



SANDHILLS CENTER

A Managed Care Organization of the NC Department of Health & Human Services

NC Innovations **Individual and Family Directed Supports Handbook** **(AGENCY WITH CHOICE MODEL)**

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ACCREDITED
Health Network
Expires 05/01/2019



ACCREDITED
Health Call Center
Expires 05/01/2019



ACCREDITED
Health Utilization
Management
Expires 05/01/2019

Sandhills Center provides access to services for mental health, intellectual and developmental disabilities, and substance abuse in the central North Carolina counties of Anson, Guilford, Harnett, Hoke, Lee, Moore, Montgomery, Randolph and Richmond.

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Individual and Family Directed Supports Option

The North Carolina Innovations Waiver provides participant with disabilities clear choice about how they receive services. Participant Direction is a meaningful option for participants as well as their families. In the Innovations Waiver, Participant-Directed Services are called Individual and Family Directed Supports. Participants can direct some or all of the services that are paid through Innovations funding. This option gives participants and families more control over the way their services are provided, including the authority to manage an individual budget and employ workers who provide support.

This handbook is designed to provide information to participants and/or their legally responsible persons on the Individual and Family Directed Supports Option and assist them in their decision making to participate in this option under the waiver.

Services that may be Participant Directed are:

- Community Guide Services
- Community Network Services
- In-Home Intensive Supports
- In-Home Skill Building
- Individual Goods and Services
- Natural Support Education
- Personal Care Services
- Respite Services
- Supported Employment Services

There are two models of Individual and Family Directed Supports:

- The Agency With Choice Model: allows the participant or the legally responsible person for the participant to work with an agency that agrees to hire employees referred by them. The agency approves/disapproves the hiring of the referred individuals and ultimately retains the responsibility of being the employer while allowing the participant or legally responsible person to partner in managing the employee's training and supervision. The participant or the legally responsible person is known as the Managing Employer.
- The Employer of Record Model: allows the participant or the legally responsible person for the participant to be the individual who legally can exercise authority over workers and assume the other responsibilities associated with participant direction of services. The participant or the legally responsible person is known as the Employer of Record

The Agency With Choice Model will be the only model available in the Sandhills Center catchment area.

Advantages of Individual and Family Directed Supports

Participant Directed Services have been implemented in Home and Community Based Waivers in a number of states, including North Carolina. A number of advantages have been reported for participants including:

- ❖ Increased independence and self-sufficiency
- ❖ Increased choice, flexibility and control of services
- ❖ Improved quality of services
- ❖ Increased opportunities for a more healthy and productive life with better personal

outcomes

- ❖ Increased satisfaction with services
- ❖ Increased use of people that the participant knows as employees
- ❖ Expanded information to assist in decisions around spending of resources
- ❖ Focused assistance to make self-direction possible
- ❖ Makes recommendations as to the hiring and firing of employees
- ❖ Co-manage in the training and supervision of employees
- ❖ Increased partnership between participants and professionals
- ❖ Increased meaningful relationships in the community

Assessment

If the participant or legally responsible person chooses the Individual and Family Directed Supports Option, the Care Coordinator completes an Individual and Family Directed Supports Assessment with the Prospective Employer and Prospective Representative, if applicable. If a Representative is desired or required, the Representative Screening Questionnaire is also completed. The Assessments are used by Care Coordinator to:

- Determine if the prospective Managing Employer has the skills needed to participate in the Individual and Family Directed Supports Option and if the Managing Employer needs additional Community Guide Services.
- Determine if a prospective Representative qualifies to participate in the Option

Care Coordinator

Care Coordination is provided to individuals who participate in the Individual and Family Directed Supports Option. Responsibilities of the Care Coordinator include:

- Provides an Orientation to Individual and Family Directed Supports
- Refers the Individual to a Community Guide Agency for Training on Individual and Family Directed Supports
- Completes the Individual and Family Directed Supports Assessment
- Completes the Process for Appointment of a Representative, when one is requested or needed
- Completes the Individual and Family Directed Supports Agreement. The Agreement is developed by the Prepaid Inpatient Health Plan (PIHP) and contains the minimum elements listed in Appendix R of the NC Innovations Technical Guide.
- Provides any assistance needed to the prospective Employer in selecting a Financial Support of an Agency With Choice from the list of designated Agencies with Choice contracted with the PIHP
- Completes an Individual Support Plan (ISP) or Update(s) to the ISP
- Sends a copy of the approved ISP or Update to the ISP to the Community Guide, Employer and Agency With Choice, If applicable.

Community Guide

Community Guide Services assist participants in locating and coordinating community resources and activities as well as facilitating the integration of the individual in the community. These services support participants, representatives, and Employers who direct their services by providing direct assistance in their participant direction responsibilities. Community Guide Services are intermittent and fade as community connections develop and skills increase in participant direction. A formal fading is not required. Community Guides assist and support (rather than direct and manage) the participant throughout

the service delivery process. See Section 13 of the North Carolina Innovations Technical Guide for additional information about Community Guide Services, including the specific functions of the Community Guide.

Representative

In the Individual and Family Directed Supports Option, the adult waiver participant, parent(s) of the minor participant or legal guardian is designated as the Managing Employer. The Managing Employer is assessed to determine if help is needed to manage supports. If help is needed, a person will be named to provide this assistance. The person is known as a Mandated Representative. If one is not required, a Managing Employer may still ask that a Voluntary Representative be appointed. The Representative may be a family member, friend, someone who has power of attorney, income payee, or another person who willingly accepts responsibility for performing task that the Managing Employer is unable to perform.

The Representative must meet the following requirements:

- Demonstrate knowledge and understanding of the participant's needs and preferences and respect these preferences
- Show evidence of a personal commitment to the participant and be willing to follow the individual's wishes while using sound judgment to act on the participant's behalf
- Agree to a predetermined level of contact with the participant
- Be at least 18 years of age
- Be willing and able to comply with program requirements
- Be approved by the participant or his/her legal representative to act in this capacity

The Representative may not:

- Be paid for being the representative
- Provide paid services to the participant, including employees of agencies providing services, with the exception of guardianship services
- Have a history of physical, mental, or financial abuse

The responsibilities of the Representative are outlined in the Representative Agreement that the Representative and Employer sign prior to the appointment of the Representative (see Appendix A of the Managing Employer Handbook).

A Representative is required if the Employer is assessed to need help with:

- Understanding and making decisions about the participant's care needs
- Organizing the participant's life and environment, as needed
- Understanding how to recruit, hire, train, and supervise employees
- Understanding the impact of decisions on the life of the participant

Assistance with Individual and Family Directed Supports

Because it takes time for participants and their families to feel confident about directing their own services, Sandhills Center is committed to assisting participants and/or their legally responsible person in acquiring the skills needed to direct services and to handle the responsibilities that come with self-direction. Your Care Coordinator can provide you assistance to include:

- ❖ Orientation, Information and Training on Individual and Family Directed Supports
- ❖ Provide a listing of Agency With Choice providers to select a choice of provider
- ❖ Referral to a Community Guide Provider for training on Individual and Family Directed Supports

If you have any questions regarding the Individual and Family Directed Supports, please contact your Sandhills Center Care Coordinator.

The Agency With Choice Model

The Agency With Choice Model allows the participant or legally responsible person for the participant to work with an agency that agrees to hire employees referred by them. The agency approves/disapproves the hiring of the referred individuals and ultimately retains the responsibility of being the employer while allowing the participant or legally responsible person to partner and managing the employee's training and supervision. The participant or legally responsible person is known as the Managing Employer.

Agencies With Choice are provider agencies who meet the qualifications for service delivery of all NC Innovations Service that may be directed under the Individual and Family Supports Option and that are designated by Sandhills Center Network Operations as Agencies With Choice. Sandhills Center Network Operations Department requires specific assurances in each Agency With Choice's contract that require the Agency with Choice to maintain policies and procedures that support the control and oversight by participants and/or Managing Employers over employees. These policies and procedures are subject to approval by Sandhills Quality Management Department. Agencies With Choice attend Sandhills Center sponsored trainings and participant/family meetings in Individual and Family Directed Supports.

Agencies With Choice perform the financial supports functions for Managing Employers in the Agency With Choice Model. The cost of these activities is built into the service rate for the direct services billed by the Agency With Choice. The Agency With Choice serves as the common law employer with federal and state agencies for employees hired to provide services to participants. The Agency With Choice provides the Managing Employer and representative, if applicable, with written materials about the Agency's services. This includes the toll free number and business hours of the Agency. Whenever Agency With Choice procedures change, the Managing Employer and representative, if applicable, will be notified of those changes in writing. An Agency With Choice Agreement is completed that outlines the functions that the Agency With Choice performs and the functions that the Managing Employer, or Representative perform. Sandhills Center will establish minimum requirements for the Agreement. The Agency With Choice provides the Agreement to the Managing Employer, and maintains the original Agreement and Amendments to the Agreement. A copy of the completed, signed Agreement will be forwarded to the Managing Employer and, Care Coordinator and to the Representative if applicable.

The Agency With Choice keeps the following types of records:

- A record for each participant
- A record for each employee hired
- Records of all claims and reports to the Sandhills Center
- Copies of quarterly expenditure reports that are provided to the Participant and the Participant's Care Coordinator (minimum or services authorized versus services billed)

One of the key "Supports" for success of Individual and Family Directed Supports, Agency with Choice Model is the Agency with Choice. The Agency with Choice assures that services outlined in Individual Support Plans are properly provided and billed.

Tasks completed by the Agency with Choice:

- Serving as the Common Law Employer (Employer on record with the Internal Revenue Service for employees providing services)
- Hiring and/or firing employees based on recommendations of the Managing Employer (Individual/legally responsible person)
- Maintaining personnel records on employees
- Filing claims for self-directed supports and services
- Payment of payroll to employees hired to provide services and supports
- Deducting all required federal, state and local taxes, including unemployment fees, prior to issuing reimbursement or paycheck
- Administration of benefits for employees hired to provide services and supports
- Maintaining ledger accounts for each Individual's funds
- Producing quarterly expenditure reports, including reports to the individual/employer of record concerning expenditures of funds against their budget
- Requesting and reviewing criminal background checks, driver's license checks, and health care registry checks of providers of self-directed services
- Carrying Workers Compensation Insurance coverage on direct service employees
- Ordering employment related supplies
- Providing or arranging for training of employees
- Purchasing authorized Individual Goods and Services on behalf of the participant
- Tracking and monitoring individual budget expenditures
- Providing Qualified Professional Supervision of services, including oversight and maintaining clinical documentation of services provided
- Providing documentation for audits as requested by local, state and federal agencies

A Successful Agency with Choice has experience with:

- ✓ Commitment to the philosophy of self-directed services
- ✓ Bookkeeping activities
- ✓ Payroll, claims, and tax filing
- ✓ Managing accounting systems
- ✓ Workers Compensation insurance
- ✓ An electronic accounting system
- ✓ Supervision of employees providing direct services to individuals with developmental disabilities

Agency With Choice Hiring Process

In the Agency With Choice Model, the Managing Employer recommends applicants for hire to the Agency With Choice. The Agency With Choice requests background checks as required by the Waiver, State Rule, and agency policy. The Agency With Choice reviews the results of the background checks and informs the Managing Employer if the applicant may be hired.

The Agency With Choice offers the position to the applicant. If the applicant accepts employment, the Managing Employer and/or Representative works with the Agency With Choice to make sure that forms needed to hire the applicant are completed and signed. They also develop an Employee Support Agreement that is signed by the Managing Employer and representative, if applicable, Agency With Choice, and employee. The Agency With Choice completes all required federal, state and applicable Sandhills Center forms for hiring employees.

Employer Record Keeping

The Agency With Choice keeps the Personnel File on each employee. Copies of important documents, such as the application, social security number, and Employee Support Agreement, are maintained in the file. Information about employees is confidential and is kept in a secure location. Records are subject to review by the Care Coordinator, Sandhills Center Quality Management Department, and/or the state or federal governments.

The Agency With Choice maintains the results of the criminal record check. The Agency With Choice does not disclose the results of the criminal record check to the Managing Employer or Representative. The Agency With Choice may not hire an applicant whose criminal record or Health Care Registry check pose a potential health and safety risk to the participant.

Employment Protections

There are a number of protections available to employees and families who elect the Individual and Family Services Option. The Sandhills Center Managing Employer Handbook provides information about these protections. Areas that should be considered by Employers and Representatives include:

- Insurance (Worker's Compensation is required)
- Prevention of Abuse, Neglect and Exploitation
- Medicaid Fraud

The Managing Employer handbook can be found at www.sandhillscenter.org or you can ask your Care Coordinator for a copy.

Training Employees

With the Agency with Choice Model, the Managing Employer and/or Representative, if applicable, works cooperatively with the Agency With Choice to train direct service employees. The Agency With Choice is responsible for making sure that employees meet requirements specified in this Manual, in the Individual Support Plan and in any applicable NC State Rule. The Agency With Choice maintains copies of documents and certificates in the employee's personnel file. The cost of training is paid by the Agency With Choice out of the direct service reimbursement rate paid for the Individual and Family Directed services provided.

Service Documentation

It is critical that all services billed to Medicaid be properly documented as required. With the Agency With Choice Model, the Agency With Choice is responsible for developing short term goals and task analysis/strategies for achieving long range Individual Support Plan (ISP) outcomes while working with the Managing Employer and/or Representative to assure that the participant's needs are met. Employees complete necessary clinical documentation and submit this to the Agency With Choice. The documentation is maintained by the Agency With Choice. A Qualified Professional in the field of developmental disabilities oversees the provision of services and the documentation of those services.

Quality Assurance/Monitoring

Managing Employers, Representatives and/or Agencies With Choice are responsible for helping Sandhills Center make sure that the participant receives quality services. The Care Coordinator, Sandhills Center,

and the State of North Carolina have key roles in the quality of Individual and Family Directed Supports Option.

Managing Employers, Representatives and/or Agencies With Choice cooperate in contacts and visits by the Care Coordinator. They inform the Care Coordinator if they believe the needs of the participant are not being met, and safety and well-being are compromised. The Care Coordinator follows-up, including making a home visit to evaluate and assist. Follow-up will be immediate if the situation appears to be an emergency. Managing Employers, Representatives and/or Agencies With Choice must report suspected abuse or neglect of the participant to the Department of Social Services, Healthcare Registry and to Sandhills Center. Incident Reports must be completed and submitted to Sandhills Center as required by State Rule and the North Carolina Innovations Waiver guidelines. The Managing Employer and/or Representative decide whether they are satisfied with services provided under the Individual and Family Services Option.

The Care Coordinator's monitoring of services includes a monthly face-to-face contact with the participant. The Care Coordinator reviews service documentation and contacts the Managing Employer, or Representative, if applicable, monthly. If there are significant deviations in actual versus planned spending, the Care Coordinator contacts the Managing Employer, Representative, and/or Agency with Choice to determine if a problem exists and insures that it is remediated or an update is completed to adjust the frequency of service.

In monitoring the implementation of Individual and Family Directed Supports, the Care Coordinator, through contacts and observation of service delivery, considers the following areas:

- How often employees fail to report to work
- Use of back-up employees
- Changes in employees
- Participant and family satisfaction with quality of services
- Participant and family satisfaction with quantity of services
- Flexibility in the participant's schedule
- Level of participation in community involvement
- Sufficiency of the individual budget
- Satisfaction with overall Individual and Family Directed Services process, particularly with Training, Community Guide Services, and the Agency With Choice
- Other complaints/concerns/suggestions.

Sandhills Center Quality Management Department will monitor all aspects of the Individual and Family Directed Supports Option. Monitoring includes:

- Monitoring the Community Guide Services provider(s) and Agencies With Choice at a minimum of at least once every three years
- Reviewing incident reports
- Reviewing a sample of back-up staffing plans at least annually to ensure that they function properly
- Reviewing complaint logs maintained by the Sandhills Center, Agencies With Choice and Community Guide Agencies at least semi-annually

Sandhills Center Quality Management Department conducts an annual monitoring of participants in Individual and Family Directed Supports. Annual Reviews may include:

- Interviews with the participant and their family
- Record reviews (both consumer and employee records)

- Employee and/or Managing Employer interviews
- Incident report reviews
- Reviews of training and supervision documentation
- Reviews of service documentation

The Employer of Record and Representative, if applicable, are provided a copy of the Annual Review Report. Findings may be disputed via a dispute resolution proceeding.

The State of North Carolina (DMA and DMH/DD/SAS) also has extensive responsibilities in assuring quality. The State:

- Completes retrospective reviews of samples of Individual Support Plans (ISP) and Individual and Family Budgets
- Reviews a sample of Community Guide and Agency With Choice Monitoring Reports

Participants Rights, Privileges and Responsibilities

Participants in the Individual and Family Directed Supports Option have rights, privileges and responsibilities related to accessing information, managing employees, obtaining support, filing grievances and complaints, and withdrawing from the Option. These rights and responsibilities are outlined in an *Individual and Family Directed Supports Agreement* that the Employer signs prior to the initiation of Individual and Family Directed Supports.

All applicable laws, rules and regulations must be followed regarding employment, Medicaid, the NC Innovations Waiver, and the Individual and Family Supports Option. The Agency With Choice is responsible for complying with applicable employment laws. The Agency With Choice informs the Managing Employer of employment laws that must be followed.

Additional Technical Assistance and Support

A Managing Employer's need for additional technical assistance and support could be identified by the Community Guide, Agency With Choice or other individuals, or be identified as a result of problems discovered during monitoring by the Care Coordinator, Sandhills Center, or State. The participant may be the subject of a suspected abuse report, or assistance could be needed to resolve problems encountered in plan implementation or services management. While not an inclusive list, the matters that might indicate a need for additional technical assistance and support include:

- Not utilizing enough for services needed to support health and safety without reasonable explanation
- Not receiving services, equipment or goods identified as critical for health and safety
- Utilizing the Individual Budget at a rate that suggests that the Individual Support Plan (ISP) will not be sustainable over the plan year
- On-going difficulty in arranging for services needed for health and safety
- Unapproved expenditures
- Inability to supervise or fire an employee effectively
- Failure to respond to notices requesting missing information from the Agency With Choice
- Not implementing the ISP as approved

Each discovery of non-compliance is documented and sent to Sandhills Center, with the Care Coordinator, assisting as needed. Sandhills Center will determine the next action step which could include but is not limited to:

- Referral to the Department of Social Services Protective Services Department
- Requiring that a formal plan of correction be submitted and implemented
- Requiring technical assistance (the need for Sandhills Center staff involvement above and beyond the standard training and materials)
- Requiring that a representative be appointed to assist the Managing Employer
- Requiring that Community Guide or additional Community Guide services be added to the ISP
- Recommending that the participant be terminated from the Individual and Family Supports Option

Individual and Family Directed Supports Budget

The Individual and Family Supports Budget is the part of the Individual Budget for those services that are self-directed (participant directed). The Care Coordinator informs the Managing Employer of the amount of the Individual and Family Directed Supports Budget. The Agency With Choice uses the Individual and Family Directed Budget to pay employees, employer taxes and other expenditures. The Agency with Choice determines the employee pay rate and employee benefits.

Termination from Individual and Family Directed Supports

A Managing Employer may withdraw from Individual and Family Directed Supports at any time by notifying the Care Coordinator. The Care Coordinator will prepare a revision to the Individual Support Plan (ISP), and submit the revision to Sandhills Center Utilization Management Department so that Provider Directed Services are authorized for the person.

A Managing Employer may be removed from Individual and Family Directed Services involuntarily under the following circumstances:

- Immediate health and safety concern, including maltreatment of the participant
- Repeated unapproved expenditures/misuse of NC Innovations funds
- Suspected fraud or abuse of funds or evidence of unreported fraud
- No approved representative available when the Employer is determined to need one
- Refusal to accept the necessary Community Guide Services
- Refusal to allow Care Coordinator to monitor services
- Refusal to participate in Sandhills Center, state, or federal monitoring
- Non-compliance with Individual and Family Supports, Agency With Choice and/or Employee Support Agreements
- Inability to implement the approved Individual Support Plan or comply with NC Innovations requirements despite reasonable efforts to provide additional technical assistance and support (fourth event requiring technical assistance/corrective action plan in 12 months).

Glossary of Terms & Acronyms

Care Coordinator-The individual who provides Treatment Planning Case Management Services in the NC Innovations Waiver.

ICF-MR-The acronym for Intermediate Care Facility for Persons with Intellectual Disabilities; a licensed facility that provides care and treatment for individuals with intellectual disabilities and certain developmental disabilities.

Individual/Family Direction-The name for Participant Directed Services in the NC Innovations Waiver Provision of the opportunity for a waiver individual to exercise choice and control in identifying, accessing, and managing waiver services and other supports in accordance with their needs and personal preferences.

Individual Support Plan (ISP)-The name of the person centered plan used in the NC Innovations Waiver to describe the participant's strengths, preferences, needs and desired outcomes.

Individual Budget- The Individual Budget is the total cost of services and supports as specified in the Individual Support Plan.

North Carolina Innovations Waiver-The 1915 (c) Home and Community Based Waiver that provides support and care for people with intellectual and other related developmental disabilities who are at risk for institutional care in an Intermediate Care Facility for Individuals with Mental Retardation (ICF-MR) who are legal residents of the counties that are a part of the Sandhills Center catchment area. NC Innovations can also provide funding for people to return to their home and communities from ICF-MR's.

Participant-A person who is approved to receive services under the NC Innovations Waiver.

Participant Directed Budget- An amount of waiver funds that is under control and direction of the waiver participant when a waiver makes available the Budget Authority participant direction opportunity. Sometimes called the "Individual Budget".

Participant Directed Service-A waiver that the state specifies may be directed by the participant using the Employer Authority, the Budget Authority or both.

Participant Direction- Provision of the opportunity for a waiver participant to exercise choice and control in identifying, accessing, and managing waiver services and other supports in accordance with their needs and personal preferences.

Workers Compensation Insurance-Covers employees who are injured on the job.

Additional Information

Additional information regarding Individual and Family Directed Supports can be found in the North Carolina Innovations Technical Guide at: <http://www.SandhillsCenter.org/innovationsmanual.pdf>

Contact Information

Sandhills Center 24 hour Access Line

1-800-256-2452

Advocacy Services:

Disability Rights North Carolina 1-877-235-4210

www.disabilityrightsn.org/

