

Ohio Department of Developmental Disabilities

# CHOOSING PARTICIPANT- DIRECTION

A guide for people and families.





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## **What does it mean to choose participant-direction for waiver services?**

Participant-direction means that you, as the person enrolled in the waiver, want to assume responsibilities as your staff's employer or want to make decisions about the services purchased with your waiver budget.

You will still need to follow the rules that apply to Medicaid waivers, and you will still get help from your county board service and support administrator, also called an SSA, to make sure the waiver is used according to rule and services are authorized timely.

## **How does participant-direction affect me if I am enrolled in the Self-Empowered Life Funding (SELF) Waiver?**

It is a requirement of the SELF waiver for the person enrolled, or the person's representative, to be able and willing to direct services. This includes choosing Employer Authority and/or Budget Authority for at least one waiver service.

You are either acting as an employer for your staff or acting as a co-employer for your staff. Being a co-employer means that another agency is the employer of record while you are still responsible for day-to-day direction of the staff. As the employer, or co-employer of your staff, you will hire, train, supervise, sign off on timesheets, fire, and in some cases, negotiate the wage you want to pay your staff. The wage you decide to pay must not be under minimum wage or above the maximum amount that Medicaid will allow. This is referred to as Employer Authority.

You can also help determine which services you use and the amount from your budget that you would like to spend on those services. This is referred to as Budget Authority.



## **How does participant-direction affect me if I am enrolled in the Level One or Individual Options Waiver?**

If you are enrolled in an Individual Options (IO) or a Level One (L1) waiver, you have the option of participant-direction. It is not a requirement of IO and L1 to direct services.

### **If I can't direct services on my own, who can help me and how?**

Minor children (under the age of 18), can have their parents help with participant-direction. Adults who want to direct their services can choose a friend, family member, or legal guardian as their representative.

Your representative can help with things like finding and recruiting employees, scheduling and participating in interviews, negotiating rates, providing training to employees, making sure employees are providing services in the plan and how you want them provided, helping you communicate your choices and preferences, signing timesheets, and keeping required paperwork or records.

### **Who else can help me?**

The Financial Management Service (FMS) is paid through a contract by the Ohio Department of Developmental Disabilities. This service is not paid out of your waiver budget. The FMS completes all new employee paperwork, receives and processes timesheets, issues paychecks to your employees, including withholding all required taxes and paying workers' compensation premiums, and provides monthly reports to you and your SSA to keep track of your waiver budget.

You will still have an SSA when you choose participant-direction. Your SSA can help you by explaining participant-direction, discussing options under each waiver, making sure your representative is identified in you plan, monitoring your plan's implementation, and authorizing your services.

## **Can I change my mind about participant-direction?**

Yes, you can voluntarily choose to end participant-direction at any time. Since the SELF waiver is designed around participant-direction, your waiver enrollment or type of waiver you are enrolled in may be affected. If you are enrolled in an IO or L1 waiver, you will only need to choose a different service.

Participant-direction can also be involuntarily terminated if health and welfare cannot be assured. Your SSA must issue due process upon termination of participant-direction and assist you with selecting and transitioning to traditional services.

## **Who can I hire as my employee?**

Anyone you choose to hire must be certified by DODD. They must be at least 18 years old, pass a background check, and complete required training. You can hire family members if the family member is not your representative that helps with employer functions (hiring, firing, rate negotiation, etc.). If you are a minor, your parent cannot be your employee.

People hiring their own employees may choose to require all DODD training, or they may waive certain training requirements. All employees must have Major Unusual Incident (MUI) and Rights of People with Developmental Disabilities training. But, as the employer, you can choose to waive your employees' requirement to have a high school diploma or GED, First Aid, CPR, or the additional 8 hours of developmental disabilities specific training. If your employees give you medicine, they may still need to have medication certification which means you will not be able to waive the requirement to have a high school diploma or GED.



You can require your employee to have specific training to meet your specific needs. Examples of this type of training may include, desired outcomes, choices/preferences, health related conditions, behavioral health needs, adaptive supports like communication or mobility, or anything else that helps the employee support you better.

DODD has [developed a form to verify training requirements](#). The form must be signed by you or your representative, as the employer, and your employee. You must give the completed form to your SSA before any services can begin.

### **What if I need help finding people to hire?**

The Ohio Department of Developmental Disabilities (DODD) has a listing of every person and every agency that is certified to provide waiver services. To search for providers, go to [dodd.ohio.gov](http://dodd.ohio.gov) and click "Provider Search."

Provider Guide Plus is another tool to help find certified providers in your area. Go to [www.providerguideplus.com](http://www.providerguideplus.com) for more information.

If you want to hire someone who is not currently certified by DODD, that person will need to apply for certification. Information about applying to be a provider is listed on DODD's website.

Your SSA may also help you find providers by helping you use the search tools, writing a profile about you and the types of supports you need, scheduling interviews, and helping you prepare for the interview.

### **What kinds of things should I think about when hiring employees?**

You should think about what your typical day looks like, the times of day you need help, and the kinds of support you need your employee(s) to provide throughout the day. You should also talk with your SSA about back-up plans in case one of your employees is unable to come to work.

## **What do I need to consider when deciding how much to pay my employees?**

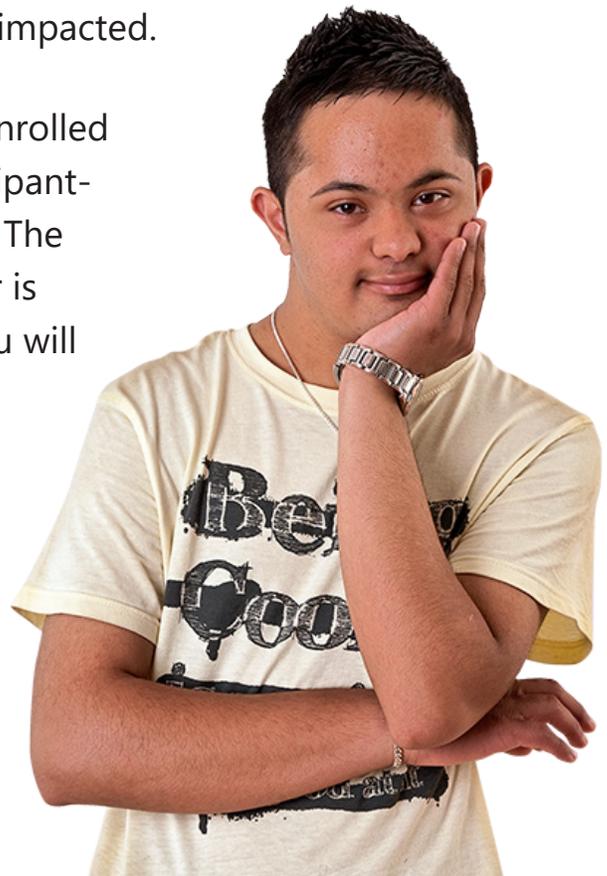
You can pay different rates to different employees depending on their training and experience. Sometimes paying more helps you recruit and keep better employees. But, paying more also uses more of your waiver budget which can influence the hours of services you can receive.

If you are eligible for rate modifications, including the behavioral add-on, medical add-on, or complex care add-on (for IO only), you can choose to add them to your employee's rate. By applying the rate modifications, you may be able to pay an employee more, but your budget will also be impacted.

On the next page is an example of a person enrolled in a Level 1 (L1) waiver who has chosen participant-directed homemaker/personal care (PD HPC). The maximum budget for PD HPC in the L1 waiver is \$5,325 per waiver span. In the left column, you will see the rate negotiated between the person enrolled in the waiver and the employee plus rate modifications where applicable. The right column reflects the number of hours per week of service that can be provided while remaining within the budget.

### **For which services can I negotiate a rate?**

In the SELF waiver, you can negotiate the rate for Clinical/Therapeutic Intervention, PD HPC and Support Brokerage (SB). The IO and L1 waivers include only one service in which the rate can be negotiated, PD HPC.



## **Budget = \$5,325**

<b>Rate</b>	<b>Number of Hours a Week</b>
\$13.00 an hour	7.8 hours
\$15.00 an hour	6.8 hours
\$17.00 an hour	6.0 hours
\$17.96 an hour (maximum Medicaid base rate)	5.7 hours
\$17.96 an hour + medical add-on = \$18.44 an hour	5.5 hours
\$17.96 an hour + behavior add-on = \$20.48 an hour	5.0 hours

### **How do I negotiate a rate?**

First, you should understand that there's a minimum and maximum that you can pay your employee. The lowest wage allowable by the Fair Labor Standards Act is minimum wage. The most you can pay an employee is the Medicaid Maximum. You may choose to pay employees any amount within this range.