

APD-PT-15-013

Number: CORRECTED

Issue Date: 12/10/2015

Mike McCormick

Authorized Signature

Topic: Long Term Care

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: _____

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> County DD Program Managers | |

Policy/rule title:	Homecare Workers acting as Consumer/Employer representatives		
Policy/rule number(s):	OAR 411-030-0040(8)(a) and (b)	Release no:	
Effective date:	Immediately	Expiration:	
References:			
Web Address:	OAR Chapter 411 Division 030		

Discussion/interpretation:

Many consumers of Medicaid and Oregon Project Independence (OPI) in-home service benefits employ Homecare Workers (HCWs) to provide their in-home care. These consumers are considered the HCWs' employers.

As employers, the consumers have certain responsibilities. Not all consumers are capable of carrying out the responsibilities of being an employer. These consumers must appoint a representative who can handle the duties of an employer on the consumer's behalf OR must receive in-home services from an in-home agency.

Per OAR 411-030-0040(8)(a), either the consumer OR a representative of the consumer must be able to:

- Locate, screen, and hire a qualified homecare worker;
- Supervise and train the homecare worker;
- Schedule the homecare worker's work, leave, and coverage;
- Track the hours worked and verify the authorized hours completed by the homecare worker;
- Recognize, discuss, and attempt to correct any performance deficiencies with the homecare worker; and
- Discharge any unsatisfactory homecare worker.

Per OAR 411-030-0040(8)(b), a consumer's representative may NOT be a homecare worker providing homecare worker services to that consumer.

A HCW may not sign his or her own voucher for the consumer. Any vouchers with the HCW's signature in the "Client/Employer signature" field are not Properly Completed Vouchers under Article 8, Section 1, subsection b of the SEIU/Oregon Home Care Commission's Collective Bargaining Agreement even if the HCW has the Consumer/Employer's Power of Attorney or is the Consumer/Employer's guardian. A HCW may not locate, screen or hire or fire another HCW.

When a APD/AAA office becomes aware that a HCW has assumed any of the responsibilities listed in OAR 411-030-0040(8)(a) for a consumer/employer who employs the HCW, APD/AAA staff should contact Chris Ellis.

Consumers who choose to have a representative who is not their homecare worker provide all or some of their employer responsibilities should complete the Client-Employer Provider Program Participation Agreement (SDS 0737).

Implementation/transition instructions: Implement any changes necessary for Medicaid or OPI consumers at each affected consumer/employer's next case management contact.

Training/communication plan: None

Local/branch action required: Report instances of HCWs acting as representatives for Consumer/Employers for whom the HCW works.

Central office action required: None

Field/stakeholder review: Yes No

If yes, reviewed by: Angela Munkers, Jane-ellen Weidanz, Cheryl Miller, Sarah Hout

If you have any questions about this policy, contact:

Contact(s):	Chris Ellis (Medicaid) or Sandy Abrams (OPI)		
Phone:	503-945-7035 (Chris) or 503-947-2391 (Sandy)	Fax:	503-947-4245
E-mail:	Christopher.m.ellis@state.or.us ; Sandy.h.abrams@state.or.us		