HOME AND COMMUNITY-BASED SERVICES

WYOMING MEDICAID
DIVISION OF HEALTHCARE FINANCING

PARTICIPANT DIRECTION EMPLOYER MANUAL

Wyoming Department of Health

The Purpose of this Document

This Employer Manual and its attachments are meant to be used by participants and participant-directed employers in learning about the Participant Directed Service Delivery option, what it means to be a participant-directed employer, and the responsibilities that come with taking on that role.

These documents describe the responsibilities of a participant-directed employer, and provide guidance for how those responsibilities should be managed, helping participants decide if participant-direction is a good fit for them, and if they feel they are able to take on the employer role or want to delegate those responsibilities to someone else

The documents are intended to support participants and participant-directed Employers in understanding how to plan for and set up participant-directed services, guiding them through those processes and providing useful tools to support their success in the employer role, such as how to sign up to be an employer, recruit and hire participant-directed employees, and how to direct their services.

The attachments outline waiver-specific budget and employer information, participant-directed service definitions, and waiver standards to make sure participant-directed employers have what they need to be able to manage their responsibilities correctly and consistently.

After reading the Employer Manual and the applicable attachments, participants or their delegated participant-directed employer, should have the information they need to make an informed decision about if participant-direction is a good fit, and what steps to take in setting up and using participant-direction successfully.

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Section 1. Is participant direction right for you?

What is participant direction?

Participant direction is an optional service delivery method that gives Home and Community Based Services (HCBS) waiver participants an alternative to receiving agency-based services through provider agencies. Participant direction means that you have decision-making authority over how you receive some or all of your waiver services. It also means that you accept the responsibilities that come along with taking a more direct role in these processes. You can direct your own services, or you can select someone you trust to direct your services as the delegated employer for your direct support employees. Who you can choose to be the employer will depend on which Waiver program you are enrolled in (see Attachment A or B for waiver-specific guidance).

Before you coordinate your own services using participant direction, you need to decide if it is right for you. You and your case manager can discuss this service delivery method during your service plan development. This will help you make an informed choice, and will give the case manager an opportunity to consider your unique situation, needs, and preferences and help you decide if it is a good fit for you.

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

With agency-based services, you choose a provider agency to be on your plan of care. That organization sends one of their employees to help you with the essential functions of life, such as bathing, dressing, grooming, meal preparation, or other elements of the specific service being provided. Agencies are responsible for hiring, training, and evaluating their direct-support staff members who provide your services, and are responsible for ensuring that the services you receive are provided as defined in the Service Index for your Waiver program and in your service plan.

Under participant direction, you hire whomever you wish as long as they meet the minimum qualifications and guidance for your Waiver program (see attachment A or B), you set their wage, create their schedule, train them on your specific needs and preferences, and give them direction on what you want them to do while they work for you. When setting your employee's wages and schedule, it will be important for you to consider the services you need to receive while making sure you stay within your set participant-directed budget.

What are the benefits and responsibilities of participant direction?

When you use the participant-directed service delivery option, you have greater control over, and responsibility for, decisions regarding your services and resources. You are given employer authority, which allows you to hire and manage employees of your choosing to provide your services.

You will serve as the employer for your chosen caregivers. In this role, you decide who delivers your services, when they are delivered, and how those services are performed within the scope of the Services Index provided by the Program for your specific waiver (see attachment A or B). Being an employer means taking a direct role in managing your care.

As an employer, you are responsible for:

- Recruiting and hiring employees to provide your services;
- Verifying the minimum employee qualifications are met as required by the Waiver program (see attachment A or B);
- Defining and communicating any additional qualifications you want to have in place before hiring, based on your needs and preferences, as long as the qualifications align with program requirements;
- Deciding what your employee's duties will be consistent with which services are in your plan of care and what is allowed by the program;
- Creating and maintaining a job description for each employee;
- Orienting, training, and instructing employees in their duties;
- Ensuring that your employees have the skills and tools to do their jobs, including any ADA accommodations;
- Supervising and evaluating your employee's performance of their duties;
- Clearly and promptly addressing any dissatisfaction with your employee's performance;
- Following all federal and state employment laws;
- Reviewing and verifying time worked by employees;
- Approving electronic shift and timesheet information; and
- Disciplining, charging and/or terminating employees when necessary.

You are also given budget authority, which means you are responsible for scheduling and managing the delivery of your services so that you do not go over your approved budget.

Within the participant direction program limits and guidelines, you are able to decide:

- Who helps you;
- When they help you;
- How tasks are completed;
- How much to pay for services; and
- How to schedule your services so that you stay within your budget.

Understanding how your participant-directed budget is set up is important for you to be able to correctly manage your responsibilities.

Participant-directed budgets are calculated based on the participant's needs and the services that are approved in the plan of care. The State will contact the FMS agency when your plan of care has been finalized and provide the amount of the approved participant-directed budget. This is the amount that can be used to pay your employee(s) for the plan of care services provided.

The FMS agency will receive the participant-directed budget information when your plan of care has been approved and FMS enrollment processes have been completed. The budget that the FMS agency receives is for the same timeframe as your plan of care. Your employee cannot provide services before the plan of care is approved and authorized, even if you have a "good to go" date from the FMS, or after the plan of care has ended. The FMS agency will provide information and support to help you know how to set your employee's wages and other budgeting and cost information.

Once the budget information has been provided to the FMS agency, and they have confirmed that all the necessary information for your enrollment to receive services has been completed, your employee can begin providing services to the participant.

What assistance is available if I use this model for my waiver services?

There are a number of people who are available to help you be successful in managing your new role and responsibilities as a participant-directed employer if you use this service delivery model. Your case manager, will provide you with information and help while you coordinate and manage your waiver services. The Financial Management Services (FMS) agency staff will assist you with employee qualification and payroll tasks. Although these people can help you, you or the person you delegate to be your employer, are responsible to conduct the activities and duties that come with being an employer within the Waiver program guidance.

Case Management

Your case manager will provide you or your delegated employer with guidance and support as you move into your new role. Before you begin directing your services, your case manager will:

Action	Explanation
Explain	● All service delivery options; ● The potential benefits, risks, and responsibilities associated with using each of the service delivery options, including the participant-directed service model; ● Program limitations and restrictions related to participant direction specific to which waiver you are on; ● Your participant-directed budget; ● What fraud or misuse of the participant-directed budget is, and the potential outcome if fraud or misuse is identified; ● The consequences of not managing your employees, your budget, or the services you should receive.
Refer	● You to the FMS agency so they can help get you enrolled as an employer.
Help you	● Create your plan of care to include participant-directed model services; ● Get the authorizations necessary to set up your budget with the FMS agency; ● Obtain and complete the required employer paperwork;

	● Complete and submit any program required forms, assessments, and plans; ● Consider how you will receive your services so that you stay 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.

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

Action	Explanation
Verify	● That service utilization and expenditures against your participant-directed budget align with your plan of care; ● Service quality and effectiveness is meeting your needs and the waiver program requirements.
Monitor for	● Changes in your needs or circumstances for necessary updates your service plan and participant-directed budget; ● Suspected abuse, neglect, or exploitation; ● Suspected fraud, waste, or abuse of the participant-directed budget; ● Other potential risks or concerns related to your health, safety, or wellbeing.
Report	● Suspected abuse, neglect, or exploitation; ● Suspected fraud, waste, or abuse of the participant-directed budget; ● Incidents, other health or safety concerns; ● Other ongoing risks or issues that could impact health, safety, or wellbeing.

Financial Management Services Agent

There are a number of administrative responsibilities associated with being an employer. The Division contracts with an FMS agency, who is tasked with helping you manage many of these responsibilities. The role of the FMS agency is discussed in more detail in section three (3) below.

Should I use a delegate as my employer?

Some participants prefer not to manage their own services. If you are unable to, or uncomfortable with, directing services on your own, you can designate another person who can act as the participant-directed employer to manage the employer activities and responsibilities on your behalf. Depending on which waiver you are enrolled in, there may be limitations around who can act as your delegate participant-directed employer (see attachment A or B). A delegate employer must:

- Be at least 18 years old;
- Be able to understand and manage the activities and responsibilities associated with participant direction;
- Agree to assume all responsibilities of the employer on behalf of the participant;

- Review electronic shift information or timesheets for accuracy, and sign off to approve them for payment from the participant-direction budget;
- Assess the quality of services provided by the employee;
- Understand the participant's needs, goals, and preferences;
- Know the participant's daily schedule and routine, medical and functional status, medication regimen, likes and dislikes, and strengths and weaknesses;
- Be physically present in the participant's home on a regular basis to supervise and evaluate each employee's performance;
- Be willing and able to follow all program requirements, rules, and regulations;
- Submit to program-required background screenings (Page 24).

A delegate employer cannot:
- Be compensated for acting in the employer role;
- Be paid to provide waiver services to the participant;
- Be the participant's case manager, or another person for whom acting as the employer would create a conflict of interest;
- Delegate duties to another party.

In order to choose a delegate employer, you must have the ability to designate someone to serve in this role. If you, as the participant, have someone who is your legal guardian, that person must act as the employer or choose a delegate.

Your case manager will help you with the forms needed to designate someone to act as the employer. You or your legal guardian, as appropriate, may change your delegated employer at any time by notifying your case manager and choosing an individual who meets the waiver-specific program criteria (see attachment A or B). While this manual often references the participant acting as the employer, all employer responsibilities apply to whomever is the designated employer, whether that person is the participant or someone who has been delegated to act in that role.

What are my rights related to participant direction?

As a participant receiving services through an HCBS waiver, you have the same basic legal, civil, and human rights as people not receiving home and community-based services, and the same resources as participants who use the agency service model.

Your case manager must inform you of your rights and responsibilities as part of the service planning process. These are found in the HCBS Waiver agreement and administrative rules (Chapter 34 for CCW and Chapter 46 for DD) They will also review and answer any questions that you may have.

You have the right to:
- Be informed of your rights before receiving waiver services;
- Have input in the development of your service plan and decide who, when, where, and how services will be provided;
- Receive services without discrimination from qualified, willing providers;
- Be supported and respected;

- Have your property treated respectfully by those providing services;
- Choose how you want to receive your services, in a facility, or through a waiver program;
- 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;
- Be informed about the services to be provided and any changes in amount (increase or decrease), additional services, and discontinuation of services;
- Refuse services or treatment, and to be informed of the impact that your decision may have;
- Assume reasonable risks; and
- Have the opportunity to learn from these experiences.

Section 2. Make a plan.

Before you coordinate your own services, it is helpful to create a plan that outlines what your employee(s) will do for you, how you will recruit your employee(s), and how you will make hiring decisions. You may be required to document what you will do in case of an emergency or if an employee is unable to work. The Department recommends you document what you will do in case of an emergency no matter which waiver you are enrolled in.

What care can my employee(s) provide?

Your case manager is able to help you understand the services and tasks your employee(s) can provide based on the services that are in your plan of care and your identified needs. Your employee(s) should not be tasked with activities or duties that are not directly related to the services included in your plan of care. Similarly, the tasks performed by your employee(s) must align with what is allowed by the program. For example, if you have an identified need in the area of bathing, you will want to think about and note what specifically your employee(s) 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. Going over this when you are planning will help you create a job description and allow you to provide specific instruction to your employee(s) on how best to assist you.

How do I ensure I receive quality services?

Before you begin to receive services, you should decide how you will recruit your employees, make hiring decisions, train your employee(s) to meet your specific needs, and retrain the employee, should it be needed. Being thoughtful about who you hire and how you train them is important to ensure you receive quality services.

What happens if an employee cannot work?

It is important to develop a backup plan before you begin to receive services. This should outline how you will receive services if your employee is unable to come to work. Your participant direction backup plan should align with the overall backup plan you develop with your case manager. Your backup plan for participant direction should include names of any alternate employees or other natural supports who can provide your care if needed. Your backup plan may also include:

- Which employee(s) can work on a seasonal schedule, or would be available on certain holidays or over the summer;
- Any employee(s) who can 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 familiarize themselves with your needs and routine, prior to needing their support.

If you identify another person to be your backup and you want to pay that person, you will need to work with the FMS agency to complete the necessary paperwork for employment so the person can begin immediately when needed. Many employers hire more than one employee at a time who can provide backup to each other. For example, John D. may have 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 employee(s)?

Your case manager will coordinate with you to decide what portion of your budget can be used for participant-direction, based on your needs and the services you are planning to receive through this model. This budget will be part of the overall budget for the services in your plan of care and should be used by you to decide on an appropriate wage for your employee(s) so that you are able to receive services throughout the plan of care period. It is important to think about how much you will pay each employee and for how many hours per week.

Additionally, there are a few program limits regarding the wages you can pay your employee(s) and how many hours each employee can work. No employee can work more than 40 hours in a week for an employer. If you need more than 40 hours of care each week, you will need to have multiple employees or other sources of support specified in order to meet your needs. If you delegate someone as your employer and they are the employer for multiple participants who require more than a combined total of 40 hours of care per week, they will need to have multiple employees or other sources of natural support identified for each participant to ensure no one employee exceeds the limit of 40 hours per week.

In order to set an appropriate hourly wage for your employee(s), you should review the service index and fee schedule for the waiver you are enrolled in, and work with the case manager and the FMS agency to identify any specific limits. In most cases, your employee's wage should be somewhere around the average wage for other providers of this type of service and must be at or above the federal or state minimum wage, whichever is higher.

What if I experience an emergency?

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

- Make a list of people to contact for each type of emergency;
- Write down how to contact family and your employee(s) 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 case of a severe weather emergency or other natural disasters;
- Discuss and include your case manager and employee(s) in your emergency planning

Make a plan that works for you. Share it with your employee(s) during orientation and training. You may also share this with your case manager and any family members or friends who support you.

You should write down specific procedures for each type of emergency. For example:

Type of Emergency	Things to Consider
Natural ● Fire ● Tornado ● Flood	● What should an employee do: ○ If providing a service at that time; ○ If scheduled to provide a service during tornado warning, power outage etc. ● What are your evacuation routes? ● Where do you go? ● Who should be contacted?
Power Outage	● If you have medical equipment that requires electricity, do you have an alternate way to power it? ● What do your employees need to know? ● 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 do your employees need to do? ● Where should you be taken? ● Who should be contacted?

What information do I keep?

As an employer, you should make and keep a file on each employee. Each employee file should have their job description, along with their completed application, job offer and acceptance letters (if used); copies of all documents used to verify their eligibility for employment, documentation of the specific tasks the employee will perform, hourly wage, and any performance management documentation. The FMS agency also keeps an employment file on your behalf that contains documentation such as background screening confirmation, IRS forms, and confirmation of program required trainings or certifications.

Section 3. Sign up as an employer.

As an employer, it is your responsibility to make sure that the administrative tasks that come with the role, such as withholding and filing employment and payroll taxes, processing payroll, and sending out IRS documentation to your employee(s), are completed as required. The HCBS program contracts with an FMS agency, whose job it is to help you with these complex responsibilities.

After any required program forms are completed and submitted by you, your case manager will send a referral to the FMS agency so that you can complete the enrollment paperwork to sign up as an employer. Your employee candidate(s) must complete enrollment paperwork as well. FMS agency staff and your case manager can help guide you through how to complete the necessary documents and forms.

As part of the employer enrollment process, you will need to obtain a nine-digit Employer Identification Number (EIN) from the Internal Revenue Service (IRS) that will be used to track the tax accounts for your employee(s). The FMS agency will assist you in applying for your EIN, which will be used on all your IRS related correspondence.

It is necessary for you and your employee(s) to complete all of the enrollment paperwork as instructed, so that you are able to file taxes, pay your employee(s), and to make sure that both you and your employee(s) are in compliance with all of the state and federal IRS, department of labor, and waiver program regulations. The FMS agency will review the submitted documents to make sure everything is complete, and will notify you when each employee is fully enrolled.

Remember, the FMS agency is there to help you with these responsibilities.

What does the Financial Management Services agency do?

The FMS agency will help you manage the financial and tax responsibilities associated with being an employer, will make sure that payments for payroll and taxes do not go over your participant-directed budget and follow program rules. The FMS agency **is not authorized to** make any decisions for you regarding the use of your budget, employee wages, nor do they participate in decisions you make as the employer.

The FMS agency is responsible for:

- Verifying employee(s) citizenship status, qualifications, and maintaining related documentation on behalf of you as the employer;
- Administering required background screenings;
- Conducting payroll activities by collecting and processing EVV shift information for timesheets;
- Withholding, filing, and paying any applicable federal, state, and local employment-related taxes and insurance;
- Maintaining an account for your individual participant-directed budget;

- Tracking and reporting how much money has been paid to your employee(s) along with the balance of your participant-directed budget;
- Providing you with access to periodic reports of how much has been spent from, and the balance of, your participant-directed budget.

An employee cannot be paid with waiver funds until the FMS agency notifies you that the employee is approved to work and there is an approved budget in place. Both of these things must be in place before an employee can begin to provide waiver services.

Remember:

- All FMS agency paperwork must be completed accurately by you, and your employee(s); otherwise, delays in starting your services may occur.
- The FMS agency must have a program authorized budget before your employee(s) can begin providing services to you.
- You should review all FMS agency communications, emails, mail, and reports provided in the FMS agency Online portal, timely to make sure any concerns can be addressed promptly.
- Report any concerns to the FMS agency as soon as possible.
- It is your responsibility to review employee(s) shifts before submitting them to the FMS agency for payment, to make sure they are accurate and recognized.
- A work week is from midnight Sunday morning, to 11:59 Saturday evening. It is important for both you and your employee(s) to know this, as they cannot be paid through the program for more than 40 hours a week.

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

After you have considered your approach, it is time to recruit your employee(s), decide who you want to interview, and then make a hiring decision.

Who can I hire?

The employer has the role and responsibility to make hiring decisions. However, the Division is required to establish minimum qualifications for all providers of waiver services. The Division sets these standards to provide a reasonable assurance of the participant's health and welfare. The Division requires that providers of waiver services are screened to ensure compliance with these standards and to make sure payments are made only to individuals who are qualified to provide waiver services.

Participant direction allows the employer to hire any person over the age of 18, including some relatives. It is important to be familiar with any waiver-specific limitations related to who can and cannot be hired (see attachment A or B).

Minimum qualifications for an employee

To qualify as a person who can receive payment for providing Medicaid services, your employee(s) must meet the minimum qualifications set by the Division (see attachment A or B). As the employer, you are allowed to set additional qualifications designed to meet the specific needs of the participant. For example, you may require your employee(s) to have two years of experience providing support to individuals with similar needs. Or you may wish to exclude applicants for crimes that are not included in the Division's list of barrier crimes (Section 9).

The FMS agency verifies and maintains documentation of employment eligibility, passed background screenings, and required certifications and trainings to establish that an employee is eligibility to receive payment using Medicaid funds. The person designated as the Employer is responsible for verifying and maintaining documentation of any additional qualifications included as part of the hiring and employer process.

Training requirements for employees

All employees you hire must successfully complete the Division's certification or training requirements specific to the waiver the participant is enrolled in (see attachment A or B). These are the minimum training requirements each employee must meet. As mentioned above, you have the ability to require additional certifications or trainings specific to your needs.

Who should I hire?

When you coordinate services through the participant-directed service model, you can hire anyone over the age of 18 who meets the Divisions' qualifications as long as they are not legally responsible to make decisions for you (see attachment A or B). This gives you the opportunity to hire a family member, a friend, a current caregiver, or anyone else to provide the services outlined in your plan of care.

If you hire a family member or friend, your roles with each other must change. You are now their employer and the family member or friend is your employee. Choosing to direct your own services can require tough conversations between you and your employee(s), correcting them when needed, and dismissing them if necessary. 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. This helps you decide what kinds of support you need and what you are looking for in an employee. It also helps your employee(s) 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(s) you hire and monitor their performance;
- To help you direct your employee(s) in 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;
- An overview of the intended schedule for when you need help.

Any job duties or tasks you include in your job description must be within the limits of the service definitions for services that are on your plan of care. Your case manager can provide you with information on the specific services covered by the program and tasks that are included. These can also be found in the service index for your specific waiver (see attachment A or B).

You should discuss the job description with your employee(s) and make sure they are able to and agree to perform the support duties you need. Once you have hired an employee, have them sign and date a copy of the job description and keep it for your records. If your needs change, you can update the job description at any time. To make sure the employee is aware of any changes in the services you need that may impact their duties, it is important to review the job description with them any time it changes, and provide any necessary training they may need related to the changes. You should review the job description with them at least once a year, as a refresher for both you and the employee.

Remember, your employee(s) must work within the services specified in your plan of care 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 overpayment to your employee(s) that will require you to repay the Division. If overpayments continue, or if you and your employee(s) do not follow other program rules, you may be required to move the employment and budget responsibilities to someone else (a delegate employer) if appropriate, or to receive your services from a agency provider.

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 find an employee. Word-of-mouth through people you know can be an effective way to find an 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 creating and posting a job listing using the job description you created as a reference.

Advertising for an employee

When you are thinking about where and how to advertise for your employee, consider what might be most effective within your community. 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 agency attendant directory

Before using any of these locations 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 to 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 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 each candidate ○ Internet search ○ Social media search ○ Common friends or acquaintances
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 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 before and when it is for someone 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 friend or family member with you may help calm your nerves. It can also increase your safety.
    - If you have someone with you during the interview, ask them to take notes and provide their input about things they may notice during the interview.
- Eliminate distractions - turn the TV and radio off and make sure pets and children will not interrupt.
- Recognize that it is natural to feel nervous when interviewing, and that the prospective employee is nervous too.
- Choose interview questions that will give you the information you need and make a list of the ones you will ask.
- Use the same questions for each applicant so you can compare their responses more easily.
- Remember not to ask questions that are not allowed (see list below)
- Be prepared. Before the interview, make sure you have:
    - A job description;
    - Information about your support needs and any special equipment you use;
    - A list of questions you will ask and any other resources you want to refer to;
    - A pen and paper, tape recorder, or other way to record information gathered during the interview and your impressions.
- 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 your 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.

A sample of interview questions is provided below. You should choose questions that make sense for you and help you decide if the candidate is a good fit. The questions should also help you decide if the candidate will be able to provide 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 area do you feel your skills most qualify you to be a caregiver? ● In what area do you feel the least qualified to be a caregiver? ● Describe your most challenging/rewarding experience in providing care to a person. ○ 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? ● Do you have any concerns about being able to perform any of the duties we've discussed? ● What questions do you have for me? ● What other information should I know about you?

Questions you are not allowed to ask during an 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 make a hiring decision based on an applicant's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age, or genetic information.

To help you treat people fairly, there are questions you should not ask or use in making a hiring decision. While it is important to ask all the questions you need to during 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 you/your parents/partner/other?
Sex, Orientation, or Gender Identity	Do you consider yourself male or female? What gender is your spouse/partner?
Citizenship or National Origin	Where are you from? Where were you born? What is your native language?
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/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?

Cultural Awareness
While it is important not to discriminate when hiring based on these things, 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(s) 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 both by recognizing differences, listening carefully, and keeping the lines of communication open.

When the applicant arrives
Your observations and impressions 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 and their ability to do the necessary work, keeping in mind those questions you are not allowed to 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.

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 empathy 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

During the interview, you should discuss any gaps in employment longer than a month. Ask the applicant about things that are missing from their application, such as education, experience, and former employers. If there are inconsistencies, you will want to ask about those and take note of them for your reference as you are choosing your employee(s).

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.

Discussion topics for the interview

To ensure you treat all applicants fairly, you will want to ask everyone the same interview questions and discuss any specific items that need to be shared with them all.
These may include:

- Duties and responsibilities of the job;
- Specific hours and days of work;
- Approximate wage;
- Expectations for arranging time off;
- How they will be trained;
- How their performance will be evaluated;
- How much notice is expected from the employee and employer for time off or 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. As mentioned above, 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 be helpful to have someone with whom you can compare notes with after the interview. Please remember that your case manager cannot assist you with the interview process.

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 or share personal information that is not related to the job you are hiring them for—you want to learn about them.

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 one(s), you need to **check references**. This is an important step. Never hire someone without talking with each of the references they provide. You can also call former employers, even if they are not listed as references. Take notes when talking to their references, to help you in your hiring decision.

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(s) 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 candidate(s) you want to hire. When making the offer, you will want to let the applicant(s) know what their schedule might look like and what the hourly wage you are offering will be. You may also want to make sure they know that they cannot work more than 40 hours each week, from Sunday to Saturday. Do not discuss or tell the applicant(s) what your total annual or monthly participant-directed budget is. If they accept the offer, you will need to meet with the employee(s) to fill out the employment packet provided by the FMS agency. You and the applicant can complete the employment packet online, or by contacting the FMS agency.

Criminal history and background investigations

A criminal history and background screening must be conducted to ensure each employee qualifies to receive reimbursement for providing Medicaid services. The FMS agency will administer the criminal history and background screenings by gathering and viewing information obtained from federal and state systems or agencies, 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 will be used to confirm that the 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 (Section 9).

Once the FMS agency completes the criminal history and background screening process, if the individual meets the program requirements, you will be notified, and provided the results to help you in your final hiring decision. The FMS agency maintains an employee file for each person hired, which will include documentation of successful criminal history and background screening results.

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

Section 5. Direct your services.

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

How do I set expectations for my employee(s)?

You and each employee agreed to the tasks outlined in when you signed the job description. Look at each of the tasks and determine what your employee(s) must do to get 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(s):

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	● Be willing to be trained and learn. ● Training may be ongoing and may change over time. ● Be 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 ideas or reasonable solutions on how 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 in advance.
Record Keeping	● Maintain employee logs and any required documentation. ● Keep paperwork neat and organized in space designated by me. ● Complete shift information timely and accurately. ● Never ask me to sign or approve a shift with hours they did not work (Medicaid Fraud).
Confidentiality	● Keep my information confidential and do not share it with others, including: ○ 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(s) may have some things they will expect from you as well. As with any list of expectations, there are rights and responsibilities included. You may want to review this list, or one that you write, with each employee as you begin orientation and training, and take note of any concerns or expectations your employee(s) may express to you as well.

How do I train my employee(s)?

As an employer, you have a responsibility to train your employee(s). First, you must ensure your employee(s) completes the Division's required trainings and certifications based on which waiver you are on. Next, you must train your employee(s) on your specific needs and tasks. Not only are you able to choose what tasks they complete for you within the scope of your plan of care and service index, but you can train them to complete the tasks in a way that meets your needs and preferences. If you are not sure where to start, review a typical day for you with each employee and discuss:

- Meal preparation;
- Taking a shower or other hygiene activities;

- Moving throughout your home and neighborhood;
- Community activities and desired involvement.

Based on your individual needs, you should prepare a training plan for your new employee(s) 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(s) know what kinds of meals are needed, how frequently, at what times, what you like, 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(s). 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(s) will be like those experiences, only this will involve a more detailed structure, and you now have tools (job description, service index, planning documents, etc.) to help you as you train. Schedule 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(s) 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 an employee is only scheduled to work periodically, it is important to remember that training can take longer, and you may have to review your instructions or what you did the last time before the start of each session.

You can retrain your employee(s) any time you think it's necessary. Your employee(s) will also be required to renew their program training and certifications, specific to the waiver you are enrolled in. Periodic retraining helps ensure each employee is able to meet your needs and stays up-to-date on programmatic requirements and changes that impact their role as your employee and caregiver.

It is important to keep in mind that you and your employee(s) may have different communication and learning styles. As the employer, it is your responsibility to ensure that you are addressing any communication barriers that may impact your ability to train them, or their ability to understand and respond to your needs appropriately. This includes providing mechanisms to address communication barriers as needed, which could include providing translation services.

What do I teach my employee(s)?

When you and your individual employees sign the job description during the hiring process, you are agreeing upon the duties and responsibilities that make up the job. This should contain an outline or list of what you want your employee(s) to do. It is up to you to make sure each employee is trained to do these tasks to your satisfaction.

You may want to ask another person who is familiar with your needs to assist you in with some of the training. It can be helpful for your new employee(s) to watch how you like things to be done. If you have a friend or family member who is willing, have them help demonstrate how the two of you do things and what works best. Of course, you may prefer to train your employee(s) without someone to help. Choose the method that you are comfortable with and that works best for you.

- Begin training by telling your employee(s) what you will teach them.
- Describe each step slowly and thoroughly.
- Do not assume that each employee understands your expectations.
- Encourage questions during the training and ask for feedback along the way
- 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 it needs to be completed at a specific time.
    - Be consistent in your explanations.
- If you change your task or routine, review it with your employee(s) and explain why you have changed it.
- Your employee(s) will not get all your directions right the first time.
    - Be patient.
    - Be prepared to go over the directions with them as often as needed for them to get it right.
- Be aware of how much new knowledge the employee(s) 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.
- It can be helpful for you to ask your employee(s) to demonstrate the task you have taught them, to confirm they understood the training you provided.
- At the end of the session, summarize what you have taught and ask them if they have any questions.

Section 6. How do I manage my employee(s)?

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

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

Paying your employee(s) for job duties that are not allowed by the program can result in **removal or reassignment** of the employer and budget authority, **recovery** of payments made to your employee(s), and in some cases **prosecution** for Medicaid fraud. Talk with your case manager if you are unsure before asking your employee(s) to complete tasks for you.

Being assertive

Supervising an employee who provides direct care for you is not like any other working relationship. Most other employer/employee relationships do not involve such personal contact. To be a good supervisor, 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(s) is a big part of the success you have with them. You may become friends with your employee(s), but it is important for both of you to remember your roles in the working relationship. You are the supervisor. Being assertive does not mean being aggressive or pushy. Being assertive means:

- Speaking up for yourself;
- Explaining your needs;
- Directing your employee(s) in a clear, patient way;
- Redirecting if an employee is not doing a task the way you would like.

Below are some suggestions to help you to be more assertive.

- Make sure that each employee knows your expectations.
- Be fair and honest with your employee(s).
- Have respect for each employee and the role this person has in your life.
- If there is a need to correct how an employee is performing, address the issue patiently and calmly, as soon after the incident as possible.
- Most important – be direct when giving instructions and repeat yourself, whenever necessary.
- If this is an area you want to improve, there are places where you can find additional resources on how to improve communication skills and build self-confident such as:
    - Online;
    - The library or bookstore;

- Community colleges and other local career training centers.

Remember that both you and your employee(s) are likely to have days where you feel good, and other days where things are harder than usual. Respect and good communication between you and your employee(s) will be important and can lead to a strong and lasting working relationship.

Supervising my employee(s)

Management of your employee(s) has a lot to do with your interpersonal and communication skills (how well you communicate with other people). Talk with and treat your employee(s) 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(s) about job duties and performance, both when expressing that they are doing well and when they need improvement. Try to communicate any concerns or issues you may have right away so that the employee(s) can apply your feedback to the particular situation that created the concern.

The table below outlines some of the basics of your role as a supervisor.

Action	Examples
Create a positive relationship with employee(s)	● Show interest in your employee(s). ● Express confidence in your employee(s). ● Explain the rules and directions clearly. ● Be specific about requesting that your employee(s) follow any work rules you have. ● Explain the consequences of breaking those rules.
Ask and listen to each employee's perspective	● Identify issues that need 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. ● Try to remain objective and listen without letting your emotions get in the way. ● Maintain focus on work-related behaviors. ● Practice creative problem-solving and encourage your employee(s) to brainstorm solutions with you. ● Talk about options, ask for ideas, and offer suggestions.

	● Offer information and ask questions about the potential impact of choices.
Identify action steps	● Set goals together. ● Work together to meet goals. ● Follow an agreed upon approach and plan.
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 an employee can be tardy or absent, and issues around trading shifts with another employee. Make up your mind about these situations before they happen and talk to your employee(s) about your decisions related to these situations. You can also write them down in the form of a written list or policy that can be shared with your employee(s), and in the future if you hire other employees.

Retaining my employee(s)

Communication is important. Now that you have recruited, hired, and trained an employee, you want to have a good working relationship. Keeping a 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 employees have to offer. Employee(s) feel productive and satisfied with their work, when they know that it is appreciated and important. Good communication between you and your employee(s) can help do this. Consider these suggestions:

- Treat your employee(s) with kindness, fairness, and respect.
- Know your own care needs and be able to communicate them.
- 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 each employee as a person.

Managing conflict with an 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 be aware of, and 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 the employee of your agreement. If they refuse to comply with the rules, be prepared to discipline them or, when appropriate, 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. ○ For example, your employee(s) may have a problem with your family member(s) giving them instruction, but you may not see it as a problem.
Define the Problem	● Define the problem without involving personalities, motives, placing blame, judgment, or making accusations. ● 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 or perception. ● 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 where everyone is involved in finding a good solution can help you and your employee(s) continue working together as a team and can reduce stress for you both.

Disciplining my employee(s)

Employee discipline can be useful to correct an employee's work performance, to remind an employee of things they are forgetting, or to provide warning to an 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 this problem-solving process when a problem occurs and disciplinary action is required.

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 the 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 and may make the problem worse. ● Avoid blaming, as this will put the employee 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 my appointments."
Allow employee(s) to voice concerns	● Avoid interrupting. ● Listen actively to show interest in what an employee has to say by making eye contact or nodding to encourage them to continue.
Final agreement	● Decide on a Final agreement or plan for resolution. ● Put decision 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 job performance

In addition to providing each 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 to make adjustments as needed. If you review at six months, you would then want to review again at each employee's one-year anniversary of employment and yearly thereafter. Performance evaluations are a good way to keep you and your employee(s) 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 an employee's job performance.

To evaluate an employee's job performance, compare the employee's actual work to the list of job duties you both agreed to when the job description was signed by each of you.
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(s) about their work and, if needed, give clear instructions for improvement. It is a good idea to be clear with your employee(s) that the performance evaluation is a way for you both to work toward improved job performance, not an entitlement for a raise in pay.

While regularly scheduled performance reviews are important, it is just as important to make sure that if there is a problem or concern that you have as an employee is learning the ropes, you are discussing it and problem solving with that employee at the time it happens rather than waiting for a performance review, as discussed above. These reviews are meant to be a time when you and the employee can consider and talk about their overall performance during a specific time period, so that any adjustments that need to be made for the employee to better meet your expectations and follow your rules is clearly communicated. If there are specific issues that need to be corrected, it is important to talk about them with your employee(s) as soon after an incident as possible so that the issue does not impact your health or safety, and does not strain your relationship with your employee(s).

Terminating an employee

Choosing to direct your own services can require tough conversations between you and your employee(s), correcting them when needed, and dismissing them if necessary. Terminating employment with an 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. They may work out better 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 an employee from employment, you should do some advance planning if possible. You may want to have another person with you if you think the employee might be angry, or you can consider terminating them over the phone. Have a back-up employee ready to start in case the employee gets upset and quits right away.

If the employee is just not working out (for example, personality conflicts, scheduling difficulties), you should begin planning for the termination before you talk to the employee. You may want to offer to let them continue working for a few days or weeks after you tell them of the termination, if you are certain that it will not put you in a risky or uncomfortable situation. This can give both you and the employee time to adjust and decide what you will do next. If the employee chooses not to continue employment beyond the notification date, planning before you have that conversation can help you be prepared with a plan and potential backup in place.

You should terminate employment immediately if an employee has:
- Stolen something from you;
- Been physically or mentally abusive;
- Severely violated your rules or agreement;
- Submitted EVV shifts for time they were not working, or falsifies your signature on shift submissions or other legal documents.

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 able to handle it best if you have considered and put together a step-by-step process that is already in place.

If you must terminate an employee's employment, here are some steps to remember:
- Notify your FMS agency immediately and fill out the Separation of Employment form found on their online customer portal.
- Notify your case manager immediately.
- Keep a written record of the event(s) and reasons for the termination. This will protect you in case of a later dispute. Record only the facts.
- Keep employment records. Most people suggest they be kept for three years after the date of termination.
- Make sure that your keys and any other items that belong to you are returned.

Firing does not just happen. With planning, you can have a 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 plan to manage your budget is a good first step to help you stay within your budget. If you experience a change in needs, contact your case manager as soon as possible. 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 and shift submissions so that you remain within the budget and hours you have established.

Monitor expenditures

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

Schedule services

Creating plans along the way as outlined in this manual will help you stay within your budget. Planning for what tasks your employee(s) will do for you and when they will work can help you when you are managing your budget by considering the number of hours each week your employee(s) will work, what will be their hourly rate, and what that costs each month. The FMS agency can provide information and specifics about if there are any additional considerations that may impact your budget as it relates to making sure yours and the employee's tax responsibilities are included in your calculations.

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 occur, 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 Waiver program for both participant-directed and traditional model services.

Defining fraud

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, and as described in this manual, fraud is intentionally providing false information to get Medicaid to pay for medical care or services. Medicaid fraud can involve physicians, pharmacists, other Medicaid providers, and even beneficiaries. As it relates to participant-direction, fraud can also involve the participant-directed employer or employee(s).

Defining waste and abuse

Waste encompasses over use of resources or services, or incorrect payment for services such as paying more than once for a shift, or paying for more time than the service delivery would normally take. Abuse includes any situation that is not an acceptable fiscal, business, or medical practice that increases costs unnecessarily.

Reporting abuse, neglect, and exploitation

Not only must you not engage in fraud, waste, or abusive practices and violations, but you are also responsible to ensure that your employees are not engaging in these activities. If you become aware of or suspect fraud, waste, or abuse of Medicaid funds in the course of your role as employer, or as a participant receiving services from a provider agency, and should report this to the Division.

If the concern is related to your own participant-directed services or your employee(s), it is your responsibility to take the appropriate action to ensure the issue is resolved.

All adults in Wyoming are mandatory reporters, which means you have a responsibility to report known or suspected incidents of abuse, neglect, or exploitation to law enforcement and 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.

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

Incident reports

You and your case manager have a responsibility to report all incidents that happen as soon as possible. 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 & Rights Violations
- Serious Injury or Illness

- Serious Behavioral or 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 or to the service delivery model you use to receive your services. This could include a change to how you receive your services, who provides or manages your services, an increase in services, or the addition of new services. Any changes are based on your needs and preferences within the program and waiver rules.

If the incident is a direct result of something an employee did, or did not do that they should have, it is your responsibility as the employer to take disciplinary action and terminate the employment relationship as appropriate. It is also important to note that if the incident is a direct result of something the employer did, or did not do that was part of their responsibilities, the employer can be removed from that position by the Division. This is covered in more detail in Section 7 below.

Section 7. Returning to Agency-Based Services.

Participant direction does not work for everyone and some people prefer to have their services managed by a provider agency. Other times the Division makes the determination that you can no longer act in the role of employer to coordinate your own services.

What if participant direction is not working for me?

Participant direction is a voluntary service delivery option which you may choose to withdraw from at any time. If you decide you would like to return to agency-based services and receive services from a provider agency, you may do so at any time. However, you must make sure to involve your case manager before making any changes. Your case manager will help you move back to agency-based services in a way that ensures there is no break in your services. You will need to notify your employee(s) of the change before it goes into effect, as well as letting the FMS agency know, and filling out the appropriate separation of employment forms. You can return to participant direction any time you choose.

Can I be required to return to agency-based services?

Participant direction isn't for everyone and doesn't work out for every participant. This service delivery model is optional and comes with specific responsibilities and expectations that the employer must meet if it is to be safe and effective. If the employer is not following the program rules, the Division can remove that person from the employer role. If this occurs and there are no available options for you, as the participant, to continue to receive your services through participant direction, your case manager may modify your service plan to remove the participant direction model services and add agency-based services instead. There are several reasons this may be necessary. Some examples include:

- If you as the employer are unable to effectively manage the budget and employer responsibilities;
- There has been proven and continued misuse or abuse of the participant-directed budget that has not improved with training and re-education;
- There has been intentional approval and submission of fraudulent shift/timesheet information or other program documentation;
- Your employee(s) are not able to adequately provide the services needed, and no action has been taken by you as the employer to resolve the situation;
- Your health and welfare are compromised by using the participant directed service model;
- Any of these occur and there is no one who can act as a delegate employer.

Section 8. Glossary

Abuse: See definition on pages 37-38.

ADA: ADA refers to the Americans with Disabilities Act. A civil rights law that prohibits discrimination based on disability for things like employment, public accommodations, government services, transportation, and telecommunications.

ADA Accommodations: Modifications or supports that are provided to provide a person with a disability an equal opportunity to perform the essential functions of their job.

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.

Agency-Based Services: Waiver services that are provided to the participant by a provider-agency.

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.

Attestation: A statement, formally declaring that something is true.

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

Barrier Crime: A crime that prohibits someone from receiving payment or providing care to a waiver-enrolled participant through the HCBS program.

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

Candidate (Employee Candidate): The individual chosen by a participant-directed employer who, after FMS agency enrollment and confirmation of program qualification, will be hired to provide services to the participant.

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

CCW (Community Choices Waiver): The waiver that offers community-based services to eligible older adults and individuals with disabilities who would otherwise require nursing facility care.

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

DD (Developmental Disabilities) Waiver: The waiver that offers community-based services to individuals of all ages who have an intellectual disability or acquired brain injury (ages 21-64).

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.

Employee (PD Employee): The individual hired by a participant-directed employer to provide services to the participant.

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: See definition on pages 37-38.

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.

Fraud: See definition on pages 37-38.

HCBS (Home and Community Based Services): Person-centered support programs that provide services to individuals with intellectual or physical disabilities, that allow them to remain in their home and active in their community.

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

Medicaid Waiver: A program that allows states to provide personal care and support services for qualified individuals in their home and community rather than in an institutional setting.

Neglect: See definition on pages 37-38.

Participant Direction: Optional service delivery method that gives 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.

Program (State): The State of Wyoming, Division of Healthcare Financing, HCBS Section.

Provider Agency: An agency certified by the Program to hire qualified care givers and provide an HCBS service or services to enrolled participants.

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.

Service Delivery Model: The structured framework of how a waiver service is delivered to participants, including the processes, methods, and strategies involved.

Spending Plan: A tool to help participants calculate the hours of service that each employee can work at the wage 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.

State (Program): The State of Wyoming, Division of Healthcare Financing, HCBS Section.

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

Waiver: Refers to the Medicaid HCBS waivers (CCW and DD), managed by the Wyoming Department of Health, Division of Healthcare Financing.

Waiver Program: The State of Wyoming, Division of Healthcare Financing, HCBS Section.

Waste: See definition on pages 37-38.

Section 9 Barrier Crimes List Reference

2020 WYOMING STATUTES TITLE 6, CHAPTER 2 – OFFENSES AGAINST THE PERSON

Homicide which includes Murder in the First Degree, Murder in the Second Degree, Manslaughter, Homicide by Vehicle, Criminally Negligent Homicide, Drug Induced Homicide, Homicide of a Pregnant Woman Causing the Involuntary Termination of the Pregnancy

Kidnapping and Related Offenses including Kidnapping, Felonious Restraint, False Imprisonment, Interference with Custody

Sexual Assault in the First, Second or Third Degrees, Sexual Battery, Sexual Abuse of a Minor in the First through Fourth Degrees, Soliciting to Engage in Illicit Sexual Relations

Robbery and Blackmail including Robbery, Aggravated Robbery, Blackmail, Aggravated Blackmail, Intimidation in Furtherance of the Interests of a Criminal Street Gang

Assault and Battery including Simple Assault, Aggravated Assault and Battery, Female Genital Mutilation, Child Abuse, Reckless Endangering, Terroristic Threats, Stalking, Abuse, Neglect, Abandonment, Intimidation or Exploitation of a Vulnerable Adult, Assault and Battery on Corrections or Detention Officer, Strangulation of a Household Member, Domestic Assault or Domestic Battery.

Human Trafficking in the First and Second Degree, Forced Labor

2020 WYOMING STATUTES TITLE 6, CHAPTER 4 – OFFENSES AGAINST MORALS, DECENCY AND FAMILY

Prostitution, including Soliciting and Act of Prostitution or Promoting Prostitution

Public Indecency

Obscenity which includes Promoting Obscenity, Sexual Exploitation of Children, Voyeurism, Dissemination or Possession of a Nude Image of a Minor

Offenses Against the Family which includes Bigamy, Incest, Abandoning or Endangering Children, Violation of Domestic Violence Order of Protection, Endangering Children (Controlled Substances), Permitting House Parties Where Minors Are Present

Desecrating Graves and Bodies which includes Opening Graves and Removing Bodies, Mutilation of Dead Human Bodies