you are the employer. Even if you talked about these things in the interview, it is 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 are requiring your worker to lift you, train them in proper lifting procedures. This will help 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 and after preparing food and completing 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 disrespectful. The worker should also be reminded 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 the EVV application when starting and ending your care. If they do not, it will cause your worker to not be paid in a timely manner. It can also lead to that person not being able to be your worker anymore
  - **Notice of Time Off** - Discuss what your expectations are.
  - **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. Make sure your worker checks in/checks out with the EVV application.

### **General Supervision**

Talking with your workers on a regular basis is good. It will help you be a good employer. This helps to let them know if they are doing a good job. You should tell them the things they are doing well. You should also tell them about things they could do better. If there are problems, you should talk with the worker right away.

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

Feedback should be specific. Say “You did a good job of cleaning the kitchen yesterday”. That is better than saying “Good job”. Say “I need you to give me more time to move from my bed”. That is better than saying “You move too fast”.

### **Performance Evaluation**

It is important to formally review your worker’s performance at least once a year. The formal performance evaluation should review two things. It should review the good things you have talked about with your worker. It should also review the bad things.

If there are problems your employee needs to work on, you should talk with them about ways to make things better. You should also agree on what these things are. You should 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 is like a contract. It 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 cannot 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
- 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 Personal Assistance per week. This is how services are approved by your MCO. This is based on the **type** of service you need. This is also based on **how much** of each service you need.

Once you hire workers, you must decide the hours that each of your employees will work. **The schedule for your employees must match the amount that is in your PCSP.**

If you have two workers and need the services listed above, two workers may give you care. One worker might give your 5 hours of Personal Assistance on Monday/Thursday mornings. Another worker might give your 10 hours of Personal Assistance on Saturday. You decide how to schedule your workers to give your care. This is based on your preference and needs listed in your PCSP.

You may choose to have a worker give more than one service for you. For example, the same worker may provide both Personal Assistance visits and Community Transportation. That is okay. They just cannot give more than 40 hours of care each week.

Your workers will need to record all time worked by checking in and out for each shift. Your workers must use an EVV compliant time entry method. They must use the 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 portal, CareAttend app or via telephone.

What if you want to change your workers' schedule? You can. The hours just cannot be more than what is listed in your PCSP. What if you want to change the number of hours you receive of care? You must contact your Support Coordinator. They will discuss this with you. Your MCO will have to send CDTN a new authorization to give you care. This will be 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. This would be a friend. This could also be 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. If this is not possible, make sure the people in your back-up plan are ready to give your care. This will help while you find someone new.

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 approval)
- Neglected, 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 also be reported to the MCO. The MCO will submit an incident form and follow their protocol.

CDTN will file the report if notified first. CDTN will work with the Member to terminate/disassociate the worker. CDTN will help with hiring a new employee.

If you have to 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. This letter can highlight those skills.

## **Protecting Property and Personal Safety**

When you receive care at home, it is a good idea to take a few simple steps to protect your safety. These steps will protect your property too.

### **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. You must complete required training. Then, you must find workers to hire. They must complete required paperwork. They must complete training. They must also pass a background check.

We want to make sure you get the care you need while you are getting started in Consumer Direction. Your Support Coordinator will help you choose a contracted provider agency. This provider agency can provide your care until your workers are ready. Then, you can start getting the supports through Consumer Direction.

### **Withdrawal from Consumer Direction**

#### Deciding You don't Want to be in Consumer Direction Anymore

What if you decide you do not 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 of your care through provider agencies. It is your choice.

To end Consumer Direction of any or all services, call your Support Coordinator. They will work with CDTN. After you contact your Support Coordinator, you will need to let your workers know. You will need to tell them that you will no longer need their services after a certain date.

Work closely with your Support Coordinator. This will help to be sure you allow enough time to get provider agencies ready before you stop getting care through Consumer Direction.

#### When Your MCO Decides it is not Safe for You to be in Consumer Direction Anymore

If your Support Coordinator feels it is unsafe for you to continue getting care through Consumer Direction, you may not be able to stay in Consumer Direction. If you are not able to manage your workers, you may also not be able to stay in Consumer Direction.

This includes things like:

- Your Representative is not able to help you anymore and you do not have anyone else.
- You cannot find or keep workers to give your care.

- Your back-up plan is not working.
- Your workers are not using the EVV system

Your Support Coordinator can recommend that you stop being in Consumer Direction. The final decision is made by TennCare<sup>SM</sup>. Before your Consumer Direction ends, you will 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 is safe for you to stay in Consumer Direction.

If you stop getting care through Consumer Direction, you will get the care you need from providers contracted with your MCO.

## Appendix

### Sample Job Description:

#### **Personal Assistance services needed for a 35-year-old female with developmental 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 personal assistance 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 a Personal Assistant for a person with a developmental disability. Some light housekeeping and cooking required. Wages based on experience. Call Deborah at (XXX) 555-XXXX.

**Need dependable person** to provide Personal Assistance services 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.



## ACTIVITIES & COMMUNICATION LOG

FRONT – AM Services

CHOICES Member: _____						
Sunday //	Monday //	Tuesday //	Wednesday //	Thursday //	Friday //	Saturday //
Worker Name: _____	Worker Name: _____	Worker Name: _____	Worker Name: _____	Worker Name: _____	Worker Name: _____	Worker Name: _____
Start Time: _____	Start Time: _____	Start Time: _____	Start Time: _____	Start Time: _____	Start Time: _____	Start Time: _____
End Time: _____	End Time: _____	End Time: _____	End Time: _____	End Time: _____	End Time: _____	End Time: _____
<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite	<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite	<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite	<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite	<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite	<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite	<b>Services:</b> <input type="checkbox"/> Personal Care <input type="checkbox"/> Attendant Care <input type="checkbox"/> Respite
<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands	<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands	<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands	<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands	<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands	<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands	<b>Activities:</b> <input type="checkbox"/> Dressing <input type="checkbox"/> Bathing <input type="checkbox"/> Hygiene <input type="checkbox"/> Toileting <input type="checkbox"/> Meal Prep <input type="checkbox"/> Eating <input type="checkbox"/> Exercise <input type="checkbox"/> Transferring <input type="checkbox"/> Housework <input type="checkbox"/> Errands
<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____	<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____	<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____	<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____	<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____	<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____	<b>Health Care Tasks:</b> <input type="checkbox"/> N/A <input type="checkbox"/> Medications: _____ _____
Notes:   	Notes:   	Notes:   	Notes:   	Notes:   	Notes:   	Notes:   
Signature: _____	Signature: _____	Signature: _____	Signature: _____	Signature: _____	Signature: _____	Signature: _____

Member/Employer of Record Signature: \_\_\_\_\_

Date: \_\_\_\_\_