

Independent Contractor Model Workgroup System Design Discussion Categories and Topics

Member Roles and Responsibilities						
	Contract Requirements and Compliance	Billing and Reimbursement	Oversight and Quality of Care Monitoring	Advantages/Disadvantages	HCBS Services Model Continuum	Model Compliance with Federal and State Law
1	What are the contractual obligations for members?	Does the member negotiate the rate of pay for the DCW?	Who is responsible for assisting the member in addressing issues with the DCW?	What are the advantages and disadvantages for the member under this model?	Is this model a member-directed option? Does it fall into one or more of the current models? (I.e. Agency with Choice, Self-Directed Attendant Care.)	Is the member an employer or do they enter into a contract with a DCW/Agency?
2	Who do members report issues to and when are they required to report issues? (I.e. dissatisfaction, gaps in services, theft, etc.)		Who is responsible for investigating incidents between the member and the DCW? Who is responsible for addressing quality of care concerns identified by an ALTCS Contractor or AHCCCS?			How are the member's risks of looking like an employer under the model mitigated?
3	What are the required contract elements between members and DCWs and members and agencies?		What is the maximum response time for addressing member concerns/incidents?			
4	How do members change/end the contractual relationships with either a DCW or an agency?		How is the determination made as to whether or not the member has the competency and capacity to enter into contracts? Can members utilize a legal or otherwise representative to assist them to enter into contracts?			
5	Does the member have a contract with the DCW, Agency or both?		What is the role of family members, particularly family members who are the provider of service? Will conflict of interest provisions be applied?			
6			Who is responsible for developing contingency plans and addressing gaps in services?			

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	DCW Roles and Responsibilities					
	Contract Requirements and Compliance	Billing and Reimbursement	Oversight and Quality of Care Monitoring	Advantages/Disadvantages	HCBS Services Model Continuum	Model Compliance with Federal and State Law
1	Who is responsible for ensuring the DCW's contract compliance including contract obligations to an agency, members, ALTCS Contractor and AHCCCS?	Who negotiates the rate of pay with the DCW?		What are some costs associated with a DCW serving as an Independent Contractor? (I.e. training, insurance, etc.)	What is the scope of services that a DCW can provide as an Independent Contractor?	
2	Who is responsible for entering the Independent Contractors into the online database?			What are the advantages and disadvantages for the DCW under this model?		
	Agency Roles and Responsibilities					
	Contract Requirements and Compliance	Billing and Reimbursement	Oversight and Quality of Care Monitoring	Advantages/Disadvantages	HCBS Services Model Continuum	Model Compliance with Federal and State Law
1	What are the agency's responsibilities related to recruiting, contracting (hiring), monitoring (supervising), paychecks, background checks, etc.?	Who negotiates the rate of pay with the DCW?	How do agencies ensure the DCW's contracts are in compliance? What steps are taken if the DCWs are out of compliance with the contract?		With an agency involved in the model, how does the model look or function different than the Traditional or Agency with Choice option?	
2	Who is responsible for ensuring the agency's contract compliance including contract obligations to members, MCOs and AHCCCS?					
3	How do agencies change/end the contractual relationships with either a DCW or a member?					
4	Are members and DCWs free to transfer services/work to another agency?					
5	What additional staffing do agencies need to have to ensure quality of care and DCW contract compliance?					

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ALTCS Contractor Roles and Responsibilities						
	Contract Requirements and Compliance	Billing and Reimbursement	Oversight and Quality of Care Monitoring	Advantages/Disadvantages	HCBS Services Model Continuum	Model Compliance with Federal and State Law
1	Are the ALTCS Contractors responsible for credentialing DCWs who serve in the capacity of an Independent Contractor?	Should there be different reimbursement rates for the agency and the DCW?		Who owns the risk if the member files a lawsuit?		What choices do ALTCS Contractors have to mitigate risks of looking like an employer under the model?
2	What choices do ALTCS Contractors have regarding who they contract with to provide services?	Will the DCWs be paid different rates based upon the model (i.e. Traditional versus Agency Independent Contractor model)? How do we ensure pay equity across all models?				
3		Should there be different reimbursement rates for agencies utilizing different models (i.e. Traditional versus Agency Independent Contractor model)?				
4		If an agency is involved in the model, what is the reimbursement rate and what is included in the development of the rate?				
5		How do the reimbursement rate structures coincide with the DDD rate rebasing requirements?				
6		Who is responsible for reviewing/approving timesheets and authorizations for billing?				

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AHCCCS Roles and Responsibilities						
	Contract Requirements and Compliance	Billing and Reimbursement	Oversight and Quality of Care Monitoring	Advantages/Disadvantages	HCBS Services Model Continuum	Model Compliance with Federal and State Law
1	How do DCWs, serving in the capacity of an Independent Contractor, get screened for Medicaid exclusions?		How are safeguards built to prevent or reduce fraud, waste and abuse?		Who is responsible for educating members on the model(s)?	If there is no agency involved in the model, what entity is responsible to address challenges to the model made by DOL, IRS, UI, etc.?
2	Do DCWs need to be AHCCCS registered providers and have individual AHCCCS provider numbers? What are the required elements of the Provider Participation Agreements?		If fraud is detected and requires recoupment, who is responsible for paying back the money?		Will AHCCCS develop standardized forms (i.e. agreements) for the model(s) similar to Agency with Choice?	How do we ensure AHCCCS is not at risk of providing unemployment compensation for DCWs serving in the capacity of an Independent Contractor?
3	Who ensures the DCW and/or the agency carries the appropriate insurance coverage?					How do we ensure the model developed by the workgroup is compliant with DOL, IRS, UI, etc.?

Workgroup Recommendations

- **Research other states that utilize an Independent Contractor model.** The research should incorporate:
 - The context of the 1115 Demonstration Waiver
 - How states have ensured compliance with DOL, IRS and UI.
 - State of Washington – Agency model
 - DCW pay parity requirement
 - Payroll functions are similar to a Fiscal Intermediary operated by the union
 - State of Florida and California– Registry model
- **Request an opinion letter, on the developed model, from DOL, IRS and UI.**