

I. GENERAL INFORMATION

A. Introduction

Personal Care Assistance (PCA) is a form of in-home assistance offered to people with disabilities or chronic disabling disease who need assistance with activities of daily living. Some examples of PCA help would be: bathing, dressing, toileting, transfers, cooking, housework, transportation.

The exact service that a PCA performs is determined by the individual needing care (**Consumer**). This is a consumer-directed service since the individual is responsible for hiring, firing, training and managing his or her own Personal Care Assistant (**PCA**). The consumer is the employer and the PCA is the employee. Therefore, this program allows for greater independence and self-determination than others that are directed by an agency.

If the consumer is unable to perform all the skills necessary to manage being the employer of PCAs, a volunteer **Surrogate** is appointed. This person can be any person able to assist with paperwork, finding and hiring assistants, and other such tasks. The surrogate can be a family member or friend, but cannot also be the PCA.

B. Eligibility

To be eligible for the PCA Program, one must be Mass Health eligible and must meet the following criteria:

- Have a "permanent or chronic" disability.
- Prescribed by your physician
- Require help in at least two of the following areas: mobility, taking medications, bathing, grooming, dressing, eating, toileting, certain types of exercising, or other "Activities of Daily Living"(ADLs). The person may also require help with "Instrumental Activities of Daily Living"(IADLs) such as meal prep, shopping, laundry, cleaning, transportation), but *must* have a need for help with ADLs to qualify for PCA Services.
- Consumer must reside in the community (not a nursing or rest home) when service actually begins.

C. Quick Facts

PCA pay: \$15.00 per hour. Taxes are taken out before the PCA is paid.

PCA Night Attendant rate: \$30.00 **per night ,this is not an hourly rate**, (night hours are 12 midnight to 6:00 am)

Benefits for PCAs are: Workman's Compensation (if PCA is injured on the job) and Unemployment Compensation. PCAs working on Thanksgiving, Christmas, New Years or July 4 will be paid time and one half for the usual number of hours used on that day of the week. PCA also receive Sicktime and Overtime pay per MassHealth regulations.

You do not need to pay out of pocket. As long as you remain MassHealth eligible your PCA will get paid.

Your income (e.g. Social Security or wages) will not be affected by approval for the PCA Program.

Who can **NOT** be a PCA: member's spouse, surrogate, parent of a minor child (including adoptive or foster) or legal guardian.

Who **CAN** be a PCA: Any other individual legally eligible to work under Massachusetts law, including other family members not excluded above, such as a grandchild, niece, nephew, cousin. The PCA does not need to be a CNA or Home Health Aide.

II. GETTING STARTED

This section describes how to apply for Personal Care services, and the skills that are needed to manage the program. It includes some helpful hints on recruitment and supervision of PCAs, as well as information on your responsibilities as an employer.

A. Applying for PCA Services

What are Personal Care Services?

Personal Care Services give you physical assistance with activities of daily living which you cannot do because of your disability. These can include:

1. Mobility – such as transfers, walking, or using equipment to get around.
2. Taking medications.
3. Help with bathing or grooming.
4. Help with dressing and undressing.

5. Range of Motion exercises.
6. Eating, feeding assistance. This can include help with tube feeding and special diets.
7. Toileting – physical help with bowel or bladder care.
8. Household services, such as laundry, shopping, meal prep or housekeeping.
9. Help with other special needs, like maintaining wheelchairs, travel to medical appointments.

MassHealth does not pay for PCA time for social services like respite or recreation.

What is a PCA?

A PCA is a person who does things for you that you are physically unable to do yourself. A PCA also helps you do things that would take an exceptionally long time to do on your own. The help that a PCA provides enables YOU to live more independently. The duties of the PCA vary, depending on the nature of your disability and your daily schedule.

What Steps Does it Take to Obtain PCA Services?

1. Intake/Assessment – Staff of the PCA provider agency determine if you are eligible to apply for the PCA program. If so, they must assess whether you will be able to manage the program alone or will need a surrogate.
2. Functional skills training – PCA provider staff provide training to you and/or your surrogate in how to manage the PCA program, as well as how to manage your personal health and how to recognize and respond to emergencies.
3. Obtaining medical records – The PCA provider must obtain records that document your functional limitations and disabilities. These may come from primary care providers, visiting nurse agencies, rehabilitation facilities, or any other medical provider.
4. Evaluation - An evaluation team consisting of a registered nurse and an occupational therapist will meet with you to determine the amount of PCA time needed. The evaluation must take place in your actual or proposed place of residence in the community. If you have been hospitalized or institutionalized for an extended period, the evaluation can be done in the institution.
5. Once the evaluation is done, the PCA provider sends it to your primary care physician for review and signature.
6. The signed evaluation is then sent to MassHealth for approval. MassHealth has 21 days in which to make a decision, during which time MassHealth may request additional information. During this process your skills trainer will do additional training with you.

Who Determines How Many Hours of PCA Services a Consumer Receives?

MassHealth's Prior Approval Unit determines the number of hours of PCA time which you may receive. The approval is based on the evaluation conducted by the PCA Provider agency. Evaluations are reviewed and signed by your Primary Care Physician before being sent in to MassHealth.

B. Approvals and Denials

Notice of Approval - If MassHealth approves a request for PCA services, they will send you the PCM agency and the **Fiscal Intermediary** (see next page) written notice of the approval. This will include information on the number of hours authorized, as well as the effective date of the authorization. A consumer may not bill for services until an approval is in place by MassHealth.

IMPORTANT – PCA services cannot duplicate other services. Once PCA services are in place, other duplicative services will need to be discharged such as state-funded homemaker or chore services or personal care services. Skilled nursing services from a VNA are still allowed. You may not normally receive both Home Health Aide and PCA services, however in some circumstances MassHealth has allowed this. You are responsible for notifying any other service providers when PCA services are approved.

Notice of Denial and Right of Appeal - If MassHealth denies a request for personal care services, or approves less time than the PCA provider agency requested, they will notify you, the personal care agency and the Fiscal Intermediary. The notice will give the reason for the denial or modification, and will inform you of the right to appeal, and of the appeal procedure.

To appeal a denial or modification, you must request a fair hearing from MassHealth. The request for a fair hearing must be made in writing within 30 days after the date of the notice of denial. MassHealth of Hearings will conduct the hearing in accordance with 106 CMR 343.000.

Re-evaluations – PCA Prior Authorizations are normally good for one year. Once a year the registered nurse will do a re-evaluation. If there is a significant change in your physical condition or living situation, you must inform your PCA agency, which can do a re-evaluation early.

Adjustments – If your needs change during the year it is possible to request a change in the PCA approval. This might be necessary if, for example, you move out of the family home or your disability progresses. In order to request an adjustment in hours, you should contact your PCA provider and explain the circumstances. The PCA provider may require documentation of the change, and will then submit a request to MassHealth for the additional time. As with routine evaluations, MassHealth may approve, modify or deny the request for a change.

You may also request a change in your PCA approval if you have a temporary need for an increase in hours. This may happen if you have surgery planned and know that for a predetermined time you will need additional assistance.

Setting up Payroll

Before you can start any PCAs working, you need to complete documentation needed for billing and payroll processing. You can choose to do all payroll processing and tax filing yourself, or you can choose to have a "**Fiscal Intermediary**" do this for you. The Fiscal Intermediary used by Coastline Elderly Services is the **Tempus Unlimited**.

If you are using a Fiscal Intermediary to do your payroll processing, you will need to sign forms, which allow them to obtain an Employer Identification for you. Your provider agency will arrange a time with you to fill out these forms. Once you hire PCAs you will need to file employment forms for each PCA with the Fiscal Intermediary. These forms are explained in greater detail in the Fiscal Intermediary section of this manual. All forms will be provided for you by your provider agency.

If you are not using a Fiscal Intermediary for your payroll processing, you must:

- Apply for your Employer Identification number
- Purchase Workers Compensation insurance, and provide a copy of the policy to your PCA provider agency's Fiscal Intermediary.
- Set up a payroll processing system (it may be best to discuss this with an accountant).
- Provide the Fiscal Intermediary with documentation that you have met all tax filing and reporting requirements.

III. BECOMING AN EMPLOYER

The PCA user needs a wide range of skills to be able to manage your PCAs, and to live a healthy and safe life in the community. The PCA provider agency will provide you, along with your surrogate if there is one, with training to be able to manage all aspects of the PCA program. This section describes the skills and information you need to successfully manage the PCA program. These fall into the areas of: PCA Management; PCA Training; Personal Health Care Maintenance; Self Care/Activity of Daily Living Skills and Emergency Management. It includes many ideas and suggestions on PCA recruitment and management, gathered from the experience of many PCA users over the years.

A. Hiring your PCA

As the individual who uses PCA services, you, the consumer, are the employer of your PCAs. It is your responsibility, with or without the help of a surrogate, to recruit, train and supervise your PCAs. As an employer, it is important that you be aware of the laws covering employer – employee relationships, and to make sure that you follow these laws.

If you have the help of a surrogate in managing your PCAs, the surrogate will be responsible for some or all of the employer functions. In this case, the responsibilities of you and the surrogate will be spelled out in writing in the Personal Care Services Plan. PCA providers may have different names for this document, but all providers have some document that meets this need. The Personal Care Services plan must be developed before you can begin using PCAs. It will show who is responsible for hiring, training, supervising and if necessary, firing the PCAs. This plan will be developed by the PCA provider staff, together with you and the surrogate. If there is no surrogate, you are responsible for all employer tasks.

Some individuals can not be hired as your PCA. MassHealth does not allow a consumer to hire their parent(s) of a minor child, spouse, and if you have a surrogate or legal guardian they also cannot be hired as your PCA.

RECRUITING METHODS

Word of Mouth

This method is preferable as the potential PCA is known by you/family or has a connection to someone they know. It involves contacting people you know and asking them to tell anyone they know who may be interested in your job. It is most effective when you work hard to get the word out. Good potential PCAs might be found among friends of the family, or a friend of a friend, cousins, bus monitors, school program staff, former teachers, former home health aides, respite workers, neighbors, church members, or someone you have met through a community activity function.

Make a list of all possible "word of mouth" connections. Note on the list the date you spoke to each person. Approximately 1-2 weeks later make a follow up call to remind each person that you are still looking for a personal assistant. If your contact is not interested, ask them to talk with people they know and trust about your job. Remember to check references for all personal assistants - even if it is a friend of a friend. There are many different ways to recruit potential PCAs. Here are some ideas.

1. Some teachers and professors will give credit for students in special education, psychology, rehabilitation or mental health counseling and interpreters who live in and work as PCAs. Contact such departments at universities or community colleges directly.
2. Contact housing divisions of the Armed Forces near you. Family members of armed forces personnel may be available to work.
3. Call groups representing employment of people with disabilities. Many people with disabilities can be competent PCAs.
4. Contact local Career Center to place a Posting.
5. MassHealth PCA Referral Directory.
6. Contact local colleges with nursing programs such as UMass Dartmouth and Bristol Community College

Bulletin Boards and Posters

Posting ads on bulletin boards allows you to write an eye-catching description of your job. Your ad should include the town you live in (not the address), a brief description of the job, the hours, and who to contact for more information. You may want to include the pay or a brief description of yourself. At first you will need to experiment in your local area to see which places produce the most applicants. Many people have had success when they place an ad at local colleges (or high schools), churches (if you ask, they may publish the ad in their bulletin), libraries, hospitals, nursing homes and cultural clubs.

When posting ads make sure to take along tape or tacks to secure your ad.

Colleges typically require postings to be approved through the student employment office. Inquire first to save time.

Because personal contact often helps in recruiting good workers, it may be beneficial to make a follow up call 1-2 weeks after you've posted an ad to inquire if there has been any response and to remind your contact that you are still looking for a personal assistant. .

It may be helpful to keep track of where you've posted ads, follow up calls you've made and the outcome. Over time, this information will help you decide which postings produce the most applicants. Remember to ask an applicant where they saw the ad so that you will know which postings have been most effective.

Newspapers

If your recruiting efforts haven't been successful through word of mouth and posting notices, consider placing an ad in the newspaper. Although some people hesitate to place ads in the paper, this method does help you reach the most people.

The typical cost for a brief ad will be approximately \$30. Some papers have a special section for personal assistants, which are less expensive and allow you to give more detail. Newspaper ads must be concise, but you can get a lot of information into a short ad. The beginning of the week is the best time for advertising.

TELEPHONE SCREENING

When people call your home in response to your ad, you can save time by asking a few questions before you spend time talking about yourself or the details of the job.

Some examples of these initial screening questions follow:

Where do you live? (one hour away is too far)

Are you available during the hours I need help?

Is the pay acceptable to you?

If lifting and/or transferring is required, can you do this?

If the candidate does not meet these non-negotiable requirements, thank them for responding to the ad and cut the conversation short. If they do answer favorably to these screening questions, briefly describe the job. If, after speaking briefly with the

candidate you feel she/he is someone who is a strong candidate, set up a time for an interview.

Before hanging up make sure you have their name and phone number. Be prepared to give clear directions to your meeting site (your home, or a neutral site such as the library) and mention anything you want the applicant to bring such as references or a drivers license. Make sure they have your phone number and make sure they understand you will expect them at the designated time. Tell them to call if anything should come up and they can't make it.

INTERVIEWING

The interview is an opportunity for you and your potential PCA to get to know each other. Some preparation will help you feel confident and help the interview run smoothly.

- Have a clean copy of an application ready for the candidate to fill out. This will be for your use only. Your Fiscal Intermediary does require the name, address, date of birth, marital status and social security number of the people you hire.
- Have a job description ready.
- Consider holding interviews at a neutral location such as the library. By doing this, the applicants you choose not to hire will not know the location of your home.
- If you are uncomfortable doing interviews on your own, ask someone to join you. It is often helpful to have someone else to discuss your impressions of each candidate afterwards.
- Make sure you discuss the wage and benefits of the job, as well as your schedule and any rules or policies you have established.
- Have your interview questions prepared. It may be helpful to have a copy of the questions in front of you while interviewing. This will help you remember to cover all important points and also is a good place to take notes. Following is a list of possible questions.

Interview Sample Questions

Here are some examples of topics that you may want to cover in an interview. Add to or change the questions to get the information you need during an interview.

1. What is your past experience and background?
2. What made you want to apply for this job?
3. What hours are you available? How many hours per week are you looking for?

4. Are you willing to fill in in case of illness and/or an emergency?
5. Would you work weekends, holidays, etc.?
6. Would you be able to lift me or help me with transfers?
7. How do you feel about helping with personal care tasks (such as bathing, hygiene, etc.) which are often of a very intimate nature?
8. What do you consider your strongest quality?
9. Why did you leave your last job?
10. Do you have reliable transportation?
11. Discuss examples of situations that might arise, and how they would react.

Be aware that there are some questions you should not ask. Questions regarding an applicant's age, marital status, religion, disability or national origin should be avoided.

When a person comes for an interview, it's important that **YOU** present a good first impression. An applicant may have second thoughts about working for someone who seems rude, angry or depressed. A little common courtesy will help to put a prospective PCA at ease. A good way to begin the interview is to describe your disability. You could give a brief explanation of when and how it began, its physical effects, and the problems that can arise from your disability (for example, skin breakdowns, spasticity, urinary tract infections, respiratory problems, etc.). Some of your personal interview might be a repeat of the phone interview, but that's OK. It would be better to ask a question twice than to forget it altogether. Make sure you explain exactly what the job will involve, even those things that only need to be done occasionally. Tell the applicant about your daily routine, adding anything you might have overlooked in the telephone interview. This would be a good time to show or demonstrate any special equipment that you use. Explain how occasional activities like wheelchair maintenance, bowel care, laundry, shopping and more thorough housekeeping chores cause variations in the typical daily routine. Pay close attention to the person's reactions to the duties you describe. Ask each applicant how he or she feels about the responsibilities involved in the PCA job. Again, ask about the reliability of his/her transportation. Find out why each prospective PCA left his/her last job, and check this with the previous employer.

If your PCA will be transporting you, you may ask about the candidate's driving record. You may ask the candidate to provide you with a driving record history from the Registry of Motor Vehicles. If you are interested in hiring the candidate, a copy of their registration and insurance may also be appropriate.

Some employers present a prospective PCA with an unpleasant problem that could occur (for example, an unexpected bowel movement after you're dressed and in your wheelchair) and ask the person how he or she would handle the situation. Your gut reaction to an applicant is an important part of the personal interview. Try to determine if the person's attitude is right for you. An applicant's lack of experience might not matter if he or she is willing to learn and has a good attitude.

Before the applicant leaves, make sure the application is filled out completely including a completed reference section. If accurate, explain to the applicant that you are in the process of interviewing and will call their references and get back to them in a reasonable period of time (1-2 weeks). Do not hire an applicant before you thoroughly check their references.

Live-in PCAs

If you're looking for a live-in PCA there are, of course, more things to consider. You'll want to advertise differently so you can attract a good PCA who will also be a good roommate. Find out how many overnights per week the person is willing to work and which nights they are. If room and board or use of your car is offered (with or without salary) in exchange for PCA services and/or driving, mention this in your ad. When interviewing on the phone and in person, you'll have to determine if the applicant would be a good person with whom to share your home. If you're offering room and board, be sure the person is fully aware of the type and amount of assistance you expect in return. The applicant must also know what you consider to be an adequate amount for food, and how the phone bills are to be paid by both of you. Try to find out if you and the applicant would get along well in areas like tidiness and organization, when and how long you sleep, and preferences in music and television. Ask the person if he or she is a good cook and find out if you both like the same kinds of food. Is smoking an issue? How do you feel about alcoholic beverages? As with any shared living arrangement, compromises will have to be made by both people. But it's important that you hire a live-in PCA who will take the job seriously. You shouldn't have to compromise on the quality of your personal assistance.

CHECKING REFERENCES

Ask for a number of references – both work-related and personal. Not all of the references will be usable; a supervisor may be away, or a company may have closed. If a person has been out of the work force for a while, find out if they have been involved in any community activities or taken any classes. A professor or committee chairperson can tell you whether the person completed tasks properly and on time.

Some companies require a written release before telling you anything about an employee. Others have a policy not to give out any information except for the dates of employment. This is another reason to ask for more references than you think you might need. If companies refuse to give you information, call the applicant, explain the situation, and ask for more references.

When checking a reference, briefly verify what the applicant told you about dates of employment and the job title. Determine if his or her job performance was satisfactory. If the applicant no longer works there, ask about eligibility to rehire.

Some applicants may refuse to let you talk to their present employer, fearing that they will lose the other job. This is probably okay, as long as they provide you with other references. When talking to present employers, it is always helpful to stress that the hours are at night or on weekends, and that this job will in no way interfere with the other position.

Successful reference checking is mainly a question of balancing the information you obtain. Weigh employment references (including babysitting and classes) more heavily than personal references. Naturally, the applicant's brother and best friend will have only good things to say, but sometimes you can tell something about people by the company they keep.

If you get one bad reference and three good ones, try to determine which source has more credibility. An employer could have a personal grudge against a former employee. Or the employee may have been fired for opposing an unjust situation at the worksite, and this would actually end up being a positive recommendation.

Once you have spoken to all the references and weighed them against one another, it's time to make a decision. Ultimately, you will have to trust your instincts, and the accuracy of your judgments will improve over time.

Even though all the references look good and you think you'll like the person, you never know until the last minute whether he or she will end up working for you. You may call to offer the job, only to have the person say "I found something else," or "I've been thinking it over and I'm no longer interested." Don't take it personally. Keep a sense of humor and do some more interviewing.

CRIMINAL RECORD OFFENDER INFORMATION REPORT (CORI CHECK)

Before hiring a PCA you may wish to ask the applicant to bring you a CORI check. This is a Criminal Offense Record Investigation. It gives information on the candidate's record of criminal convictions in Massachusetts. It is up to the applicant whether they choose to share their CORI report, if the applicant has obtained the CORI on their own.

As a consumer looking to hire a prospective PCA you can also submit a request, the candidate must fill out a Home Health Aide Criminal Record Request form. Once the applicant completes the form, they send it to:

Attn: CORI Unit
Department of Criminal Justice Information Systems
200 Arlington St. Suite 2200
Chelsea, MA 02150

The form can be provided to you by the PCM agency with the terms and conditions attached.

Another screening tool you may wish to consult is the Sex Offender Registry. This is maintained by each local Police Department, and is available to the public at no charge. You can also access a search on line at <https://www.mass.gov/orgs/sex-offender-registry-board>.

Be sure to also check the Office of Inspector General's Excluded Individual and Entities list to ensure potential employee is not restricted from working in a MassHealth funded program, which the PCA program is, at www.oig/leie

EMPLOYMENT LAWS

Once you have hired your PCAs, you must make sure that you follow the laws that govern employers and employees. This is a brief description of some of the more important laws that cover employer/employee relations. This description is not complete, and is not meant to take the place of legal advice; but is only designed to give an overview of the general issues. If any consumer or surrogate needs more detailed information about any of these laws, or has a situation that may fall under one of these laws, they should seek professional legal advice.

Discrimination

Both state and federal law prohibits an employer from discriminating against an applicant or employee because of his or her race, age, disability, religion, national origin, sex or sexual orientation. This means that you cannot decide not to hire someone, or to fire someone, only because of these characteristics. Hiring or firing decisions should be made only on the qualifications of the applicant.

State law also makes it illegal for any person (not just the employer) to interfere with the rights of the employee; or to help someone interfere with the employee's rights. This would cover harassment of the employee on the job, unfounded accusations of theft, threats, or any other action that prevents or makes it difficult for an employee to do their job.

Discrimination on the basis of disability is illegal, but an employee must be able to perform the essential functions of a job with or without reasonable accommodation. The accommodation must be the result of two way negotiation.

When advertising for a job, an employer cannot put language in the ad that refers to a protected status. For example, an ad saying "female PCA wanted" would be illegal.

During an interview, open-ended questions about an applicant's criminal history or disability (either physical or mental) are not allowed. You can ask if an applicant will be able to perform all the essential functions of a job. In regards to criminal history, a consumer can ask if the applicant has been convicted of a felony within the last 7 years, and can also ask an applicant to bring in their CORI (Criminal Offense Record Investigation). If driving is an essential function of the job, an employer can ask if an applicant has had any misdemeanor motor vehicle convictions within the last 5 years or

any felony motor vehicle convictions. Driving records in Massachusetts are currently open to the public, and are not covered by the same laws as CORI records.

Sexual Harassment

A separate sexual harassment law in Massachusetts covers all employers. Harassment is when an employee is the victim of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. The harassment must create a working environment which affects the terms and conditions of employment. Harassment might be a situation where an employee is offered a certain employment benefit in exchange for sexual favors, or a work place that the employee considers sexually hostile. A person who chooses to display explicit erotic material in his or her home might leave themselves open to accusations of sexual harassment if an PCA finds it offensive, and if it is not removed or covered when the employee asks. This applies also to telling dirty jokes.

An employer must take prompt action to remedy the situation as soon as he or she receives a report of sexual harassment. The employer is supposed to get all the facts from the employee and any witnesses, and then confront the accused. The problem arises if the harasser is also the employer, as is likely to be the case for any PCA. In this case, if the employer does not respond to the PCA's complaint, the PCA should take their complaint to the Attorney General's office.

Wage and Hour Laws

These are covered by the Attorney General's office. In addition to minimum wage and overtime rules, employees must be given a 30-minute break for every 6 hours worked. This break does not need to be paid, and it can take place at the end of a 6-hour shift. No other breaks are legally required. If an employee is required to be on the job site, they must be paid for that time. If an employee's movements are not controlled, but they are available for work or on call, they do not have to be paid.

Workers under the age of 18 are protected by additional state and federal laws. These place limits on the type of work that can be done and the hours that the minor can work. Authorization from the school department is also required for minor employees. For more information contact the Massachusetts Office of the Attorney General, (617) 727-3476 or www.mass.gov/ago/youthemployment

SCHEDULING

You should be able to develop a work schedule for your PCAs which will allow your personal care needs to be met, while also making the job most appealing to potential PCAs. It is helpful to develop a schedule of when tasks need to be done, based on the PCA evaluation form and the hours you have been approved. This can then be used to develop a work schedule for the PCAs. Some flexibility may be needed in when tasks are scheduled. For example, if your normal morning routine only requires

45 minutes of PCA help, it may be difficult to hire a PCA for this short time. In a case like this you may wish to add household duties to the morning routine so you can offer a PCA more hours of work. At the same time you should put your own needs first. It is not good management to let a PCA dictate what time they will come and go, and what tasks they will or will not do.

You should not schedule PCAs for more hours than you are approved, and should pay attention to the hours your PCAs work to make sure they do not exceed the approved hours. If you are approved for PCA time for tasks that do not occur each week, you should not use the time allocated for that task in your regular weekly schedule, so that it will be available when needed. An approval is generally given for one year. If you use up your approved hours before the end of your approval, MassHealth will not generally pay for any PCA time until a new approval begins.

EMPLOYMENT CONTRACTS

Because employees in Massachusetts are employees at will, an employment agreement or contract is optional, but will help clarify what is expected of you and your personal assistants while they are employed by you. This is an opportunity to clarify your personal policies for your personal assistant on paper. This may also be updated as the need arises.

If you decide to develop written policies for your PCAs, here are some of the areas you may wish to cover:

Hours and schedule: Who sets it? Will it vary? How far in advance is it set up?

Salary: What is the hourly wage? Are there any live-in benefits (like room and board or use of laundry facilities)?

Benefits: PCAs are paid only for hours worked. PCAs are paid time and a half for hours worked on Thanksgiving and Christmas, New Year's day and the 4th of July up to the maximum approved by MassHealth. Sicktime

Sick time accrues at the rate of one (1) hour for every thirty (30) hours worked per benefit year [up to a maximum of 40 hours. Please refer to Sicktime Policy Attached.

Termination: How much notice should each party give? How many warnings will be issued to the PCA if behavior is unacceptable? What if your health or safety is in danger?

Punctuality & Attendance: Should the PCA be required to call if he or she will be late or absent? Will poor punctuality or attendance result in termination? How much notice is expected for time off or if calling in sick?

Behavior: Are smoking, drinking alcoholic beverages, guests okay? How will the PCA handle confidentiality, privacy and personal property?

Duties: What exactly is the PCA responsible for? (Attach a job description)

Transportation: Will the PCA use their own car or your car for transportation to medical appointments or shopping trips? Who pays for gas, repairs and/or maintenance?

HOSPITALIZATIONS and FACILITY PLACEMENT

If you are admitted to the hospital/nursing facility you cannot bill for PCA services during your admission. PCA time can be billed on the day you are admitted, and on the day you return home. It is the responsibility of hospital/nursing facility staff to provide your personal care while you are in the hospital.

BACK-UP PCAS

One of your responsibilities is to make sure you have an adequate back up plan to deal with PCA absences. Like other workers, PCAs get sick, their cars break down, and they take vacations. You should make sure you have other PCAs to cover these situations.

In general, it is best to have more than one PCA, so that no single PCA is working seven days a week. Try to hire people that have some flexibility so that they can cover for each other in an emergency. A neighbor or family member who knows your care might also make a good emergency PCA. You should have a plan in place before a PCA calls in, so that you will know just who to call. If you have people on your emergency list that are not your regular workers, you should check with them once in a while to make sure they are still available. The best back-up PCAs are usually people who are already working for you.

Other potential back-up PCAs might be PCAs working for other consumers in your area. If you live in an apartment complex or neighborhood with other PCA users around, you may be able to help each other out when a PCA can't make it.

KEEPING RECORDS

As an employer you should keep all employment records for one year after a PCA leaves. You should keep applications, references, Immigration & Naturalization forms and W-4s for all PCAs. You should also keep all of your timesheets submitted and the summary report from each PCA paycheck packet. This will give you information on the earnings of each of your PCAs.

In addition to these documents, your PCA files should have the start date of each PCA, their last date of employment, and the reason for their termination.

B. Training your PCA

Once you have found some good PCAs, you need to make sure they are able to do the job. It is your responsibility to train your PCAs. It is important for you to understand the tasks for which your PCA time is approved, and to know your care well enough to train an individual how to do it. You may use other individuals to help train the PCA, such as having an experienced PCA demonstrate transfers, or having a PT demonstrate Range of Motion exercises. If this is done, it is still your responsibility to make sure that the PCA is properly trained and is able to perform the task.

The person you are interviewing may not have had previous experience as a PCA. You should explain how you want your routine done since it is your needs that are being met. The most efficient way to train a new PCA is to have him/her watch your routine being done by someone already experienced at the job. This might be a family member, a friend, your present PCA or the Visiting Nurse Association.

A step by step demonstration is also a good way to show the prospective PCA the type of work involved before you decide to hire that person, or before they accept the job. By watching another person work through your daily routine, the new PCA has a chance to view the job's personal nature, time demands and variety of responsibilities.

When your new PCA begins working, be patient and consistent while you explain how and why procedures are done in certain ways. If she/he disagrees about the way something is done, listen to the suggestion. Sometimes new ideas are good, but you are the employer and the final decision is yours.

From the beginning, it should be made clear that you are the employer and you are responsible for making decisions regarding your personal care and managing your household.

If your hair isn't parted right, if your pants aren't on straight, continue to instruct your PCAs until it is correct. Don't be afraid to let your PCA know, in a nice way. Don't feel guilty if they seemed annoyed. You are paying them.

Do not depend on your PCAs for your social life. Be clear when making arrangements with your PCA when they are accompanying you to eat out or attend a concert, whether you expect them to pay their own way. Also, make arrangements when you go out with others as to what time you are coming home, if the PCA needs to be there to assist you in getting to bed.

In order for the relationship to work, it is important that each of you respect the other one. In addition, the PCA must feel confident that you are capable of running the show.

EVALUATING PCAS' COMPETENCE

In order to train and supervise your PCAs you should have a list of tasks and expectations. A chore list, based on your evaluation, will be helpful in this, perhaps in the form of a job description or training checklist. It may be helpful to evaluate a new PCA a week or two after they start work. How do they perform each of the tasks on the job description? If they are not performing a task correctly, show them how to do it the way you want. Clear communication is important. Don't assume that a PCA knows what you want them to do unless you tell them clearly. Be aware of personality differences. Some PCAs may come in and get right to work with little guidance. Some consumers may like this self-direction, others may see it as the PCA 'taking control'. Some PCAs may wait to be told what to do. While one consumer may see this as respect, someone else may take it as laziness. These kinds of issues can all be dealt with through good open communication.

As you evaluate a new PCA, consider whether they are open to your feedback. Do you see some improvement in their performance after talking with them? Do they accept your comments without getting resentful? If you are having doubts about a PCA, consider whether their performance is adequate in most areas or only some? Have they tried to correct the problems?

The Washington Coalition of Citizens with Disabilities has established a standard for acceptable and non-acceptable behavior that applies to PCA and employer.

The following is appropriate for the PCA:

1. Doing the duties that you as PCA agreed to in the contract.
2. Treating you as an adult.
3. Being dependable and on time. If that is not possible, calling to let you know.
4. Having respect for and properly caring for personal property.
5. Having the social conduct and behavior that was agreed on in the contract.
6. Being honest in all aspects of the work.
7. Sharing kindness and consideration and patience.
8. Being flexible in times of unexpected events.
9. Seeing the person with disabilities as the employer.
10. Having a good attitude about disability.
11. Allowing each to discuss problems without feeling threatened or being judged.

The following is inappropriate for a PCA:

1. Being undependable and making unreasonable excuses for being late or not calling.
2. Being physically or verbally abusive.
3. Being dishonest, lying, stealing time and money, and damaging property.
4. Gossiping - not keeping your confidence.

5. Showing unwillingness to do duties - putting them off for more than one day when it is not necessary.
6. Showing unacceptable social behavior and performing activities not agreed on in the contract. Particularly unacceptable is behavior that could lead to eviction.
7. Not allowing you to be the employer. Deciding they are going to run the show.
8. Leaving the job or terminating without advance notice.

COMMUNICATION

Since this is a service where both parties need to work effectively together, it is important that you are fair, praise good work, and let the PCA know if you have a problem with her/his work so she/he can correct it. As an employer, you have the right to replace a PCA if she/he is not performing up to previously agreed upon expectations. This is a very unique and personal relationship and, as such, both parties should respect confidentiality.

It is important that you be assertive. This involves speaking up for your personal rights and expressing thoughts, feelings and beliefs in direct, honest and appropriate ways which do not violate another person's rights.

Assertion involves respect, not deference. Deference is acting like an inferior person, as if the other person were right or better than you. Respect includes respect for yourself (expressing your needs and defending your rights), as well as respect for another person's needs and rights.

To Gain the Respect of your PCA:

1. Be knowledgeable about your disability and have a caring attitude toward your own self. Don't expect someone else to care for you if you don't.
2. Have and demonstrate good management skills. Know how your household should be run and organized. Someone may have a better way of doing something, so try to be open to suggestions. However, if it is not what you like, don't be afraid to say so. There are several excellent PCA training sources available.
3. Be involved in some constructive activity in your life.
4. Do as much as you can for yourself. Do not treat your PCA like a servant.

For example, a request may be refused aggressively: "What do you mean, you want a week off? Where do you get the nerve to ask me such an unreasonable thing? A request may be refused non-assertively: "What can I say? I feel awful telling you no! Gee, I really feel bad that I can't let you take the whole week off. I'm sorry, really." In contrast, a request can be refused in an assertive manner, which shows self respect and respect to the other person's right to ask: "I'd like to give you the week off, but it

would be difficult for me to find a back-up PCA on such short notice. Perhaps we can work together to schedule a vacation for you in a few weeks."

Non-assertion involves violating your own rights by failing to express honest feelings, thoughts and beliefs (this permits others to violate you) or expressing your thoughts and feelings in such an apologetic, shy, withdrawn manner that others can easily disregard them. It is important that you avoid non-assertion in dealing with your PCA. If you don't you'll convey to him/her that you don't really count, that you can be taken advantage of. Non-assertion is used to appease others and avoid conflict. It can be harmful, because it will lead your PCA to feel you have little respect for your own needs.

On the other hand, aggression can also be detrimental in developing a working relationship with your PCA. The goal of aggression is domination and winning; usually it is humiliating, degrading, belittling or overpowering to others. Try to avoid aggression in dealing with your PCA. You can make your wishes known by being assertive, not aggressive.

Some Positive Ways of Communication Are:

"I would like you to do this."

"I would appreciate your help with..."

"I want you to please pick up my soap."

"When you do that, It makes me feel (angry, sad, happy)."

"I'm not sure of what you said, would you clarify it for me?"

"I really enjoy your conversation, but I need some quiet time now. Could we talk later?"

"I don't feel so well (physically or emotionally) today, so if I act grumpy, don't take it personally."

Answer when spoken to. Everyone likes to hear "Thank you" and "please", they are a form of courtesy.

Discuss on a daily basis what you expect yourself and the PCA to accomplish.

There are also inappropriate ways of communicating. Some ways are:

"Can I have," or "can I do?" This puts unfair responsibility on the PCA of having to make a decision and robs you of having control over your life. You are asking the PCA for permission; remember that you are the employer.

"Get me this; Do that." "You are lazy, crazy, stupid, etc." This is being judgmental.

"Don't bother me, I don't want-to hear about it" This could be interpreted as indifference.

"Just shut up!"

There are times when you will have to deal with conflict. Many problems arise out of assuming and misunderstanding. An employment agreement can help clarify basic issues; however, rules and agreements often are broken. Then what do you do?

When one is dependent on another person for survival, it isn't easy to fire him/her on the spot and replace him/her with another person. If the conflict is over duties, pay, time off, social conduct or use of property, remind the person of his/her responsibility. If he or she refuses to comply with your wishes, act promptly and firmly to have that person replaced. Allowing the PCA to have his/her way will mean you will have to go without service and your health will be neglected.

Don't let problems pile up. Deal with each issue as it arises. You may want to have an advocate help you and the PCA to settle the disagreement. If you get into discussing religion or politics, it could create a lot of useless arguing. Also, giving each other your opinions when not asked about personal matters could cause friction and resentment. For example: ways of dress and grooming, dating matters, being overweight.

If conflict arises over the use of personal property without permission, each should be reminded of what was agreed on in the contract. Try to be flexible as long as the property is not being misused or damaged. It is best not to borrow each other's clothing, money or jewelry. Respect each other's privacy. Each should deal with his/her own phone calls, if present. If not, be sure to take messages. Don't snoop in each other's belongings or bring outside people into the bedrooms (of you or of your PCA if he/she lives with you) without permission.

FIRING

In Massachusetts, unless an employee has a contract with their employer, they are considered an employee at will, and can legally be terminated with no notice. However this is probably not a good practice.

Before you take the final step of firing a PCA, make sure you have warned the PCA and given them a chance to improve their performance. If it is necessary to fire a PCA, consider whether you will give them any notice. Once a PCA has been fired they may be resentful, and their performance may be even worse than before. Some PCAs may not even show up for work once given their notice. On the other hand you may need time to line up a replacement, and the PCA may need time to find another job. It is best to treat the PCA fairly, as you would want to be treated yourself.

An employer cannot fire a PCA because he or she is a member of a "protected" group. In other words, you cannot discriminate when firing. If you must terminate a PCA who is a member of a protected group you should take steps to make sure that you cannot be accused of discrimination, and that the firing is based solely on job performance. The best way to avoid legal problems - and good general practice for any employer - is to address any problems early on with the employee. Good communication is essential. If a PCA is coming in to work late, or not performing tasks adequately, you should discuss these problems quickly with the PCA, and make your expectations clear. It is a good idea to document the date and content of any such discussions. If you do not discuss a problem with a PCA it will appear that you accept the PCA's performance. If you later try to fire a PCA for this behavior, and there is no

record of warnings or discipline, you may leave yourself open to a claim of wrongful dismissal, or the PCA may have a successful unemployment insurance claim. This kind of documentation is not legally required, but it is a good idea to prevent problems later on.

If you need to fire a PCA, and you are concerned about the reaction of the PCA, consider having a friend or family member present when you meet with the PCA. It is not a good idea to have another PCA present, as this gets the other PCA too involved in your personal business, and violates the privacy of your relationship with your PCAs.

Firing a PCA without any warning should not be done except if there is a serious problem such as theft or abuse.

What should an employer do if they suspect theft or use of drugs or alcohol? If an employer wrongfully accuses someone of these activities, they can be sued for 'defamation of character'. As long as the employer has reasonable evidence to believe the problem exists, they can enquire whether drugs or alcohol are being used so as to impact on the PCAs performance. For example, you should not say "you're drunk", but it is OK to say something like "I smell alcohol, and your speech seems slurred, have you been drinking?" There is a difference between accusing someone of something, and asking if there is a problem.

Under the Americans With Disabilities Act, alcoholism is considered a disability, as is past illegal drug abuse. But current active use of either alcohol or illegal drugs is not protected.

Also, in Massachusetts it is legal to secretly videotape someone, but not to secretly audiotape.

C. Benefits for PCAs

There are currently just two benefits available to PCAs (see below). The statewide coalition of providers is advocating with state government for health insurance and a pay raise. We encourage consumers to write their legislators to encourage to support these improvements to our program.

Unemployment Assistance

You are required to provide each employee that leave employment a copy of the unemployment form. The form is provided in the employment package sent by the Fiscal Intermediary

Workers Compensation

This insurance covers any medical expenses and any lost wages due to an injury that happens on the job. All consumers should receive a copy of their policies. You need to be aware that you must post and report any injury to your workers compensation

insurance company as soon as it is reported to you by the PCA - even if you suspect it is not true.

The Workers Compensation carrier information is enclosed in your employment package sent by the Fiscal Intermediary

Earned Sick Time

Sick time accrues at the rate of one (1) hour for every thirty (30) hours worked per benefit year [up to a maximum of 40 hours. The calendar year for tracking accrual, use and carry over is any consecutive 12 month period and MassHealth has determined that to be from July 1-June 30. Sick time MUST be submitted on a sicktime timesheet in order to be processed. Please refer to Sicktime Policy Attached or

<http://www.mass.gov/ago/earnedsicktime>

Jury Duty Pay

Your PCA can get paid for any time served during regularly scheduled PCA work time. Your skills trainer can assist you should your PCA require jury duty pay. MassHealth will pay a maximum of 3 days

Overtime

By law, a worker who works over 40 hours in a work week must be paid overtime at the rate of 1.5 times their regular pay. Consumers should not schedule any regular PCA to work over 50 hours in aggregate (for consumer the PCA may work for who are receiving MassHealth PCA Services), unless they have an Overtime Approval in place from MassHealth. For an emergency, you may request approval from MassHealth for a PCA to be paid at the overtime over 50 hours and must notify the agency within 24 hours of the unforeseen event and the agency will assist in obtaining an emergency overtime request. You can obtain non emergency overtime approval for a PCA to work over 50 hours per week under a Continuity of Care or Temporary Overtime Approval. You will need to call the agency should you need to schedule a PCA to work over 50 hours and the agency will review and assist in obtaining the approval from MassHealth

D. Sample Forms

Following this page is a sample job description, application, reference check and employment contract which you may use as models for designing your own forms to use when hiring.

Sample Job Description

General Duties: Assist _____ with activities of daily living.

Supervised by: _____

Duties:

1. Assist daily with grooming and hygiene including shaving, brushing teeth, showering and combing hair.
2. Assist daily with dressing and undressing including underwear, outerwear, socks and shoes.
3. Prepare and serve three meals daily.
4. Assist with bowel routine three times per week, including inserting suppository and transfer assistance to and from toilet.
5. Assist daily with bladder care including preparing and attaching external catheter.
6. Perform errands weekly including shopping and laundry.
7. Perform thorough housekeeping weekly including vacuuming and changing linens.
10. Other duties as needed.

Qualifications: Willingness to perform personal and household tasks for person with a disability; willingness to learn; dependability; flexibility; sensitivity.

Sample Application for Personal Care Assistant

Name _____ Date _____

Address _____

Phone _____

Time Available: Temporary (short term) _____ Permanent (long term) _____

Back-up _____ Live-in _____ Available: Days _____ Evenings _____ Nights _____

Weekends _____

Do you have a valid Massachusetts driver's license? _____

How will you get to work? _____

Are you physically able to assist with lifting, pushing, etc? _____

Do you have any physical problems that might interfere with your work? _____

Are you presently working? _____ Where? _____

Have you had any PCA - related experience? _____

References:

Name _____ Phone _____

Relationship to you: Employer _____ dates worked _____

Other _____ Years known _____

Name _____ Phone _____

Relationship to you: Employer _____ dates worked _____

Other _____ Years known _____

Name _____ Phone _____

Relationship to you: Employer _____ dates worked _____

Other _____ Years known _____

Sample Reference Check

When contacting the references, let them know that you have the applicant's permission to contact him or her. You should explain the nature of the job to the reference so she or he can evaluate the applicant with the job in mind.

Employment Reference Check

1. Dates of Employment (verify) _____
2. Job Title _____
3. Duties _____
4. Reason for termination _____
5. Attendance _____
6. Punctuality _____
7. Relationship with supervisor _____
8. Dependability _____
9. Job Performance _____
10. Ability to learn new tasks _____
11. Ability to follow directions _____
12. Honesty _____
13. Responsibility _____
14. Flexibility _____
15. Other Comments _____

Sample Employment Agreement

Agreement between _____ and _____
(Employer) (Personal Care Attendant)

1. PCA will work ___ hours per week, Monday - Friday, from . until . and an additional on weekends. PCA and employer will determine weekend schedule one week in advance.
2. PCA will be paid \$15.00 per hour. Meal will be provided by employer during work hours. Employer will distribute pay check as soon as it is received.
3. Two weeks notice will be expected by employer or PCA prior to termination unless the employer's health or safety is in danger, in which case termination can be without notice. If PCA's work is not satisfactory, two warnings will be given prior to termination.
4. PCA will pay for his/her long distance phone calls and gas when using employer's car. Employer will pay for repairs and maintenance of vehicle. If PCA is at fault in a car accident, PCA will pay for damages. (*check with you insurance agency*)
5. PCA will be responsible for all duties on attached Job Description..
6. Employer and PCA agree to be flexible and to try to communicate openly and frequently.
7. PCA will be on time, will call if delayed, will have good attendance and will help find a substitute PCA in emergencies.
8. Other

Effective date: _____

Signatures _____
Employer Personal Care Assistant

Sample Employment Contract

Date: _____

_____ (Consumer) hereby agrees to hire

_____ as Personal Care Assistant (PCA) and/or Night Attendant (NA) with duties and responsibilities as described in the Employment Agreement.

PCA Services will be reimbursed at the rate of \$15.00 per hour.

Night Attendant services will be reimbursed at the rate of \$30.00 per night.

In the event of illness or absence, the PCA agrees to assist the Consumer in securing a suitable substitute who will be reimbursed at the rates stated above.

This agreement can be terminated at the discretion of either party upon 15 days written notice.

Consumer

Date

Personal Care Assistant/Night Attendant

Date

IV. OTHER RESPONSIBILITIES

A. Personal Health Care Maintenance

Part of the responsibility of being a PCA user is the need to be responsible for your own health. The PCA program is an independent living program, and you are expected to be able to manage your personal needs. In order to direct your PCAs, you need to have a good understanding of your own health. You must know how to protect your health, and be able to recognize when you have a health problem that needs treatment.

Not all PCA applicants will know their own health care at the time when they apply for PCA services. A person's health may change drastically, say from a recent stroke or spinal cord injury. Other individuals may live in protected settings where others monitor their health for them. If you need to learn more about your health care, your PCA provider agency can help you get information, and help you learn to take more responsibility for your care.

Here are some of the specific skills which a PCA applicant must have before you can begin to use PCA services. If you are not able to learn these skills, you will need to have a surrogate to help you manage your PCAs and health care.

1. You must be able to identify your medical conditions and be able to describe them to someone else.
2. You must be able to identify your personal susceptibilities. These may be associated with the disability or not. You should be able to explain your preventive routine for those potential medical problems, and what treatment they require if they arise.
3. If you need bowel or bladder care, you must be able to describe to someone else how to do it. If you use a catheter, or condom drainage, or have a urostomy or colostomy, you must be able to explain how these personal care routines are done.
4. If you need help transferring from bed to wheelchair, or in and out of the bath, you must be able to explain how you transfer, and what exactly the PCA needs to do to help you transfer.
5. If you are at risk of skin breakdowns you must be able to describe how to prevent and treat decubiti.
6. If you need range of motion exercises (ROM) or other exercises, you must be able to explain how to do these.
7. You must be able to list correctly all your medications, their schedule, reasons for taking them and their possible side effects.
8. You must be able to describe a good nutritional regime which meets your own health needs.

B. Self Care/ADL Skills

The PCA program is designed to give you help with tasks you cannot perform independently. It is not meant to take over the tasks that you are capable of doing independently. As a PCA user you are expected to be able to perform at your maximum level of self-care in your home or workplace.

People using PCA services are expected to demonstrate the following skills:

1. To identify and explain your weekly routine, including what help is needed, what equipment is used, and the time required;
2. To direct a lay person to assist or to accomplish your daily self-care routine; and,
3. To demonstrate maximum independence in daily self-care activities as allowed by your medical condition, disability and living environment.

C. Emergency Management

Along with being able to hire and manage PCAs, an individual who uses PCA services must be able to recognize and deal with potential health problems. The PCA provider agency will review this area with you, and will provide any training if needed. You are expected to have the following skills:

1. To be able to identify the signs of an emergency situation related to your own disabilities;
2. To be able to describe your emergency medical procedure for:
 - a. Situations that require transport to a hospital;
 - b. Situations that can be handled at home, and
 - c. General emergencies (fire, snowstorms, etc.);
3. To identify and describe the use of available emergency equipment;
4. To establish and post in sight a written list of emergency numbers. These numbers should include:
 - a. Police
 - b. Fire Division
 - c. Ambulance
 - d. Preferred Hospital
 - e. Primary Physician
 - f. Family member
 - g. Reliable Neighbor
 - h. Support people
 - i. PCAs

- j. Back-up PCAs
- k. Personal Emergency Response System (if applicable)
- l. Be aware of community policies on snow emergencies.

Many local Fire Departments maintain a list at each fire station of local residents who need help evacuating in an emergency. You should call your local fire Department to see if they keep such a list. It is also a good idea for residents of apartment complexes to be familiar with the emergency response procedures in case of fire. In some buildings the Fire Department may recommend staying in your apartment, or gathering in a stairwell. Check with your building manager or local Fire Department to see what procedures are recommended in your building.

D. Programmatic Responsibilities

Consumer/Surrogate (employer):

Definition:

- A MassHealth member who is receiving PCA services. The consumer is the employer of the PCA. Surrogate is the person who assists the PCA consumer if he/she cannot independently manage participating in the PCA Program.

Responsibilities:

- Responsible for communicating with the FI or PCA agency on all PCA Program issues.
- Signing the consumer agreement choosing and knowing the responsibilities.
- Completing and turning in activity forms to the FI.
- Paying PCAs correctly and on time.
- Notifying the FI of any changes with the PCAs.
- Hiring, firing, training and scheduling PCAs.
- Following the rules of the PCA Program.
- Letting the Personal Care Agency know if you need overtime or jury duty pay for one of your PCAs.
- Making a list of PCAs to contact if your regular and back-up PCAs are unavailable. Knowing how to recruit and advertise for PCAs.
- Informing PCA vendor of any changes in address, phone numbers, primary care physician, surrogate, etc.
- Contacting PCA agency if there is a need for additional PCA hours.
- Having issues managing your PCA program
- Participating in visits that are conducted by the agency

Personal Care Attendant (PCA) (employee):

Definition:

- A person who is hired by the member or surrogate to provide PCA services.

Responsibilities:

- Responsible for filling out completely their portion of the Activity Form and all employee related forms on a timely basis.
- Responsible for communicating with the consumer/surrogate (employer) on all work related issues.
- PCAs should not contact the FI or PCA agency for any employer related issues (i.e. paychecks, forms, etc.) it is the responsibility of the employer to contact these agencies.

Personal Care Agency:**Definition:**

- An Agency that meets the qualifications of MassHealth that helps people with long-term disabilities obtain PCA services.

Responsibilities:

- Provides skills training on hiring, firing, training or scheduling your PCAs.
- Provides skills training to assist you in managing your PCA services.
- Provides skills training on the process of requesting overtime pay, or need to request overtime pay for one of your PCAs.
- Provides skills training on your Prior Approval (PCA evaluation or re-evaluation).
- Provides skills training on the FI's role and responsibilities.
- Provides skills training on issues that your FI cannot answer by telephone and provides you with a face-to-face meeting with a skills instructor.
- Provide you with face-to-face meetings to update your Personal Care Plan on an annual basis.
- Provide you with re-evaluations by a RN to maintain your PCA hours.
- Provide training of sick time and jury duties
- Provide training on consumers responsibilities as employer

Fiscal Intermediary:**Definition:**

- A company hired by MassHealth that can help you with the financial responsibilities of employer-required tasks and related administrative tasks.

Responsibilities:

- Answers questions about your Activity Forms that can be answered over the telephone.
- Supplies more Activity Forms.
- Answers questions about paying your PCAs and about the employment forms sent to you by the FI that can be answered over the telephone.
- Issues with payment to your PCA
- When you have hired or fired a PCA
- Any payroll related issues
- Change in address or phone number

V. TROUBLESHOOTING

Consumer/Surrogate (employer) should call Tempus Unlimited if:

- You need more Activity Sheets and other related forms
- You have paycheck problems.
- Your PCA agency suggests you contact your FI.
- If you received a call regarding employer/employee forms.
- .

Consumer/Surrogate (employer) should call Coastline Elderly Services if you:

- Need skills instruction.
- Have questions about recruiting, hiring, firing, training or scheduling PCAs.
- Need overtime approval or jury duty approval.
- Have Prior Approval (PCA evaluation or re-evaluation) questions.
- Have MassHealth eligibility questions (i.e. spenddown, ineligibility, etc.).
- If you have changed your address or primary care physician.
- If your FI suggests that you contact your PCA agency.
- You feel that the FI cannot answer your program question.

Employment/Legal Resources:

- The Department of Industrial Accidents (617-727-4900) if you have any accident related questions. www.mass.gov/dia/
- The Disability Law Center (800-872-9992) if you have any legal questions relating to disabilities. www.dlc-ma.org/
- The Massachusetts Department of Revenue (800-392-6089) if you have any state tax questions. <http://www.dor.state.ma.us/> or Southeastern MassLegal Assistance New Bedford Office (508)979-7150 or Fall River Office (508)676-6265
- IRS (800-829-1040) www.irs.gov/
- Us department of Labor (866)487-9243 or www.dol.gov
- The Massachusetts Attorney General's Office- Fair Labor Hotline (617-727-3465) if you have any labor questions. For issues with non-payment of wages. PCA's do have the right to file a complaint
- The Massachusetts Division of Employment & Training (617-727-6560) if you have any labor or unemployment issues.

Report Faud or Abuse and Neglect

- MassHealth Fraud Hotline (877)437-2830
- Disabled Persons Protection Commision (DPPC) 24 hours hotline for ages 18-59 (800)426-9009
- Executive Office of Elder Affairs (EOEA) 24 hour hotline for ages over 60 (800)922-2275
- Department of Children and Families (DCF) 24 hour hotline for birth to 17 (800)792-5200

MassHealth Resources Numbers

- MassHealth Customer Services (800) 941-2900
- MassHealth Enrollment Center (866) 665-9993
- MassHealth Appeals (800)555-0338