



# IDAHO DEPARTMENT OF HEALTH & WELFARE

## ADULT DD SELF-DIRECTION OPTION Frequently Asked Questions

### SUPPORT BROKER QUESTIONS

- For tax purposes, can a Support Broker be recognized as employed by the participant(s) they serve, or can they remain self-employed if they so choose? The difference would be if they get W2s or 1099s.**

The Support Broker is NOT self-employed and will not meet the IRS requirements for being considered an independent contractor. They are an employee of the participant(s) and will need to fill out a W-4 form.

- If there is a problem with a community support worker or if the participant is harmed by someone whose background check was waived, will the liability fall back to the Support Broker? Would a Support Broker have to maintain their own liability insurance if they chose?**

There is no liability to the Support Broker regarding the Criminal History Check Waiver. The form the Support Broker signs says they have offered counseling and education to the participant. As they are an employee of the participant, they do not need to carry any liability insurance. They are welcome to discuss this with an insurance agent.

- Is it possible for the Support Broker to begin the Person Centered Planning process with the participant to get an idea of the amount of time needed to develop the Support & Spending Plan before they submit their Support Broker agreement to the Fiscal Employer Agent?**

It is recommended to have the employment agreement signed and in place before starting to work with a participant.

- If a Support Broker terminates services with a participant and the participant cannot find a new Support Broker within the 30 day notice period, does the original Support Broker have to continue providing services? Can the participant go without a Support Broker or will the Department appoint a Support Broker?**

No, the current Support Broker would not have to continue services if they did not want to or could not do so. If the participant could not find another Support broker and there was no one available, the Department would look at transitioning the participant back to the traditional waiver option while the participant and their Circle of Support looked for another Support Broker. The Department will not “force” a specific Support Broker on a participant, but it is a requirement of the Self Direction program to have a Support Broker.

- What happens if a Support Broker has to provide support similar to Crisis hours? How are they to be paid for those hours?**

If a Support Broker is going to be used to provide some type of crisis support, this service needs to be addressed during the person centered planning process with the participant's Circle of Support when discussing risks. It would need to be outlined as a backup plan in the Support and Spending Plan, calculated into the yearly budget, and included in the Support Broker's employment agreement. For example: the Support Broker Employment Agreement can include 20 additional hours per year to provide crisis hours and the agreement would need to detail what that means. A Support Broker may not provide direct services, but could assist the person to locate additional supports as needed (loss of housing, risk of incarceration, or institutionalization, etc.) Other options could include identifying another back-up person on the plan for crisis and developing a plan for that.

**Can participants be their own Support Broker?**

No. IDAPA Consumer Directed rules require that participants employ a Support Broker.

**Does the participant have to write a support plan (ie a 'goal') for a Support Broker?**

The Support and Spending Plan does not have to have a specific support plan for the Support Broker because the required and optional job duties for the Support Broker are listed on the Support Broker section of the plan.

### COMMUNITY SUPPORT WORKER (CSW) QUESTIONS

**Can a Community Support Worker choose to be an employee or an independent contractor?**

Yes, a Community Support Worker can be an employee or an independent contractor. The information sheet for the IRS is included in the Policy and Procedures Manual from the Fiscal Employer Agent. Workers who choose to be an independent contractor will need to contact the FEA.

**How do Community Support Workers apply for a Criminal History Check?**

The participant must first register as an employer with the Criminal History Unit. The participant must register on the web site ([www.chu.dhw.idaho.gov](http://www.chu.dhw.idaho.gov)). The participant will be assigned their own Employer ID Number. The participant will receive the email alert(s) when the Community Support Worker is fingerprinted and the participant will receive the notice regarding the results. There is a fee for the Criminal History Check. The participant can choose to waive the Criminal History Check for a Community Support Worker.

**Can the Community Support Worker apply for a Criminal History Check record to be transferred?**

Yes. The participant must still register as an employer and get an Employer ID Number through the Criminal History Unit. Additionally, the Community Support Worker will need to pay a fee to have an Idaho State Name Check completed. This money is paid directly to the Idaho State Police.

**A participant decides to go on vacation. They would like to take a Community Support Worker to provide care, which they will pay for through their individualized budget. Can the participant also use their budget for the Community Support Worker's travel costs, including transportation, lodging, and meals?**

The participant's support needs around personal care would be able to come out of their budget as providing support regardless of the environment. However, the payment of transportation, lodging, and food would not fall under the umbrella of being medically necessary or reducing the need for institutional care.

- Can a participant give a Community Support Worker a bonus as part of the employment agreement?**

There is no mechanism to provide a bonus in the process, but the participant does have the ability to provide raises. An example would be a Community Support Worker starts at \$10 an hour, then in six months, a raise could be evaluated based on the Community Support Worker's performance.
- Can a participant and/or their family supplement the Self Direction budget by offering the Community Support Worker(s) benefits in the form of paying for health insurance, extra hours of service, sick/vacation/holiday pay, etc. out of their own pocket?**

Federal law requires that Medicaid is payment in full, so families are not able to offer additional perks considered as payment.
- Are Community Support Workers Can a participant give a Community Support Worker a bonus as part of the employment agreement?**

There is no mechanism to provide a bonus in the process, but the participant does have the ability to provide raises. An example would be a Community Support Worker starts at \$10 an hour, then in six months, a raise could be evaluated based on the Community Support Worker's performance.
- Are Community Support Workers required to keep documentation?**

At this time, the Community Support Worker's timesheet is the only documentation required. At the employer's discretion (or with the support of the employer's Circle of Support), they may require additional documentation to be kept by Community Support Workers. The employer would determine how this documentation should look. It is best practice to keep documentation if the employer wants a more detailed accounting of services provided. If any documentation is kept, it should be retained for 5 years.

### **LIVING SITUATION QUESTIONS**

- As a caregiver with a participant living in my home, do I need to have my home certified?**

Certified Family Home regulations are that if a participant receives services in the home of the caregiver (ie Community Support Worker) it must be certified as a Certified Family Home by law. The certification of the home, or the "place", is separate from the employer/employee relationship. The caregiver is the employee of the participant. If the caregiver cannot provide the services, the participant needs to have a back-up plan in place, just as any employer would if his/her employee could not work.
- Is a caregiver providing Self Directed services in a Certified Family Home tax exempt?**

It is up to each Community Support Worker to determine if they are eligible to be tax exempt. The Community Support Worker can contact an accountant or the IRS for additional guidance and then notify the Fiscal Employer Agent of their tax exempt status.
- Can a participant receiving Traditional services and a participant receiving Self Direction services live together in the same home?**

Yes. There is nothing that disallows a participant receiving Self Direction services from living with a participant receiving Traditional waiver services. Support cannot be provided to the Self-Directed participant at the same time as the Traditional participant, as Self-Directed supports may not be provided in a group setting. Both participants need to have their own identified support person in order to receive services at the same time. The services provided will have to be clearly and

distinctly outlined on both the Individualized Service Plan for the Traditional participant and the Support and Spending Plan for the Self-Directed participant.

- Does a participant receiving Self-Directed services have to remain within the \$53.39 per day Certified Family Home rate when negotiating services and payment?**

In a Certified Family Home, the rate structure for the traditional model is based on a flat daily rate of \$53.39, while Self Direction is based on a negotiated hourly rate for services. Self-Directed participants outline specific services and specific times they want these services delivered the same as any other Community Support Worker they might use. With negotiated rates, it is important to remember that the participant has the choice and responsibility to decide what services to purchase and how much to pay for those services. There are some built in parameters around their choice by requiring that the mix of paid and natural supports protect health and safety and that participants stay within their budget.

- Can modifications be made to a home that a participant does NOT own?**

Current rules state that permanent environmental modifications are limited to modification to a home rented or owned by the participant or the participant's family when the home is the participant's principal residence. Portable or non-stationary modifications may be made when such modifications can follow the participant to his next place of residence or be returned to the Department. The participant and the owner of the home would need to agree that a modification is needed to support the participant and then they would negotiate payment. The modification would need to provide for Health and Safety to increase the person's independence in the community.

- I live in my own apartment by myself and I have a Community Support Worker come to my home to assist me. Do I need to certify my home?**

No. The home does not need to be certified in this situation.

- Can a participant hire a roommate to provide services?**

Yes. Additionally, if the roommate provides paid support in the home, the home has to be certified.

- If the home is equally rented/owned by the participant and the roommate and the roommate performs a limited task or partial care such as assistance with bathing once a day, would the home still need to be certified?**

Yes. If the roommate provides paid support in the home, the home has to be certified.

### **FISCAL EMPLOYER AGENT (FEA) QUESTIONS**

- How often can the participant submit bills to the Fiscal Employer Agent- once a week, once a month, or does it matter?**

Payroll is done every two weeks. Participants are responsible for submitting the signed time sheets to the Fiscal Employer Agent and can do so at any time online. It is encouraged that you submit your billing on a regular basis.

- If a caregiver is injured while providing services for the participant who is liable? Will the participant that hired the caregiver be required to have worker's compensation insurance? Will it come out of the participant's budget?**

If a caregiver is injured as a result of their employment, the participant is liable. Worker's compensation insurance is not required. If the participant wants to pay for worker's compensation insurance, they are responsible for arranging that through an insurance company. This expense does come out of the participant's budget. The Fiscal Employer Agent treats this as a bill and pays the monthly fee.

**Who processes and pays the unemployment costs for an employee that has been fired?**

Unemployment insurance is a requirement of any employer. The fee is calculated into the amount that is withheld for the participant by the Fiscal Employer Agent. Unemployment insurance is a fixed cost per payroll. If a caregiver is fired and receives unemployment, this comes out of the state's insurance fund, not out of the participant's pocket or budget.

**Does the Community Support Worker that has been hired to provide transportation need to provide basic auto liability insurance or additional liability insurance?**

The Community Support Worker must meet the state laws regarding auto insurance. They are not required to have additional insurance, unless it has been stipulated as a requirement by the participant.

**If a participant obtains a voided receipt for an item from a vendor and submits the request to the Fiscal Employer Agent, but then upon purchase realizes that the item is on sale or at a lower cost, what happens to the extra amount the check was written for? For example, Bob gets a voided receipt for a microwave that costs \$55 at Wal Mart and when Bob purchases the microwave it is on sale for \$45. Is the check good and what is Bob to do with the leftover money?**

The check should still be good and the participant should still be able to make the purchase. The participant is responsible to return any overpayment to the Fiscal Employer Agent. The overpayment amount will then be added back into the participant's budget by the Fiscal Employer Agent. The receipt or documentation from the purchase needs to be maintained within the participant's records.