HOME AND COMMUNITY-BASED SERVICES

WYOMING MEDICAID
DIVISION OF HEALTHCARE FINANCING

Community Choices Waiver: Participant Direction Employer Manual

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Your Quick Start Guide

Step One – Decide if participant direction is right for you.

Your case manager will work with you as you decide if participant direction is the right option for you. During your assessment and service plan development, your case manager provides you with information on all of the options available to you. You and your case manager will discuss your interest in, as well as the risks and benefits of participant direction. If you are interested in the participant-directed service delivery model, you will be asked some additional questions during your Participant Profile Assessment. Your case manager will review the assessment with you and discuss your choice to proceed with the participant-directed service option. You will need to decide if you want to act as the employer of your employees, or if you would prefer to designate an employer of record (EOR), a person to help direct your services. If you decide to direct your services and you designate an EOR, your case manager will assist you in completing any necessary forms, including acknowledging your choice to direct your own services and your agreement to your rights and responsibilities.

Step Two – Make a plan.

Once you have decided to direct your own services, you must make a plan. Your plan should include how you will recruit your employee, decide who to hire, train your employee to meet your specific needs, manage the performance of your employee, manage your participant-directed budget, and create a backup plan for emergencies or instances when your employees are unable to fulfill their duties. Your case manager will provide you the necessary forms to help you document your plan.

Step Three – Sign up as an employer.

When you decide to direct your own services, you or the person you designate becomes the EOR. You must sign up as an employer with the Fiscal Management Services (FMS) agency. The FMS helps with the administrative responsibilities associated with being an employer, such as withholding taxes and processing payroll.

Step Four – Recruit, select, and hire your employees.

Before you can direct your services, you must recruit employees, determine who you wish to hire, and ultimately hire them to be an employee. The FMS will verify that your selected employee meets the provider qualifications, and will conduct background investigations and facilitate employee enrollment.

Step Five – Direct your services.

Once you have hired your employees, you must ensure they are trained to meet your specific care needs and then work with your employees to establish a schedule. You will then manage their performance, review the accuracy of and approve their timesheets, verify associated Electronic Visit Verification (EVV) data for accuracy, and ensure your employees provide the care you need as specified in your service plan.

Participant-direction is a service delivery option that comes with responsibilities and risks. Choosing to direct your own services can require tough conversations between you and your employee, correcting employees when necessary, and dismissing employees when needed. The decision to self direct services should not be taken lightly.

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Section 1. Decide if participant direction is right for you.

Before you direct your own services, you need to decide if participant direction is right for you. You and your case manager will discuss participant direction during the assessment process and service plan development. This will provide you with the information necessary to make an informed choice.

What is participant direction?

Participant direction is an optional service delivery method that gives Community Choices Waiver (CCW) program participants an alternative to receiving services through traditional provider agencies. Participant direction means that you have decision making authority over some of your waiver services and you accept the responsibility for taking a direct role in managing them.

You can direct your own services, or you can select someone you trust to direct services on your behalf.

How are participant-directed services different from agency-based services?

With agency-based services, an organization sends its own employees to help you with the essential functions of life, such as bathing, dressing, grooming, and meal preparation. The agency is responsible for hiring, training, and evaluating the direct-support staff members who provide your services, and are responsible for ensuring that the services you receive are provided in accordance with the service definitions established in the CCW Service Index and preferences that are outlined in your service plan. Agency employees must follow the rules and operating hours of the agency, so some services may not be available at nights or on weekends.

Under participant direction, you hire whomever you wish as long as they meet minimum qualifications, you schedule them for when you need support, you train them on your specific needs and preferences, and you give them direction on what you want them to do while they work for you. You set your employee's wages and schedule, and you manage your services so that you stay within a budget.

What are the benefits and responsibilities of participant direction?

When you direct your services, you take greater control of your life decisions and resources. You are granted employer authority, which means you have the ability to recruit, hire, terminate, schedule, supervise, set wages, and otherwise manage employees of your choosing. You are also granted budget authority, which is the ability to schedule and manage your services to remain within your budget. Within the participant direction limits and guidelines, you decide:

- Who helps you
- When they help you

- How tasks are completed
- How much to pay for services
- How to manage services within your budget

People in control of these life decisions report positive benefits such as increased satisfaction with their living arrangements and services, an increased feeling of safety, and a higher quality of life.
You will serve as the employer, and in this role, you decide who delivers services and how and when those services are performed. However, being an employer also comes with a more direct role in managing your care when compared to using agency-based services. As an employer, you are responsible to:

- Recruit employees
- Hire employees as the common law employer
- Verify the minimum employee qualifications as required by the program
- Verify employee criminal history/background investigation standards as required by the program
- Specify any additional qualifications and/or criminal history/background investigations standards based on your needs and preferences, as long as the qualifications are consistent with those specified by the program
- Determine employee duties consistent with what is allowed by the program
- Create and maintain a job description for each employee
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- Orient, train, and instruct employees in their duties
- Supervise employees
- Evaluate employee performance
- Follow all federal and state employment laws, including those related to overtime
- Verify time worked by employees
- Approve timesheets
- Discharge and/or terminate employees

What supports are available if I decide to direct my waiver services?

Supports will be available as you take on new responsibilities and will ensure you are successful in managing your services and supports. These supports include your case manager, who will provide you with information and assistance while you direct your own services, and a Financial Management Services (FMS) agency to assist you with employer tasks such as processing timesheets and managing employee taxes and insurance.

Case Management

Your case manager is available to provide you with information and assistance to support you as you direct your own services. Before you can begin directing your services, your case manager will:

Action	Explanation
Explain	• Possible service alternatives, including opportunities for participant direction

	● Potential benefits, risks, and responsibilities associated with participant direction ● Program limitations and the restrictions on participant direction ● Consequences of fraud or misuse of the participant-directed budget ● Your participant-directed budget
Help you	● Obtain and complete the required employer paperwork. ● Create a spending plan to manage your services within the participant-directed budget ● Create a back-up plan in case there is an emergency, or your employee does not show up to provide your services
Refer	● Refer you to and coordinate with the FMS agency to implement your service plan and activate your participant-directed budget

After you begin directing your services, your case manager will:

Action	Explanation
Monitor	● Service utilization and expenditures against your participant-directed budget ● Service quality and effectiveness in meeting your needs ● Changes in your needs or circumstances so they can update your service plan and participant-directed budget, as necessary
Screen for	● Potential risks or concerns and report and suspected abuse, neglect, or exploitation ● Suspected fraud, waste, or abuse of the participant-directed budget so they can report findings

Financial Management Services agency

There are a number of administrative responsibilities associated with being an employer. The Division contracts with a FMS agency to help you manage these responsibilities.

Do I need a designated employer of record?

Some participants find the responsibilities of managing their services to be overwhelming while others are unable to manage their services without support. If you are unable to or uncomfortable with directing services on your own, you can designate another person to act as the employer of record and manage the employer activities and responsibilities on your behalf. A designated employer of record may be your legal guardian or may be a trusted family member or friend. A designated employer of record must:

- Be at least 18 years old
- Demonstrate that they understand and can manage the activities and responsibilities associated with participant direction
- Agree to assume all responsibilities of the employer of record on your behalf
- Review and sign timesheets
- Assess the quality of services provided by the employee
- Demonstrate a strong personal commitment to you
- Understand your needs, goals, and preferences

- Know your daily schedule and routine, medical and functional status, medication regimen, likes and dislikes, and strengths and weaknesses
- Be physically present in your home on a regular basis, or at least at a frequency necessary to supervise and evaluate each employee's performance
- Be willing and able to follow all program requirements
- Submit to criminal history, abuse registry, and other required background investigation screenings
- Follow all program rules and regulations

A designated employer of record cannot:
- Be compensated for acting as a representative
- Be reimbursed to provide your waiver services
- Be your case manager
- Delegate his or her duties to another party

In order to choose a designated employer of record, you must have the ability to designate another person to serve this role. If another person has been granted legal guardianship, they must act as your EOR, or designate another person to act as the EOR on your behalf.

Your case manager will help you with the forms needed to designate another person to act as the EOR. You or your legal guardian,, as appropriate, may change your designated employer of record at any time by notifying your case manager. While this manual references the participant acting as the employer, all employer responsibilities apply to the designated EOR.

What are my rights under participant direction?

As someone receiving services through the CCW, you have the same basic legal, civil, and human rights as people not receiving home and community-based services (HCBS).

Your case manager must inform you of your rights and responsibilities as part of the service planning process. Your case manager must review each right and responsibility with you and answer any questions that may arise. You have a right to:
- Be informed of your rights prior to receiving waiver services
- Be supported to exercise your rights as a participant in the waiver program
- Voice grievances without fear of discrimination or reprisal
- Have your property treated respectfully by those providing services
- Choose to receive your services in a nursing facility or receive your services through waiver programs
- Freely choose qualified provider(s) to deliver services
- Receive services from approved, qualified, and willing providers
- Request a fair hearing and be informed of how to access that process
- Receive services without regard to your race, religion, creed, gender, national origin, sexual orientation, marital status, age, or disability
- Privacy, including confidentiality of personal records, within the scope of Wyoming statute and HIPAA requirements

- Submit complaints or grievances related to rights violations or provision of services and have those complaints responded to
- Participate in the development, review, and approval of your service plan and in any changes to that service plan
- Have input into who, when, where, and how services are provided
- Be informed about the services to be provided and to be informed about any changes in amount (increase or decrease), additional services and/or discontinuation of services
- Refuse services or treatment and to be informed of the consequences of your decision
- Assume reasonable risks and have the opportunity to learn from these experiences

Section 2. Make a plan.

Before you can direct your own services, you need to create a plan that documents what your employee will do for you, how you will recruit your employee, and how you will make hiring decisions. You will also need to document what you will do in case of an emergency or if your employee is unable to work.

What care will my employee provide?

Your case manager will help you develop a summary of services your employee will provide. This is also known as a task plan. Your task plan will document what specific tasks your employee will do for you as they relate to your identified needs. Your task plan cannot include support for areas where you and your case manager did not identify a need during the assessment process. Similarly, the tasks performed by your employee must align with what is allowed by the program. For example, if you have an identified need in the area of bathing, your task plan will document what specifically your employee will do to help you take a shower or bath. This might include providing assistance to get in and out of the shower or tub as well as assistance to wash certain areas of your body. This task plan will help you create a job description and manage your employees.

How do I ensure I receive quality services?

Before you can receive services, you must create a staffing plan. Your case manager will also assist you with this. Your staffing plan documents how you plan to recruit your employees and how you will make hiring decisions. In addition, your plan will also document how you will train your employee to meet your specific needs and how you will retrain should that be needed. Being careful about who you hire and how you train them is important to ensure you receive quality services.

What happens if my employee cannot work?

You and your case manager will develop a backup plan before you can receive services. The backup plan will document how you will receive services in the event your employee is unable to come to work. This backup plan should align with the overall backup plan you developed with your case manager, including the risk mitigation plan that is part of your service plan. Your backup plan for participant direction should include names of additional employees or other natural supports who can provide your care if needed. Your backup plan may include:

- Employees willing to work on a seasonal schedule who would be available on certain holidays or over the summer
- Employees who work on the weekends
- Unpaid family members who are available to assist as needed.

Backup plans can include assistance from limited part-time or on-call employees, family members, and friends. You may find it helpful to have these people come in one or two days to familiarize themselves with your routine, prior to needing their support.

If you identify another person to be your backup and you want to pay that person, you may want to talk with the FMS agency about completing all the necessary paperwork for employment so the person can begin immediately. Many employers hire more than one employee at a time who can provide backup to each other. For example, Joe W. has one employee who works mornings and one who works evenings. If one employee is unable to work, the other may be able to trade shifts or fill in. The important thing is for you to have a plan for when your regularly scheduled employee is not available to provide your services.

How much can I pay my employees?

As part of participant direction, your case manager will help you develop a participant-directed budget, which is based on your needs. This is a monthly budget and will be used by you to develop a spending plan. The spending plan will detail how much you will pay each employee and for how many hours per week. The number of hours per employee should align with what you documented in your staffing and task plans.

Additionally, there are limits on the wages you can pay your employees and how many hours your employees can work. The spending plan has information on how much employees can be paid per hour. It is important for you to know that no employee can work more than 40 hours each week. If you need more than 40 hours of care each week, you should have multiple employees, or your service plan must document other sources of support in order to meet your needs.

What if I experience an emergency?

Emergency planning is a good idea for everyone. Having a plan for dealing with different types of emergencies, such as medical emergencies, pandemics, hospitalizations, fires, power outages, severe weather, and other natural disasters, can help keep you safe and minimize any injury or damage. When planning, you should:

- Make a list of people to contact for each type of emergency
- Plan on how to contact family and employees if there is a power outage or natural disaster
- Make a list of medications and equipment that you need to take with you if you must evacuate your home
- Organize medical information, emergency contact information, and if applicable, your living will information and place it all together in an easy to access location
- Store extra food and water in the case of a severe weather emergency or other natural disasters
- Discuss and include your employee in your emergency planning

You will document these things in your participant direction support plan. Make a plan that works for you. Share it with your employee during orientation and training. You may also share this with your case manager and any family members or friends who support you.

You will want to have procedures for different kinds of emergencies.

Type of Plan	Things to Consider
Disaster plan	● What should the employee do

• Fire • Power outage • Tornado	• What are your evacuation routes • Where do you go • Who should be contacted
Home Evacuation	• What are your evacuation routes • Where do you go • What supplies are needed • Who should be contacted
Emergency Related to Disability	• What does your employee need to do • Where should you be taken • Who should be contacted

What information do I keep on my employee?

As an employer, you should maintain a file on each employee. Prior to your employee's start date, the employee file checklist should be completed by you. Each employee file should have their job description, an application (if one was used), copies of all documents used to verify eligibility for employment, documentation of the specific tasks the employee will perform, the employee wages, and any performance management documentation.

Section 3. Sign up as an employer.

Your case manager will send a referral to the FMS agency so that you can sign up as an employer. Staff from the FMS agency and your case manager will help you complete all of the paperwork, which includes forms that are necessary to file and pay state and federal taxes and insurance and comply with Department of Labor regulations. Also, your potential employee must complete forms to be an employee. These forms are necessary to make sure you and your employee comply with all the state and federal requirements. The FMS agency will make sure everything is completed before your employee can begin working for you. The FMS agency will tell you when your employee can begin providing you care.

As the employer, the Internal Revenue Service (IRS) requires you to obtain an Employer Identification Number (EIN) to track your tax accounts for your employees. The FMS agency will help you obtain this nine-digit number, which will be used on all your IRS related correspondence. Remember, the FMS agency is there to help you with all these administrative duties.

What does the Financial Management Services agency do?

The FMS agency helps you meet your employer responsibilities. The FMS agency manages the financial and tax responsibilities associated with being an employer and also makes sure that payments are within the participant-directed budget and follow program rules. They do not participate in decision-making regarding the use of the funds received or decisions you make as the employer.

The FMS agency is responsible for:

- Assisting you in verifying employee citizenship status
- Conducting payroll activities by collecting and processing timesheets
- Withholding, filing, and paying any applicable federal, state, and local employment-related taxes and insurance
- Verifying employee qualifications and maintaining documentation of compliance with any other standards as required to receive reimbursement for the delivery of services
- Facilitating criminal history/background investigations and abuse registry screening processes
- Maintaining a separate account for your participant-directed budget
- Tracking and reporting how much money has been paid to employees along with the balance of your participant-directed budget
- Providing you with periodic reports of how much has been spent from and the status of your participant-directed budget
- It is important to note that you may not permit an employee to begin working until the FMS agency notifies you that the employee is approved to work.
- Remember:
- All paperwork must be completed accurately by you, and your employee before a start date can be determined; otherwise, delays in starting your services may occur

- You should review each report you receive from the FMS agency when it is received to make sure that funds have been spent correctly
- Report any differences to the FMS agency

Section 4. Recruit, select, and hire your employees.

After you make a plan, you have to recruit your employees, decide who you want to interview, and then make a hiring decision.

Who can I hire?

As the employer, you have the role and responsibility to make hiring decisions. However, the Division is required to establish minimum qualifications for all providers of Community Choices Waiver services. The Division sets these standards to provide a reasonable assurance of your health and welfare. The Division must screen providers to assure compliance with provider standards and that payments are made only to those individuals qualified to provide services.

Participant direction allows you to hire any person over the age of 18, including a relative. However, you cannot hire a legally responsible person, such as your spouse or legal guardian.

Minimum qualifications for an employee

To qualify as a person who can receive reimbursement for providing Medicaid services, your employee must meet the minimum qualifications established by the Division. Your case manager can provide you with the minimum qualifications. In addition, you can establish additional qualifications designed to meet your specific needs. For example, you may require that employees have two years of experience providing support to individuals. Similarly, you may choose to exclude applicants for crimes not included in the Division's list of barrier crimes.

The FMS agency verifies and maintains documentation of employment eligibility status, criminal history and background investigation, and training as necessary to demonstrate employee qualifications to receive payment using Medicaid funds. You are responsible to verify and maintain documentation of any additional qualifications.

Training requirements for employees

All employees you hire must also successfully complete the Division's training curriculum. Your case manager can assist you in obtaining the curriculum. This training is the minimum training employees must complete and you have the ability to require additional training specific to your needs.

Who should I hire?

When you direct your own services, you can hire anyone over the age of 18 as long as they are not a legally responsible person to you (spouse, legal guardian). Participant direction provides you with the opportunity to hire a family member, a friend, a current caregiver, or anyone else, as long as they meet the requirements established by the Division.

It is important for you to know that if you hire a family member or friend, your roles with each other must change. You are now the employer and the family member or friend is the employee. Make sure everyone understands their roles and responsibilities. Also, be prepared to terminate the family member or friend as your employee if it does not work out.

Writing a job description

Regardless of who you hire, you should write a job description. Before you start looking for an employee, a job description helps you decide what kinds of support you need and what you are looking for in an employee. It also helps your employee know what you expect. You can use your job description:

- As a guide when screening or interviewing applicants
- To make sure applicants are willing and able to give the help you need
- To help you train the employee you hire and monitor their performance
- To help you decide your employee doing the things you hired them to do
- The job description should include:
- A summary of basic job duties
- Qualifications the person must have
- Specific information on how you want the job performed
- A schedule for times you need help

Any job duties you include in your job description must be within the limits of the service definitions. Your case manager can provide you with information on the specific services covered by the program.

You should discuss the job description with your employee and make sure they agree to perform the support duties you need. Once you have hired your employee, have them sign and date a copy of the job description and keep for your records. If your needs change, you can update the job description. Review the job description with your employee any time it changes and at least once a year.

Remember, your employee must work within the agreed upon task plan and the limits of the service definition. Work performed outside of the specific plan cannot be reimbursed. Failure to follow this program rule could result in overpayments and repayment to the Division. If overpayments continue, you may be required to receive your services from an agency.

How do I find employees?

Get the word out. Telling family, friends, and neighbors you are looking for someone to hire might be a way for you to hire an employee. Word-of-mouth through people you know can be an effective way to find your employee. People who know you and the people they recommend can increase your chances of finding a reliable candidate for the job. If this method does not work or is not an option for you, you may want to consider posting your job description.

Advertising for an employee

When you are thinking about where and how to advertise for your employee, consider the community you live in. You may be able to create an advertisement online, on a sheet of paper, or a large index card and post it in the following locations:

Locations to Advertise	
Social media sites	Career services departments
Employment offices	Certain college classes related to disability issues or healthcare
Grocery stores	Social service agencies
Laundromats	Community newspaper
Churches	Free weekly advertising guides
Community colleges/universities	Center for Independent Living
Job service centers	FMS attendant directory

Before using any of these to advertise, you need to check their policies or rules for advertising and determine if any charge a fee. This information may help you determine where to post your advertisement.

Local newspaper ad

If you feel the local newspaper will be the best route for you, call their classifieds department and speak with them about placing your ad in their employment section.
Be sure to ask about:

- Price
- Best times to run your ad
- Billing process
- Payment options

Your newspaper contact will be a good resource for what to include, what to leave out, and what they have learned works best for people. Asking questions will keep you well informed so you can make the best and most cost-effective choice for yourself.
Some questions you could ask include:

- What is the cost to advertise and is it per word
- What days reach the most readers
- Is there a discount for running an ad a certain number of days

How do I screen potential employees?

Once you identify people interested in working for you, you may want to screen them before conducting an interview. Screening means that you ask some questions to find out more about that person and that will help you decide if you want to interview that person. Screening is usually done over the phone, but it could be done through email, video chat, or in-person. If you choose to meet someone in person, it is recommended that you meet in a public place and bring someone you trust with you. If you meet in your home, you may want to have a friend or family member there.

Screening also helps the applicant understand what you are looking for in an employee and what to expect. You can use the job description as a guide for screening. You may also want to mention the wage (or range of wages) you are willing to pay and make sure the applicant is still interested.
Ask and answer only job-related questions during the screening. Do not ever give out personal information, except what the person must know in order to decide if they can provide the care you need.

Some things to consider when screening:

Screening Tip	Things to Consider
Research	● Complete your own research on candidate ○ Internet search ○ Social media search
Respond to Candidates	● Call people back ● Provide information about the job ● Be honest about needs ● Be honest about working conditions ○ Schedule ○ Smoking ○ Pets
Organization	● Take careful notes ● Keep all notes and documents together ● Have family member or friend help with process
Personal Information	● Do not release your personally identifying information ○ Exact address (can be given once a decision for interview has been made) ○ Social Security number ○ Birth date ○ Family relationships
Screening Questions	● Why are you interested in this kind of work? ● Do you understand the position? ● What training or experience do you have in this field? ● Are there any parts of the job you may not be able to do? ● Ask specifically about things like lifting, transfers, help with bathing or toileting. ● Are there tasks that the you may find uncomfortable to perform?

If at the end of your screening, you think you would like to interview this person, you can set a time. If you are not sure, you can politely end the conversation by saying, *"Thank you for your time. I will be making my final selections by (date) and will contact my top choices to set up an interview. Thanks again, good-bye."* Remember, you do not have to interview everyone. Let each person know you will call them back if you decide to interview them.

How should I prepare for the interview?

Interviewing and hiring can be overwhelming, especially if you have never done it and when it is for work to provide support to you. The following is a list of ideas to help you with the process:

- Hold the interview in a place that is safe for you
- Having a second person join you is a good idea for safety and because that person may notice things during the interview that you do not
- Eliminate distractions
- Turn the TV and radio off
- Make sure pets and children will not interrupt
- Recognize that it is natural to feel nervous when interviewing
- The prospective employee is nervous too
- Being prepared for the interview will lower your anxiety level
- Having a friend or family member with you may help calm your nerves
- Plan the interview questions, and make a list of the interview questions you will ask
- Decide ahead of time what questions you will ask and write them down
- Frame your interview questions to give you the information you need
- By using the same list of questions for each applicant, you will be able to compare their responses more easily
- Remember not to ask questions that you cannot ask
- Be prepared. Before the interview, make sure you have
    - A job description
    - Information about your support needs
    - Information about special equipment you use
    - A way to record your impressions
- Ask a friend to take notes
- Use a tape recorder
    - If you plan to record the interview, be sure to let the potential employee know

If you need support preparing for the interview, such as practicing interview questions, you can ask a family member or friend to help you.

Interview Questions

Once you have screened applicants, you are ready to interview them. A face-to-face interview gives you the chance to learn as much as you can about the person applying for the job. It also gives the applicant a chance to learn about the job—what you need and expect—so both of you can make a good decision. This works best if you are prepared.

It is a good practice to have questions ready that you want to ask. A sample of interview questions is provided below. You should only choose questions that make sense for you and you can do research for more questions. You should add other questions about the specific help you need.

Category	Sample Topics and Questions
Basic Information	• Tell me a little about yourself.

	● How would you describe yourself? ● Describe your work style. ● What factors make a job fulfilling for you? ● Describe your best qualities. ● Describe your worst qualities. ● Do you prefer/require lots of supervision or just a task list?
Experience Qualifications	● Tell me about your work experience. ● Why did you leave your last job? ● Provide examples of any training or experience you have with someone with a disability. ● What specialties or interests do you have in regard to home care? ● Explain how you would help me with lifts or transfers using the right equipment. ● In what skills area do you feel most qualified to be a caregiver and in what area of skill do you feel the least qualified to be a caregiver? ● Describe your most challenging/rewarding person you provided care to. ○ What did you learn?
Situational	● Why have you chosen to work in home care? ● Explain your experience with people with (your need or disability). ● How do you handle an emergency? ○ Can you provide an example? ● How do you maintain the privacy and dignity of the people care for? ● If you suspect a person is being neglected by family members/your coworkers, how do you handle this? ● Explain how you handle working with demanding people or family members? ● Describe a circumstance in which you believe it would be justified to be late for work. ● Describe some tasks you do not feel comfortable doing. ● Explain a time you had to handle another person's anger or frustration. ● Explain a time when you were provided constructive criticism. ● Do you feel comfortable helping someone bathe or use the restroom? ● Do you have experience helping someone bathe or use the restroom?
Closing	● What are your thoughts on my support needs? ● If you were to get the job, what kind of training could be provided that would help make you a better caregiver? ● How much notice would you need if I needed extra help? ● What questions do you have for me? ● What other information should I know about you?

Questions you cannot ask during the interview

When you are an employer, you must be fair to all the people who apply to work for you. State and federal laws prohibit employment discrimination. Employers cannot discriminate based on the applicant's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), or genetic information.

To help you treat people fairly, there are questions you should not ask or use in making a hiring decision. It is important to ask all the questions you need to in the face-to-face interview, it is just as important to know the questions that you may not ask. Topics you cannot ask about include:

Topic	Questions not to ask
Age	How old are you? What year did you graduate high school?
Race, Color, or Ethnicity	What is your race? What ethnicity are your parents?
Sex, Orientation, or Gender Identity	Do you consider yourself male or female? Do you have a same sex partner?
Citizenship or National Origin	Where are you from? Where were you born? What is your native language? Are you a US citizen?
Religion/Creed	Do you belong to any religious affiliations? What denomination are you? Who is your pastor?
Disability	Do you have a disability or medical condition? Have you ever filed a worker's compensation claim?
Health	How is your health? Have you had any illnesses or operations in the past?
Marital Status	Are you married? Are you single? What is your maiden name?
Family Status	Do you have children? Are you currently pregnant or plan to get pregnant in the near future? How many people live in your home?
Political Affiliation	Are you a registered voter? Who did you vote for in the last election?
Financial Status	What is your credit rating? Do you own or rent your home? Do you own a car? Do you have a bank account?
Arrest Record	Have you ever been arrested? Have you ever received a speeding ticket?

Organization	What clubs or organizations do you belong to? Are you a member of the local country club?
Personal Information	Did you ever change your name through marriage or court application? What is your height? How much do you weigh?

When the applicant arrives

Your observations can be just as important as an applicant's response to your questions. When your applicant arrives take note of their appearance – how they are dressed and if they look neat and clean. You will also want to observe their body language to see if the applicant is comfortable around you. Pay attention to your own body as well to determine if you feel comfortable around them.

The interview questions you decide on should be geared to help you find out as much as you can about the applicant, keeping in mind questions you should not ask. You should remember that you will be hiring someone who may perform very personal tasks for you and your decision may be based on just a few contacts. Make the interview count. Your health and safety depend on the choice you make.

While interviewing the applicant, you will want to help them feel comfortable. It is okay to spend a few minutes in polite, casual conversation, such as asking about the weather or if they had difficulty finding your house/interview location. These first few minutes can help you both relax before you begin the formal interview with the specific questions you have.

You will also want to discuss any gaps in employment longer than a month. Ask the applicant about things missing from their application, such as education and former employers. If there are inconsistencies, you will want to ask about those.

The interview is also the opportunity for the applicant to interview you. You will want to ensure you provide information about the job, including information specific to your disability and needs. Only share what you feel comfortable sharing, while providing enough information for the applicant to understand the requirements of the job.

After you finish your questions, ask applicants if they have any questions. The questions they ask can tell you a lot. Be sure not to talk too much—you want to learn about them.

Things to consider during the interview

During the interview, you will continue to rely on your observations of the applicant. You will want to pay particular attention to:

Observe	Sample of things to look at
Appearance	● Cleanliness of: ○ Hair ○ Hands and nails ○ Clothes

	● Proper clothing for interview ● Smell of applicant: ○ Alcohol ○ Smoke ○ Body odor
Attitude	● Speaks respectfully ● Does not interrupt ● Answers questions completely with specific answers ● Demonstrates/expresses pity toward you ● Does not take control of the interview ● Begins the interview by telling you all the things they cannot do or all the times they cannot work ● Says they just really need a job and will take anything for now ● Discloses confidential or negative information about a previous employer
Communication Skills	● Proper eye contact ● Ability to understand and respond to interview questions ● Able to compose and communicate thoughts and ideas
References	● Does not or will not supply references or contact information for former employees ○ Even someone who just moved should have friends or previous employers elsewhere
Other	● Looks to a person without a disability who joined you for the interview (if applicable) for guidance or directs responses to that person rather than to you ● Keep cultural awareness as cultures communicate and gesture differently

Cultural Awareness

Cultural awareness is something you should keep in mind when making hiring decisions. Being aware of your culture and the culture of the person you may hire is important. Culture can include different ethnic backgrounds, differences in ages, where you grew up, and values or beliefs. You and your employee should both accept that people grow up eating different foods, relating to people in different ways, and enjoying different recreational activities. Being from different cultural backgrounds can be an interesting and positive experience for you and your employee by recognizing differences, listening carefully, and keeping the lines of communication open.

Discussion topics for the interview

To ensure you treat all applicants fairly, you will want to ask everyone the same interview questions and there are specific items you want to discuss with everyone. These include:

- Duties and responsibilities of the job
- Specific hours and days of work
- Rate of pay
- Arranged time off

- How they will be trained
- How their performance will be evaluated
- How much notice is expected from the employee and employer for termination of services

You will want to take good notes during the interview as you may refer to your notes to decide who you want to hire. It is important for you to know that you do not have to do the interview alone. You can ask a friend or family member to sit in on the interview with you. It may also be helpful to have someone else to compare notes with after the interview. However, your case manager cannot assist you with the interview process.

How do I decide who to hire?

Once you have completed your interviews, you are ready to choose your top candidate(s). Review the answers the applicants gave you to the interview questions along with notes you made. If you had a friend or family member with you during the interviews, compare notes with them.

After you have considered everything and picked the best ones, you need to **check references**. This is an important step. Never hire someone without talking with each of the references they provide. You should also call former employers if they are not listed as references.

Keep a list of names and numbers of your other top choices, even if the first one accepts. You may want to hire more than one employee. Or you may want to see if others would be willing to be a backup employee when your regular employee cannot be there. You may also want to come back to this list if the employee you hire does not work out.

Make an offer of employment

Once you have completed your interviews and decided who you want to hire, you can make an offer of employment. Call and offer the job to the person you want to work for you. When making the offer, you will want to let the applicant know they cannot work more than 40 hours each week and you will want to let them know the hourly wage you are offering. Do not discuss or tell the applicant what your total monthly participant-directed budget is. If they accept the offer, you will need to meet with the employee to fill out the employment packet provided by the FMS agency.
You and the applicant can complete the employment packet by calling the FMS agency or completing enrolment online.

Criminal history and background investigations

A criminal history and background investigation must be conducted to ensure your employee qualifies to receive reimbursement for providing Medicaid services. The FMS agency will conduct the criminal history and background investigation by using information obtained from federal and state systems, including:

- List of Excluded Individuals/Entities from Participating in Federal Healthcare Programs
- National Sex Offender Public Website

- A national name and social security number based criminal history database
- Wyoming Central Registry of Abuse and Neglect

Information received from these systems must confirm that your employee has not been excluded from providing Medicare or Medicaid services, has not been substantiated for abuse or neglect, and has not been convicted of any barrier crime listed in Wyoming Statute Title 6, Chapter 2 (Offenses Against the Person) and Chapter 4 (Offenses Against Morals, Decency and Family).

Once the FMS agency completes the criminal history and background investigation, you are provided the results and can make your hiring decision. The FMS agency also maintains employee files including documentation of successful criminal history and background investigation results, and these files are subject to periodic reviews conducted as part of the Division's contractor oversight activities.

You may choose to allow an employee to begin delivering services pending the results of the criminal history and background investigation if that individual has signed an attestation (a self-declaration) affirming that they have not been convicted of, has not pleaded "no contest" to, and do not have a pending deferred prosecution of any barrier crime and is not currently under investigation and has not been substantiated by the Wyoming Department of Family Services for abuse or neglect.

While not required, as the employer, you may choose to contact the Wyoming State Board of Nursing to determine if any of your applicants had a license/certification revoked; received disciplinary actions; or any other information available. This information may help you decide if the applicant is someone you want to hire.

Section 5. Direct your services.

Once you've decided who you want to hire and they are assigned up as employees, it is time to direct your services. This requires you to set expectations for your employees, manage their performance, and ultimately ensure you are receiving the support you need and agreed to.

How do I set expectations for my employees?

You and your employee agreed to the tasks outlined in your task plan when you both signed the job description. Look at each of your job tasks and determine what your employee must do to do the task right. Remember that the clearer you are with your expectations, the less likely there will be any misunderstandings.

Consider the following list of expectations you might apply to your employee:

Expectation	Explanation
Communication	● Communicate with me in my preferred language (for example, language spoken, sign language, communication device, etc.) ● Be open and honest always and able to discuss issues that may be uncomfortable ● Be willing to accept direction from me and follow that direction ● Accept disciplinary action and/or suggestions as directed by me
Work Commitment	● Leave personal problems at home and report to work in good spirits ● Provide quality care ● Make every effort to do a good job ● Meet my needs
Build Relationships	● Develop and keep a friendly and professional relationship with me
Teachable	● Willing to be trained and learn ● Training may be ongoing and may change over time ● Flexible and open to changes that may be necessary
Respect	● Be kind and considerate ● Show respect by how they speak to, act towards, and help me
Problem Solving	● Listen to me when I explain my needs and present reasonable solutions or a plan to meet those needs within the agreed upon duties in the job description ● Be able to remain calm and look at any situation rationally
Emergency Care	● Remain calm and provide immediate care to me ● Be able to contact emergency services to resolve the situation (for example, police, ambulance, fire department). ● Follow emergency procedures as outlined by me

Personal Appearance	● Wear proper attire during working hours ● Practice good personal hygiene before reporting to work
Time Management	● Arrive on time ● Be ready to work when they arrive ● Maintain good quality of care ● Be considerate of my scheduling needs and call in advance or as soon as is possible if they are unable to work or may be late ● Schedule regular or expected time off
Record Keeping	● Maintain timesheets and required documentation ● Keep paperwork neat and organized in space designated by me ● Assist me with completing timesheets with accurate information ● Never ask me to sign a timesheet with hours they did not work (commit Medicaid Fraud)
Confidentiality	● Keep my information confidential, which includes ○ Medical history and condition ○ Personal preferences ○ Personal care needs ○ Family information ○ Plans ○ Budgets ○ Personal finances ○ Appointments

Do my employees have expectations of me?

Consider that your employee may have some things they will expect from you. As you know, with any list of rights comes some responsibilities. You may want to review this list, or one that you write, with your employee as you begin orientation and training.

How do I train my employees?

As an employer, you have a responsibility to train your employee. First, you must ensure your employee completes the Division's required training curriculum. Next, you must train your employee on your specific needs and tasks. Not only are you able to choose what tasks they complete for you, but you can train them to complete the tasks in a way that meets your needs. If you are not sure where to start, review a typical day for you with your employee and discuss:

- Meal preparation
- Taking a shower or other hygiene
- Moving throughout your home
- Community involvement

Based on your individual needs, you should prepare a training plan for your new employee to make sure that they understand your needs and are able to meet them. For example, if you need help with meal preparation, you should let your new employee know what kinds of meals are needed, how frequently, and if you have any dietary restrictions.

At first, it may seem awkward to train someone to assist you, but in time, it will become natural. Remember, you are the best person to train your employee. You likely have more experience in training others than you may realize.

- You may have told family members, friends, or other staff how to meet your needs
- There may have been times away from home, at camp, school, in the hospital, or on a business trip when you instructed a stranger on how to help you

Training your new employee will be like that experience. Only this will involve a more detailed structure, and you now have your own tools (job description, checklists, guidelines, etc.) to help you as you train Plan enough time so both of you can be as relaxed as possible without being rushed. Do not squeeze everything into one session. Expect your new employee to be nervous. If you have never used an employee before, you may be nervous too. Just remember to take your time and talk openly with each other so you will both be comfortable. The training process can be challenging, try to have patience, and keep your sense of humor. It can be a lot of fun getting to know this new person in your life.

You will notice there is often a significant improvement in the performance of job duties between the first day and the second day. As the days go by, there should continue to be an improvement as you establish a rhythm of how to work together. If your employee is only scheduled to work periodically, it is important to remember that training can take longer, and you may have to quickly review what you did the last time before the start of each training session.

You can also retrain your employee any time you think it’s necessary. Your employee will also have to take training from the Division, as required by the program. Periodic retraining helps ensure your employee is able to meet your needs and stays up-to-date on programmatic changes that impact their job.

What do I teach my employees?

When you and your employee signed the job description, you agreed on the duties and responsibilities that make up the job. This is the list of what you want your employee to do, so doing these tasks to your satisfaction is what you will train your employee to do.

If possible, you may want to have another person who is familiar with your needs to be a part of the training. It can be helpful for your new employee to watch how you like things done. Even if it is a family member or friend who helps you, see if they are willing to help show how the two of you do things and what works best. Of course, you may prefer it to be just the two of you. If you feel this is the easiest way to train your employee, then that is the way you should do it. Choose the method that is best for you.

- Begin training by telling your employee what you will teach them. At the end of the session, summarize what you have taught
- Describe each step slowly and thoroughly
- Do not assume that your employee understands your expectations

- Ask for feedback and encourage questions
- When you explain any task or routine to your employee
    - Describe why it is important to you that something is done in a certain way
    - Describe why is needs to be completed at a specific time
    - Be consistent in your explanations
- If you change your task or routine, explain why you have changed it
- Your employee will not get all your directions right the first time
    - Be patient
- Be aware of how much new knowledge the employee can learn effectively
    - Some individuals may be able to learn a whole task or routine at once, while others may require more gradual training sessions
- If possible, have a friend, family member, or previous employee demonstrate tasks and routines to your new employee

Section 6. How do I manage my employees?

Many participants find managing their own employees very rewarding. Whether you hire a family member, a friend, a neighbor, or someone completely new to you, you want to make sure you manage performance, both good and bad.

You will also want to work with your case manager to understand the rules of the program, so that the tasks you have your employee do are within the program rules. For example, you can have your employee help you take a shower, prepare meals, and clean your home. You **cannot** however have your employee complete tasks such as walking your dog, tending to your garden, or washing your car.

Paying your employee for job duties that are not allowed by the program can result in **termination** from participant direction, recovery of payments, and/or **prosecution** for Medicaid fraud. For additional information on Medicaid fraud, please refer to your Community Choices Waiver Participant Handbook. Talk with your case manager about any questions you have before asking your employee to complete tasks for you.

Being assertive

Supervising your employee is not like any other working relationship. Most other employer/employee relationships do not involve such personal contact. To be a good supervisor, you may need to be assertive. You must be comfortable expressing your needs and how you want things done. If you are a shy person, this may not be easy for you, but it is very important. You might want to try practicing with friends or family members if you think it helps you learn and gain more confidence in being assertive.

How you communicate with your employee is a big part of the success you have with them. You may become friends with your employee, but it is important for both of you to remember your roles in the working relationship. You are the supervisor. Supervising does not mean dictating. Being assertive does not mean being aggressive or pushy. Being assertive means:

- Speaking up for yourself

- Explaining your needs
- Directing your employee in a clear, patient way
- Respect and good communication between you and your employee are important and can lead to a strong and lasting working relationship.
- Below are some suggestions to help you to be more assertive.
- Make sure that your employee knows your expectations
- Be fair and honest when you are dealing with your employee
- Have respect for your employee and the role this person has in your life
- If there is a need to correct how your employee is performing, address the issue calmly and as soon after the incident as possible
- Most important – be direct when giving instructions and repeat yourself, if necessary
- If this is an area of interest to you, look for additional information or a course on improving communication skills or building self-esteem.

Supervising my employee

Management of your employee has a lot to do with your interpersonal and communication skills (how well you communicate with other people). Talk with and treat your employee as you would like to be treated. Be clear about job duties and be respectful when giving direction and feedback.

Feedback about performance should be specific and timely. This applies to constructive and positive feedback. Give as much detail as possible when talking to your employee about job duties and performance.

Below are some of the basics of your role as a supervisor.

Action	Examples
Create a positive relationship with employee	• Show interest in your employee • Indicate belief (confidence) in your employee • Explain the rules clearly • Request that your employee follow work rules • Explain the consequences of breaking the rules

Ask and listen to employee's perspective	• Identify issues to be addressed
	• Ask open-ended questions
	  ○ "What do you think about…. "
	• Listen actively
	  ○ Give the other person your full attention
	  ○ Let them know you are listening by responding to what they are saying
	  ○ Listen carefully and then say in your own words what the person said
	• Acknowledge the employee's perspective
	• Practice creative problem-solving
	• Listen without letting your emotions get in the way
	• Maintain focus on work-related behaviors
	• Talk about options
	• Ask for ideas
	• Offer suggestions

	• Offer information/ask questions about the potential impact of choices • Think of new options
Identify action steps	• Set goals together • Work together to meet goals • Follow the plan agreed upon
Follow-up	• Maintain awareness of and follow through on commitments • Give positive and constructive feedback when appropriate

If this is your first experience with supervising others, you may want to find an experienced supervisor who is willing to listen to your concerns and can offer some tips of the trade. Some people find that it is easier to supervise an employee if some of the typical sticky situations have already been thought out. Consider scenarios like how many times the employee can be tardy or absent and issues around trading shifts with another employee. Make up your mind about these situations before they happen. Show your employee your decisions in the form of a written list or policy.

Retaining my employee

Communication is important. Now that you have recruited, hired, and trained your employee, you want to have a good working relationship. Keeping your newly hired employee protects the investment of your time and the participant-directed budget. Most employees who stay with the job do so because they find it personally rewarding. Good employers create a work environment that brings out the best their employee has to offer. You want your employee to be satisfied with his or her work and, therefore, be a productive employee. Good communication between you and your employee can help do this.

Consider these suggestions:

- Treat employees with kindness, fairness, and respect
- Know your own care needs
- Be able to offer both praise and criticism, when appropriate
- Act as independently as possible
- Keep communication open
- Talk over problems as they come up
- Avoid taking your frustrations out on your employee
- Show interest in your employee as a person

Managing conflict with my employee

Conflicts are often a natural part of establishing and building a relationship. Be prepared to deal with problems as they come up. Remember to manage your emotions so conflicts do not get worse than they need be. Employees usually respond in a non-threatening and positive way if their employer is fair and consistent.

If you have a conflict over duties, pay, time off, social conduct, or use of property, remind your employee of your agreement. If they refuse to comply with the rules, be prepared to terminate their employment.

Problem-solving is a process. The same steps can be used for problems involving a broken wheelchair as for conflicts between people. The guide below is a formal process that involves thinking about solutions and writing down ideas. You may not need to use the whole guide to solve a problem, but it is helpful to be aware of the entire process.

Action Step	Description
Identify the Problem	● Not everyone will agree that there is a problem ○ It may be a problem for your employee that your family member orders them around, but it may not be a problem for you
Define the Problem	● Define the problem without involving personalities, motives, blame, and value judgments ● Ask open-ended questions and use active listening to get a better understanding and definition of the problem
Generate Solutions	● Everyone involved should suggest solutions ● Do not focus on personalities ● Do not criticize any suggestions ● Do not say things like: ○ "You should not be so lazy" ○ "You should not be such a jerk" ● Write down every solution, no matter what it is
Discussion and Evaluation	● Everyone involved should discuss the positives and negatives of each solution suggested ● Writing out a list of the pros and cons can help in the evaluation process
Select a Solution	● Decide on the solution that will best solve the problem
Plan Actions	● Everyone involved should agree on ○ Who will do what ○ Where ○ When ○ How to solve the problem
Evaluate the Solution	● Set a date and time to discuss whether the solution is working ● Revise the plan as needed

By facing problems right away, working relationships can be strengthened and improved. Working relationships that use problem-solving can keep everyone working as a team and with less stress.

Disciplining my employee

Discipline can be used to correct your employee's work. It can be how you remind your employee of things they are forgetting or the way you warn your employee that a repeated habit or action is becoming a problem. Many employers use a 3-step process called progressive discipline to help employees understand that their performance must be improved or corrected. Progressive discipline is defined as an order of events used to correct the action of employees. Progressive discipline includes these three steps, in order:

- Verbal warning
- Written warning
- Job termination

Consider using the problem-solving process when a problem occurs, and disciplinary action is required. Ways to implement the problem-solving process include:

Action	Description
Prepare	● Write down your concerns to organize your thoughts and ensure that you do not forget what you want to address ● Examine your role in conflict
Schedule meeting	● Be prepared to pay them for this time if necessary
Discuss concerns	● Be aware of your emotions and how they affect what you are trying to say; anger, sarcasm, and defensiveness will not help you explain your concerns ● Avoid blaming, as this will put the employee immediately on the defensive ● Use “I” Statements ○ Shows you are taking ownership of your own feelings ○ Helps the other person understand where you are coming from ○ Example: "I feel frustrated about your late arrival every day. It makes me anxious because I worry that I will not be on time for work."
Allow employee voice concerns	● Avoid interrupting ● Listen actively
Final agreement	● Decide on a Final agreement ● Put agreement in writing so that each person leaves with the same understanding of the resolution
No final Agreement	● Schedule a supervised meeting facilitated by an outsider may be helpful in resolving the conflict

Evaluating my employee's job performance

In addition to providing your employee with regular, positive, constructive feedback, it is important to formally review their job performance at least once a year. Some people suggest that a job performance review at six months of employment allows you the opportunity to make some adjustments as needed. If you review at six months, you will then review again at the employee's one-year anniversary of employment and yearly thereafter. Performance evaluations are a good way to keep you both on track when it comes to defining the roles and responsibilities of the working relationship. It is up to you to choose when and how often to evaluate your employee's job performance.

To evaluate your employee's job performance, compare your employee's actual work to the list of job duties you both agreed to when you both signed the job description.
In addition, you can:

- Go over the job description again and review your expectations for the employee
- Allow the employee an opportunity to explain his or her performance
- Evaluate the performance in writing and give a copy to your employee.

Be honest with your employee about his or her work and, if needed, give clear instructions for improvement. It is a good idea to be clear with your employee that the performance evaluation is a way for you both to work toward improved job performance, not an entitlement for a raise in pay.

Terminating my employee

Terminating employment with your employee may be hard for you. It is never easy to fire someone, particularly if they are a friend or relative. The employee may be a nice person who is just not meeting your needs. Your employee may work out for someone else or in another type of job. If there are parts of the job that they do well, you could offer to write a letter of reference highlighting those skills.

If you choose to terminate your employee's employment, you should do some advance planning if possible. You may want to have another person with you if you think your employee might be angry or you can consider terminating them over the phone. Have a back-up employee ready to start in case your employee gets upset and quits right away.

If your employee is just not working out (for example, personality conflicts, scheduling difficulties), you should consider giving a two-week notice if you are certain that it will not put you in a risky or uncomfortable situation. This gives both you and your employee time to plan.

If your employee quits and gives notice, you should have time to find another assistant. Planning of time will save you time and effort during the termination process. You should terminate employment immediately if your employee has:

- Stolen something from you
- Been abusive physically or mentally
- Severely violated your agreement

Any actions that are against the law should also be reported to the police, including abuse, neglect, and exploitation. No matter how the situation arises, you will be best able to handle it if you have a step-by-step process already in place. If you must terminate your employee's employment:

- Notify your FMS agency immediately
- Notify your case manager immediately
- Keep written records of the event(s) and reasons for termination.

- This will protect you in case of a later dispute
- Record just the facts
- Keep employment records for a while.
- Most people suggest three years
- Have your keys and any other items that belong to you returned

Firing does not just happen. With planning, you can have the step-by-step process in place to handle this kind of situation yourself. Remember to talk it over with someone you trust. Sometimes just saying out loud what you are thinking helps make the decision more apparent.

How do I manage my participant-directed budget?

As the employer, it is your job to manage your participant-directed budget. Creating a spending plan within your budget is the first step that helps you stay within your budget. If you experience a change in needs, call your case manager sooner than later. Your case manager can work with you to determine next steps, which can help you stay within your budget. Make sure that you monitor your employee's schedule, to remain with the hours you established in your staffing and tasks plans. Keeping to a schedule will help you stay within budget.

Monitor expenditures

Your FMS agency will provide you with periodic reports, which contain information on how much of your participant-budget is spent each month. Reviewing these reports at the time you receive them will help you manage your budget. You may find it helpful to create a tracking mechanism that includes your monthly budget and tracks your employee's time each week, along with their hourly rate. This will provide you with regular information about your budget, so that you can implement changes if necessary.

Schedule services

The task plan, staffing plan, and spending plan you create are tools that help you stay within your budget. The task plan will detail what your employee will do for you and the staffing plan will document when your employee will provide the support for you. This information will help you develop the spending plan, which summarizes the number of hours each week your employee will work, their hourly rate, and what that equals each month. It is important for you to remember that no employee can work more than 40 hours each week.

Additional support

It is possible that your participant-directed budget no longer meets your needs because your needs have changed. You may have had a recent surgery where you now require more support, or you may experience a natural decline in health. When changes to your needs occurs, you must work with your case manager to discuss these changes. Your case manager can then determine if an adjustment to your participant-directed budget can be made.

Fraud, waste, and abuse

You play a vital role in protecting the integrity of the Community Choices Waiver program. Not only must you not engage in abusive practices and violations, but you may also become aware of or suspect fraud, waste, and abuse, and should report this to the proper agency. Your Community Choices Waiver Participant Handbook provides more details regarding fraud, waste, and abuse.

Defining fraud

Medicaid fraud is defined as an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. Simply put, fraud is the intentional providing of false information to get Medicaid to pay for medical care or services. Medicaid fraud can involve physicians, pharmacists, other Medicaid providers, and even beneficiaries.

Defining waste and abuse

Waste encompasses overutilization of resources and inaccurate payment for services, such as intentional duplicate payments. Abuse includes any practice that is inconsistent with acceptable fiscal, business, or medical practices that unnecessarily increase costs.

How do I keep myself safe?

You have the right to be treated with dignity and respect and to receive services and supports in an environment that is safe and free from abuse, neglect, and exploitation. Consider the following steps you can do to help keep yourself safe:

- Lock away any valuables, such as jewelry
- Lock away financial documents, including bank statements, wills, etc.
- Restrict access to and monitor the supply of your prescription medication
- Do not allow anyone in your home you do not know
- Maintain a professional relationship with your employee
- Do not discuss personal matters in front of your employee, unless they will help your employee provide your care
- Have a family member or friend meet your employee as well and provide them with your employee's work schedule

Incident reports

You and your case manager have a responsibility to report all incidents. Incident reporting helps you and your case manager monitor and reasonably assure your health and safety. The following is a list of incident types you must report to your case manager:

- Abuse
- Neglect
- Exploitation
- Death
- Restraints & Restrictive Interventions
- Serious Injury/Illness
- Serious Behavioral/Mental Health Concern
- Medication Errors

When you report any of these to your case manager, they will follow-up with you and others to assure your health and safety. Incidents that you report may lead to a change in services, including employees, an increase in services, or the addition of new services. Any changes are dependent on your needs and preferences.

Reporting abuse, neglect, and exploitation

All adults in Wyoming are mandatory reporters, which means you also have the responsibility to report known or suspected incidents of abuse, neglect, or exploitation to law enforcement and/or the Wyoming Department of Family Services. In order to report these incidents, you must know how to recognize them. The following table provides definitions.

Abuse, Neglect, and Exploitation	
Abuse	The intentional or reckless infliction of injury or physical/emotional harm.
Neglect	The deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, and/or other care and prescribed medication as necessary to maintain the person's life or health, or which may result in a life-threatening situation.
Exploitation	Fraudulent, unauthorized, or improper acts or processes of an individual who uses the resources of another person for monetary or personal benefit, profit, or gain or that results in depriving the person of his/her rightful access to, or use of, benefits, resources, belongings, or assets.

You can access additional information in the CCW Participant Handbook.

Section 7. Returning to Traditional Services.

Participant direction does not work for everyone and some people prefer to have their services managed by an agency. Other times the Division make the determination that you can no longer direct your own services.

What if participant direction is not working for me?

Participant direction is a voluntary service delivery option from which you may withdraw at any time. If you elect to return to traditional services and would rather receive services from an agency, you may do so at any time. However, you must talk with your case manager prior to making any changes. Your case manager will help you transition back to traditional services and do so in a way, so you don't experience a break in your services. Notify your employee of the change as well as the FMS agency. You can return to participant direction any time you choose.

Can I be required to return to traditional services?

Participant direction isn't for everyone and doesn't always work out for some participants. If this occurs, your case manager will modify your service plan and add agency services instead. There are several reasons you may be asked to return to traditional services. Some examples include:

- You become unable to meet the responsibilities to participant direction and you cannot find a designated employer of record
- There has been proven misuse or abuse of the participant-directed budget
- There has been an intentional submission of fraudulent timesheets or other program documentation
- Your health and welfare are compromised with participant direction

If you disagree with this decision to return to traditional agency services, you may request a fair hearing to appeal this decision. Your case manager can explain your rights to request a fair hearing about how to submit such a request.

Section 8. Glossary

Abuse: The intentional or reckless infliction of injury or physical/emotional harm.

Adult Protective Services (APS): The unit within the Wyoming Department of Family Services that serves vulnerable adults ages 18 and older who are unable to manage and take care of themselves without assistance as a result of advanced age or physical or mental disability.

Assessment: An initial assessment or periodic reassessment of participant needs to determine the need for any medical, educational, social, or other services and is completed annually or when the participant experiences significant change in need.

Backup Plan: A plan that documents who will provide care in the absence of an employee.

Budget Authority: The ability to set the wages of an employee within program limitations.

Capability: Measures how well you will be able to manage your own services.

Designated Employer of Record: The person you designated to manage your services on your behalf.

Emergency Planning: A plan that documents what to do in an emergency, such as medical emergencies, pandemics, hospitalizations, fires, power outages, severe weather, and other natural disasters.

Employer Authority: The ability to select, hire, train, and manage the employees who provide waiver services.

Employer: The participant receiving services, responsible for recruiting, hiring, training, managing, firing employees, along with setting wages.

Exploitation: Fraudulent, unauthorized, or improper acts or processes of an individual who uses the resources of the participant for monetary or personal benefit, profit, or gain or that results in depriving the participant of his/her rightful access to, or use of, benefits, resources, belongings, or assets.

Financial Management Services Agency (FMS Agency): An organization to assist with managing the participant-directed budget and employer tasks such as processing timesheets and managing your taxes and insurance. The State contracts with one provider.

Information and Assistance: Support service provided by a case manager available to participants who direct their own services.

Mandatory Reporter: A person required by law to report suspected or actual abuse, neglect, or exploitation of children and certain adults.

Medication Error: A mistake in medication administration that includes, but is not necessarily limited to, the following:

- Wrong medication

- An individual receives and takes medication which is intended for another person
    - Discontinued medication
    - Inappropriately labeled
- Wrong dose
    - An individual receives the incorrect amount of medication.
- Wrong time
    - An individual receives medication dose at an incorrect time interval); and
- Omission of medicine
    - A missed dose, when an individual does not receive a prescribed dose of medication
    - Not including when an individual refuses to take medication

Neglect: The deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, and/or other care and prescribed medication as necessary to maintain the participant's life or health, or which may result in a life-threatening situation.

Participant Direction: Optional service delivery method that gives Home and Community-Based Services (HCBS) Waiver program participants an alternative to receiving services through traditional provider agencies. Participant direction allows greater choice and control over Waiver services so that participants may live as independently as possible in the home and community.

Participant-Directed Budget: The monetary amount determined by a case manager to meet participant needs.

Restraint: Any physical, chemical, or mechanical intervention that is used to control acute, episodic behavior that restricts the movement or function of the participant or a portion of the participant's body.

Restrictive Intervention: An action or procedure that limits the participant's movement; limits the participant's access to other individuals, locations, or activities; or restricts participant rights.

Serious Behavioral/Mental Health Concern: Any situation in which the participant's behavior puts them at risk of hurting themselves or others and or prevents them from being able to care for themselves or function effectively in the community.

Serious Injury/Illness: An injury or illness for which the participant is provided emergency medical treatment and/or is hospitalized.

Spending Plan: A tool to help participants calculate the hours of service that each employee can work at the wage rates chosen by the participant within program rules. It considers deductions for employer taxes. The spending plan shows the employer tax amounts and lets employers adjust services, wage rates, and hours to see the impact on the participant-directed budget.

Traditional Services: Services provided by an agency, which employs and otherwise manages the individuals who provide services.