West Virginia
Traumatic Brain Injury (TBI) Waiver
Personal Options

EMPLOYER GUIDE

WEST VIRGINIA
Department of
Health & Human Resources
BUREAU FOR
MEDICAL SERVICES

Traumatic Brain Injury Waiver Personal Options

September 2016

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WV Traumatic Brain Injury Waiver Program
Personal Options
Employer Guide

Choosing Personal Options can give you choices to live the life that you want while directing the services and supports that you need.

The *West Virginia Traumatic Brian Injury (TBI) Waiver Personal Options Employer Guide* provides TBI Waiver participants and/or their representatives with the information needed to begin self-directing their waiver services.

Dear Participant and/or Program Representative:

As a participant in the West Virginia Traumatic Brain Injury (TBI) Waiver Program, you have chosen to self-direct some of your TBI Waiver services through Personal Options. We look forward to assisting you in exercising choice and control over how your budget is spent and how you hire and manage your employee(s).

Now that you have met with your Case Manager and developed your Person-Centered Service Plan, you will meet with your Public Partnerships, LLC (PPL) Resource Consultant to complete the paperwork necessary to establish you as an employer and to hire your employee(s). The Resource Consultant will also assist you with developing a Spending Plan which outlines how you choose to use your budget.

The following material will help you to understand these and other responsibilities associated with your role as an employer.

We hope you will enjoy this process, and we look forward to working with you.

Sincerely,

Public Partnerships, LLC

(The West Virginia Department of Health and Human Resources, Bureau of Medical Services, contracts with Public Partnerships, LLC to administer the TBI Waiver self-direction program option.)

Overview of Personal Options

Participant-direction is an optional service delivery method that gives people accessing the Traumatic Brain Injury Medicaid Waiver program an alternative to receiving services through traditional provider agencies. Participant-direction allows choice and control over some of your waiver services so that you may live as independently as possible in your home and community. In West Virginia, the participant-direction option is called Personal Options.

Person-Centered Planning is the act of choosing and controlling aspects of your life including deciding:

- Who will provide your services;
- What services will be provided;
- When services will be provided; and
- Where services will be provided.

The Principles of Self-Determination

- Freedom to choose a meaningful life in the community.
- Authority over a targeted amount of dollars in your budget.
- Organize resources to enhance your life.
- Responsibility for the wise use of public funds.
- Confirmation of the important leadership role that individuals and families play in the newly re-designed system of services and supports.

Personal Options at a Glance

- The person accessing TBI Waiver services is the Employer of Record. He/she may appoint a Program Representative to assist with the employer responsibilities.
- The person can determine when the employee(s) works and rate of pay. The hourly wage paid to a Personal Attendant may not exceed the Medicaid rate minus all mandatory deductions and must be at least the current minimum wage amount.

Self-Direction through Personal Options

- Personal Attendant Services
- Non-Medical Transportation

Personal Options Supports

- Financial Management—PCG/Public Partnerships, LLC (PPL) serves as the Fiscal/ Employer Agent, performing payroll and tax functions on behalf of people who choose Personal Options. PPL's services are paid for by the Bureau for Medical Services at no cost to the participant.
- PPL Resource Consultant—Provides you with training and ongoing assistance regarding employer responsibilities, spending plan development and budget utilization.
- Case Management—This required service of the TBI Waiver program is provided through a traditional agency provider. The PPL Resource Consultant is NOT your Case Manager.
- People choosing Personal Options may choose to transfer back to the Traditional Services Option at any time.

Benefits of Personal Options

In addition to having increased choice and control over services, people who utilize Personal Options report increased satisfaction and quality of life. Other benefits include:

- People who choose Personal Options have "budget authority" that allows them to choose a service mix and employee(s) wage rates using the funds available in their annual budget.
- Personal Attendant service hours not provided as planned may be made up on a different day but not carried over into a new month.
- Permanent or long-term changes in your services/service hours must be made through an addendum to your Service Plan by your Case Manager.
- Employee(s) paperwork is reduced to a user-friendly timesheet and transportation invoice which must be submitted to PPL by mail, fax or through a secure web portal. A Personal Attendant Worksheet and Transportation Log must also be completed and submitted to PPL within five business days after the end of the month.
- Participants determine when services will be provided, who provides the services and how the services will be provided within Chapter 512 TBI Waiver policy.
- The cost of participant-directed services is often less than traditional agency services. This allows people using Personal Options to receive more services from their annual Medicaid budget.

Appointment of a Program Representative to Help with the Responsibilities of Self-Direction

The person accessing Personal Options may appoint a program representative, such as a family member or trusted friend, to assist them with their responsibilities. An "Appointment of Representative" form is provided in the enrollment packet which the PPL Resource Consultant will provide to you during your first meeting with him/her.

The appointed Program Representative must:

- Show a strong personal commitment to you to ensure that your needs are met.
- Respect your preferences.
- Be willing and able to help you with the requirements of participant-direction.
- Assist you in verifying your employee(s) timesheets, task log and transportation invoices.
- Be at least 18 years old.

A parent or legal guardian of a minor child (under the age of 18) will be acknowledged as the Program Representative for a child on the TBI Waiver Program.

However, the Program Representative CANNOT:

- Be paid to assist you with your employer responsibilities and cannot be hired to provide your Personal Attendant services.
- Be known to abuse drugs or alcohol.
- Have any history of physical, mental or financial abuse.

Involuntary Transfer from Personal Options to a Traditional Service Option
If you demonstrate the inability to self-direct waiver services, either due to a misuse of funds, non-compliance of program rules or on-going health and welfare risk, you will be required to appoint a Program Representative to assist you with the responsibilities of self-direction. If you refuse to appoint a Program Representative, you will be required to transfer to the Traditional Service Option. Your Case Manager will assist you in this process.

Participant/Employer of Record Enrollment Process
The enrollment meeting should be completed within 14 calendar days of Public Partnership Limited's (PPL) receipt of the service authorizations from the Utilization Management (UM) Contractor. You and/or your legal representative (if applicable), and your appointed Program Representative (if applicable) are required to attend the meeting. If the person (people) you want to hire as your employee(s) are available, it is advised that they also attend; however, they cannot be paid to do so since they are not an official employee(s) as of yet. The enrollment meeting typically takes two and a half hours.

PPL will make enrollment materials (including this guide) available to you in alternate formats upon request. Alternate formats may include: Braille; large print; audiotape; electronic format (CD or floppy disk).

During the enrollment meeting:

- You, your legal representative and/or Program Representative will receive training on the policies, procedures and responsibilities pertaining to directing your own services.
- The Resource Consultant will assist you and your employee(s) to complete the Employer Packet and Employee Packet and all the necessary forms.

- The Resource Consultant will provide you and your potential employee(s) with the required training information and processes for completing criminal background checks, CPR and First Aid.
- The Resource Consultant will assist you and/or your representative with the development of the spending plan, which identifies the types and amounts of services to be self-directed policy. The wages of your employee(s) will also be determined based on TBI Waiver policy.
- Once all employer and employee(s) documents have been successfully processed by PPL, the Resource Consultant will contact you or your Program Representative to inform you of the "start date" for your self-directed services.

Note: Your employee(s) <u>may not begin providing services</u> until your PPL Resource Consultant contacts you with their start dates and PPL Employee Identification Number.

Supports Available for Self-Directing

Public Partnerships, LLC
The West Virginia Department of Health and Human Resources, Bureau for Medical Services, has contracted with Public Partnerships, LLC (PPL) as the Fiscal/Employer Agent (F/EA) under Personal Options to assist people accessing TBI Waiver services with important supports for self-direction. PPL is a national company that assists states to implement self-directed service models. PPL provides several services and supports:

- Financial Management Services
- Resource Consultant Services
- Customer Service
- PPL Website: www.publicpartnerships.com
- Personal Options Web Portal provides budget oversight, program forms, educational materials, electronic timesheets and travel invoice submissions: https://fms.publicpartnerships.com/PPLPortal

These responsibilities will be addressed during your participant/employer of record enrollment meeting. Your Resource Consultant will continue to provide you with support through monthly phone calls and face-to-face meetings every six months.

Note: A Resource Consultant is not your Case Manager.

Public Partnership Customer Service
You may contact Customer Service by calling (toll free) 877-908-1755. Customer Service representatives are available between the hours of 9:00 a.m. and 8:00 p.m., Monday through Friday, except for state and federal holidays.

Customer Service will assist you with questions about employee(s) timesheets and pay checks, and provide information and copies of forms you need for self-direction. When you or your employee(s) call Customer Service, you will be required to provide identifying data before the representative can release the requested information. Be prepared to provide your PPL participant or employee(s) identification number, date of birth, etc.

You and your employee(s) may occasionally receive an automated phone call (a BLAZE call) from PPL's Customer Service Center informing you that CPR, First Aid or other training requirements are due to expire. Automated calls are also used to notify you of problems with timesheets and travel invoices, etc. If you receive an automated call, please contact PPL's Customer Service Center or your Resource Consultant as soon as possible.

Employer Roles and Responsibilities

A PPL Resource Consultant will contact you, your legal representative and/or Program Representative to schedule an Employer of Record Enrollment meeting.

During this meeting, the Resource Consultant will assist you with your Enrollment Packet which contains the tax forms needed to establish you as the "Employer of Record" with the federal and state government. Your role as an employer and the management of budget has nothing to do with your personal income taxes. You should continue to file your personal taxes (if applicable) as you have always done. As an employer, you will be required to pay employer taxes (Social Security, Medicare, and unemployment taxes) on the wages you pay your employee(s). PPL handles all tax payments for you. The taxes are deducted from your budget. During the enrollment meeting, your Resource Consultant will discuss this process.

As an Employer, you are required to:

- Maintain a safe working environment free from harassment, hostilities or illegal drugs.
- Recruit, select, train, supervise and, when necessary, fire employee(s).
- Ensure your employee(s) meet all the required qualifications including a criminal background check, CPR and First Aid certifications.
- Ensure your employee(s) complete the initial and annual training and required qualification updates.
- Direct employee(s) training.
- Develop your monthly spending plans.
- Determine your employees' rates of pay (within state guidelines).
- Determine your employees' work schedules and duties.
- Verify, sign and submit complete and accurate timesheets and Personal Attendant Worksheets and Transportation Logs for your employee(s).
- Keep track of your monthly spending plan allocations.
- Keep a current emergency back-up plan for times when employees are unable to report to work as scheduled.

- Be responsible for payment to your employee(s) if they work beyond the approved hours.
- Connect with your Resource Consultant monthly through a phone call or visit.

You are responsible for ensuring your employee(s) provide services and supports as defined in your Service Plan developed by you and your Case Manager. The plan provides your employee(s) with the specific tasks they will complete to support you. You are responsible for making sure your employee(s) accurately document all tasks performed and time worked on their timesheets, monthly Personal Attendant worksheets and transportation invoices. Only hours actually worked can be paid. Your signature on these documents will verify these forms are accurate. Knowingly falsifying hours or services provided is Medicaid Fraud and will be reported to the WV Medicaid Fraud Unit for investigation.

If you ever suspect Medicaid Fraud is occurring, please call 1-888-372-8398.

Selecting, Hiring, Training and Supervising Employee(s)

All employee(s) must:

- Be 18 years or older and eligible for employment in the U.S.
- Pass a criminal background check initially and every three years thereafter.
- Pass the Office of Inspector General Medicaid Exclusion List monthly.
- Complete all forms in the Employee Packet.
- Complete initial and annual training.
- Maintain all training, CPR and First Aid certifications.

Note: Individuals are not eligible for employment through Personal Options if the individual has been convicted of certain offenses that may place you at risk of personal health and safety or who have committed Medicaid Fraud. The negative findings list that would disqualify an applicant for employment is available in the Chapter 512 TBI Waiver Policy Manual Section 512.2.1 Criminal Background Checks.

Selecting Employee(s)

You may hire your neighbors, friends, and/or family members to provide your services. You may not hire your spouse, your Program Representative or a legal guardian. As a parent of a minor child (under the age of 18), you may not be a paid worker. You should consider the advantages and disadvantages prior to hiring a family member, friend or neighbor:

- Friends and family may be more dependable, easier to find, live nearby and know your needs better. You may feel more comfortable in discussing your needs and goals with them.
- Some disadvantages to hiring friends and family may be that it may be more difficult to supervise them as employee(s) and maintain your personal relationships. It can be especially difficult if you have to fire a friend/family employee.

- If you hire from within the community, you may need to place an advertisement, check bulletin board postings in public places, ask contacts in your community or request names from the Personal Options worker registry.

Interviewing Applicants

Prior to the face-to-face interview, you should prepare a list of questions that you will ask each applicant by phone. Write down the name and telephone number of each applicant and take notes to help you remember their responses to your questions.

Do not ask questions that could be considered discriminatory. The following are suggestions for interview questions:

- What did you like most and least about your previous job?
- Are you able to do heavy lifting? (If lifting is necessary in their job with you.)
- Do you have any previous experience working with or for people with disabilities and/or TBI?
- Why are you interested in this type of work?
- What qualities, skills or experience do you have?
- How would you feel about taking direction from me?
- What kind of situations do you find most stressful?
- How do you typically deal with stress?
- How would you define confidentiality?
- Who are your references that I may contact?
- Do you have any questions about the job?

Without giving your exact address, generally describe where you live and ask if the travel would be a problem. Ask if they are available for the hours and days that you need them. Discuss any special equipment you might use. Near the end of the conversation, ask the applicant if they have any questions about the job and answer them as best you can.

Once all the phone interviews are completed, make a list of who you might want to hire and contact their references. Calling references can help provide more information including past work history and reliability. When you call, explain who you are and why you are calling. Take notes to help you remember what is said.

After completing phone interviews and checking references, you will want to schedule a face-to-face interview with the best applicants. You might want to have a friend or family member join you for the interview. You may also want to do the interviews somewhere other than your own home due to safety reasons.

Hiring Employee(s)
When you decide to hire an employee(s), you will decide:

- The days and times the employee(s) will be scheduled to work;
- Job duties and responsibilities;
- The hourly wage for the Personal Attendant service; and
- The rate of reimbursement for transportation services (if applicable) not to exceed the current Medicaid rate.

Training Employee(s)
The TBI Waiver Policy Manual requires that employee(s) meet certain requirements and have specific training prior to providing services. Initial training must include:

A. Cardiopulmonary Resuscitation (CPR) training hands on from the American Heart Association, American Red Cross, American Health and Safety Institute, or American CPR
B. First Aid training
C. Infectious Disease Control training
D. Direct Care Skills—four hours of training focused on assisting individuals with Traumatic Brain Injuries with activities of daily living
E. Abuse/Neglect/Exploitation Identification training
F. Health Insurance Portability and Accountability Act
G. Personal Attendant Professional Ethics
H. Health and Welfare
I. People First Language
J. At least one hour of the direct skills training must be person specific on-the-job training

Note: It is the employee's responsibility to pay for the Criminal Background Check, CPR and First Aid training. PPL will provide training materials and resource contacts at no cost for the remaining required areas.

PPL will maintain copies of your employees' criminal background check results, Office of Inspector General checks, training records and certifications.

On the Job Training
You should train your employee(s) to provide services that meet your needs and goals. You should also:

- Show them your home and introduce employee(s) to family members.
- Share important information about your abilities, needs, and goals. (You may wish to share the Service Plan that lists all your needs and how you want your employee(s) to address them.)
- Have employee(s) practice the duties from your Service Plan.
- Address safety and security needs.
- Train your employee(s) on proper Personal Attendant Worksheet, Transportation Log and timesheet requirements.

Supervising Employee(s)
The relationship you will have with your employee(s) is of a professional nature. Your employee(s) should:

- Do a good job for you and ask you questions if needed.
- Arrive on time, be ready to work and let you know if they are running late.
- Ask for time off in advance.
- Be courteous and attentive to your needs and respect your personal life. They should not talk about you or your needs to anyone outside of the job.

Supervising employee(s) requires that you communicate and listen to each other and that you are able to resolve conflict and differences.

As an employer, you will be encouraged to evaluate the work of your employee(s) on a monthly basis. (PPL will provide an employee(s) evaluation form.)

Employee(s) Timesheets and Payments

Timesheets
Each day your employee(s) should record their hours worked and the tasks completed on the Personal Attendant Worksheet. This helps to ensure that you, their employer, can verify the accuracy of their timesheet before submitting it to PPL for payment. (Specific timesheet instructions are included in the binder provided by your Resource Consultant at the time of your enrollment meeting.)

Your employee(s) will be paid every two weeks. PPL will pay employee(s) when they receive an accurately completed timesheet. Your employee(s) will submit timesheets according to the payroll schedule provided by PPL.

Your employee(s) must not submit hours if not worked. The employee(s) must not submit any hours worked if you are in a hospital, nursing home or rehabilitation facility. This is considered Medicaid Fraud and could prevent your employee(s) from working in any of the healthcare fields.

Timesheets may be completed and approved by you online or faxed to 1-877-692-8470.

Pay Checks
As the Fiscal Employer Agent with the State of West Virginia, PPL provides financial management services, including all payroll and tax services. You will not handle any money. Your employee(s) will receive their check from PPL based on the specific pay schedule. Please keep in mind that PPL is not the employer.

Once the timesheet has been submitted by fax or online, you or your employee(s) may contact Customer Service to verify receipt of the timesheet.

Employee(s) Wages

You will determine your employee's hourly wage between $8.75 (or the current minimum wage) and $13.52 (current Medicaid rate for employee services minus employer taxes) per hour.

Taxes

Your employee(s) will be required to pay all applicable state and federal taxes on the wages they earn as your Personal Attendant. PPL will deduct these taxes from your employees' paycheck. Your employee(s) will complete tax forms that are included in the Employee Packet.

Mileage is not taxed. It is considered reimbursement for your employee(s) for transporting you and/or for providing essential services.

Employee(s) Benefits

You may not use funds from your budget to purchase health benefits for your employee(s) or pay them for vacations, sick leave, etc.

Overtime Pay

Domestic employee(s) of household employers are generally considered exempt from the overtime provisions of the Fair Labor Standards Act if they reside with the employer. However, employee(s) who do not reside with the employer are eligible for overtime pay if they work more than 40 hours per week. The amount paid varies depending on the hourly rate you pay your employee(s) for hours beyond 40 in one week. These additional funds will come out of your budget.

As an employer, it is suggested that you have multiple workers who work less than 40 hours per week or you plan in advance for necessary reduction of hours worked in order not to use up your budget allotment identified in your Spending Plan before the end of the month. Your Resource Consultant can assist you with the necessary planning.

Worker's Compensation

Your employee(s) will be considered a domestic employee of a household employer and as such, unable to purchase worker's compensation insurance coverage through PPL or through the West Virginia TBI Waiver Program. Accordingly, domestic employee(s)s are not eligible for worker's compensation benefits if injured on the job. You may wish to clarify with your homeowner or renter insurance to determine coverage.

Person-Centered Service Plan Development

The Person-Centered Service Plan is the document that you develop with your Case Manager based on your assessments and personal objectives. Your Service Plan is used to determine your budget.

Your Service Plan must be reviewed every six months with your Case Manager and other appropriate individuals. You may invite whomever you wish to attend your Service Plan development meeting.

Once you have developed your Service Plan, your Case Manager will submit service requests to the UM Contractor for approval and authorization. The UM Contractor will notify PPL of the services you have chosen to self-direct which will allow PPL to calculate your Spending Plan. Your Resource Consultant will contact you to develop or update your Spending Plan with the authorized budget.

For more information regarding your Person-Center Service Plan, refer to your WV TBI Waiver Handbook or Chapter 512 TBI Waiver Policy Manual section 512.13.

Spending Plan

The Spending Plan is a budgeting tool which helps you to accurately plan how and when you will use the authorized annual Medicaid funds. The amount of your budget is based upon your assessments and service needs.

Your Resource Consultant will help you allocate your annual budget into monthly Spending Plans that specify the types and amounts of services you will receive and also identify the employee(s) that will be providing the services and their rates of pay. Unused funds from one month's budget cannot be carried over to the following month.

It is important you understand that your budget is not reported to the Internal Revenue Service (IRS) as personal income, and you will not receive cash. Instead, it is an amount of money that is allocated on your behalf to pay your employee(s) for your self-directed services. PPL does not deduct any administrative fees from your budget.

You can monitor your monthly and year-to-date spending through PPL's web portal. This information will enable you to receive the maximum benefit of your budget.

As an employer, you will be required to pay employer taxes (Social Security, Medicaid, and unemployment) on the wages you pay your employee(s). PPL will deduct these taxes from the monthly Spending Plan amount for your employee(s) services.

Important Points

- The Service Plan and Spending Plan will be used by PPL as an authorization to pay for services and supports on your behalf.
- PPL cannot pay for hours worked or miles traveled that are not in your approved Service Plan and Spending Plan.
- The amount of funds in your Spending Plan can be changed to meet your needs with your Resource Consultant. You will meet with your Case Manager to discuss any changes needed in your Service Plan.
- Due to a recent law from the Department of Labor, employees that work more than 40 hours per week will be eligible for overtime pay if the employee is not living with you. Any hours worked over 40 will be paid time and one-half and thus impact your budget.

Developing Your Spending Plan

You will identify your paid and unpaid supports with your Case Manager during the development of your Service Plan.

Questions you may be asked:

- Who will you hire to provide services?
- What hourly rate will you pay your employee(s)?
- Will your employee(s)s provide transportation services?

Your paid supports will then be reflected in your Spending Plan within your assessed budget.

Spending Plan Limits

PPL cannot pay for any hours worked by employee(s)s that exceed the monthly Spending Plan. Your employee(s)s should not work hours that you have not pre-approved. If you schedule your employee(s) to work hours beyond the approved amount in the Spending Plan, you will be required to pay the employee(s)s for the additional hours out of your personal funds.

Note: If you continually have difficulties managing your self-directed services, PPL may require that you appoint a Program Representative to assist you with this responsibility. In rare cases, it may be recommended that you transfer from Personal Options to a Traditional Service Option so that services can be more closely monitored.

Making Changes to Your Spending Plan

You may contact your Resource Consultant and request to add or remove services, increase or decrease employee(s) wage rates and make other changes to your Spending Plan at any time. Any changes to the Spending Plan would require the Resource Consultant to provide a copy to the Case Manager. Changes to your Spending Plan will begin on the first day of the following month, not within the month that you request the change.

Six-Month Review of the Spending Plan

As part of the program requirements, you will review your spending plan every six months with your PPL Resource Consultant. Together, you will make any changes that need to be made. This is connected to the required six-month review of your Service Plan.

Requesting Additional Funds for Your Budget

If your needs change during your budget year and you require additional services, you must contact your Case Manager to schedule a meeting. During this meeting you and your Case Manager will discuss your needs and make changes to your Service Plan. Your Case Manager will submit the new Service Plan to the UM Contractor. If there is additional funding available to increase your existing budget, the request will be reviewed and, if appropriate, approved. If your service needs exceed the maximum TBI Waiver budget, your Case Manager may submit a request for dual provision of TBI Waiver and Personal Care Services.

Determine Your Emergency Back-Up Plan for Personal Attendant Services

You and your Case Manager have developed an Emergency Back-Up Plan as part of your Person-Centered Service Plan that identifies individuals (employee(s), family members or friends, etc.) who can assist you if your employee(s) is unable to work for you at planned times. The back-up worker may be paid or unpaid. The Service Plan also addresses your health and safety needs.

Current Medicaid Services and Rates for Traumatic Brain Injury Waiver

Service	Unit	Current Rate
Participant Attendant Services	Hourly	Set by you with employee $8.75 to $13.52 per hour
Transportation	Mile	Set by you with employee Up to $0.58 per mile

All services, when combined, must be within your assessed budget. To see all current Medicaid services and rates for the TBI Waiver, go to the BMS TBI Waiver website at http://www.dhhr.wv.gov/bms/Programs/WaiverPrograms/TBIW/Pages/default.aspx and click on the rates tab.

Complaints and Grievances

Complaints

A complaint about a program related issue can usually be resolved by PPL. A complaint may be about PPL, disputes between employees and employers, PPL processes, or PPL tools. Please contact Customer Service with a complaint. Participants using Personal Options are encouraged to discuss concerns with their Resource Consultants or PPL administration in West Virginia.

The UM Contractor can also receive your program complaints either verbally or in writing. Complaints can be made to the UM Contractor toll free at 866-385-8920, emailed to wvtbiwaiver@kepro.com, or faxed to 866-607-9903.

Grievances

If you are dissatisfied with the services you receive, you have the right to file a grievance. A Participant Grievance Form will be given to you at the time of your initial application or re-evaluation for medical eligibility. There is also a form in your WV TBI Waiver Handbook. On the grievance form, you will describe the concerns that you have with your services as well as what would remedy these concerns.

If you have a grievance regarding your Case Manager, you will need to send the completed grievance form to the Provider Agency with whom they are employed. If you have a grievance regarding your Resource Consultant or other Personal Options staff, contact Public Partnerships (PPL) to begin the grievance process for a Level One grievance. Contact the UM Contractor for a Level Two grievance.

The Provider Agency or PPL will meet with you in person or by phone to discuss the issue(s). The Provider Agency or PPL will notify you of the decision or action in response to your complaint. The Level One grievance does not go to the UM Contractor first. You may go to a Level Two grievance without going through a Level One first.

Level One Grievance: TBI Waiver Provider Agency or PPL

The provider and/or PPL has 10 business days from the date they receive a Grievance Form to hold a meeting with you and/or your representative, either in person or by phone. The agency has five days from the date of the meeting to respond in writing to the grievance. If you are not satisfied with the agency's decision, you may request that the grievance be submitted to the UM Contractor for a Level Two review and decision.

Level Two Grievance: UM Contractor
The UM Contractor has 10 business days from receipt of the Participant Grievance Form to contact you, or your representative, and the Provider Agency and/or PPL to review the Level One decision. Level Two decisions will be based on Medicaid policy and/or health and safety issues. The UM Contractor will provide notice of their decision in writing to you and the Bureau for Medical Services.

The grievance process is intended to resolve complaints not subject to the Medicaid Fair Hearing process such as non-implementation of your Service Plan. The grievance process is not utilized to address decisions regarding medical or financial eligibility, a change in service(s) or case closure.

Please refer to your WV TBI Waiver Handbook for more information regarding Medicaid Fair Hearings.

Reporting of Suspected Abuse, Neglect and Exploitation

As a participant in the WV TBI Waiver Program, your employees, Resource Consultant and Case Manager are mandated reporters of abuse, neglect and exploitation. They will be expected to report if they observe, hear or suspect an inappropriate action has occurred.

- **Abuse**—Harm or the threat to harm with physical pain, injury or the imprisonment of any TBI Waiver participant.
- **Neglect**—The failure to provide the necessities of life to a TBI Waiver participant with the intent to force, threaten or physically harm the participant and/or the unlawful use of or wasting of his or her money, property or other assessment.
- **Financial Exploitation**—The illegal use or wasting of a TBI Waiver participant's money, property or other assets by any person, or by anyone who allows this to happen. Financial Exploitation places the TBI Waiver participant at impending risk of neglect by not having basic needs met.

Reporting Suspected Medicaid Fraud

The TBI Waiver program is provided through Federal and State Medicaid funds. Misuse of these funds may be considered fraud. Instances of fraud include falsifying information regarding services provided.

You are required to contact your Resource Consultant to report instances of suspected fraud. Provide as much information as possible, including:
- The name of the person and their identifying information.
- Names and contact information of other parties involved.
- A description of the situation relating to your allegation.

Summary of TBI Wavier Participant's Responsibilities and Rights

Participant's Responsibilities

You must follow TBI Waiver program requirements:

- Manage your health and safety.
- Notify your PPL Resource Consultant and your Case Manager of any change in your medical status or care needs.
- Notify your PPL Resource Consultant and Case Manager of admission to a hospital, nursing home or rehabilitation facility. (Your employee cannot be paid for any hours when you are in one of these settings.)
- Contact your PPL Resource Consultant and your Case Manager immediately if there are changes in your Medicaid coverage.
- Notify your PPL Resource Consultant and your Case Manager of any change in residence, address or phone number.
- Maintain a safe home environment free of drugs, etc.
- Participate in the required monthly phone contact and six-month visit with your PPL Resource Consultant and Case Manager.
- Ensure your employees follow your Service Plan.
- Verify services were provided by signing time sheets, Personal Attendant Worksheets and transportation invoices.
- Complete an employee evaluation form and discuss with the employee.
- Discuss concerns with your PPL Resource Consultant and/or Case Manager.
- Report incidents of abuse, neglect or exploitation to the WV DHHR Adult/Child Protective Services Hotline at 1-800-352-6513.
- Report any illegal activity of employees to local police or appropriate authorities.

Additional Responsibilities when Self-Directing

- Monthly phone contact with the PPL Resource Consultant.
- Daily review and sign off on the timesheet and Personal Attendant worksheet.
- Six-month review and annual revision of the Spending Plan after your Service Plan meeting.
- Six-month home visit with your PPL Resource Consultant. This may or may not be at the same time as your Case Manager.

Maintaining Medical Eligibility for the TBI Waiver Program

You will be assessed by the UM Contractor annually to determine whether you continue to meet the medical eligibility requirements for the program. If you receive notice that you are no longer medically eligible for TBI Waiver services, you have the right to appeal the decision.

- In order to continue to receive services during the appeal process, you must submit your appeal request (Request for Medicaid Fair Hearing form) within 13 calendar days of the notice date. You must notify your Case Manager and Resource Consultant of the appeal.
- You may appeal within 90 days, however, TBI Waiver Services are discontinued and your employee(s) can no longer be paid through the program while the appeal is being considered.

Maintaining Financial Eligibility for the TBI Waiver Program

You are required to complete a financial eligibility review annually through your local Department of Health and Human Resources office. Your Case Manager will assist you with this process.

Participant's Rights

You have the right to:

- Privacy and confidentiality regarding TBI Waiver services.
- Be treated with dignity and respect at all times.
- Have the involvement and support of people you choose.
- Make decisions about your personal assistance needs.
- Receive information you need to make informed choices.
- Appeal decisions about TBI Waiver Program.
- Access the WV DHHR Fair Hearing process.
- Be involved in decisions about your TBI Waiver services.
- Be notified of changes in the TBI Waiver program in a timely manner.
- Transfer to a different provider agency and/or service option.
- Address dissatisfaction with services provided by PPL through the agency's grievance procedure.
- Freedom from abuse, neglect and exploitation.
- Freedom from retribution when expressing dissatisfaction with services or appealing service decisions.

Your rights are explained in your West Virginia TBI Waiver Handbook and in Chapter 512 TBI Waiver Policy Manual which is available through your Case Manager or from the Bureau for Medical Services. The Chapter 512 is available on-line at http://www.dhhr.wv.gov/bms/Pages/Manuals.aspx.

Please refer to your WV TBI Waiver Handbook for further information regarding the TBI Waiver Program.

Important Phone Numbers and Resources

Public Partnerships, LLC, West Virginia state office: 304-381-3100
Open 8:30 a.m. to 5:00 p.m., Monday through Friday, except on state and federal holidays

PPL Customer Service Center: 877-908-1755
Open 9:00 a.m. to 8:00 p.m., Monday through Friday, except on state and federal holidays. Offers support to participants and employees. Call to verify receipt of time sheets, questions about your pay and to request timesheets and other forms.
PPL TBI Timesheet Fax Number (toll free): 877-692-8470
PPL Administrative Fax Number (toll free): 866-616-5497

Public Partnerships Website and Web Portal
The website provides informational forms, required forms, optional forms, timesheet information and general program information.
Website: http://www.publicpartnerships.com/programs/WestVirginia/WVTBI/index.asp

Web Portal: http://www.publicpartnerships.com/programs/WestVirginia/WVTBI/index.asp

PPL Resource Consultants
Resource Consultants are available from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on state and federal holidays. Contact information for your Resource Consultant is on the front of the binder provided to you by PPL. Call for program questions, to request employee packets and if you are admitted into a hospital or nursing home.

Utilization Management Contractor (currently KEPRO): 866-385-8920 or 304-343-9663
Call Monday through Friday from 8:00 a.m. to 5:00 p.m.
http://wvaso.Kepro.com/

Bureau for Medical Services Traumatic Brain Injury Waiver Program: 304-356-4924
Call Monday through Friday from 8:00 a.m. to 5:00 p.m. for questions about the TBI Waiver Program.

TBI Waiver Program Website
http://www.dhhr.wv.gov/bms/Programs/WaiverPrograms/TBIW/Pages/default.aspx

WV DHHR Adult/Child Protective Services: Hot Line 800-352-6513
Contact any time to report suspected abuse, neglect and/or exploitation.