

# Personal Care Attendant New Hire Orientation

## 1199 Training & Upgrading Fund

NEW ENGLAND HEALTH CARE EMPLOYEES UNION

**DISTRICT 1199**

AND THE CONNECTICUT NURSING HOMES

**T&U**

TRAINING & UPGRADING

**FUND**

This program has been developed through funding provided by the  
Connecticut PCA Training and Orientation Fund

Revised as of April 29, 2016

# PCA New Hire Orientation

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# PCA New Hire Orientation Facilitator's Guide

This curriculum would not be possible without the thoughtful and collaborative efforts of the following organizations:

- Personal Care Attendant Training Fund Committee
- Personal Care Attendant Workforce Council
- SEIU District 1199 NE

Special thanks is given to the Massachusetts Personal Care Attendant Quality Workforce Council for sharing its Personal Care Attendant New Hire Orientation Curriculum Guide to adapt for use in Connecticut.

## Introduction for Trainers

In an effort to inform the PCA of the independent living principles, operational procedures of the PCA program, fraud, abuse and neglect, and PCA worker rights, the training facilitator and consumer-employer who chooses the opt-out option *must* adhere to this curriculum.

### The Orientation curriculum includes four modules:

**Module 1:** Understanding Independent Living Principles and Living a Self-Determined Life

**Module 2:** Operational Procedures of the PCA Program

**Module 3:** Recognizing and Reporting Fraud, Abuse and Neglect

**Module 4:** Workers' Rights, including SEIU District 1199 NE presentation and resources

Each module ranges from 30 to 50 minutes. Within the modules are information to be presented to the PCA, topics for discussion, and helpful activities to enhance the PCA's understanding of the content. A lot of information must be covered in a very short period of time. Therefore, it's important to monitor the time spent during discussion and activity time. Remind the PCAs that they are always invited to continue their discussions after the Orientation has ended.

At the start of each module, review the objectives for that module. After the module is completed, briefly review the objectives to confirm that they have been met.

### Other Important Information:

- The new PCA **must** receive all of the information in this curriculum
- The PCA **will be paid** for participating in the three-hour Orientation
- The PCA consumer-employer may choose to have their PCA attend a group Orientation
- The PCA consumer-employer may choose to **opt-out** and provide the PCA New Hire Orientation to their PCA; or
- The PCA has the right to attend a group Orientation following the consumer-employer opt-out model; however, the PCA will only be paid once for the three-hour Orientation

# PCA New Hire Orientation Facilitator's Guide

## How to Use this Guide

Facilitation of this curriculum can be offered two ways:

1. **Group facilitation;** or
2. **Consumer-employer opt-out option**



**Throughout the curriculum there are two facilitation options:** group facilitation or the consumer-employer opt-out option. When the activities vary, the options will be identified by the arrowed bullet shown here.

The structure of this curriculum begins with the goals and objectives. The objectives help ensure the information provided to the PCA throughout the curriculum is consistent with the lesson goals.

The Orientation will take three hours to complete. Times are assigned to each activity. It is important to remain vigilant to the time allotment. While asking questions is always encouraged, it's important for the facilitator to recognize many questions may be answered in later modules. To that end, it is best to post questions on a flip chart, paper, or board and answer the questions at the end of the Orientation.

On the opening page of each module is a list of materials that are needed for the facilitation of the module. It's important to have these items ready before the PCAs arrive. Also included on the first page is the "Advanced Preparation" information. The facilitator (or consumer-employer) should review this information ahead of time and prepare the planned activities as instructed. Early preparation will ensure a smooth presentation, and an enjoyable experience for both the PCA and the facilitator (or consumer-employer).

### Flip Chart

Throughout the curriculum there will be text box images that will display visuals for the flip chart paper that is used in the Group sessions.

This curriculum also offers suggested "Facilitator Tips," which assist the facilitator (or consumer-employer) in the delivery of the PCA New Hire Orientation material.

Complimentary to this curriculum are the PCA New Hire Orientation handouts. These handouts contain useful information for the PCA to refer to during the Orientation. The handouts will also be a useful resource in the future. The handouts should be copied and offered to the PCA at the beginning of the PCA New Hire Orientation.

# Module 1: Understanding Independent Living Principles

## Understanding Independent Living Principles

**Total Time: 45 minutes** (includes official welcoming, opening, set-up time for video, and summary)

<b>Goal:</b>	PCAs will understand independent living principles and will understand that they are employed by the consumer-employer.	
<b>Objectives:</b>	By the end of the module the learner will be able to:	
	1.	Describe the importance of the model in which the PCA is employed by the consumer-employer
	2.	Explain the importance of the Independent Living Principles
	3.	Describe the role of the PCA
10 min	Welcome, Introductions, Orientation overview, and ground rules	Group discussion, interactive activity
4 min	People First Language	Group discussion
3 min	Self Determination	Group discussion
10 min	Consumer-employers and their PCAs	Video
6 min	Understanding Who Employs PCAs	Group discussion
2 min	History of the Connecticut PCA Program	Interactive presentation
10 min	Understanding the Role of the PCA	Interactive activity, discussion

### Resources/Materials needed for this module:

LCD projector, blank wall or screen

Flip chart paper and markers/ paper and pen/pencil (PCA consumer-employer opt-out option)

### PCA Handouts:

Defining the Direct Care Workforce

Defining the Direct Care Workforce Training Requirements

Examples of People First Language

Three Styles of Support

Support Type for DDS

Support Type for DSS

Self Determination Means

Evolution of Services

Personal Care Attendant Responsibilities

### Advanced Preparation:

**Be sure video equipment and video work ahead of time!**



**Consumer-employer opt-out option:** Fold a piece of paper lengthwise so the paper is divided into two columns. Have this paper available for the final activity, "Understanding the Role of the PCA". Do not label the columns.

## Module 1: Understanding Independent Living Principles



### Group Facilitation:

- Write the following headings onto flip chart paper:
  1. "Who Employs PCAs?"
  2. "Principles of Independent Living"
- Tape two blank flip chart pages next to each other on the wall for the final activity, "Understanding the Role of the PCA". **Do not label the flip charts**

# Module 1: Understanding Independent Living Principles

## Welcome and Introduction

### Time: 10 minutes

Welcome the PCA(s) and briefly review the goals and objectives of the PCA New Hire Orientation.

- Set “Ground Rules,” such as no cell phones, explain that all ideas are valuable, etc.  
Remember questions will be kept to a minimum and will be answered at the end of the 3 hours.
- Tell PCAs that if they do not understand a term or an acronym, they may be able to find it in the Glossary at the end of their handouts.
- Tell PCAs that the handbooks that they were given will be referred to throughout the orientation. They include important information as well as activities that will be used during the orientation.

*Note: Please emphasize that for the purpose of this orientation, we will be using the legal term “consumer-employer,” defined by the law. In general, the preferred term is “person being supported.” Additionally, for the purpose of this orientation, we will be using the legal terms “authorized representative” and “personal care attendant.”*

- **“Consumer-employer”** means a person who receives services from a Personal Care Attendant under a state-funded program, including, but not limited to, (A) the program for individuals with acquired brain injuries, (B) the personal care assistance program, (C) the Connecticut home care program for the elderly, (D) the pilot program to provide home care services to disabled persons, (E) the individual and family support waiver program administered by the Department of Developmental Services, (F) the comprehensive waiver program administered by the Department of Developmental Services, and (G) any state-funded program that provides services from a Personal Care Attendant.
- **“Personal Care Attendant”** means a person employed by a consumer-employer or authorized representative to provide personal care assistance to a consumer-employer. Services provided may include supportive home care, direct support services, personal care or another nonprofessional service provided to a person with a disability or an elderly person who requires assistance to (A) meet such person’s daily living needs, (B) ensure such person may adequately function in such person’s home, or (C) provide such person with safe access to the community.
- More commonly, PCAs are considered one of these different positions: **Individual Home Support, Individual Day Support, Personal Support, Personal Care Attendant, Adult Companion, or Respite.**  
For each of these roles, there are different responsibilities and expectations, but for the purposes of this orientation and the Collective Bargaining Agreement, all positions are defined as PCAs.
- **“Authorized Representative”** means a consumer-employer’s legal guardian or a person identified in a written agreement as having responsibility for the care of a consumer-employer.

**The goal of the first activity is to gain an understanding of the PCA’s past experiences.** These experiences could influence how the PCA will perceive or understand how they are employed by the consumer-employer, so it’s important to address the different perspectives to help the PCA understand the important role the PCA has in supporting the consumer-employer to reside at home.

## Module 1: Understanding Independent Living Principles

▶ **Consumer-employer opt-out option:** The consumer-employer should ask their PCA about their experience working as a direct care worker or informal care giver.

▶ **Group Facilitation:** Facilitators should take a poll by asking people to raise their hand in response to the following questions:

How many of you have worked for an agency as a home care worker (i.e. homemaker, personal care homemaker, home health aide)?

How many of you are a nurse's aide (CNA), LPN, or RN?

How many of you have worked as a direct support specialist for a provider agency?

How many of you have worked for a family before? For a loved one?

How many of you have been hired by and work directly for, the person you supported or their family?

How many of you have no experience working in a home- or community-based setting and are brand new to the field?

### In both the consumer-employer opt-out and group settings:

- Ask the PCA(s) how traditional direct support workers are similar to a PCA (hint: traditional home care workers do many of the same tasks). Then ask how more traditional direct-support worker positions are different from their role as a PCA? (Hint: **Consumer-employer directed PCAs do not work for an agency**).

**Table 1** on page 9 provides a visual of how the PCA position differs from more traditional direct support jobs.

**Facilitator Tip:** Be mindful of the time! There is a lot of information to cover.



# Module 1: Understanding Independent Living Principles

In the **CT PCA Program(s)** the PCA is employed by the consumer-employer, the person with the disability, or an authorized representative. The consumer-employer or authorized representative has the right to hire the PCA, determine schedules, train the PCA, define job tasks, supervise and evaluate the PCA's performance, and may ultimately fire the PCA. The PCA works for the person with the disability (consumer-employer). Ask the PCA to turn to page 4 of their handbook to review Table 1.

**Table 1. Defining the Direct Care Workforce**

Type of Worker	Who Is the Worker Employed by?	Who is the Supervisor?	Training
Personal Care Attendant (this will have been defined earlier)	The Consumer-employer or Authorized Representative/ Guardian (if applicable)	The Consumer-employer or Authorized Representative/ Guardian (if applicable)	Training requirements vary depending on the program
Home Care Worker	Agency	Registered Nurse	75 hours training through the state approved training program, 10 hour orientation and completion of state Homemaker/HHA competency evaluation. Annually 12 hours per year ongoing; can be done with licensed agency staff
Certified Nurse Aide	Facility	Registered Nurse	100 hours of training; 24 hours of clinical experience, 16 hours of training in: resident rights, safety procedures, disease prevention, emergency procedures, communication & interpersonal skills
Direct Support Professional	Provider Agency	Direct Care Management Staff	Mandatory training varies by role. Provided by provider agency; completion of College of Direct Support trainings
Direct Support Professional	Family		

**\*PCAs are not an employee of the State of Connecticut or the Fiscal Intermediary.**

**Note:** *The following section about required trainings will not be reviewed during the orientation. Please inform the PCA that it is included in their handouts.*

# Module 1: Understanding Independent Living Principles

Ask the PCA to turn to page 5 of their handbook.

## Defining the Direct Care Workforce – Training Requirements

### Universal 3 hour orientation session, within 90 days of being hired.

Training will vary depending on the waiver your consumer-employer is under, but all PCAs are required to complete a 3 hour orientation session.

### Required trainings for Department of Social Services Waiver

**Which include the following programs:** Personal Care Attendant Waiver, ABI Waiver, Connecticut Home Care Program for Elders (CHCPE), Community First Choice & Katie Beckett Waiver

#### The limited training requirements are:

- Currently this orientation, but there are some post-secondary schools that offer Personal Care Attendant Certification. The state of Connecticut does not require a certification at this time.
- PCAs working for consumer-employer on the Acquired Brain Injury Waiver (ABI 1 & ABI 2), must take training in brain injuries before they can work for someone on these waivers. Trainings are 2.5 hours long, and offered at various times and locations, by Allied Community Resources. Training calendars are available on Allied's website.

### Required trainings for Department of Developmental Services

**Which include the following programs:** Personal Support, Individual Home Support, Adult Companion and Respite.

#### The limited training requirements are:

- Read and sign a document prior to beginning work covering: Confidentiality, Abuse and Neglect, False Claims (fraud), Human Rights, Incident Reporting, and Individual Planning and Documentation.
- Completion of College of Direct Support Online Training within 90 days after being employed
- Completion of a Medication Training if the consumer-employer requires the staff to administer medication. Staff who do not need to administer medication do not need this training.
- Training as defined by the needs of the consumer-employer/person being supported

# Module 1: Understanding Independent Living Principles

## People First Language **Time: 4 minutes**

Inform the PCAs, in the PCA Program, they should avoid using terms such as “client” or “patient.” A PCA does not “take care of” someone; rather, a PCA assists another person to live independently.

**Note:** *The following page will not be fully discussed during the orientation. Inform the PCAs that it is included in their handbook on page 6.*

People First language isn’t about being “politically correct.” It is, instead, about good manners and respect (and it was begun by individuals who said “We are not our disabilities!”). We have the power to create a new paradigm of disability. In doing so, we’ll change the lives of children and adults who have disability diagnoses-and we’ll also change ourselves and our world.

In both the consumer-employer opt-out and group settings, ask the PCAs to read three of the examples from the list below and comment on them.

***Isn’t it time to make a change? If not now, when?  
If not you, Who? People First language is right.  
Just do it-NOW!***

### Examples of People First Language

<b>Say:</b>	<b>Instead of:</b>
<i>People with disabilities</i>	<i>The handicapped or disabled</i>
<i>He has a cognitive disability (diagnosis)</i>	<i>He’s mentally retarded</i>
<i>She has autism (or a diagnosis of)</i>	<i>She’s autistic</i>
<i>He has Downs syndrome (or a diagnosis of)</i>	<i>He’s Downs; a Downs person</i>
<i>She has a learning disability (diagnosis)</i>	<i>She’s learning disabled</i>
<i>He has a physical disability (diagnosis)</i>	<i>He’s a quadriplegic. He is crippled</i>
<i>She’s of short/small stature</i>	<i>She’s a dwarf/midget</i>
<i>He has a mental health diagnosis</i>	<i>He’s emotionally disturbed/mentally ill</i>
<i>She uses a wheelchair/mobility chair</i>	<i>She is confined to a wheelchair/is wheelchair bound</i>
<i>He receives special education services</i>	<i>He’s in special ed</i>
<i>She had developmental delays</i>	<i>She’s developmentally delayed</i>
<i>Children without disabilities</i>	<i>Normal or healthy children</i>
<i>Communicates with her eyes/device/etc.</i>	<i>Is non-verbal</i>
<i>Customer</i>	<i>Client/consumer-employer/recipient, etc</i>
<i>Consumer-employer</i>	<i>Person being supported</i>
<i>Brain Injury</i>	<i>Brain damaged</i>
<i>Accessible parking, hotel room, etc.</i>	<i>Handicapped parking, hotel room...</i>
<i>She needs.....she uses.....</i>	<i>She had problems, special needs</i>

# Module 1: Understanding Independent Living Principles

## Self-Determination

**Time: 3 minutes**

Have the PCAs turn to page 12 of their handout booklet and review these four principles with them.

### **What is Self-Determination?**

Self-determination is a national movement about rights and personal freedom. It is an approach to service delivery that supports people with disabilities to live the lives they desire. Self-determination helps people, their families and friends determine their future, design their own support plans, choose the assistance they need to live full lives and control a personal budget for their supports. Individuals may use their individual budgets to hire their own staff, to purchase supports from a traditional agency or from an Agency With Choice, or may select a combination of these approaches.

### **Self-Determination Means:**

**People with disabilities have the right to control their lives and have authority over the resources that support them. People with disabilities have the:**

- **Freedom** to decide how to live their lives;
- **Authority** over their resources and supports;
- **Support** they need to live full lives; and
- **Responsibility** for their decisions and actions

## Video Presentation: Consumer-Employers and their PCAs

**Time: 10 minutes**

**Introduce the video, explaining that the video was developed, narrated, and produced with Connecticut consumer-employers and their PCAs.**

**Play the video.**

The video will stimulate a lot of thoughts and conversation. Keep your eye on the clock and make sure to stick to the timelines; there is a lot of information to review!


# Module 1: Understanding Independent Living Principles

## Understanding Who PCAs are Employed By

**Time: 6 minutes**

Tell the PCAs that the video did not show all types of people who use PCAs.

Ask the PCAs, “Who is missing?”

 **Consumer-employer opt-out option:** Consumer-employers should use this time to talk with their PCA about all the types of people who PCAs are employed by. This will increase the PCA's understanding of the PCA program.

 **Group Facilitation:** Write the PCA responses on a flip chart paper or white/black board.

**Discussion:** Refer to the list below to ensure that a fairly complete list has been made of people who PCAs are employed by.

### People Who Employ PCAs:

- Elders with disabilities and chronic illnesses
- Children and adults with intellectual and developmental disabilities
- Children, adults, and elders who have sensory disabilities
- Children, adults and elders with physical disabilities
- Children, adults and elders who are chronically ill
- Children, adults and elders who are dying (terminally ill)
- Children, adults and elders with health diagnosis
- People with a mental health diagnosis
- People with Alzheimer's disease
- People on the autism spectrum disorder
- People with Acquired Brain Injury

**Types of people who  
employ PCAs**

**Note:** *Many people who hire a PCA (or hire their own staff), including everyone under the age of 18, and those with legal representatives, will have an authorized representative. “Authorized representative” means a consumer-employer’s legal guardian or a person identified in a written agreement as having responsibility for the care of a consumer-employer. The PCA still works for the benefit of the consumer-employer and the assistance and support is based on the needs of the consumer-employer. If the consumer-employer does require an authorized representative to assist with managing the PCA program, the authorized representative will determine wages, schedule, work duties, provide supervision, direct, manage, and train the PCA. The authorized representative is responsible for hiring, and if necessary, firing the PCA. If the consumer-employer does not require an authorized*

# Module 1: Understanding Independent Living Principles

*representative, then the consumer-employer will be solely responsible for all management of the PCA program as well as the tasks mentioned above.*

**What are your concerns about working as a PCA?** (Please ensure that the list of individuals mentioned on the previous page is addressed in this question as well as their general concerns.)

- **In both the consumer-employer opt-out and group sessions, have the PCAs choose three examples off of the list on the previous page of People Who Employ PCAs and give challenges that they think they may face in working with that population.**

## History of the PCA Program

**Time: 2 minutes**

Explain to the PCAs that there is a long history that led us to today's Independent Living model. Prior to 1963, the individuals they saw in the video would have probably lived very different lives than they do today. Ask the PCAs to turn to page 13 of their handbook which depicts an evolution of independent living progress from 1970 to 2015 (page 15 of this guide).

**BRIEFLY** review the history of the Independent Living Movement:

- The CT PCA Programs are a product of the Independent Living Movement, which evolved from the Civil Rights/ Disability Rights movement in the United States.
- Prior to 1963, people with disabilities were forced to live in institutions, segregated from society.
- In 1963, under President John F. Kennedy, people began moving out of institutions and back into the community.
- The first Centers for Independent Living were established in 1972 in California. The first CT Center for Independent Living was established in the early 1980s as a program of Goodwill Industries. In 1986 the Center separated from Goodwill Industries and became a freestanding independent organization with its own by-laws and Board of Directors. There are now five (5) Centers for Independent Living in CT.
- CT PCA Waiver began in 1996. Prior to this the Personal Services Program (now closed) provided an option for personal assistance for persons with disabilities.
- Today, the PCA program continues to grow and evolve, providing more choices and control for more and more people with disabilities. PCA Services are now available under the Acquired Brain Injury Waiver, and the Home Care Program for Elders. Self-directed PCAs (not agency based PCAs) are also available through Community First Choice, a new (2015) state plan amendment. Community First Choice is available to individuals on Medicaid, including on waivers, who meet the institutional level of care.

Inform the PCAs that they play an important role in ensuring the continued evolution of the Independent Living Movement.

# Module 1: Understanding Independent Living Principles

## Evolution of Services

Prior to **1970**, most people with intellectual disabilities lived in institutional settings

**1972:** First Center for Independent Living  
Established: Berkley, CA

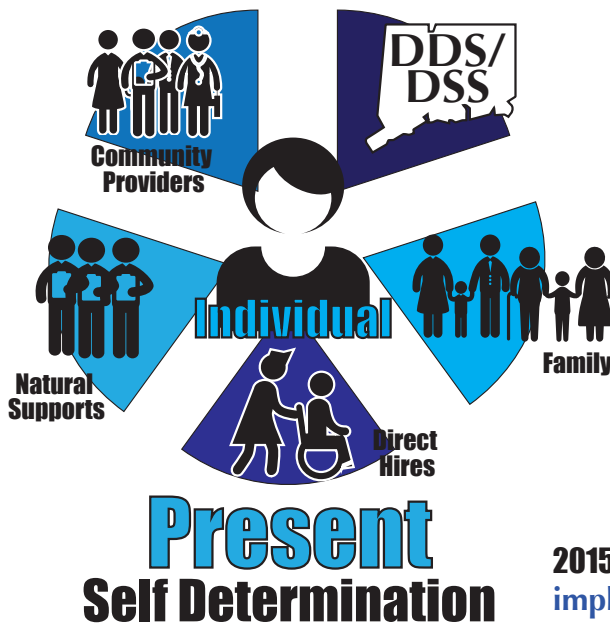


**1980:** Shifted to community based services

**1986:** First Center of Independent Living in CT

**1990:** Americans with Disabilities Act

**1996:** PCA Waiver Established



**2015:** Community First Choice implemented



# Module 1: Understanding Independent Living Principles

## Understanding the Role of the Personal Care Attendant

**Time: 5 minutes**

This activity will help the PCA to understand their role as a PCA and how CT Medicaid authorizes payment for services.

### Facilitator Tip:

More information about the Operational Procedures of the PCA Program will be given in a later module.

- **Introduce activity.** Explain that this activity is about introducing participants to the range of tasks performed by PCAs. The idea is to give them the “big picture” of what is involved in their work. This activity does not replace the instruction or direction they receive from the person who they are employed by.
- **Give instructions.** Explain that you will be making a list of everything they did between waking up this morning and sitting here now in this Orientation.

## Reporting



**Consumer-employer opt-out option:** The consumer-employer should divide a piece of paper into two columns (see advanced prep), then ask the PCA to tell you what they have done today beginning with when they woke up this morning until they have arrived here. As the PCA is talking, the consumer-employer writes everything that is an ADL on one column. In the other column write all other things they did/needed to do.



**Group facilitation model:** The group facilitator will go around the room and ask the PCAs to share one thing they have done today, beginning with when they woke up this morning until they arrived here. The facilitator will be capturing all the tasks on the [unlabeled] flip charts. If they say a task that is an ADL, write it on one sheet; if they say anything beside an ADL, write it on the other sheet. *Do not explain why you are making two lists. Add things that include “teaching.” “Do” vs “do with.”*

### Facilitator Tip:

You are working with two lists. Both of them are blank, without titles. One of them is for listing ADLs and the other is for everything else. Leave a blank space at the top of each column/ page to add the title later.

When the flip chart (or paper) contains a sufficient enough information, thank the PCA(s) for their participation.



# Module 1: Understanding Independent Living Principles

## Understanding the Role of the Personal Care Attendant

**Time: 5 minutes**

### Interactive Presentation

**Define ADLs and IADLs.** Ask the PCA(s) what is different about the two lists, and why you put some tasks on one list and some on the other. (Hint: one list is about things that actually touch or affect your body and the other is about things around you.) After you get the desired responses, note that the list about things that involve your physical body are called “Activities of Daily Living” or ADLs. The list about things that happen around you are called “Instrumental Activities of Daily Living” or IADLs. Write the titles at the top of the columns/flip chart pages

### Discuss the importance of ADLs, and IADLs in their lives. Ask PCA(s):

- How would today be different for you if you were unable to do the ADLs on your own?
- How would you have gotten to this orientation if you could not do the IADLs on your own?

Discuss if there are any additional tasks or support that might be important to function in their lives, that have not been previously mentioned?

- How would today be different for you if you were unable to control your behavior?
- What if you needed constant assistance to be able to complete any of your daily tasks?

Note that some of these tasks are necessary for basic survival (e.g., eating) and others are critically necessary for life itself (e.g., urinary, bowel, or basic levels of safety such as ambulating and transferring). Obviously, this makes a big difference in a consumer-employer’s life, but it also has a major impact on the health and social services system by making it possible for consumer-employers to live independently and not have to move to a nursing home. PCAs also make it possible for people to return home sooner after hospitalization.

Ask the PCA to turn to page 14 of their handbook. (Page 18 in this guide.) Then, review the page with the PCAs. Without disclosing personal information, ask them to share other activities they have helped their consumer-employer with that are not on the list.

# Module 1: Understanding Independent Living Principles

## Personal Care Attendant's Responsibilities

PCAs assist the consumer-employer with ADLs, IADLs as well as additional needs based on the person's individual care plan so that the consumer-employer can continue to live independently at home, work, and participate in other life events. PCAs must be able to understand and carry out directions given by the consumer-employer or authorized representative (if there is one). PCAs must understand that often times, their responsibilities are determined based on the individual's needs, especially for consumer-employers with intellectual disabilities, their responsibilities may vary based due to their specific needs. **Good communication is critical!** PCAs must receive training from the consumer-employer or authorized representative in all PCA activities. **Note:** *Briefly review the following list with the PCAs, but inform them that a copy can be found in their handbook.* Most commonly, these activities include:

### Activities of Daily Living (ADLs)

- Bathing and grooming
- Dressing and undressing
- Eating
- Toileting and continence
- Transferring and mobility
- Transfers – physically assisting the person in and out of bed, a chair, or a wheelchair (includes lifting)
- Mobility – physically assisting the person to ambulate or move their wheelchair from one point to another

### Supporting Individuals with Intellectual Disabilities

- Enhancement of skills necessary to complete any ADLs, IADLs and well as any health related task.
- Cognitive Support – daily assistance to prevent harm due to intellectual disability
- Behavioral Support – requires daily assistance to prevent harm
- Medication Support – require assistance for administration of physician order daily, supports beyond set up
- Community inclusion
- Personal Support – assistance necessary to meet the individual's day-to-day activities.
- Assistance with the acquisition, improvement and /or retention of skills
- Companionship and social interactions

### Instrumental Activities of Daily Living (IADLs)

**Note:** DDS considers these all ADLs.

- Shopping
- Laundry
- Housework
- Transportation; such as to/from a medical appointment
- Preparing food and clean up

**Gray Areas:** There may be times when the consumer-employer asks the PCA to do additional tasks that will enable the consumer-employer to live independently within the community. The PCA should consider refusing to do additional tasks if:

- The task poses a significant health or safety risk for the PCA
- The task might be illegal
- PCA is asked to do something that may be considered fraudulent (see Module 3)
- The PCA is asked to provide supports for someone other than the consumer-employer.

**Remember, in all situations, PCAs should always:**

- Listen carefully and communicate clearly
- Be respectful
- Act professionally
- If they do not know how to do something, they should ask for instructions/training



## Module 2: Operational Procedures of the CT PCA Program

### Operational Procedures of the CT PCA Program

**Total Time: 50 minutes**

<b>Goal:</b>	PCAs will be informed of the operational procedures of the PCA program, including how to resolve disputes	
<b>Objectives:</b>	By the end of the module the learner will be able to:	
	1. Describe CT PCA programs	
	2. Describe key terms of the PCA Programs	
	3. Explain how to handle a nonpayment wage complaint situation	
	4. Explain who PCAs may need to interact with and resources for resolving disputes	
10 min	PCA Program: How a Consumer-Employer Qualifies for Service	Interactive Presentation
3 min	Workers' Compensation Insurance	Discussion
10 min	Completing a Timesheet	Activity
2 min	Role of Fiscal Intermediary	Discussion
5 min	Non-payment Complaint	Discussion
10 min	Resolving Disputes	Activity
10 min	BREAK	

#### Resources/Materials needed for this module:

Flip chart paper & markers or pen/pencil and paper

#### **PCA Handouts:**

Understanding How a Consumer-Employer Qualifies for Services

Workers' Compensation Insurance

Timesheet Instructions; Blank Timesheets; Sample Timesheets

Role of Fiscal Intermediary

Resolving Dispute Scenarios

CT Department of Labor Claim Form

### The PCA Program

**Time: 5 minutes**

The information in this section is offered as a resource to help the PCA understand the overall program and how they (the PCA) fit within the CT PCA Programs

**The CT Medicaid PCA Programs** help people with permanent or chronic disabilities keep their independence, stay in the community, and manage their own personal care.

## Module 2: Operational Procedures of the CT PCA Program

Connecticut offers different options for CT Medicaid/HUSKY members so that they may continue to live independently at home and in the community. CT Medicaid members access PCA services through a variety of programs.

*Note: Ask the PCA to turn to page 16 of their handbook, then review with them page 21. This page is an overview of how a consumer-employer qualifies for CT Medicaid PCA Programs, briefly explaining the steps of how a consumer-employer becomes a member in the CT Medicaid PCA Programs and the process for obtaining services.*

### **Explain the other important points to the PCA:**

**According to Connecticut law**, the following people cannot be paid as a PCA for the consumer-employer:

- The consumer-employer's spouse
- The parent of a minor child including adoptive
- Guardian, Conservator of Person
- The authorized representative or anyone who signs PCA time sheets on the behalf of a consumer-employer
- Legally liable relative of the PCA consumer-employer

## Understanding how a consumer-employer qualifies for services

**Total time: 5 minutes** (includes a general overview of how consumer-employers obtain services either through Department of Development Services or the Department of Social Services.

*Note: Review with PCAs how a consumer-employer qualifies for services through both the Department of Development Services as well as the Department of Social Services.*

### **The Department of Developmental Services**

1. Must be eligible for DDS services
2. Consumer-employer is evaluated for services based on his/her level of need by a case manager who determines their level of funds
3. Consumer-employer must become eligible for Medicaid waiver services by wanting to live in the community
4. Identifies the supports that will best meet the individual needs
5. Budget funds, if available, allocated to the services.

### **The Department of Social Services**

1. Must be eligible for DSS services
2. Must be eligible for state's Medicaid program (HUSKY Health).
3. Must have income within 150% of federal income level.
4. Must need assistance medically. Must need hands on assistance for at least three activities of daily living or requires supervision

## Module 2: Operational Procedures of the CT PCA Program

### Workers' Compensation Insurance:

**Time: 3 minutes**

Ask the PCA to turn to page 17 of their handbooks. Briefly review Workers' Compensation policy for the PCA program.

**Workers' Compensation Insurance:** Legally any consumer-employer who has a PCA who works 26 hours per week or more is required by law to carry a Workers' Compensation policy. If a consumer-employer has a PCA who works less than 26 hours per week they have the option to purchase Workers' Compensation using his/her budget, but, it is not required by law. (Workers' Compensation Insurance is an option consumer-employers may purchase if they choose, using some of the funding provided for their care, but they are not required to do so.)

## Module 2: Operational Procedures of the CT PCA Program

### Completing a Timesheet

**Time: 10 minutes**

Inform the PCAs timesheets can vary depending on the FI that is processing paychecks. Ask them to turn to page 18 of their handbook and review the important facts below about completing their timesheet.

**Emphasize using the correct service code to bill the Federal government. PCAs are hired to provide one or more services to the people they support; IHS, IDS, Adult Companion, Respite, or Personal Support. (Note: There is a new time sheet for CFC).** Emphasize that their signature certifies to the consumer-employer and the State that the information on the timesheet is true and accurate.

*Note: Inform the PCAs that there are sample filled out time sheets from each fiscal department, as well as tips from each fiscal department about timesheets, in their handouts. (pages 19-27).*

- Timesheets must show actual hours worked and the activities that helped the consumer-employer achieve their goal(s); e.g., if the PCA worked from 9 am to 1 pm, then the timesheet must say 9 am to 1 pm
- Blank timesheets should not be signed ahead of time
- Make sure timesheets are submitted to the fiscal department biweekly. No later than 5:00pm Monday for those submitting to Allied fiscal department, for those using Sunset fiscal department make sure timesheets are submitted by 12:00pm Monday.
- White-out or cross-out on a timesheet will not be accepted
- Make sure that you are submitting the right timesheet for the right pay period, timesheets that are sent in prior to the end date will not be processed
- Make sure all signatures are on the timesheet
- PCAs cannot be paid during the time that their consumer-employer is admitted to a hospital or a nursing home. Hours claimed while an consumer-employer is admitted to a hospital or a nursing home will be rejected and may be subject to investigation by the DSS Medicaid Fraud Unit. A PCA may be paid for hours worked on the day their consumer-employer is admitted to the hospital, prior to being admitted. Likewise, a PCA may be paid for hours worked on the day their consumer-employer is discharged from a hospital or a nursing home, after their consumer-employer is discharged.
- PCAs cannot be paid for any days on which either the PCA or the consumer-employer is incarcerated
- PCAs are never paid to be “on call”
- Timesheets must be submitted by the consumer-employer, or authorized representative (not the PCA)
- The consumer-employer must not endorse, deposit, or cash the PCA paycheck
- PCAs sign their timesheets under penalty of perjury that they have provided HUSKY Health (CT Medicaid) PCA services to the consumer-employer and that the information is correct. This means if the information on the timesheet is not true, the PCA and/or the consumer-employer can be investigated and prosecuted for fraud.
- Timesheets must be for work done directly with the individual being supported
- For additional information on reporting fraud see:  
<http://www.ct.gov/dss/cwp/view.asp?a=2353&Q=421878>

## Module 2: Operational Procedures of the CT PCA Program

### Role of Fiscal Intermediary

**Time: 2 minutes**

**Note:** *Review with PCAs the role of fiscal intermediary.*

- Contracts with CT Medicaid
- Receives funds from CT Medicaid (HUSKY HEALTH) to pay for PCA services
- Receives and processes PCA activity forms
- Processes PCA pay check after deducting taxes
- Pays PCA, PCA may choose direct deposit option
- Processes PCA W2 forms at the end of the year for tax purposes
- PCA are never paid cash for providing services
- Reports Fraud

### Nonpayment Complaint

**Time: 5 minutes**

**Explain to the PCA** that, unfortunately as in all businesses, disputes between consumer-employer and employees sometimes occur. A typical dispute is a dispute about wages and hours actually worked. The steps a PCA should follow for non-payment of wages are:

1. If the PCA has not been paid or has been paid incorrectly, s/he should contact the consumer-employer or authorized representative.
2. If the issue is not resolved by the consumer-employer or authorized representative the PCA should ask the consumer-employer or authorized representative to contact the fiscal intermediary.
3. If the issue is not resolved, the PCA should contact the fiscal intermediary themselves.
4. If the steps above have not been successful, the PCA should contact the SEIU District 1199 NE. Please make sure previous steps are completed prior to contacting the union.

**Note:** *PCAs may also call the Wage and Workplace Standards Division of the CT Department of Labor: (860) 263-6790.*



## Module 2: Operational Procedures of the CT PCA Program

### Resolving Disputes

**Time: 10 minutes**

Ask the PCAs to turn to page 29 of their handbook to follow along.

**SCENARIO 1:** Your pay does not arrive in your account when expected (you have direct deposit). What should you do?

**Discussion Tips:**

- You are supposed to be paid according to the payroll schedule provided by the FI.
- Check with your consumer-employer or authorized representative to confirm that your timesheet was submitted. If it was submitted, then
- Ask your consumer-employer or authorized representative to call his Fiscal Intermediary to check the status. If s/he does not/cannot call the FI, then you should call yourself. If this is not successful, then
- Call the union directly, if the above steps were not successful.

**SCENARIO 2:** The consumer-employer calls and asks you to come in two hours early for your shift. You then get a call from his authorized representative telling you to come in at the regular time. When you arrive at the regular time, your consumer-employer yells at you for not coming in early as he had requested. When you explain that his authorized representative said not to come in early the consumer-employer says: “Scheduling is up to me. You’re fired!” What should you do?

**Discussion Tips:**

*Remember, even if a consumer-employer has an authorized representative, that does NOT mean that the authorized representative makes all the decisions. Who is responsible for what is detailed in the “personal care plan,” but PCAs do not usually see that document.*

- Take a deep breath! Calming down (pulling back), refraining from responding emotionally when stressed, anxious, nervous, or afraid, is helpful.
- Calmly repeat back to the consumer-employer, in slightly different language (paraphrasing) what was said to you to be sure that you heard correctly. This will also let your consumer-employer know that you are listening.
- Contact the authorized representative to let them know what the consumer-employer has said and done and to remind them that you complied with their request. If necessary, ask the authorized representative to discuss with the consumer-employer to resolve or ask to meet together to resolve if necessary.
- If they refuse to meet, or if the meeting does not resolve the problem, contact the consumer-employer’s Case Manager. They may be able to help the consumer-employer and the authorized representative their roles as detailed in the Personal care plan.
- Once this is clarified, you may or may not be asked to return to work. As an at will employee, there is not much you can do in that situation since services are centered on the consumer-employer.
- However, you may be able to apply for Unemployment Assistance.

## Module 2: Operational Procedures of the CT PCA Program

**Note:** *Emphasize to the PCAs that they are there to support the consumer-employer and their needs. It is important to make sure that there is clear communication when discussing scheduling and changes with the authorized representative to ensure that everyone is on the same page. It's important to remind the PCA that they are there to support the needs of the consumer-employer, which can vary daily.*

**Note:** *PCAs can be fired for any reason and without warning*

**SCENARIO 3:** The consumer-employer has asked you to do a task that you feel is unrelated to PCA work. What should you do at the time? What do you do afterwards?

- It's important for the PCA to understand what they are responsible for, and making sure they have that conversation with the consumer-employer and authorized representative prior to starting the job. Often times for consumer-employers on the Community First Choice program the services are dependent on the needs of the individuals. It's important for PCAs to understand the job and the requirements, and to be comfortable with it.
- Consider that there are a great deal of ADLs and IADLs that PCAs can legitimately be expected to do as part of their work in order to assist the consumer-employer to live independently.
- If you believe you are being asked to perform tasks unrelated to PCA work, speak with your consumer-employer about your concern. If that does not help, and if she has an authorized representative, ask to speak with the authorized representative.
- If the concern remains unresolved, you may, with your consumer-employer, contact the Case Manager.



## Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

### Recognizing and Reporting Fraud, Abuse, and Neglect

**Total Time: 40 minutes**

<b>Goal:</b>	PCAs will be informed of the laws, regulations, and procedures for recognizing and reporting fraud, abuse, and neglect	
<b>Objectives:</b>	By the end of the module the learner will be able to:	
	1. Explain laws that protect against fraud, abuse, and neglect;	
	2. List the potential signs of fraud, abuse and neglect;	
	3. Describe the process for reporting fraud, abuse, and neglect	
5 min	Understanding Medicaid fraud	Interactive presentation, group discussion
10 min	Recognizing potential fraud	Role play, group discussion
5 min	Reporting fraud	Interactive presentation,
5 min	Understanding abuse and neglect	Interactive presentation, group discussion
10 min	Recognizing abuse and neglect	Group discussion, activity
5 min	Reporting abuse and neglect	Interactive presentation, group discussion

#### **Resources/Materials needed for this module:**

Flip chart and markers  
Flash cards and tape

#### **PCA Handouts:**

Understanding Medicaid Fraud  
How to Report CT Medicaid Fraud  
Recognizing Fraud and Role Play  
Reporting Fraud is Easy, Safe and Secure  
Form for Reporting Fraud – DSS  
Reporting Abuse & Neglect

#### **Advanced Preparation:**

Prepare a flash card for each type of abuse or neglect. The flash cards should not be labeled, rather they should only contain the bulleted lists. The goal of the activity is for the PCA to study the “signs” and determine which type of abuse or neglect is listed on the card.

# Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

## Understanding Medicaid Fraud

**Time: 5 minutes**

**Ask the PCA, “What does Medicaid Fraud mean to you?”**

***Note:** The purpose of this question is to determine how much the PCA knows about Fraud as well as learning what information might be missing from their understanding.*

### **Facilitator Tip:**

In a large group setting, write their responses on a flip chart.

Thank the PCAs for sharing their knowledge. Now review.

State of Connecticut, Department of Social Services, Investigation Division.

Definition of Fraud (<http://www.ct.gov/dss/cwp/view.asp?a=2353&Q=421878>):

Fraud is an intentional deception or misrepresentation which results in an unearned benefit to a provider or vendor, usually in the form of an excess payment, through the Medical Assistance Programs (HUSKY Health – CT Medicaid). This would include any provider or vendor (Consumer-employer or PCA) operating as an individual or business entity including their employees, owners and/or officers. Conduct that constitutes potential provider or vendor fraud allegations includes, but is not limited to:

- Provider billing (submitting timesheets) for services that were not rendered
- Providing services which are not medically necessary
- Altering and/or falsifying a claim or records (timesheets)
- Accepting kickbacks for patient referrals for services


## Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect


### Recognizing Fraud

**Time: 10 minutes**

#### Role Modeling Fraudulent Behavior

This activity will demonstrate some of the ways Fraud might occur.

 **Consumer-employer opt-out option:** The consumer-employer should play the role of the consumer-employer (Ben). The PCA should play the role of the PCA (Sasha).

 **Group facilitation:** Ask for a volunteer to play the role of the PCA. The facilitator should play the role of the consumer-employer (Ben). The volunteer should play the role of the PCA (Sasha).

Ask the PCA to turn to page 35 of their handbook to follow the role play below.

**Setting the stage** – Explain to the PCAs that this scenario has six areas of fraud. They should listen closely and try to identify the six areas.

**Read aloud the following italicized introduction:**

*Sasha has been working for Ben for over a year, providing 20 hours of PCA services a week. She works four days a week Wednesday – Saturday from 7 am to 12 pm each day. Two months ago Sasha told Ben that she would be going on vacation for four days. She will be leaving on Monday and coming home on Friday, so she will be back at work the following day, Saturday. Ben told Sasha he would schedule a substitute PCA to fill in for her while she is away. Sasha leaves for vacation in three days. In the meantime, Ben’s doctor has scheduled a surgery for Ben during the time Sasha is on vacation. Ben will be admitted to the hospital on Monday (the same day that Sasha leaves for vacation); he expects to be home from the hospital on Thursday. Sasha is not aware Ben will be in the hospital.*

**Ben (consumer-employer):** “Sasha, I need to find someone to fill in for you while you’re on vacation, do you know of anyone who might be available?”

**Sasha (PCA):** “How about your wife? I know she can’t be your PCA, but it’s only a few days so it’s not a big deal.”

**Ben:** “OK, you’re right, technically she can’t be my PCA, but no one needs to know. I will talk to her about it. Also, before you go, I need you to sign your timesheets. I left them over there on the table.”

**Sasha:** “No problem. Did you want me to fill them in for 20 hours each and sign them both?”

**Ben (consumer-employer):** “Sure. When the checks come I will keep the second one, for the week my wife is covering for you.”

**Sasha (PCA):** “OK, that’s fine, except I will be coming to work on Saturday, so how will I get paid for that day?”

## Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

**Ben:** “After I deposit your check, I will pay you for the day. The only thing is on Saturday you won’t need to come here, you should plan on being on call; I will call you if I need you.”

**Sasha (PCA):** “OK, so long as I get paid for the time I’m on call.”

**Ben:** “Of course! Have fun and I will see you when you get back.”

**Review the scenario, then discuss the progression of the situation** as a group; can the PCAs identify the six areas of Fraud? (Allow the PCAs a few minutes of discussion and thought processing, as they try and identify the six areas of fraud).

### Facilitator Tip:

1. Wife cannot be a PCA for her husband
2. Consumer-employer cannot bill for PCA services while in the hospital
3. PCA can only be reimbursed for hours she has worked
4. PCA cannot sign timesheets in advance
5. PCA can’t be “on call”
6. Consumer-employer can’t deposit or cash PCA’s check

**Large Group Discussion:** Once all six areas of fraud are identified, ask the PCAs, what are the consequences for Sasha and Ben?

**Explain to the PCAs:** HUSKY Health (CT Medicaid) Fraud is a serious crime and punishable by law. Sasha and the consumer-employer, Ben will be charged with the crime and could face fines and imprisonment. Sometimes, fraudulent behavior can happen unknowingly; other times it doesn’t seem like it’s a big enough issue to worry about. It doesn’t matter the severity, there is no level of fraud that is too little; all types of fraud are against the law.

### Discuss with the PCA how Fraud is reported:

If a PCA or consumer-employer suspect fraud is occurring, they should report it. Sometimes, a person might also feel that s/he is wrong for “turning someone in”; however, it’s important to remember, in the HUSKY Health (CT Medicaid) PCA Programs, the PCA works for the consumer-employer, but HUSKY Health (CT Medicaid) is paying the PCA. Therefore, Medicaid rules and laws must be followed at all times. The number to report suspected fraud is on page 34 of the PCA Handbook, and also on page 41 in the Resource List.

**Other ways fraud is reported:** Sometimes the Connecticut state authorities receive anonymous calls from family members, friends, neighbors, or coworkers. Anyone can report fraud at any time.

### Fraud is a serious issue and is punishable by law.

Connecticut offers several ways to report fraud. The two most common ways fraud is reported: by phone or mail. For more information see:

<http://www.ct.gov/dss/cwp/view.asp?a=2353&Q=421878>

## Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

### Understanding Abuse and Neglect

**Time: 5 minutes**

**Cautionary Note:** Some PCAs may be a victim of abuse and/or neglect. The facilitator or consumer-employer should be sensitive to the PCA's comfort level during the discussion and activity time.

**Ask the PCAs:** *What do you think of when you hear the word "abuse?" What do you think of when you hear the word "neglect?"*

**After a few responses** explain to the PCA that abuse can take many forms: physical, emotional, verbal, sexual, and financial. Neglect is another type of behavior that can harm people. Abuse and neglect cuts across all racial, ethnic, socioeconomic, geographic, and relationship boundaries.


**Explain to the PCA** – There are at least three ways abuse can occur in the PCA Program


1. Abuse of the consumer-employer by the PCA
2. Abuse of the consumer-employer by family or friends, or
3. Abuse of the PCA by consumer-employer, authorized representative, or family

### Recognizing Abuse and Neglect

**Time: 10 minutes**

**Group Activity** - This activity is meant to help the PCA to recognize the typical signs of abuse and neglect.

 **Consumer-employer opt-out option:** The consumer-employer should have five sheets of paper, titled with each type of abuse and neglect.

 **Group facilitation:** The facilitator should prepare five flip charts, one for each type of abuse and neglect, as indicated below:

Physical Abuse	Emotional Abuse	Sexual Abuse	Financial Abuse	Neglect
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Explain that signs of abuse or neglect can include the way a consumer-employer looks or the way that he or she says or does something.

The PCAs should decide which type of abuse or neglect the signs indicate and tape the cards to the proper page. It is likely that the PCAs will want to put more than one card on the same page. Use this "confusion" as a way to discuss how often abuse has multiple impacts on a person (e.g., emotional abuse often is part of sexual abuse).



## Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

### Typical Signs of Abuse and Neglect

▶ **Consumer-employer opt-out option:** Lay the prepared cards out on the table. Allow the PCA a few minutes to review the cards.

▶ **Group facilitation:** In the group session, have PCAs form pairs. Then, randomly distribute the prepared cards (see Advanced Preparation) for “signs of abuse and neglect”. Instruct participants to discuss the signs with their partners.

As instructed in the Advance Preparation – The flash cards should only contain the bulleted list (not the type of abuse or neglect). The goal of the activity is to allow the PCA to study the “signs” (examples) and determine which type of abuse or neglect is listed on the card.

**1. Physical Abuse:** Hurting someone’s body on purpose, attacking, trapping, or punishing them.

#### Flash Card Examples:

- Hitting, slapping, punching, beating, pinching
- Hitting with an object
- Shoving, pushing, tripping
- Scratching, biting, spitting
- Burning, scalding

**2. Emotional Abuse:** Threatening to hurt, trap, or punish someone or their loved ones. Includes insulting them or making fun of them with words, yelling, or scolding them.

#### Flash Card Examples:

- Yelling, screaming
- Threatening to punish
- Saying mean things or making fun of someone
- Leaving someone stuck in a place with no way to get out
- Giving them the “cold shoulder,” ignoring them, or refusing to talk to them
- Being silent, ignoring questions

## Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

**3. Sexual Abuse:** Forced sexual activity or touching that is not wanted by the other person.

**Flash Card Examples:**

- Assault, rape by someone the person knows
- Unwanted touching of “private parts”
- Demands for sexual contact
- PCA (or anyone) having sex with consumer-employer who is unable to say no

**4. Neglect:** Not doing something for someone, and it results in them being hurt.

**Flash Card Examples:**

- Not giving food or water on purpose
- Not taking someone to the toilet when you know they need to go
- Ignoring calls for assistance
- Repeatedly forgetting to help someone with an ADL
- Repeatedly not following safety rules

**5. Financial Abuse:** Using the consumer-employer’s money or things for your own benefit without permission.

**Flash Card Examples:**

- Taking money
- Stealing
- Using a person’s things without permission
- Not returning proper change after shopping
- Using credit cards or debit cards
- Tricking someone into giving you something you’re not entitled to
- Stealing a person’s identity
- Taking someone’s social security number or Medicaid cards

**Summary**

**Discussion:** When each card has been placed on the flip chart or paper, discuss with the PCAs the type of abuse or neglect and the signs (examples) that were associated with the abuse or neglect.

# Module 3: Recognizing and Reporting Fraud, Abuse, and Neglect

## Reporting Abuse and Neglect

**Time: 5 minutes**

### Why Reporting is Important

Anyone can report abuse. If you, or someone you know, is being abused or in danger of being abused, you should report it.

For more information on reporting abuse and neglect go to:

<http://www.ct.gov/dph/cwp/view.asp?a=3121&q=389520#Elderly>

Under CT Law, The following groups have designated contacts for reporting abuse and neglect:

Group	Where to report
Children	Careline: 1-800-842-2288 or a law enforcement agency
Persons with intellectual/physical disabilities	Office of Protection and Advocacy for Persons with Disabilities: 1-800-842-7303
Elders (Individuals of 60 years or older)	Protective Services for the Elderly (PSE): 1-888-385-4225

### What could happen if the abuse, neglect, or abuse isn't reported?

- It could get worse:
  - a. The consumer-employer could be hurt badly.
  - b. The consumer-employer could die.
- The person abusing, neglecting, or exploiting could do it to other consumer-employers.
- The person abusing, neglecting, or exploiting could do it to other consumer-employers.
- For those individuals who are mandated reporters; if the abuse or neglect is discovered later, the mandated reporter who didn't report it could be accused of wrong doing and fined up to \$500.

### When to Report

For children, persons with intellectual disabilities and the elderly,

- A "reasonable cause to believe" of abuse or neglect is enough to file a report; proof is not needed
- If there is no abuse, but the report was made in good faith, the person who reported it will not be punished.



# Module 4: Workers' Rights

## Module 4: Workers' Rights

**Total Time: 45 minutes** (including SEIU District 1199 NE presentation)

<b>Goal:</b>	PCAs will be informed of their employee rights and learn what resources are available to them if their rights are not protected	
<b>Objectives:</b>	By the end of the module the learner will be able to:	
	1. List their rights as an employee	
	2. Define the laws that protect employees	
	3. Explain how to respond if their rights are not protected	
	4. Describe the role of the PCA Union	
2 min	Understanding the rights of the PCA	Group activity
13 min	How are worker rights protected? Where, when and how to report concerns.	Interactive presentation, role play
30 min	SEIU District 1199 NE and the PCA	Presentation, group discussion

### Resources/Materials needed for this module:

Flip chart  
Markers

### PCA Handouts:

Worker Rights Scenarios  
SEIU District 1199 NE Resource List  
Glossary of Terms

## Understanding PCA's Rights in the PCA Program

**Time: 2 minutes**

Ask the PCAs what they think of when they hear "worker rights."



**Consumer-employer opt-out option:** Write your PCA's response on a piece of paper.



**Group facilitation:** List the PCAs' responses on a flip chart.

## Module 4: Workers' Rights

### Protecting Worker Rights

**Time: 13 minutes**

The following activity presents three scenarios to help the PCA understand when his/her rights might be infringed upon. Facilitator tips provide helpful suggestions to answer any questions that might arise.

**Facilitator Tip:**

During this activity, it is important to monitor the time and the mood of the PCAs.

▶ **Consumer-employer opt-out option:** In the consumer-employer opt-out option, the consumer-employer and PCA should read each scenario and discuss what steps the PCA should take to protect his/her rights

▶ **Group facilitation:** In a group format divide the class into three small groups. Provide each group with a case study. Allow the groups five minutes to read and discuss the scenario.

Some individuals may have personal experiences similar to the scenario; therefore, s/he may be sensitive to the example. Keep the PCAs focused on the task of determining what resources and laws protect them and their rights.

**Wrap up:** Review each scenario and discuss the responses to the questions below.

**Discussion Questions**

- What law protects the PCA's right?
- What steps should the PCA take if they encounter these or similar situations?

## Module 4: Workers' Rights

### Protecting Worker Rights

Have the PCA turn to page 40 of their handbook to review the following scenarios.

#### SCENARIO 1

*Jose is 26 and uses a motorized wheelchair. He depends on his PCAs for nearly all of his ADLs and IADLs. He hired Doris three months ago. This is Doris' first PCA job. Jose has begun calling her "honey" and introduced her to his family as his "girlfriend." He also has begun scheduling Doris almost exclusively for those shifts when the PCA is responsible for bathing him. Doris is feeling uncomfortable about all of this. What should Doris do?*

\*If the disability is behavior related, the PCA should contact the Case Manager so the team can work on effective ways to address the issue behaviorally.

**Facilitator Tips:** The discussion should include:

- Jose's comments and requests are interpreted by Doris as "unwelcome" and this is sexual harassment.
- Doris should discuss her discomfort directly with Jose. She may choose to have a trusted person with her during the conversation.
- Doris should clearly state what behaviors and comments make her uncomfortable and why.
- If Jose's unwelcome sexual advances continue, Doris should:
  - call the local police
  - consider resigning
  - call the union

#### SCENARIO 2

*Donna is 32 years old and has been working for Sharon, her consumer-employer, for 2 years. Sharon is 78 years old, has chronic neuropathy, dementia, and limited vision resulting from diabetes. She was approved for 20 PCA hours a week. Donna works six days a week for three hours a day and another two hours on Sundays. On Sunday, Donna arrives at Sharon's house at 8:30 am. She helps Sharon to get ready for church, then using her own car, drives Sharon across town to her place of worship. In addition to driving Sharon to and from church on Sunday, Donna also drives her to her weekly appointments. In some situations, Donna must also pay highway tolls and parking.*

*All in all, Donna drives about 48 miles per week; however, her car is old and is not good on gas. Typically she gets about 12 miles per gallon, which means that Donna uses about 4 gallons of gas per week. Donna recently shared with Sharon her concern for the rising gas prices and how much it is costing her in gas, but Sharon told her it was part of the job and the gas money is included in her pay. What should Donna do?*

**Facilitator Tips:** The discussion should include:

If the consumer-employer is supported by DDS, there is a mechanism to reimburse for mileage for the PCA when using their own car. If the person being supported does not have that mechanism built into the individual's budget, the employee should contact the authorized representative to discuss.

## Module 4: Workers' Rights

If the consumer-employer is supported by DSS, this sort of expectation – driving consumer-employer in worker's car, should be discussed and agreed upon at the time of hire and should include how much if anything the consumer-employer will pay out of pocket to the PCA for gas, etc.

- The PCA should discuss the possibility of continuing to work for the consumer-employer but have the consumer-employer make other arrangements for transportation.
- If the issue has not been resolved, the PCA may need to decide whether or not she can continue working for Sharon.



## **SEIU District 1199 NE and the PCAs**

**Time: 30 minutes**

## PCA Resource List

<b>If you suspect or you were</b>	<b>Contact</b>	<b>Method</b>
Sexually harassed	Police, Case Manager, Union Office	In person or phone
Abused (sexual, physical, mental, verbal etc.)	Police, Case Manager, Union Office	In person or phone
Discriminated against	EEOC	CHRO: <a href="http://www.ct.gov/chro/site/default.asp">http://www.ct.gov/chro/site/default.asp</a>
Did not receive compensation for all the hours worked	1st: consumer-employer or authorized representative 2nd: the FI 3rd: the CT Dept. of Labor	In person or phone  (860) 263-6790
Denied Paid-Time-Off	NA	NA
Denied Pay for Jury Duty	1st: consumer-employer or authorized representative then Fiscal Intermediary	In person or phone
Injured on the job	Consumer-employer, authorized representative, & Consumer-Employer's Workers' Comp Insurer	Phone
Unemployed	Department of Labor-Unemployment	<a href="http://www.ctdol.state.ct.us/progsupt/unempl/claimant-guide/TeleBenNum.htm">http://www.ctdol.state.ct.us/progsupt/unempl/claimant-guide/TeleBenNum.htm</a>
Issue related to the implementation of the service plan	Case Manager	In person or phone
Accused of abuse or neglect	SEIU District 1199 Union	In person or phone
Forced to work in unsafe/unhealthy conditions	Consumer-employer, authorized representative, Case Manager, SEIU District 1199 NE	In person or phone
Retaliated against for demanding your rights	SEIU District 1199 NE	In person or phone
Asked to drive consumer-employer in his/her vehicle	Confirm the consumer-employer has adequate insurance covering the PCA as a driver	*Ask consumer-employer to contact their insurance agent
Asked to use PCA vehicle to transport the consumer-employer or do errands on their behalf	Confirm you have adequate insurance on your vehicle to cover work-related driving.	* Your insurance agent
Suspect Medicaid Fraud	DSS Toll Free Fraud Hotline	(800) 842-2155
Suspect that the consumer-employer has been abused or neglected (DDS)	Disabled Persons' Protection Commission or Elder Abuse Hotline Children  Persons with intellectual/physical disabilities  Elders (individuals of 60 years or older)	(800) 426-9009 (800) 922-2775 Careline: 1-800-842-2288 or the local police Office of Protection and Advocacy For Persons with Disabilities: 1-800-842-7303 Protective Services for the Elderly (PSE) 1-800-385-4225
Suspect that the consumer-employer has been abused or neglected (DSS)	Disabled Persons' Protection Commission or Elder Abuse Hotline Children, Case Manager (if known)  Persons with intellectual/physical disabilities Case Manager (if known)  Elders (individuals of 60 years or older) Case Manager (if known)	(800) 426-9009 (800) 922-2775 Careline: 1-800-842-2288 or the local police Office of Protection and Advocacy For Persons with Disabilities: 1-800-842-7303 Protective Services for the Elderly (PSE) 1-800-385-4225
Looking for PCA training	1199 Training Fund – PCA office	Phone or in person  (860) 804-4882

## Glossary of Key Terms & Acronyms

**1199 Training and Upgrading Fund** Program contracted to provide trainings and Orientation Sessions for PCAs through the PCA Workforce Council

**Abuse** An act that causes harm to another. Abuse can take many forms, including physical, emotional, sexual and financial

**Access Agency** The agency responsible for assessing consumer-employers need for services and in some cases may develop the service plan for the consumer-employer. They are responsible for annual evaluations. Access Agencies do not have anything to do with PCA payment issues

**Activities of Daily Living (ADLs)** Tasks that a PCA performs that are in direct contact with the consumer-employer

**Authorized Representative** A consumer-employer's legal guardian or a person identified in a written agreement as having responsibility for the care of a consumer-employer

**Consumer-Employer** A person who receives services from a personal care attendant under a state-funded program, including, but not limited to: the program for individuals with acquired brain injuries, (B) the personal care assistance program, (C) the Connecticut home care program for the elderly, (D) the pilot program to provide home care services to disabled persons, the individual and family support waiver program administered by the Department of Developmental Services, (E) the individual and family support waiver program administered by the Department of Developmental Services, (F) the comprehensive waiver program administered by the Department of Developmental Services, and (G) any state-funded program that provides services from a personal care attendant

**Consumer-Employer Direction** Self-directed services means that participants, or their representatives if applicable, have decision-making authority over their services and take direct

responsibility to manage their services with the assistance of a system of available supports

**Employee at will** A worker who can be fired for any reason that is not discriminatory (or for no reason at all) by their consumer-employer

**Fiscal Intermediary (FI)** Organization responsible for the PCA's payroll. An FI receives the timesheets, processes payment, take out taxes and performs other payroll functions

**Husky Health** This is the name of the Medicaid program in Connecticut which pays for PCA services

**Independent Living** The ability to live as one wishes by having the resources one needs and the ability to make decisions about how those resources are used

**Independent Support Broker Personal Care Assistance (PCA ) Waiver (DSS)** Support and consultation provided to individuals and/or their families to assist them in directing their own plan and individual support. This service is limited to those who direct their own supports: assistance with developing a natural community support network; assistance with managing the individual budget; support with training on how to hire and train staff; training and support with managing staff; accessing community activities and services, including help coordinating needed services; assistance with negotiating rates for staff; developing and maintaining an emergency back-up plan; self-advocacy training and support

**Individual Support Broker (DDS)** A case manager who helps consumer-employer design and self-direct their own supports. The broker assists with circle development; person centered planning; individual budget development; helping find and develop needed supports and services; hiring and monitoring of support providers; and with the assistance of a fiscal intermediary, budget management and payment of support providers

**Instrumental Activities of daily Living (IADLs)**

Tasks that a PCA performs that do not involve direct contact with a PCA-employer

**Medicaid Fraud** A deception deliberately practiced in order to secure unfair or unlawful gain. In other words it's knowingly submitting a false claim (often a timesheet) to HUSKY Health (CT Medicaid) in order to gain something of value, usually money or property

**Neglect** Not doing something for someone, and it results in them being hurt

**Office of Protection and Advocacy** The state agency primarily responsible for investigating complaints about abuse or neglect of people with intellectual disabilities between 19 and 65 years old

**Personal Care Attendant** means supportive home care, direct support services, personal care or another nonprofessional service provided to a person with a disability or an elderly person who requires assistance to (A) meet such person's daily living needs, (B) ensure such person may adequately function in such person's home, or (C) provide such person with safe access to the community. According to Connecticut law, the following people cannot assume the role of PCA for the employer: the consumer-employer's spouse, the parent of a minor child including adoptive, guardian, or foster parent, legally appointed representative, legally liable relative, anyone who signs the timesheets on the behalf of the consumer-employer. A PCA is considered an "Employee at will"

**PCA Service Plan (DSS)** A tool used to establish level of care, conducted by provider agency to determine the needs of the individual, and calculate that individual budget allocation

**PCA Workforce Council** Established to ensure the quality of long-term home care

**SEIU District 1199 NE** This is the Union that represents PCAs in Connecticut

**Support and Planning Coach Community**

**First Choice (CFC) (DSS)** The Support and Planning Coach is a participant directed case management service. The service includes support with developing a service plan, support managing an individual budget, and support recruiting, hiring and managing employees.