

OLDER ADULT SERVICES PROGRAM (ESPSM)

CONSUMER DIRECTED CARE (CDC)

SERVICE SPECIFICATION and CONDITIONS OF PARTICIPATION

Effective January 1, 2024

(BCESP) (CCESP) (HCESP) (WCESP)

**OLDER ADULT SERVICES PROGRAM
CONSUMER DIRECTED CARE CONDITIONS OF
PARTICIPATION and SERVICE PECIFICATION**

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SERVICE SPECIFICATION

1.0 OBJECTIVE

Consumer Directed Care (CDC) is another option for delivering home care services. Instead of using traditional home care agencies, clients become “employers” and hire their own “employees” to provide the care and services they need. This allows a client to choose their home care aide to assist and support them with their IADLs which may include personal care, homemaking, companion, and respite tasks.

2.0 DEFINITIONS

2.1 Employer: The client or Authorized Representative is also known as the employer.

2.2 Employee: The person hired by the employer to deliver home care services.

2.3 Authorized Representative: A representative named by the employer to assist in monitoring/signing timesheets, and other documents. The need for an authorized representative will be discussed in advance by the employer and Care Manager

2.4 AddnAide: An electronic application developed by Council on Aging (COA) for management of CDC service. AddnAide attracts a new workforce to CDC for clients/employers without an already identified employee, supports matching an employer with a potential employee, captures visit times and approvals, and enables real time communication. Marketing and onboarding services are provided to attract the workforce to join AddnAide.

2.5 Financial Management Services (FMS): a vendor under contract with COA that processes payroll, withholds taxes, reviews background checks and other tasks on behalf of the employers.

3.0 SERVICE HOURS/UNIT RATE

The unit rate and cost cap will be discussed in advance by the Care Manager and the employer. The cost cap is individualized and based on the service hour needs derived from a comprehensive assessment done by the care manager, and program limitations. The employer will negotiate the unit rate to be paid to the employee that is no higher than the ceiling rate established by COA.

4.0 REQUIREMENTS

- 4.1 The employer and employee should cooperatively treat each other with dignity and respect.
- 4.2 The employee must deliver services as authorized in the employer's care plan,
- 4.3 The employee must be able to effectively communicate with the employer.
- 4.4 If the employee intends to transport the employer, the employee must show the employer a valid driver's license and valid insurance identification card prior to the first transport. The employee is prohibited from driving the employer in the employer's vehicle.
- 4.5 Tasks designated by the employer will be reviewed with the employee. These tasks may include but are not limited to the following:
 - a) companion
 - b) homemaking
 - c) independent living assistance
 - d) personal care
 - e) respite for caregiver
 - f) meal preparation and or grocery shopping
 - g) transportation
- 4.6 AddnAide is a tool that is available for employers or their authorized representative whom have a computer device and is able to navigate the application. Application support will be provided to employers and employees to teach how to utilize and navigate the application.

CONDITIONS OF PARTICIPATION

1.0 EMPLOYEE REQUIREMENTS

- 1.1 The employee must deliver services in compliance with the Service Specification and in accordance with the plan designed and authorized by the Care Manager and employer.
 - 1.2 The employee must comply with all contract requirements, Conditions of Participation, and Service Specifications
 - 1.3 The legal guardian, power of attorney, spouse, or authorized representative of the employer cannot serve as the employee.
 - 1.4 The employee must be at least 18 years of age.
 - 1.5 Council on Aging (COA) will identify individuals who need a criminal database and BCII (and FBI check where applicable) and notify COA's contracted financial management services vendor.
- FMS will run the seven criminal database checks first to determine eligibility. FMS shall review the following free databases before conducting the criminal records checks required.
 - SAM: The United States general services administration's system for award management, which is available at <https://www.sam.gov/>
 - OIG: The Office of the Inspector General of the United States Department of Health and Human Services' list of excluded individuals, which is available at <https://exclusions.oig.hhs.gov/>
 - Abuser registry: The Department of Developmental Disabilities' registry of employees who are cited for abuse, neglect, or misappropriation, which is available at https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx
 - Medicaid: The Department of Medicaid's online provider exclusion and suspension list, which is available at <https://medicaid.ohio.gov/resources-for-providers/enrollment-and-support/provider-enrollment/provider-exclusion-and-suspension-list>
 - Sex offender search: The Ohio Attorney General's sex offender and child-victim offender database, which is available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>
 - Offender search: The Department of Rehabilitation and Correction's database of inmates, which is available at <https://appgateway.drc.ohio.gov/OffenderSearch>
 - Nurse aide registry: The Department of Health's state nurse aide registry, which is available at <https://odh.ohio.gov/know-our-programs/nurse-aide-registry/nurseaideregistry>. If the applicant or employee does not present proof that he or she has been a resident of Ohio for the five-year period immediately preceding the date of the database review, Palco shall conduct a database review of the nurse aide registry in the state or states in which the applicant or employee lived.

- FMS will conduct a Bureau of Identification and Investigation (BCII) criminal records check on each potential candidate. This check will occur prior to matching with a client (employer).
- A Federal Bureau of Investigation (FBI) criminal check will be conducted for those individuals who have not lived in the state of Ohio for the last 5 years.
- FMS will conduct a BCII criminal check using the code for a direct care employee. The applicable codes are the following: 173.27, 173.38, 173.381, 3701.881, 5123.081, or 5123.169.
- The potential employee will go to a specified location, identified by FMS, to complete the BCII criminal check.
- FMS will pay for the criminal checks conducted for the potential employee.
- The results of the criminal background check will be sent to FMS for review.
- FMS will determine employee eligibility by using the criminal records policy and procedure.
- FMS will notify COA of the results.
- FMS will invoice COA for each criminal records check conducted on all potential employees. The invoice shall include the name of the potential employee, date of birth, and date the check was conducted.
- Every five years, FMS will run 5 year rechecks on employees.
- Exclusions to the BCII rule include permanent exclusion if a person is found guilty or pled guilty to a crime against any individual of any age that is disabled, older adult or child.

1.6 The employee must have a valid social security number and at least one of the following current, valid, government issued, photographic identification cards:

- a) driver's license
- b) State of Ohio identification card
- c) US permanent residence card

1.7 If transporting the employer, the employee must submit to the employer proof of vehicle insurance that meets the state minimum requirements and have a valid driver's license. The employee is prohibited from driving the employer in the employer's vehicle.

1.8 The employee must enter into a written agreement with the employer for the agreed upon tasks.

1.9 The employee shall not use or disclose any information concerning an employer for any purpose not directly connected with the provision of services, except with the written consent of the employer or authorized representative.

1.10 The employee shall not use the employer's personal property without the client's consent.

1.11 The employee will not forge an employer's signature and /or falsify information.

1.12 The employee will not engage in behavior that causes or may cause physical, verbal,

mental or emotional distress or abuse to the employer.

- 1.13 The employee will not engage in behavior that constitutes a conflict of interest, takes advantage of or manipulates services resulting in an unintended advantage for personal gain of the employer.
- 1.14 The employee will accept, on an ongoing basis from the employer, changes in the frequency and duration of service tasks to be performed for the employer.
- 1.15 If terminating services, the employee will submit written notification to the employer and the Care Manager at least thirty (30) days prior to the last date of service.
- 1.16 Failure to meet any of the requirements of this rule may lead to the termination of the agreement.

2.0 EMPLOYER or AUTHORIZED REPRESENTATIVE REQUIREMENTS

- 2.1 The employer must complete the Consumer Directed Care Agreement, Code of Ethics and all applicable documents as part of the on boarding process.
- 2.2 The employer is responsible for managing time within the limits of the care plan/budget, hiring the employee, and managing their work performance. The employer must demonstrate their ability to manage time and budget to the care plan limits.
- 2.3 Supervision of the employee is the responsibility of the employer, or the employer's authorized representative.
- 2.4 The employer, or authorized representative, must be able to effectively communicate with the employee.
- 2.5 Failure to meet any of the employer or authorized representative requirements may lead to removal of the consumer directed care option.