

MRSI Agency With Choice SELF Waiver

Overview:

1. What is an Agency With Choice?

Answer: Agency With Choice is a new provider model that is used in other states and is now being offered by MRSI. This model allows consumers to have an increased level of self-determination when they assume shared responsibility with an Agency With Choice for the hiring and management of the employees who provide waiver services to them. The Agency With Choice model designates the consumer or their family member as the *managing employer* while the Agency With Choice becomes the *common law employer of record*.

The MRSI Agency With Choice model does more than provide consumers with a choice of workers. It allows individuals with intellectual disabilities and their family members to experience a greater level of self-determination as they learn new skills through the sharing of management and supervision responsibilities.

2. How does an agency With Choice differ from a traditional agency?

Answer: Traditional provider agencies assume full responsibility for the hiring, supervision and management of employees who provide waiver services to consumers. The Agency with Choice provider shares responsibility for the supervision and management of an employee with the consumer. The Agency With Choice is responsible for employer responsibilities such as payroll, taxes, insurance, etc. The consumer is responsible for selecting the employee, setting the employees hours, daily management of employee responsibilities, etc. The Agency With Choice and the consumer share responsibility for training and evaluation of employee performance. The consumer maintains the right to dismiss the employee from working with him/her. The agency maintains the right to determine whether an employee is dismissed from the agency.

3. Why is DODD promoting the concept of Agency With Choice?

Answer: Agency With Choice is a model that has been used successfully in other states. The Agency With Choice model provides consumers with another option for managing their waiver services and for enhancing self-determination skills. This is a desired outcome that fits with MRSIS' mission and philosophy.

Designation as an Agency With Choice:

4. Who decides who can become an Agency With Choice?

Answer: Any provider can apply to become an Agency of Choice through DODDs waiver qualification process. Agencies need to demonstrate through policy, procedure and marketing materials that consumers can choose the employee who provide services to them, can set the hours for the employee, can determine the tasks/activities the employee

performs, can dismiss the employee from working with him/her and has a partnership role in the training and evaluation of the employee.

5. How will individuals and families learn about Agency With Choice?

Answer: A description of the Agency With Choice model has been included in the Individual/Family Waiver guide which is on the web and which is available to families, as requested. The Agency With Choice model is also being discussed with consumers and families at Family Forums being held around the state and will be discussed in future trainings offered to consumers and families. SSA's and other County Board staff also receive training on this topic.

6. Can a traditional agency be considered an Agency With Choice if it provides individuals/families with a choice of current agency staff to work with them?

Answer: The MRSI Agency With Choice model does more than provide consumers with a choice of workers. It allows individuals with intellectual disabilities and their family members to experience a greater level of self-determination as they learn new skills through the sharing of management and supervision responsibilities. An agency will only receive a designation as an Agency With Choice when it is determined that they meet all of the Agency With Choice criteria.

Role Responsibilities:

Hiring Employees

7. Is an Agency With Choice responsible for recruiting specific individuals to work for an individual/family?

Answer: Agency With Choice providers can work in partnership with consumers to recruit staff, but recruitment of staff for a particular consumer is **not** their responsibility. Agency With Choice must interview and consider for employment candidates that the consumer brings to their attention. The Agency With Choice always has the final say whether or not it will hire a candidate to work with the consumer, but must show good faith in trying to work with consumers to hire the individuals that they want to work with them.

8. Who is responsible for completing screening activities (such as DODD Registry, Background Checks, Motor Vehicle Checks, etc.) for the candidate that the individual/family wants the Agency With Choice to hire?

Answer: The Agency With Choice assumes responsibility for completing screening activities. The Agency With Choice shares the screening information with the consumer for his/her consideration in requesting the candidate be hired, and will explain how screening information has impacted their decision whether or not a candidate will be offered employment.

9. Who has the final decision about hiring an individual?

Answer: The Agency With Choice always has the final say whether or not it will hire a candidate to work with the consumer, but must show good faith in trying to work with consumers to hire the individuals that they want to work with them.

Payroll and Other Employer Responsibilities:

10. Who decides what pay/benefits the employee will receive?

Answer: The Agency With Choice typically assumes this responsibility. Some Agencies With Choice may be willing to let consumers negotiate rates and benefits with employees.

11. Who is responsible for administering paychecks, taxes, etc.?

Answer: The Agency With Choice assumes this responsibility.

12. Who determines how transportation will be provided when an employee works for an Agency With Choice?

Answer: This is typically negotiated between the consumer and the Agency With Choice. What has been authorized in the consumer's individual budget and the Agency With Choice traditional employee policies will guide this decision.

13. Who determines what an employee will be reimbursed for while working with an individual/family?

Answer: This will be determined by what has been authorized in the consumer's budget and by the Agency With Choice provider policies.

Work Schedules/Responsibilities:

14. Who decides the employee's hours and work schedule?

Answer: This is determined by the consumer, but should be done in a cooperative partnership with the Agency With Choice.

15. Who does the employee talk to about time off/change in schedule, etc?

Answer: Schedules are determined by the consumer, but should be done in a cooperative partnership with the Agency With Choice.

16. Who decides what the employee should do when s/he works with the individual-work responsibilities?

Answer: Daily tasks/activities are determined by the consumer, but should be done in a cooperative partnership with the Agency With Choice.

17. Who is responsible for providing back-up support when an employee cannot make it to work?

Answer: This is the responsibility of the Agency With Choice. The consumer may have ideas/suggestions for emergency support that can be considered by the Agency With Choice.

Training Employees:

18. Who decides what training the employee needs to have?

Answer: This is done in partnership between the consumer and the Agency With Choice. The Agency With Choice must provide all required waiver qualification training and must provide all training that has been identified in the consumer's IP. The Agency With Choice may choose to provide additional training, as well. The consumer may also have training responsibilities for specific personal support needs.

19. Do employees need special/different training to work for an Agency With Choice?

Answer: The employee must receive all required waiver qualification training and all training required in the consumer's IP. The Agency With Choice may choose to provide additional training to help them better understand the consumer/Agency With Choice supervision/management partnership process.

20. What role does the individual/family have in training staff?

Answer: This is typically negotiated between the consumer and the Agency With Choice. It is anticipated that the Agency With Choice will encourage the consumer to participate in employee training activities to the greatest degree possible, in manner that is most comfortable for the individual.

Supervising/Evaluating Employees:

20. What role does the individual/family have in providing feedback and evaluating staff performance?

Answer: The consumer has the right to request that an employee no longer work with him/her. Input must be solicited from the consumer for employee performance evaluations. The role of the consumer in providing both informal and formal performance feedback to the employee is typically negotiated between the consumer and the Agency With Choice.

21. Who decides whether an employee gets a warning, terminated, raise, bonus, etc. and who shares this information with the employee?

Answer: See answer above.

22. How should conflicts be resolved when the individual/family and the Agency With Choice has different opinions about a situation involving the employee who provides his/her waiver service?

Answer: When possible conflicts should be mediated through the management resources of the Agency With Choice. The Agency With Choice or the consumer may also request that the consumer's SSA, facilitate mediation of the conflict.

Liability:

23. Does an agency increase its liability in any way if it becomes an Agency With Choice?

Answer: There is no current evidence available that indicates the Agency With Choice model incurs greater liability for a provider.

25. Does an Agency With Choice need any additional insurance for employees that work for individuals/families?

Answer: There is no current evidence available that indicates the Agency With Choice model requires additional insurance expenses.

Other:

26. Are there any special considerations/changes that need to be made if an agency is unionized?

Answer: Unionized providers are encouraged to support the principles of Agency With Choice, but may not be eligible for an official designation due to union contract constraints.

Summary Questions:

27. What are some examples of problems that can occur when an agency becomes an Agency With Choice?

Answer: Agency With Choice providers can experience the same type of problems that can occur with the traditional provider model: Conflict between employee and consumer, conflict between employee and supervisor, conflict between consumer and other agency staff, etc.

28. What are some examples of positive changes that can occur when an agency becomes an Agency With Choice?

Answer: Customer satisfaction can greatly increase in this model. Successful recruitment and retention of employees may be improved. Consumers and families provide a layer of oversight not available to providers when providing in-home services.