

PROPOSED PROGRAM REQUIREMENTS

CONSUMER/ SURROGATE DIRECTED CARE

A. Introduction

Consumer/ surrogate directed care is a service that gives individuals more flexibility in planning, and responsibility for directing, their services and supports, including hiring and managing direct care staff. Consumer/ surrogate directed care may include conventional goods and services, as well as self-designed services that provide needed support to enrollees. MyCare Vermont Organizations under contract with the Department of Disabilities, Aging and Independent Living must offer consumer/ surrogate directed care as a service option for all Participants interested in directing their own care.

The philosophy and process of person-centered planning provides the foundation for consumer/ surrogate directed care. Home and community-based services support people in everyday life. These services have an impact on the person's ability to participate as a member within their community, and to fulfill their own life-style choices. Person-centered planning can organize and direct resources in a manner that will make a difference in a person's quality of life, level of independence, and satisfaction with public services. While person-centered planning should be the foundation for all MyCare Vermont services, an explicit person-centered planning process is required when a Participant selects consumer/surrogate directed care.

Understanding person-centered planning processes is a key and necessary MyCare Vermont provider skill. Consumer/ surrogate directed care allows greater flexibility in tailoring services to meet individual needs and preferences. It is through a person-centered planning process that the Participant, along with self-selected friends, family, and providers, determines what, where, when, how, and from whom they will receive the assistance that is needed. The resulting plan reflects goods and services designed by the consumer to meet identified needs and achieve individually identified results or outcomes.

Person-centered planning is an ongoing activity that includes monitoring the effectiveness of the plan and progress toward achieving results, and changing the plan over time to incorporate new types of services or ways of delivering services, to address changed needs, or to support revised personal goals or desired results. There are various approaches to the person-centered planning process that have been put into public practice, and different approaches will be preferred by different Participants. Some people will choose to develop their consumer/ surrogate directed care plan with little or no assistance, while others may want more support in plan development. The MyCare Vermont provider must provide resources and information about the person-centered planning process and assist the Participant to the extent they desire.

B. Guidelines to Develop Individualized Consumer/ Surrogate Directed Care

In the Home-Based setting, the MyCare Vermont provider must offer three services that may be directed by the Participant (consumer-directed) or a surrogate employer. These services include:

- Personal Care
- Respite Care
- Companion Services

Being an employer is a big responsibility and should not be taken lightly. If a Participant in the MyCare Vermont program is able, willing and desires to be an employer for their own Personal Care, Respite or Companion services, they may apply to their MyCare Vermont provider for the consumer-directed option. However, if the individual is not able or willing to be the employer, a trusted friend or family member may apply to be the surrogate employer under the surrogate-directed option. Surrogate employers must live in close proximity to the individual and be available to perform all the responsibilities of the employer on an ongoing basis.

Whether consumer or surrogate directed, the MyCare Vermont Interdisciplinary Care Team must certify that the Participant or trusted friend or family member (surrogate directed care) can be the prospective employer. The Interdisciplinary Care Team must conduct a certification process for any Participant or surrogate who wishes to be an employer of services. The Certification process shall include:

1. Assessment of the Participant or surrogate-directed employer's cognitive ability to communicate effectively and perform the activities required as an employer. Cognition and communication are defined as follows:
 - i. Cognition: the ability to understand and perform the tasks required to employ a caregiver (including recruitment, hiring, scheduling, training, supervision, and termination). An individual who has cognitive impairments or dementia that prevent understanding and performance of these tasks, is not competent, or has a guardian, is not eligible to manage consumer/ surrogate directed services.
 - ii. Communication: the ability to communicate effectively with their team members and with the caregiver(s) in performing the tasks required to employ a caregiver. An individual who cannot communicate effectively, whether through verbal communication or alternate methods, is not eligible to manage consumer/surrogate directed services. In addition, the employer must live within close proximity to the individual in order to monitor services and supervise employees adequately. Employers must demonstrate over time that they have the ability to understand program rules and to reliably perform employer responsibilities. If the individual or surrogate is not able or willing to be the employer, the social worker will discuss other options.
2. Determination by the Interdisciplinary Care Team that the Participant or surrogate is able and willing to be the employer. The process includes:
 - i. The Social Worker on the Interdisciplinary Care Team assesses the Participant's or surrogate's ability and willingness to be an employer using the Employer Certification Form developed by the Department. Successful completion of this assessment process indicates the Participant or surrogate is able and willing to be the employer.

- ii. The Participant or surrogate develops a plan for services using the “Personal Care Worksheet” and “Service Plan” form developed by the Department. If requested by the Participant, the social worker on the Interdisciplinary Care Team will assist the Participant with completing these forms. The Personal Care Worksheet describes the specific tasks and services that shall be provided for the Participant. The Service Plan identifies the overall type and amount of services for the Participant. Signing of these forms by the Participant or surrogate indicates they agree to perform the required activities.

After the above certification process is complete, the Interdisciplinary Care Team meets and reviews the Personal Care Worksheet and Service Plan presented by the Participant or surrogate. The Interdisciplinary Care Team approves, modifies or denies the request from the Participant or surrogate. If approved, the Participant or surrogate then becomes the employer. It is the responsibility of the Interdisciplinary Care Team to monitor the employer’s ongoing eligibility to manage their services. If the Interdisciplinary Care Team denies the Participant’s request to receive consumer/surrogate directed care, the Participant will have the same appeal rights as for other MyCare Vermont Services.

Once certified, the employer agrees to perform the following ongoing tasks:

- Understand and follow program requirements.
- Recruit and select qualified employee(s) that are 18 years of age or older.
- Notify selected employee(s) of their responsibilities.
- Enroll in an independent payroll agent approved by the MyCare Vermont Organization.
- Assure that employment forms are completed and submitted to the payroll agent.
- Train employee(s) to perform specific tasks as needed.
- Develop a work schedule based on the approved Service Plan.
- Maintain updated copies of approved waiver Service Plan.
- Arrange for substitute or back-up employees as needed.
- Develop and maintain a list of tasks for the employee(s) to perform based on the Personal Care Worksheet.
- Authorize employee(s) timesheets (based on the approved Service Plan and actual time worked).
- Maintain copies of all employee(s) timesheets.
- Perform supervisory visits in order to assure that tasks are performed by the employee(s) correctly and completely.
- Evaluate employee(s) performance.
- Provide ongoing performance feedback to employee(s).
- Terminate employee(s) employment when necessary.
- Notify the payroll agent of any necessary changes.
- Participate in the assessment and reassessment of eligibility.
- Communicate with the Interdisciplinary Care Team on a regular basis
- If applicable, assure a monthly patient share is paid to the payroll agent.
- Avoid conflict of interest with employees, the individual and/or other participating agencies.