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Managed Care Organization (MCO)  
Training and Documentation Standards  
for  
Supportive Home Care

I. Purpose

This document describes the standards for worker training and documentation of that training for supportive home care (SHC), including for purposes of these standards, in-home respite care, in the Family Care, Family Care-Partnership and PACE (Program of All-Inclusive Care for the Elderly) programs. It applies to workers employed by agencies, members (or their representatives), or jointly by a member (or representative) and an agency through the self-directed supports (SDS) option.

The training standards are meant to ensure that members receive safe, quality care provided by competent workers. The training standards also ensure that workers understand the individual member as a whole person and become familiar with the relevant policies and procedures of the Managed Care Organization (MCO), SHC agency, and in the case of an SDS member, the member (or representative) and the fiscal/employer agent or the co-employment agency. Where services are self-directed, the standards balance members’ opportunities to select, train, and direct the individuals who provide their care with the state’s and MCOs’ responsibility to ensure that providers of home and community-based waiver services are qualified.

II. Definitions (for the purposes of this document)

A. Supportive Home Care means both supportive home care and respite care in an otherwise non-regulated private residence, or in-home respite, as defined in the Department of Health Services (DHS)-MCO contract.

B. Supportive Home Care Agency means both supportive home care and in-home respite agencies that contract with an MCO to provide these services and employ direct-care workers. An SDS member may also purchase services from an SHC agency. In that circumstance, the agency is the sole employer of the direct-care workers.

C. Fiscal/Employer Agent (aka fiscal agent, fiscal intermediary, or financial management services provider) means an entity selected by a member when the member is a common-law employer of member-selected workers that performs payroll functions and other employer responsibilities required by federal and state law on behalf of the member/employer.

D. Co-Employment Agency (aka Agency with Choice) means an agency that functions as the legal employer of member-selected workers and performs necessary payroll and human resource functions, while the member or representative functions as the co-employer or managing employer of the workers.

E. SDS Member means a member using the self-directed supports option for supportive home care and/or in-home respite services.
F. **Vulnerable or High-Risk Member** means a member to whom at least one of the following applies:

1. The member is unable to recognize, understand, or communicate his or her care needs and the risks associated with those needs not being met.
2. The member is clinically complex, requiring a variety of skilled services or high utilization of medical equipment.
3. The member is receiving services from only a single worker or caregiver and receives no other services that provide an opportunity for assessment of the member’s condition, health, safety, and welfare on a regular and frequent basis.
4. The member is dependent entirely on a single authorized representative with legal authority to make decisions.
5. The member has experienced one or more incidents required to be reported under Article V.J.5. of the DHS-MCO contract within the last six months.
6. The member depends on a single individual to provide nutrition, fluid, or medical treatment needed to sustain life.
7. There is a potential for conflict of interest within the meaning of Article I.24. of the DHS-MCO contract that has not been eliminated or successfully managed pursuant to Article V.C.3.b.iv. of the DHS-MCO contract.
8. The member is at risk due to financial relationships with the caregiver (for example, the caregiver’s income is based on the member’s care, or the member is the caregiver’s landlord).

III. **Employment Models**

A. Three Models

1. **SHC Agency: Agency-Based Services**: The MCO contracts with a provider agency. The agency employs workers to provide supportive home care to members. A member may have choice among agency workers and may change agency providers, but does not have an employer-employee relationship with the worker. An SDS member with budget authority may choose to purchase services from an SHC agency. In that situation, the agency remains responsible for all employer functions.

2. **Self-Directed Services: Member as Employer**: The SDS member or representative is considered the employer of member-recruited/selected SHC and/or respite care workers. The SDS member selects a fiscal/employer agent from among those offered by the MCO to handle payroll, background checks, and other employment responsibilities as defined by the contract between the MCO and the fiscal employer/agent and the member’s agreement with the fiscal/employer agent.

3. **Self-Directed Services: Agency/Member Co-Employer** (Agency of Choice)
   a. An organization serves as the primary or legal employer of member-selected workers, while the member (or representative) serves as the secondary or managing employer.
   b. It is possible for the same entity to be an SHC agency, a co-employment agency, and a fiscal/employer agent, or any two of these, depending on the services it contracts with an MCO to offer members. However, for an individual member it should function as only one of these.
B. Responsibility for Compliance

Compliance with these requirements is required for all members receiving supportive home care and in-home respite care. Ensuring compliance for vulnerable or high-risk members requires the responsible entity/entities (indicated below) to employ heightened diligence in determining the need for implementing and monitoring individualized safeguards to ensure that the services provided are safe and effective, and minimize the risk of adverse impacts on member health and safety.

1. **SHC Agency: Agency-Based Services**: The SHC agency is responsible for ensuring its workers meet these training standards. MCOs shall include this requirement in their contracts with SHC agencies. The SHC agency may, but is not required to, provide opportunities for members to provide the required worker training where the member is willing and able to do so.

2. **Self-Directed Services: Member as Employer**: The MCO may provide that the member (or representative) solely, the fiscal/employer agent solely, or the member and the fiscal/employer agent jointly are responsible for ensuring compliance with these training standards, provided:
   a. Where the MCO decides the fiscal/employer agent is to be solely responsible or jointly responsible with the member, this responsibility shall be included in the MCO contract with the fiscal/employer agent.
   b. The fiscal/employer agent shall be capable of all the following, and where the agreed division of responsibility among the MCO, member, and fiscal/employer agent so specifies, shall be responsible for:
      i. Verifying the member’s (or representative’s) ability to adequately assess a worker’s need for training.
      ii. Verifying the member’s (or representative’s) ability to adequately provide needed worker training, and that it is provided.
      iii. Assessing a worker’s need for training.
      iv. Providing, or arranging for training, that will not be provided by the member (or representative).
   c. Where the member (or representative) is solely or jointly responsible for ensuring compliance with these requirements, this responsibility shall be voluntary and the member’s (or representative’s) consent documented in the MCO member record or the record kept by the fiscal/employer agent. This documentation shall include any training provided by the member (or representative) and any member (or representative) decisions to exempt workers from or waive required training under Section VII.
   d. The MCO may not require a member (or representative) to be responsible for meeting worker-training standards as a condition for participating in SDS as the employer of SHC workers. However, the MCO may advise the member that a co-employment arrangement may be more suitable to the member.
   e. When the MCO determines the member is not willing or capable of ensuring compliance with training standards and the MCO-fiscal/employer agent contract does not include this responsibility, the MCO or an entity contracted by the MCO, shall be responsible for this function, including the tasks under subsections b. i.-iv of this section. For vulnerable or high-risk members, the MCO’s interdisciplinary team (IDT) shall assess and document the adequacy
of training provided to workers through direct observation of the care provided to the member. The IDT shall intervene (e.g., increased oversight, ongoing in-home visits, additional training, alternative workers, etc.) to the extent necessary to ensure that the member’s needs are met.

3. Self-Directed Services: Agency/Member Co-Employer
   a. The co-employment agency and the member or representative shall jointly determine the appropriate division of responsibility for assessing workers’ training needs and providing or obtaining that training.
   b. The member may decline this responsibility and compliance with these requirements shall then be the responsibility of the co-employment agency.
   c. If the member assumes this responsibility, the co-employment agency shall document that any member assessment of workers’ training needs is reasonable and that any member-provided training is adequate.
   d. If the co-employment agency believes that the member’s assessment of worker training needs or member-provided training is inadequate to ensure member health and safety, the co-employment agency shall, with the member’s agreement, assume these functions. If the member is unwilling to have the agency assume these functions, the co-employment agency shall inform the member’s IDT staff. IDT staff shall intervene as in subsection 2.e. of this section.
   e. The co-employment agency shall ensure that any needed worker training not provided or obtained by the member is provided to the worker. In the event the member objects to this training, the agency should proceed as in subsection 3.d. of this section.

IV. Types of Supportive Home Care Services

Training requirements within these standards vary depending upon the category or categories of supportive home care services workers provide to members—personal assistance services, household/chore services, or both. For purposes of compliance, these categories are defined below. Workers who provide only personal assistance services or personal assistance and household/chore services must comply with the standards in Section V. Workers who provide only household/chores services must comply with the standards in Section VI.

A. Personal Assistance

1. Hands-on assistance with activities of daily living, such as dressing/undressing, bathing, feeding, managing medications and treatments normally self-administered, toileting, assistance with ambulation (including the use of a walker, cane, etc.), carrying out professional therapeutic treatment plans, and grooming, such as care of hair, teeth, or dentures. This may also include preparation and cleaning of areas used during provision of personal assistance, such as the bathroom and kitchen.
2. Direct assistance with instrumental activities of daily living, as well as observation or cueing of the member to safely and appropriately complete activities of daily living and instrumental activities of daily living. Providing supervision necessary for member safety. This may include observation to ensure appropriate self-administration of medications, assistance with bill paying and
other aspects of money management, assistance with communication, arranging and using transportation, and personal assistance at a job site.

B. Household/Chore Services

1. Routine housekeeping and cleaning activities performed for a member consisting of tasks that take place on a daily, weekly, or other regular basis. These may include washing dishes, laundry, dusting, vacuuming, meal preparation, shopping, and similar activities that do not involve hands-on care of the member.

2. Intermittent major household tasks that must be performed seasonally or in response to some natural or other periodic event, or for reasons of health and safety. These may include outdoor activities such as yard work and snow removal; indoor activities such as window washing, cleaning of attics and basements, cleaning of carpets, rugs, and drapery, and refrigerator/freezer defrosting; and the necessary cleaning of vehicles, wheelchairs, and other adaptive equipment; and home modifications such as ramps. This also may include assistance with packing/unpacking and household cleaning/organizing when a member moves.

V. Personal Assistance Services: Worker Training Standards

Workers who provide personal assistance services, or personal assistance and household services related to the care of the person, such as food purchasing and preparation, laundry, and cleaning of areas of the home necessary to provide personal assistance, must receive training on the following subjects (unless exempted or waived per Section VII):

A. Policies, Procedures, and Expectations for workers, including HIPAA (Health Insurance Portability and Accountability Act) compliance and other confidentiality requirements; ethical standards, including respecting personal property; safely providing services to members; and procedures to follow when unable to keep an appointment, including communicating the absence and initiating backup services.

B. Billing and Payment Processes and Relevant Contact Information, including recordkeeping and reporting; contact information, including the name and telephone number of the primary contact person at the SHC agency, or the SDS member or representative, and the fiscal/employer agent or co-employment agency.

C. Recognition of, and Response to, an Emergency, including protocols for contacting local emergency response systems; prompt notification of the SHC agency or the SDS member’s fiscal employer agent or co-employment agency; notification of the contacts provided by the SDS member and the MCO IDT.

D. Member-Specific Information including individual needs, functional capacities, relevant medical conditions, strengths, abilities, member preferences in the provision of assistance, SHC-related outcomes, and the MCO care manager contact information. (Per Section III.B., the member/representative may provide this training component, in whole or in part.)
E.  **General Target Population.** Information that is applicable to the members the worker will serve. (This applies primarily to SHC agency-based services or where a worker will serve multiple SDS members with the same or similar conditions.)

F.  **Providing Quality Homemaking and Household Services**, including understanding good nutrition, special diets, and meal planning and/or preparation. Understanding and maintaining a clean, safe, and healthy home environment. Respecting member preferences in housekeeping. (This applies where a worker will be providing housekeeping services in addition to personal assistance. The training may focus on the particular housekeeping services the worker will provide.)

G.  **Working Effectively with Members**, including appropriate interpersonal skills; understanding and respecting member direction, individuality, independence, and rights; procedures for handling conflict and complaints; cultural differences and family relationships. This component should include training on behavioral support needs, if applicable.

VI. **Household/Chore Services: Worker Training Standards**

Workers who perform only household chores relating primarily to the care and/or upkeep of the interior or exterior of the member’s residence shall receive training commensurate with the scope of their duties as follows:

A.  **Policies, Procedures, and Expectations** for workers, including HIPAA compliance and other confidentiality requirements; ethical standards, including respecting personal property; safely providing services to members; and procedures to follow when unable to keep an appointment, including communicating the absence and initiating backup services.

B.  **Billing and Payment Processes and Relevant Contact Information**, recordkeeping, reporting, and contact information, including the name and telephone number of the primary contact person at the SHC agency, or the SDS member, and fiscal/employer agent or co-employment agency.

C.  **Recognition of, and Response to, an Emergency**, including protocols for contacting local emergency response systems; prompt notification of the SHC agency or the SDS member’s fiscal employer agent or co-employment agency; notification of the contacts provided by the SDS member and the MCO IDT.

D.  **Providing Quality Homemaking and Household Services**, including understanding good nutrition, special diets, and meal planning and/or preparation. Understanding and maintaining a clean, safe, and healthy home environment. Respecting member preferences in housekeeping tasks and shopping.

E.  **Member-Specific Information** only to the extent that it is necessary and is directly related to performing the tasks of household/chore services, and MCO care manager contact information. (The member or member’s representative may provide this component of training, in whole or in part.)
Note: While all five areas (subsections A-E) of this section must be addressed in the training of household/chore services workers, the type and depth of information provided may not need to be as extensive as for personal assistance services.

VII. Exemption From or Waiver of Training

A. Exemption—Due to their own licensure or credentialing requirements, the following professions may be exempted by the responsible entity or entities from these training requirements: certified nursing assistant, licensed practical nurse, registered nurse, licensed physical or occupational therapist, or certified physical or occupational therapy assistant. When an exemption is granted, the responsible entity or entities must still ensure that a worker performing medically oriented tasks, such as tube feedings, wound care, or tracheotomy care is competent in performing these tasks with the specific member.

B. Waiver—Some or all of the required training may be waived based on knowledge and skills attained through prior experience (e.g., as a personal care worker for a Medicaid-certified personal care agency). Responsibility for making, documenting, and maintaining documentation of such a waiver shall be based on the protocols in Section III.B. and VIII. When a waiver is granted, the responsible entity or entities must still ensure that a worker performing medically oriented tasks, such as tube feedings, wound care, or tracheotomy care is competent in performing these tasks with the specific member.

Note: Notwithstanding any exemption or waiver under subsections A. or B of this section, such workers will likely need agency and member contact information, information on billing, payment, documentation, and any other relevant administrative requirements, protocols for emergencies and member-specific information.

C. Documentation—For workers exempted from some or all of the training requirements under subsections A. or B of this section, the responsible entity (pursuant to Section III.B.) making the exemption or waiver decision shall maintain copies of credentials or other documentation of their existence, or a written rationale for waivers based on experience, signed and dated by that entity. The documentation shall meet the requirements in Section VIII.

VIII. Completion and Documentation of Training

A. Timeframes

1. Personal assistance services training shall be completed prior to providing personal assistance services.
2. Household/chore services training shall be completed within two months of beginning employment.

B. Responsibility for Creating and Maintaining Documentation

1. For agency-based services, the SHC agency shall document the training and any exemptions or waivers, and maintain the documentation.
2. For SDS members who are common-law employers:
   a. Members who make training decisions shall document the training and any exemptions or waivers, and maintain the documentation with the assistance of the fiscal/employer agent if within the scope of its work or, if not, the MCO.
   b. If members do not make training decisions, the fiscal/employer agent if within the scope of its work or, if not, the MCO or its contractor, shall document the training and any exemptions or waivers, and maintain the documentation.
3. For SDS members who are co-employers, the co-employment agency shall document the training and any exemptions or waivers, and maintain the documentation.

C. Content of Documentation

1. Documentation shall list the training content, dates such training occurred, and for exemptions and waivers, the credentials and/or rationale that are the basis for any training exemption or waiver per Section VII.
2. Documentation that training requirements have been met through provision of training and/or exemption or waiver shall be signed and dated by the entity or entities making those decisions.

D. Additional Training

The entity responsible for making and documenting training decisions shall ensure the worker completes appropriate additional training, if the worker’s job duties change and require additional knowledge and/or skills.

IX. General Requirements

A. Contracts or Written Agreements Required

1. When the service provider is an SHC agency, the MCO must have a contract or written agreement with the SHC agency in accordance with Article VIII of the DHS-MCO contract.
2. When an SDS member is the common-law employer, the SDS member must have a contract or other written agreement with the worker. In addition, the member-centered plan shall specify member, MCO, and fiscal/employer agent roles and responsibilities in accordance with this document and Article VI of the DHS-MCO contract.
3. When an SDS member is a co-employer with a co-employment agency, the member, agency, and worker must have a three-way contract or other written agreement. Alternatively, at the discretion of the agency, there shall be separate agreements between the agency and member and the member and worker. These contracts or written agreements shall be in accordance with Article VI of the DHS-MCO contract.
B. Required Content of Contracts or Written Agreements

In addition to the requirements in Articles VI and VII of the DHS-MCO contract, the contracts or written agreements specified in Section VIII.A. of this document shall include the following provisions:

1. Scope of SHC services to be provided and, in the case of SDS members, the amount of service authorized for the member.
2. Worker training requirements and the entities responsible for ensuring workers meet them, including the determination of exemptions or waivers, and the entities responsible for creating and maintaining documentation of compliance, in accordance with this document.
4. Back-up service plan(s).
5. Billing and payment procedures.

C. Other Contract Requirements

All other requirements of the DHS-MCO contract applying to waiver services in general, apply to SHC and in-home respite services. These include, but are not limited to:

1. If these services are provided under SDS, all the rules regarding SDS in Article VI apply.
2. Background check requirements in Article VIII.P.5., as applicable.
3. Requirements regarding paying family members to provide services, in Article VIII.P.2.
4. MCOs must ensure that the SHC agency or the SDS member and fiscal/employer agent or co-employment agency maintain adequate documentation of services provided, including recording, at least monthly, in the proper format, the number of units of SHC or in-home respite services provided, pursuant to provisions in Articles VI.B. and C., VIII.D., XII.C.5. and 9., XIII.A., and XIV.B., among other relevant provisions.
5. At any time the SHC agency or the SDS member and fiscal/employer agent or co-employment agency shall provide the MCO full access to all worker training records and materials to enable the MCO to ensure that the SHC workers meet the standards in this document, pursuant to Articles VIII.D. and XII.C.5a.ii of the DHS-MCO contract.
6. All required documentation must be readily accessible and available to the MCO, Centers for Medicare and Medicaid Services, DHS or its designees, pursuant to Articles VIII.D., XIII.A and H.