

## **1320-A SELF-DIRECTED ATTENDANT CARE**

EFFECTIVE DATE: 03/02/20

APPROVAL DATE: 12/05/19

### **I. PURPOSE**

This Policy applies to ALTCS E/PD and the Fee-For-Service (FFS) Programs including: Tribal ALTCS Program. This Policy establishes requirements for the Self-Directed Attendant Care (SDAC) member service delivery option in adherence to A.A.C. R9-28-508.

### **II. DEFINITIONS**

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| <b>COMPETENT MEMBER</b>                | As specified in A.A.C. R9-28-508 a person who is oriented, exhibits evidence of logical thought, and can provide directions. For the purposes of this Policy, “competent member” means the member or the member’s legal guardian.  |
| <b>DIRECT CARE WORKER (DCW)</b>        | A person who assists an elderly person or an individual with a disability with activities necessary to allow them to reside in their own home. A DCW, also known as Direct Support Professional, shall be employed/contracted by DCW Agencies or, in the case of member-directed options, employed by ALTCS members in order to provide services to ALTCS members. |
| <b>FISCAL AND EMPLOYER AGENT (FEA)</b> | The entity(ies) providing fiscal management services to members.   |
| <b>MEDICALLY STABLE</b>                | As specified in A.A.C. R9-28-508, the Member’s skilled-care medical needs are routine and not subject to frequent change because of health issues.   |
| <b>MEMBER</b>                          | For the purposes of this Policy, the term “Member” means the Member or the Member’s legal guardian.  |

**MEMBER-DIRECTED  
SERVICE DELIVERY  
OPTIONS**

Models which allow Members to have more control over, how certain services are provided, including services such as attendant care, personal care, home maker, and habilitation. The options are not a service, but rather define the way in which services are delivered. Member-directed options are available to Arizona Long Term Care System (ALTCS) Members who live in their own home. The options are not available to Members who live in an alternative residential setting or nursing facility.

**SELF-DIRECTED  
ATTENDANT CARE  
(SDAC)**

A service option offered to members who are elderly and/or have physical disabilities and who reside in their own home. Within this option, members utilize a Direct Care Worker (DCW) to perform tasks such as homemaking, personal care, and general supervision. As described in this policy, the DCW may also provide limited skilled services in specific circumstances. This service differs from traditional attendant care in that the DCW who provides these services is an employee, not of an agency, but of the member who hires, trains and supervises the caregiver. The member is supported by a Fiscal Employer Agent.

**SERVICE PLAN**

A complete written description of all covered health services and other informal supports which includes individualized goals, family support services, care coordination activities and strategies to assist the member in achieving an improved quality of life.

**SKILLED SERVICES**

As specified in A.A.C. R9-28-508(G), a Competent Member, who is Medically Stable, or the member's legal guardian may employ an attendant care worker to also provide the following Skilled Services:

1. Bowel care, including suppositories, enemas, manual evacuation and digital stimulation,
2. Bladder catheterizations (non-indwelling) that do not require a sterile procedure,
3. Wound care (non-sterile),
4. Glucose monitoring,
5. Glucagon as directed by the health care provider,
6. Insulin by subcutaneous injection only if the member is not able to self-inject,
7. Permanent gastrostomy tube feeding, and
8. Additional services requested in writing with the approval of the Director and the Arizona State Board of Nursing.

**III. POLICY**

SDAC is a member-directed option which allows members to have more control over how attendant care services are provided. The Member-directed options are not a service, but rather define the way in which services are delivered and are available to Arizona Long Term Care System (ALTCS) members who live in their own home. The options are not available to members who live in an alternative residential setting or nursing facility. Member independence and personal choice are the primary objective of the SDAC member-directed option. Members choosing to participate in this service shall be interested in actively taking responsibility for managing his/her own health care.

Throughout the policy, the term “member” means the member or the member’s legal guardian.

Member-directed options represent a philosophical approach to service delivery that maximizes a member’s ability to:

1. Identify his/her own needs.
2. Determine how and by whom his/her needs are met:
  - a. Choose which tasks to receive from his/her DCW within the scope of the service plan,
  - b. Select the days and times for service delivery, and
  - c. Recruit, hire (select), manage, supervise and terminate (dismiss) the DCW of his/her choice, including family members. Parents of minor children are prohibited from serving as a paid DCW.
3. Define what constitutes quality of care in the delivery of his / her services.

Within SDAC, members utilize a DCW to perform tasks such as homemaking, personal care, and general supervision. As specified in this Policy, the DCW may also provide limited Skilled Services under specific circumstances.

A member shall be competent to direct care or shall have a legal guardian. A member’s legal guardian may make the decision to elect SDAC for the member and assist them in directing the care on behalf of the member. If the member has a legal guardian, the legal guardian shall be present, with the member, when SDAC services are provided. The legal guardian may not serve as the member’s DCW when SDAC has been selected.

The number and frequency of authorized services are determined through an assessment of the member’s needs by the case manager with the member and/or the member’s family, member/guardian/designated representative, in tandem with the completion of the cost-effectiveness study. Refer to the FFS Billing Manual for information regarding service codes and modifiers. Members are not precluded from receiving other medically necessary services.

Refer to AMPM Policy 1240-A for more detailed information about the services ALTCS members can direct under SDAC.

Within SDAC there are three individuals who are critical to the effective implementation of the member's individualized Service Plan. These include the member, ALTCS <sup>case</sup> manager, and the DCW. Each of these individuals has tasks and responsibilities which shall be met in order for the Service Plan to be successful.

#### **A. ROLES AND RESPONSIBILITIES UNDER SELF DIRECTED ATTENDANT CARE**

##### **1. Member Roles and Responsibilities**

Under SDAC, members have the right to make decisions about how to best have their needs met, including who will provide their services and when they will be provided. The SDAC Member-Directed Service Delivery Option allows members to make decisions about the services the DCW will provide and how to receive them. Under SDAC the member has two roles, employer and member.

##### **a. Member Responsibilities as Employer**

As the employer of the DCW, the member has responsibilities including, but not limited to:

- i. Recruiting, interviewing, and hiring the DCW(s),
- ii. Training the DCW(s) in the manner in which duties will be performed and/or requesting assistance and authorization if additional assistance is mandatory,
- iii. Directing the care received from the DCW(s),
- iv. Preparing a description of duties for DCW(s),
- v. Scheduling the DCW(s),
- vi. Monitoring the DCW (s) hours to ensure that hours do not exceed those authorized by the ALTCS case manager. If more hours are necessary to meet their needs, the member shall contact the ALTCS case manager in advance and request re-assessment for medical necessity and cost effectiveness of services and hours,
- vii. Supervising DCW(s), including termination of employment if warranted,
- viii. Ensuring that all mandatory paperwork is accurately completed and sent to the FEA in a timely manner including submission of signed timesheets as requested by the FEA. Failure to accurately represent actual time worked is subject to a Medicaid fraud investigation,
- ix. Reporting any payroll issues to the FEA,
- x. Reporting any DCW resignation and/or termination to both the FEA and the ALTCS case manager.

##### **b. Member Responsibilities**

Under SDAC, the member is expected to direct his/her care and work collaboratively with the ALTCS case manager to ensure that his/her needs are met. The member has responsibilities including but not limited to:

- i. Participating in the development of the Service Plan,
- ii. Developing and updating, as necessary, a Contingency (Back-up) Plan with assistance from his/her ALTCS case manager. Details regarding contingency plans are as specified in AMPM Policy 1620 and Exhibit 1620-14,

- iii. Adhering to the Contingency (Back-Up) plan and reporting any gaps in DCW services to the ALTCS case manager,
- iv. Monitoring the quality of care provided, including fraud, waste, and abuse (including neglect) by the DCW, and reporting any problems or concerns to the ALTCS case manager. Any unresolved dissatisfaction with the DCW should be reported to the ALTCS case manager. The ALTCS case manager will assist the member to determine if issues can be resolved or if the preferable alternative is a change in DCW,
- v. Consulting with the ALTCS case manager when assistance is mandatory due to dissatisfaction/issues related to SDAC and/or the DCW,
- vi. Contacting the ALTCS case manager in advance if more hours are necessary to meet their needs by requesting a re-assessment for medical necessity and cost effectiveness of services and hours,
- vii. Notifying the ALTCS case manager and physician of any change in health condition,
- viii. Notifying the ALTCS case manager of admission or discharge to a hospital or other care facility. In the event the member is unable to notify the ALTCS case manager directly of admission or discharge, the member is mandatory to designate another responsible individual to report this information to the ALTCS case manager. Refer to 42 CFR 438.100<sup>for</sup> a review of member rights.

**B. CASE MANAGER ROLES AND RESPONSIBILITIES UNDER SELF DIRECTED ATTENDANT CARE**

1. In addition to the ALTCS case manager Standards as specified in AMPM Chapter 1600, the ALTCS case manager is responsible for:
  - a. Informing and educating members and/or legal guardians about SDAC including verifying that members electing SDAC understand their roles and responsibilities. Evidence of such discussion shall be included in case notes,
  - b. Referring interested members and/or legal guardians to available resources for further information about and/or facilitating member participation in SDAC,
  - c. Facilitating initiation of documentation as mandatory by the FEA,
  - d. Advising the member as needed regarding the hiring and training of the DCW. This includes the need for specialized assessment, education, and training by a registered nurse when skilled care is involved,
  - e. Assisting the member to assess his/her training needs and authorizing training based on that assessment as appropriate,
  - f. Documenting in the case notes and recording the non-provision of services and gap logs any service gaps that are reported by the member and completing and submitting service gap reports as mandatory by AHCCCS and as specified in ACOM Policy 413,
  - g. Assisting the member as needed in finding a replacement DCW (generally from an agency) to provide services when the member reports that the DCW is unavailable and the member requests assistance. Services need to be provided

- within the timelines specified by the member's Member Service Preference Level, outlined in the member's Contingency Back-Up Plan,
- h. Facilitating any needed transition from the SDAC to traditional service delivery system or transition back to SDAC when requested and appropriate.

### **C. DIRECT CARE WORKER ROLES AND RESPONSIBILITIES UNDER SELF DIRECTED ATTENDANT CARE**

The DCW is an employee of the member and provides the direct care services, as specified in AMPM Policy 1240-A, the member needs in order to be able to maintain independence in his/her own home. The DCW is to carry out the duties, as assigned, in the manner directed by the member, as appropriate, and as authorized by the ALTCS case manager.

The DCW shall meet certain pre-employment requirements and has certain rights and responsibilities.

#### **1. DCW Pre-Employment Requirements**

Pre-employment requirements include, but are not limited to, the following:

- a. Demonstrate proof of citizenship or legal residency,
- b. Present two documents that establish identity. At least one of the documents shall include a photograph,
- c. Provide all mandatory employment documentation as mandatory by State, or Federal requirements,
- d. If the worker will be driving the member, he/she shall provide proof of current Arizona driver's license and insurance,
- e. If requested by the member, submit to criminal background checks and references,
- f. Demonstrate proof of certification in CPR and First Aid. Note, CPR and First Aid are mandatory prior to employment and are not reimbursable services,
  - i. Training in First Aid and CPR shall be provided or sponsored by a nationally recognized organization (e.g., American Heart Association, American Red Cross, etc.), using an established training curriculum,
  - ii. Training sessions shall be held in person, so that the participant may demonstrate learned skills such as, mouth to mouth resuscitation and chest compressions. Web-based training without the benefit of on- site return demonstration of skills is not acceptable.

#### **2. DCW Ongoing Responsibilities**

Responsibilities of the DCW include but are not limited to the following:

- a. Treating the member with dignity and respect. This includes respecting personal beliefs, culture, religion, and privacy as well as respect for the member's personal property,
- b. Keeping personal information about the member and/or his/her family confidential,

- c. Communicating effectively with the member, including communicating with the member using his/her preferred communication method or device,
  - d. Providing safe care as instructed by the member. Universal precautions shall always be utilized,
  - e. Completing mandatory and other training that the member identifies as necessary to meet his/her unique needs,
  - f. Documenting completed tasks as outlined in the Service Plan within the requested timeframes, and as instructed by the member,
  - g. Immediately reporting an emergency situation by calling 911. Report urgent situations to the proper authority,
  - h. Reporting any suspected abuse, neglect, or exploitation of a SDAC member to the ALTCS case manager and proper authorities,
  - i. Communicating with the member's ALTCS case manager (when the member is indisposed) regarding any change in the member's condition as well as an admission to a health facility as appropriate,
  - j. Completing payroll records accurately and within timelines as instructed by the member and mandatory by the FEA. Failure to accurately represent actual time worked is subject to a Medicaid fraud investigation,
  - k. Providing adequate notice of planned absence or as soon as it is known that the DCW is unable to complete the scheduled assignment. This includes notifying the member in advance if the DCW shall be absent for a portion of a scheduled assignment or will be arriving late to a scheduled assignment,
  - l. Providing a two-week notice to the member if he/she will be voluntarily terminating employment,
  - m. Informing the FEA and member of any changes to DCW demographics (e.g. address, telephone number).
3. Rights of the DCW
- The DCW has certain rights as an employee of the member. These include, but are not limited to, the following:
- a. To be treated with dignity and respect by the member and his/her family and friends. This includes respect for personal beliefs, culture, religion, and privacy,
  - b. To have time worked recorded and paid properly,
  - c. To refuse to perform tasks that might be adverse to the member's health,
  - d. To refuse to perform a task that the DCW believes poses a danger to his/her own health,
  - e. To refuse to perform tasks that the DCW believes that he/she have not been adequately trained to perform and which are not included/specified in the Service Plan.

#### **IV. SCOPE OF ATTENDANT CARE SERVICES UNDER SELF-DIRECTED ATTENDANT CARE**

##### **A. NON-SKILLED TASKS WHICH MAY BE PROVIDED BY DCW**

The non-skilled tasks of Attendant Care that are provided by a DCW under SDAC are as specified in AMPM Policy 1240-A.

**B. LIMITED SKILLED SERVICES MAY BE PROVIDED BY DCW**

In addition to the non-skilled services and tasks described above, the DCW may also provide limited Skilled Services when the services are included in the member's Service Plan. Under A.A.C. R9-28-508(G), the Skilled Services are limited to only the following:

1. Bowel care, including suppositories, enemas, manual evacuation, and digital stimulation.
2. Bladder catheterizations (non-indwelling) that do not require a sterile procedure.
3. Wound care (non-sterile).
4. Glucose monitoring.
5. Glucagon as directed by the health care provider.
6. Insulin by subcutaneous injection only if the member is not able to self-inject.
7. Permanent gastrostomy tube feeding, and
8. Additional services requested in writing with the approval of the Director and the Arizona State board of Nursing.

The following requirements shall be met in order to receive limited Skilled Services:

1. The member shall be Medically Stable, and
2. A registered nurse licensed under A.R.S. Title 32, Chapter 15, shall visit the member and DCW before a Skilled Service is performed to:
  - a. Assess, educate, and train the member and DCW regarding the specific skilled service the member requires, and
  - b. Determine in writing that the DCW understands how and demonstrates the skill to perform the processes or procedures mandatory to provide the specific skilled service.

**V. MEMBER TRAINING UNDER SELF-DIRECTED ATTENDANT CARE**

Member independence and personal choice are the primary objective of SDAC. Members choosing to participate in this service shall be interested in actively managing his/her own health care and be willing to take responsibility for obtaining and maintaining SDAC services.

The ALTCS case manager will assist the member to assess his/her own training needs as they relate to directing his/her own care. These training needs will be determined by using the



“What are my Training Needs” Form (available in the SDAC Member Manual described further below). There is no mandatory member training for SDAC participation. Training is available to assist the member to succeed in directing his/her own care. Training requires prior authorization from the ALTCS case manager.

#### **A. MEMBER TRAINING**

##### **1. SDAC Member Manual**

Each member who selects SDAC will receive a comprehensive manual containing information about this service option. The manual describes tools that are available to assist the member in determining his/her needs, develop an employment contract, and train, supervise, and evaluate the DCWs that he/she hires. The SDAC Member Manual has been standardized and approved by AHCCCS for all Contractors.

##### **2. Training of the Member**

Member training may be provided by appropriately registered AHCCCS providers. Member training in the following topics will be available for all members who select SDAC:

- a. Hiring and Managing and terminating DCWs,
- b. Evaluating Monthly Reports from the FEA,
- c. Understanding Services Available in Your Community,
- d. Requesting Help When You Need It,
- e. Safety and Health.

#### **VI. DIRECT CARE WORKER ASSESSMENT AND TRAINING**

Under SDAC, the DCW shall meet certain training requirements. Other training is optional and covered by AHCCCS in accordance with the requirements specified in this Policy.

In addition to the mandatory training, there are extensive training materials included in the SDAC Member Manual. The member may use this material to train his/her worker or may request training be done by an outside agency arranged by the Contractor to provide this training. Training requires prior authorization from the ALTCS case manager.

All DCWs hired by members under SDAC shall receive the mandatory training. Other training is covered when the training is mandatory to meet the needs of the member and when authorized by the ALTCS case manager.

##### **1. Mandatory Training**

- a. Universal Precautions - Universal Precaution training may be provided by the member or a provider agency. If provided by a registered provider, it is a reimbursable service but shall be authorized by the ALTCS case manager. Regardless of who provides the training, the DCW shall maintain proof that this training was completed,
- b. HIPAA Training - HIPAA Training may be provided by the member or a provider agency. If provided by a registered provider, it is a reimbursable service but shall

- be authorized by the ALTCS case manager. Regardless of who provides the training, the DCW shall maintain proof that this training was completed,
- c. Skilled services training specific to member's need as appropriate and provided by a registered nurse.

## 2. Optional Training

Listed below are examples of topics included in the SDAC Member Manual that may be used as training for the DCW. The member may provide and review materials with the DCW or ask the ALTCS case manager to authorize training for the DCW:

- a. Bathing,
- b. Dressing,
- c. Transfer,
- d. Home and Fire Safety,
- e. Disease specific topics such as Arthritis, Chronic Heart Failure or Depression,
- f. Medication Side Effects,
- g. Nutrition/Obesity,
- h. Caregiver Burnout.

## **VII. FISCAL AND EMPLOYER AGENT SERVICES UNDER SELF DIRECTED CARE**

AHCCCS requires the services of a qualified FEA for those members who choose SDAC. FEAs shall be registered AHCCCS Providers. FEAs shall meet all applicable Federal and State requirements. All FEA services shall be authorized by the ALTCS case manager.

### 1. Initiation of FEA Services For Member

The role of the FEA is to educate the member concerning all mandatory documentation and either assist (or on behalf of) the member to complete all mandatory documentation, review the documentation, and file the paperwork with the proper Federal and State authorities. The FEA shall confirm with the member whether the member wants assistance with mandatory documentation or would like the FEA to complete and file documentation on his/her behalf. Regardless of the members' choice, FEAs shall provide regular progress updates to the member regarding the status of documentation.

To initiate services for a member, the FEA shall complete at least the following tasks (Unit of service is event based; one per member, per initiation of SDAC service):

- a. Obtain Federal Employer ID Number (FEIN) for the member,
- b. Review and file mandatory documentation, or
- c. Maintain copies of all mandatory documentation.

### 2. Initiation of FEA Services for DCW

The role of the FEA is to assist the potential DCW to become an employee. After the member has identified the individual(s) who will be employed as his/her DCW, the member shall notify the FEA. The FEA shall contact the identified individual(s) to facilitate the process allowing the DCW to become an employee.

- a. To initiate services for the DCW, the FEA shall complete at least the following tasks one per DCW):
  - i. Prepare and distribute employee DCW hiring packets,
  - ii. Obtain and verify all documents mandatory by AHCCCS, State, and Federal authorities necessary to allow the SDAC member to employ the DCW or
  - iii. Maintain copies of all mandatory documentation.
  
3. On-going Services  
The FEA functions as the payroll department for the SDAC member. As such, the FEA provides monthly services related to payroll. Additionally, the FEA shall complete and file all mandatory payroll documentation.
  - a. Minimally the following tasks shall be completed by the FEA( one per month, per member):
    - i. Perform all employer payroll duties, including:
      - 1) Distribution of payroll (should be done no less than twice a month),
      - 2) Completion of mandatory tasks related to payroll taxes including withholding, deposit, and filing of mandatory documentation,
      - 3) Comply with all Federal and State mandatory year-end employer filing requirements.
    - ii. Contact ALTCS case managers and/or members about over- and under-utilization of services problems identified with time sheets, or other payroll related issues,
    - iii. Provide toll-free customer service assistance to employers and employees related to all FEA activities,
    - iv. Provide monthly and ad-hoc utilization reports as requested by the member, ALTCS case manager, Contractor, or AHCCCS related to utilization of hours and cost.
      - 1) The FEA shall provide requested information within the mandatory timelines,
      - 2) FEAs will not receive additional reimbursement for providing requested information.
  - b. The FEA has the responsibility to procure workers compensation insurance for the member's DCW.
  
4. Background Checks:
  - a. It is recommended, but not mandatory, that background checks be completed on all DCWs hired within SDAC (Unit of service is event based; one per DCW):
    - i. If a member requests that a background check be completed, the FEA will complete this service,
    - ii. The FEA will provide the background check results to the member and ALTCS Program Contractor so that a determination to hire can be considered by the member,
    - iii. All background checks shall be authorized by the ALTCS case manager.