



CAREGIVER HANDBOOK

for Caregivers in the
Self-Directed Personal Assistance Services Option
Revised December, 2016

EVERY LIFE. EVERY MOMENT. EVERY DAY.



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CAREGIVER HANDBOOK

WELCOME!

Consumer Direct Personal Care, LLC doing business as Consumer Direct Care Network Montana Caregiving (Consumer Direct) and the Consumer welcome you. We are pleased you have joined us as a member of the service team. You will help us meet our goal of keeping the elderly and people with disability in their home and community.

Consumer Direct wants to provide the best service to all of our consumers and the caregivers who work for them. We believe good communication and the hard work of employees, especially caregivers, create this success. With your assistance we can continue to provide first-rate service.

The purpose of this Handbook is to help you understand your responsibilities as a caregiver. You will also learn more about specific requirements of the self-directed program in your state. The Handbook explains the responsibilities of the Consumer (the person you will provide care for). Consumer Direct's policies and procedures are included too. These must be followed by you and the Consumer. It's a lot of information. Please read this Handbook carefully. It will answer many of your questions. You also can use it as a reference in the future.

If you have questions, you can get more information in several ways. You can:

- ☒ Look up information in this Handbook,
- ☒ Ask the Consumer you work for, or
- ☒ Ask a Consumer Direct staff person.

We hope your experience with Consumer Direct is enjoyable and rewarding.

Consumer Direct Care Network Montana Caregiving Contact Information

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Section One: General Handbook Information

Important Legal Notice to Caregivers

This Handbook is not a contract of employment. It describes Consumer Direct policies, procedures and program requirements which caregivers and Consumers must follow.

Caregivers are expected to read the Handbook. They must make sure they understand the information in it. Please ask questions if you do not understand. You can ask the Consumer, a Consumer Direct staff person (such as Program Coordinator) or the Human Resources Manager.

This Handbook replaces all earlier versions. Consumer Direct has the right to revise or update any policy, procedure, or information in this Handbook at any time. You will be notified of any changes.

An Explanation of Self-Directed Services

Self-directed services give the Consumer more choice, control and independence. Sometimes they are called Consumer-directed or Participant-directed services. Self-direction means:

- ☒ People who receive services manage their services and supports.
- ☒ The Consumer is in charge.
- ☒ He/she decides who provides the services and supports.
- ☒ He/she decides when and how services are provided.
- ☒ The Consumer interviews, hires, trains, schedules, reviews, and dismisses caregivers.

The kind of **control** and **choice** the Consumer has over services and supports depends on the state in which he/she lives. Self-directed services help Consumers stay in their homes and be active in their community.

A Profile outlines the services (tasks) that have been approved for the Consumer to receive. The plan is based on an assessment done by a separate company or a case manager. Usually these tasks involve assistance with activities of daily living (ADLs) such as bathing, dressing and grooming.

The Consumer is the “Managing Employer”. He/she hires, trains and supervises the caregiver. The Consumer also signs time sheets. This indicates the Consumer’s approval for the caregiver’s payment. Consumer Direct is the “Employer of Record”. Consumer Direct shares the responsibilities of an employer with the Consumer.

The person who self-directs his/her care is called a **Consumer**. This generic term has its roots in Medicaid. A Consumer is “a person receiving services”. Sometimes a Consumer asks another person to help direct services. This person is called a Personal Representative (PR). The Personal Representative takes on responsibilities for managing the Consumer’s care. When there is a Personal Representative, the term **Consumer** also refers to the PR.

Consumer Direct's role is to assist the Consumer. We act like an accountant by handling payroll, file taxes and bill the state program for services. Other things Consumer Direct does are:

- help the Consumer follow the program requirements.
- keep a Consumer record and caregiver personnel files.
- visit the Consumer at home to make sure the services are meeting the Consumer's needs.
- call the Consumer to check how things are going.
- orient the Consumer about the self-directed program. Orientation occurs at the start of services.
- provide training and training materials to help the Consumer be successful managing his/her care.

The role and responsibilities of the Consumer, Consumer Direct and you, the caregiver, are explained later in the Handbook.

Consumer Direct is on a mission to:

Provide community supports and services for persons with disabilities and the elderly that...

- ✦ Meet their unique needs,
- ✦ Make the most of their abilities, strengths, and independence, and
- ✦ Give them choice and control over their care and services

...so that people can remain in their families, homes, and communities and live the life they want.

The guiding principles of Consumer Direct companies that we ask you to follow are:

- We treat people with respect and dignity.
- We value and recognize the strengths and abilities of each individual.
- We believe our greatest resource is the participant/consumer.
- We recognize that people are different so their services and supports will need to be too.
- We believe individuals are best served in their home, community or village.
- We believe the person we serve is at the center of the planning process and the delivery of services and supports.
- We believe family and friends are partners in the planning process and play a key role in supporting the individual.
- We believe that services and supports are dynamic and must be flexible and change as the individual's wants and needs change.
- We believe that a person has a right to participate in his/her community to the greatest extent possible and to the degree s/he desires.
- We believe when given control over his/her healthcare budget, individuals will choose the services and supports they really need.

- We will work to empower those we serve by encouraging individuals to make decisions about their care and services, assert their wants and needs, and achieve self determination.
- We promote personal choice and independence by exploring varied service options, flexible service planning, and creativity in service delivery.
- We believe protecting the rights of those we serve is our first priority.
- We will practice positive communication and work to resolve problems.
- We believe all people have the right to learn and exchange information in the way that matches their style and preferences...so we employ staff who speak different languages and provide materials in different languages and formats.
- We respect the cultural practices, religious beliefs, individual preferences, heritage and values of every individual and family.
- We believe in fiscal accountability and responsibility.
- We work collaboratively with partners at the State and local level to improve in-home services and supports; and
- We are committed to continually improving the services and supports we provide.

Consumer Direct Personal Care, LLC Policies

How often do I get paid?

What benefits are offered by Consumer Direct?

What policy violations may result in Consumer Direct corrective action or termination?

How do I report an injury?

Non-Discrimination In Employment

Discrimination is against the law. Consumer Direct and Consumers must follow federal and state laws about discrimination. This applies to employment too. Consumer Direct and Consumers cannot treat you differently because of:

- Your race,
- Color,
- Religion,
- The country you come from,
- Age,
- Gender,
- Sexual orientation,
- Disability/handicap, or
- Marital status.

If you think that a Consumer is discriminating against you, immediately report it to Consumer Direct.

Harassment and Sexual Harassment

Harassment of any kind is NOT allowed.

Examples of harassment:

- Embarrassing or shameful work assignments
- Words or actions directed toward an individual or made in reference to an individual's race, color, religion, gender, age, or national origin

Please report any harassment to Consumer Direct right away. Consumer Direct will follow-up on all reports of harassment right away and keep them confidential.

Another type of harassment is sexual harassment. Sexual harassment includes things like:

- Unwelcome verbal or physical acts.
 - The Consumer makes the caregiver's getting or keeping a job based on the caregiver doing sexual favors.
 - Unwelcome Consumer actions or comments interfere with the caregiver's work performance or create a threatening, hostile, or unpleasant work environment.
- Requests or pressure to take part in sexual activity.
- Sexual assault (unwanted sexual advances).
- Repeated bodily contact on purpose that is not related to the care being provided.
- Repeated sexual jokes, suggestions, or comments.
- Constant or inappropriate staring.
- Inappropriate comments concerning appearance.
- Display of magazines, books, or pictures with a sexual meaning or suggestion.
- Any harassing behavior directed toward a person because of their gender, whether sexual in nature or not.
- "Hazing" or "initiating" new employees. This includes treating new employees differently from others or requiring them to do something unusual as they start the job.

Retaliation

Consumer Direct or the Consumer **will not** do anything to get back at you for taking action against discrimination or harassment. For example, Consumer Direct will not act against a caregiver who files a discrimination complaint, testifies or takes part in a discrimination proceeding.

Complaint and Grievance Procedure

COMPLAINT: If a caregiver is not satisfied with the services that Consumer Direct is providing, we want to hear from you. You can call the office and speak with the Program Coordinator (if the issue is with the Program Coordinator, talk to the Program Manager) who will work to resolve the problem. There is a "Complaint and Grievance Form" that can be completed instead and mailed to the office. The Form is located in the "Consumer Training Manual and Resource Guide" belonging to the Consumer.

If you are not satisfied with the resolution of your complaint, your next step is to talk to the Program Manager. If still not satisfied, please bring your complaint to the Vice President.

GRIEVANCE: A grievance is a more formal process and is usually filed if you believe your employee rights have been violated or employee policies are not being followed. The following steps apply:

- A grievance must be put in writing and needs to be timely (within ten days of the event) and sent to the Program Manager.
- The Program Manager has ten days to gather information and reply back to the caregiver. A meeting may be requested.
- If the caregiver is not satisfied, an elevated grievance request can be filed with the Vice President of the company (within ten days). All information will be forwarded for his/her review. His/her response will be made in five days.
- If the caregiver is still not satisfied with the resolution the grievance must be filed within five days to the President of the company. The President's response is final and is communicated to the caregiver within five days.

Consumer Direct works to resolve all complaints and grievances quickly and thoroughly.

Alcohol and Drug Free Workplace

Using or having alcohol or any illegal drug, in any amount, while working is not allowed. Violating this policy can result in losing your job.

Wage and Salary

The Consumer and you sign a "Wage Memorandum" when you are hired. The Wage Memorandum indicates (lists) how much you will be paid. A few Consumer Companies list how the caregiver will be paid in the "Employee Agreement".

Benefits

- Caregivers receive a "Caregiver Benefits Handout" that gives information about Consumer Direct's benefits package. The Handout also describes how to sign up for benefits.
- You receive time-and-one-half for hours worked on company-recognized holidays after you have worked for 180 days. The holidays are: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. For example, if you are normally paid \$10.00 an hour, you will be paid \$15.00 an hour for hours worked on one of these holidays.

Insurance

Consumer Direct provides Unemployment Insurance and Workers' Compensation Insurance for caregivers.

If you are hurt on the job, you **MUST** report the injury or accident to the Consumer. You also must call the Injury Hotline (1-888-541-1701) immediately. If you do not report an injury right

away, the Workers Compensation claim may be delayed or denied. See Employee Injury Reporting for more information.

Pay Periods, Paydays and Final Pay

Pay periods are every two weeks. A pay period begins on a Sunday and ends on a Saturday. Paydays are every other Friday. Both pay periods and paydays are identified on Consumer Direct's pay schedule. If you quit, your final check will be paid according to the pay schedule. When a caregiver is terminated (fired), wages owed to the caregiver will be paid within three working days of termination (not including weekends and holidays). A caregiver also is paid within three working days if a caregiver no longer works because the Consumer is not receiving services through Consumer Direct.

Direct Deposit

Consumer Direct strongly encourages caregivers to use direct deposit to receive their pay. Direct deposit is a bank-to-bank transfer of the money the caregiver has earned working. With direct deposit your pay is usually transferred to your account before the mail arrives. Direct deposit makes certain you receive your pay in a timely way. It avoids the possibility of delayed or lost paychecks. Pay stubs are still mailed to your address so you know the amount of money you have earned.

Change of Information

Caregivers must notify Consumer Direct of any change in name, address or phone number. This is done by completing and submitting a "Status Change Form" to Consumer Direct.

Termination / Resignation

Consumer Direct or Consumers may end a caregiver's employment. Consumer Direct will become involved and dismiss a caregiver in situations like, but not limited to:

- Harm or danger to the Consumer due to the caregiver's actions,
- The caregiver uses alcohol or drugs when working, or
- The caregiver fails to follow program guidelines or Consumer Direct policies.

The Consumer may dismiss you if he/she is not satisfied with your performance.

If you want to resign or quit, you should plan ahead and give at least two weeks notice to the Consumer. This allows the Consumer enough time to find someone to replace you. It is helpful if you give even more than two weeks notice, if you can. The caregiver must contact Consumer Direct too so that final pay is timely. See the "Pay Calendar" for pay dates.

Safety

Consumer Direct is committed to safety in all areas. We believe that individual safety comes first. Consumer Direct works to:

- ✓ Maintain a safe and healthy work environment
- ✓ Always follow correct practices and procedures so that injury, illness and damage to property is avoided
- ✓ Follow all federal, state, and local health and safety laws and requirements

To promote safety, you will get training on the proper use of equipment, safe operating procedures and specific job tasks. Some required training happens at regular intervals and is provided by the Consumer. An example of training that happens every so often is Bloodborne Pathogens. This training occurs every year.

You must follow usual procedures for working safely and preventing accidents. You are expected to follow all safety rules and procedures. If personal protective equipment is required, you must wear it. The Consumer provides personal protective equipment, if it is necessary. You should report any unsafe conditions, equipment or practices immediately to the Consumer or Consumer Direct.

Threats or Violence in the Work Environment

Verbal threats, threatening behavior, bullying and acts of violence are not allowed in this program. If this kind of behavior is directed toward you, report it right away to Consumer Direct and the authorities. If you threaten, bully or act aggressively to a Consumer, another caregiver, visitor, guest or other individual, your behavior will be reported immediately. The police may be called. Other actions also may be taken. You may be dismissed (fired). A Consumer who acts this way could be discharged from the program.

Consumer Injury and Serious Accident Reporting

You **MUST CALL 911** if you are present and:

- ♦ A Consumer is injured
- ♦ A serious accident happens that affects the Consumer's health or safety

You also must REPORT THE INCIDENT TO CONSUMER DIRECT RIGHT AWAY. If you learn of an incident after it happens, you must make sure it has been reported to Consumer Direct.

Consumer Direct does not provide emergency care or medical services. The Consumer should call a doctor or 911 if he or she is in danger or has a medical emergency. If the Consumer cannot call, you should contact a doctor or call 911.

Employee Injury Reporting

If you are injured on the job, you **MUST** report your injury immediately. Consumer Direct is concerned about any injury in the workplace. If you are injured at work or get an illness caused by work, you must:

- 1. Get medical help if you need it.**
 - If the injury is serious and life-threatening, someone should call 911.
 - If the injury needs medical treatment (but is not life-threatening), you should go to an urgent-care clinic or doctor's office. If you cannot get to a clinic or a doctor's office, go to the emergency room.
- 2. You must call the Consumer Direct Injury Hotline to report the injury/illness immediately. You must call as soon as the injury or illness happens, even if it does not seem serious.**
 - The Injury Hotline number is **1-888-541-1701**.
 - Injuries can be reported 24 hours a day, 7 days a week.
- 3. You must tell the Consumer of the injury or illness before you leave work.**

Consumer Property

Caregivers are expected to be careful with a Consumer's property. If you are careless and lose or damage a Consumer's property, you are responsible. You may have to pay for loss or damage to property.

Consumer Information (Protecting Confidentiality)

All information about a Consumer is confidential (private). This means you cannot share it or talk about it with other people. You can share this information **ONLY** if the Consumer says it is OK. When you are hired, you are trained to keep Consumer information confidential (private). There are more rules about confidentiality in the HIPAA Training Guide. You will get a copy of this Guide when you are hired.

Reports of Potential Harm

State and federal rules say that you must report if you think a Consumer is being neglected, abused or exploited. You also must report if you think a Consumer may be physically harmed. Please call Adult or Child Protective Services (see Important Numbers in Section Two) to make a report. Sometimes a Consumer may threaten someone or is a danger to the safety of others. Report to the police right away if you think a Consumer might carry out the threat, especially if they have the ability to carry out the threat. For example, if they say they are going to shoot someone and they have a gun.

Conflict of Interest

Conflicts of interest always should be avoided. A conflict of interest happens when, in the course of your work, you do something that benefits only you or your family. It also exists if you influence the Consumer's decisions and these decisions affect the relationship between Consumer Direct and the Consumer. A conflict of interest gives you an unfair advantage. There are different conflicts of interest:

- ◆ **Involvement with Suppliers, Customers and Competitors**
You should not have any personal or financial link with a rival company or business. You must let the Consumer know if you are connected with any company or business that competes with Consumer Direct.
- ◆ **Gifts or Favors**
You cannot accept money, gifts or favors from the Consumer as payment for services. You also cannot accept anything that the Consumer gives you to keep you involved with him/her. For example, a caregiver cannot accept a car that the Consumer gives him, even if the caregiver can use it to get to work. You should immediately report all offers of gifts or favors worth more than a small amount (\$10.00) to Consumer Direct.
- ◆ **Proprietary and Other Confidential Information**
You cannot give Consumer Direct's information to any other organization or individual. This includes all forms, details of procedures, other materials, or other information (such as information from the computer). All information created by Consumer Direct is confidential and company-owned information.

A conflict of interest makes it hard for you to make fair decisions that are in the best interest of the Consumer or Consumer Direct. That is why it should be avoided.

Corporate Compliance

Consumer Direct must follow all laws in providing services to Consumers. We have developed a Corporate Compliance Policy that outlines company rules and government laws that must be followed. If you think that false or illegal activity has happened, report it to a Consumer Direct staff person. These individuals include:

- A Support Coordinator,
- Program Manager,
- Human Resources Manager,
- Risk Manager, or
- Senior Management (President, Senior Vice President, and Vice Presidents)

An example of not following program rules is doing something that is Medicaid fraud (described in the Medicaid Fraud part below). A copy of Consumer Direct's Corporate Compliance Policy is included in the Appendix.

Medicaid Fraud

What is fraud?

What can happen to me if I commit fraud?

How do I report suspected fraud?

The money for services in the program comes from state and federal governments. Fraud or abuse of this Medicaid program is against the law. If a Consumer, caregiver or Consumer Direct is suspected of Medicaid fraud or abuse, it must be reported.

Examples of Consumer or caregiver fraud and abuse of Medicaid funds are:

- Writing down more time than actually worked on a time sheet
- Accepting pay for time you did not work
- “Padding” time sheets...such as showing up late or leaving early and writing down more time than actually worked, or taking a break and not subtracting break time when you write down time
- Stating that tasks or procedures were completed when you did not do them
- Changing another person’s time sheet or paperwork
- Forging other caregiver’s or Consumer’s signature
- Turning in a false claim for time worked or tasks completed when these were not done and you knew it
- Suggesting or helping a Consumer get services or supplies that are not required for the person’s disability
- Not following all parts of the contract with Consumer Direct
- Not providing the quality of services for a Consumer that is expected

If you think a Consumer, caregiver or staff person is doing something that is fraud, please call Consumer Direct right away. If you are worried that the Program Manager is not dealing with the problem correctly, please call a Consumer Direct Vice President or President immediately.

Examples of fraud that could be done by Consumer Direct are:

- Not keeping necessary records
- Not giving records to the Department that is investigating possible fraud
- Not providing the quality of services for a Consumer that is expected
- Turning in a false application to become a provider
- Accepting a fee or getting money back in exchange for referring a Consumer
- Charging a Consumer more than Medicaid paid and keeping the difference
- Not meeting federal or state licensure or certification requirements but providing services anyway

If you think Consumer Direct has done any of these things, please call the managed care agency or state agency. Penalties may be enforced against Consumer Direct if they do any of the things above.

If you give false information or know of false information and fail to report it, you could be convicted of a crime. You might have to pay large fines, go to jail for up to a year, and lose your job.

The phone number to report Medicaid Fraud is listed in Section Two, Important Numbers.

Federal False Claims Act: This Act is designed to stop fraud, waste and abuse in Medicaid. All employees, managers, contractors and agents must receive written information regarding the False Claims Act. All Consumer Direct Managers and staff are trained on this Act using the handbook, “An Overview of the False Claims Act and Federal Health Care Programs.” A summary of the Act is included in Addendum 1 to the Corporate Compliance Policy in the Appendix. A summary of your state’s specific Fraud and Abuse laws is in Addendum 2 in the Appendix.

Section Two: Self-Directed Personal Assistance Services Information

Consumer Requirements and Responsibilities

*What will my Consumer do as the Managing Employer?
How does the Emergency and Backup Plan work?*

People who receive self-directed personal care services need help with daily living activities because of their health or disability. The Consumer cannot stay at home without assistance. If they do not have help, he or she would be in an assisted living facility or nursing home. The Consumer or the Consumer's Personal Representative must be able and willing to do the following in order to be part of the program:

Select Provider Agency

The Consumer decides what provider he/she would like to work with and the type of service (agency based or self-directed) he/she wants. The Consumer can transfer agencies at any time if they are not satisfied.

Complete Consumer Training Plan

- Consumer Direct staff will visit with each Consumer in his/her home when he/she signs up for the program.
 - Paperwork is completed.
 - A Consumer Training Manual is given to the Consumer. There is information in the Manual about how to be an employer. There is also information on the tasks the Consumer needs to complete for managing his/her care. The Manual is also a reference guide.
 - The Consumer is given a copy of the Caregiver Handbook. He/She is expected to read it. The Consumer agrees to follow all of Consumer Direct's policies described in the Handbook.
- Consumer Direct answers the Consumer's questions.
- If the Consumer has a hard time directing his/her own care, Consumer Direct will:
 - Give additional training to the Consumer on how to manage his/her services, or
 - Recommend the Consumer appoint a Personal Representative to manage his/her services, or
 - Decide that the Consumer is not able to manage his/her care and refer the Consumer to an agency-based personal care program.

Directing One's Own Care

- The Consumer must be able to make choices about what they need help with. They also must understand how these choices will affect him/her and take responsibility for the choices. He or she can select a Personal Representative to help them, if they want.
- The Personal Representative of a Consumer must be:
 - Directly involved in the day-to-day care of the Consumer
 - Take responsibility for managing the Consumer's care, including directing the care as it occurs in the home

Caregiver Supervision

The Consumer will:

- 1 Recruit, interview, hire, manage and decide whether caregivers are doing a good job.
- 2 Make sure the caregiver completes the mandatory trainings.
- 3 Train the caregiver to his/her needs and preferences.
- 4 Schedule and supervise the caregiver.
 - Caregivers may not work over forty (40) hours in a week, unless specifically agreed on in a written Wage Modification Agreement.
 - Additional caregivers may be hired to work additional time.
- 5 Review and sign weekly time sheets that are accurate and submit to Consumer Direct.
- 6 Report any situations of potential Medicaid fraud to Consumer Direct at 1-866-438-8591, including, but not limited to:
 - Falsified or made-up hours
 - Task(s) completed that are not authorized
 - Forgery
- 7 Dismiss (fire) caregivers that are not doing a good job.

Training Acknowledgement for Caregivers

The Consumer acknowledges and signs that caregivers employed complete training in the following areas:

- Orientation to Consumer Direct, the Profile, community resources and Medicaid services
- Consumer Direct Caregiver Handbook
- OSHA's Exposure Control Plan, Infection Control Guidelines for Healthcare Workers, Lifting and Moving
- Consumer Abuse, Neglect and Exploitation
- HIPAA and Confidentiality
- Cultural sensitivity
- Time sheets
- Safety and Accident Prevention
- Consumer's rights, including confidentiality pursuant to state and federal regulations
- Any Consumer-specific training necessary for health and safety

Complete All Documents and Reviews

- Meet with Consumer Direct for the initial intake and then every 180 days
- Complete all necessary paperwork

Keep Consumer Direct Informed

Report any change in health status of the Consumer, or living situation to Consumer Direct such as:

- Hospitalization
- Health condition worsens (or improves)
- Change of address, phone number, name, etc.
- Change in Medicaid or insurance status

Non-Emergent Care

- The Consumer/PR acknowledges and understands that the Self-Directed program is not an emergency or acute medical service provider. The Consumer/PR understands that it is their responsibility to recognize and report any potentially risky health situations to their physician or to call 911, as appropriate.
- The Consumer/PR agrees to train the caregiver(s) to the above non-emergent care requirement.

Emergency and Backup Plan

Each Consumer is responsible for creating a backup plan (called Emergency and Backup Plan) that the Consumer will use if a caregiver cannot work regularly scheduled hours. The Emergency and Backup Plan:

- Is in writing and signed by both the Consumer and Consumer Direct.
- Must be completed prior to the start of service.
- Updated, at a minimum, at each home visit.
- Unapproved overtime is not a viable backup plan.
- Emergency numbers will be posted with who to call if a problem arises.

Transfer Process

- Consumers decide who will be their provider. Consumer Direct hopes to provide the best service possible. If the Consumer is unhappy with services, they may decide to transfer to another provider agency. The Consumer must notify Consumer Direct or the new agency they have chosen.
- Consumer Direct assists the Consumer with transferring, if they want.
- In order to improve the services provided, Consumer Direct does exit interviews with Consumers who are transferring to another provider.

Guardians

In Montana, a Guardian is considered a legally responsible adult. As such, a Guardian may **not** be a paid caregiver under the self-directed program.

Consumer Training Responsibilities and Employer Expectations

How might my Consumer hire, train and evaluate me?

What type of orientation will I receive?

Can my Consumer fire me?

Application

The Consumer may ask a caregiver to complete a job application or submit a resume. This is optional. If an application is completed, it will be kept in the caregiver's personnel file. The caregiver does complete an "Employee Data Form" with important information that is kept in his/her Personnel File.

Orientation

Each Consumer has specific house rules and employment expectations. These will be discussed on the first day of the caregiver's employment. This is called orientation. The topics covered include:

1. Touring the Consumer's living space, including:
 - Where supplies and equipment are located
 - Living space that is off-limits
 - Emergency exits
 - Fire extinguisher
2. Information about the Consumer's disability or care needs
 - Share information about disability or health care needs (e.g., Does the Consumer have trouble falling asleep? Are they sensitive to certain smells? Are they a morning person?).
3. An explanation and demonstration of the tasks that need to be done.
 - Overview of job duties
 - Self-assessment Tool, Task and Hours Form checklist, job description, or other method may be used
 - Observation of an experienced worker or family member completing all the tasks
 - Use of a training video (optional)

4. Safety and Security

- Review proper lifting procedures to avoid injury to either caregiver or Consumer.
- Explain safety guidelines for any disability-related equipment the caregiver will be expected to use and for household appliances or equipment the caregiver will be expected to use.
- Discuss the Emergency and Back-up Plan.
- Tell how to enter the home, i.e. knocking, key, etc.
- Explain Universal Precautions such as:
 - ◆ washing hands thoroughly before preparing food,
 - ◆ washing hands before and after tasks,
 - ◆ use of plastic gloves and where they are stored, and
 - ◆ where the sharps container is located, if applicable.

5. Expectations - What the Consumer wants the caregiver to do. Some examples are:

- Confidentiality: What the caregiver knows or learns about the Consumer must remain confidential. The kind of help being provided by the caregiver is personal to the Consumer and should not be discussed with friends, family members, or other individuals. Violating confidentiality can be grounds for termination. The caregiver must complete a HIPAA test at the start of employment so they know the law regarding confidentiality.
- Use of household items: Rules about the use of the Consumer's car, the washing machine, computer/printer and eating the Consumer's food should be discussed. If the Consumer does not say what the rules are, ask him/her.
- Telephone Use: Use of cell phones and the Consumer phone during work hours will be decided by the Consumer/PR.
- Schedule: The Consumer determines what days of the week and time of day assistance is needed. The caregiver and Consumer should discuss flexibility with the schedule, how to request time off, how much advance notice is needed if calling off sick, the importance of being on time, how to make schedule changes, etc. Not showing up for work, not notifying the Consumer with enough advance notice, and being late may result in termination.
- Dress code: Clothing that is not permitted in the work place is the Consumer's decision.
- Tobacco Use: The Consumer is responsible for setting the policy for tobacco product use in his/her home. If you do not know the Consumer's tobacco policy, ask the Consumer.

Training Requirements

The Consumer is involved with setting up the customized training for the caregiver (with full assistance from Consumer Direct). Each caregiver will complete both program required and Consumer-specific training before they begin to work. Required training modules include:

- Service and Profile
- Consumer Direct policies and procedures
- Infection Control Guidelines for Healthcare Workers

- Lifting and Moving
- Safety
- Consumer Rights
- Cultural Diversity
- Time sheets & Documentation
- Abuse and Neglect
- HIPAA Confidentiality

Consumer-specific training focuses on the individual needs of the Consumer with regard to their care plan.

Performance Reviews

A performance review evaluates how the caregiver is doing. The Consumer decides if they want to do a performance review with his or her caregiver. While regular performance reviews are not required, they are encouraged. Consumers are provided materials for doing reviews. It is also a good idea for the caregiver to ask the Consumer for feedback about how you are doing. Feedback will help the caregiver know if he or she needs to make changes.

Termination/Resignation

Under the Consumer-Directed Service Program, the Consumer is primarily responsible for making and carrying out any termination decisions. Work performance that may result in termination is identified during orientation and reviewed regularly.

Caregiver Responsibilities

What do I need to start and continue working with Consumer Direct?

How do I use the time sheets?

How do I know when to work?

Can I work overtime?

Can I receive gifts from Consumers?

Employment Status

To be employed by the Consumer/PR and Consumer Direct under the Self-Directed Personal Assistance Services Program, a caregiver must:

- Receive an Okay to Work form signed by the Consumer Direct Program Manager, Service Coordinator, or Administrative Assistant
- Successfully pass:
 - a Montana criminal history background check
 - a Post-Hire Health Questionnaire review

Documents and Record-Keeping (Time Sheets)

Caregivers keep a weekly time sheet with hours worked for Medicaid billing. Time sheets are legal documents that track actual hours worked and services provided. Time sheets should reflect the tasks and hours of service authorized on the Profile and include:

- Days of the week and dates that services were provided.
- Time in and time out (start and stop times) of services provided.
- Notes of any change in Consumer's condition.
- Legal signature from caregiver and Consumer/PR with dates.
- All entries must be made in blue or black ink and be clearly legible.
- Corrections can be made by drawing a single line through the mistake, entering the correct information nearby, and having both the caregiver and the Consumer/PR initial by the change.

Time sheets should be given to the Consumer for signature every week. Time sheets must be sent by mail or faxed weekly to the Consumer Direct office by midnight every Monday.

Working Hours and Payroll

Caregivers are expected to work all hours as scheduled that they accept from the Consumer/PR. Definite hours are not guaranteed and may change unexpectedly. For example, a caregiver is not needed when a Consumer is hospitalized. A caregiver position is classified by Consumer Direct as "temporary". The following apply:

- The Consumer will set work schedules based on the Consumer's current and approved Profile.
- Overtime is not authorized.
- Caregivers may work for more than one consumer. However, the total hours worked in any week cannot be more than forty (40).
- Caregivers are responsible for watching their schedules. That way the caregiver is ready for an increase or decrease in hours so that they do not go over forty hours a week.
- The Consumer is personally responsible for paying the caregiver if:
 - more hours are used than authorized
 - the Consumer loses Medicaid eligibility
 - if they ask the caregiver to do tasks that are not approved by the Profile.

Consumer Direct will issue paychecks every other Friday, according to the Consumer Direct Payroll Schedule. In order for the caregiver to be paid correctly, time sheets **must be** mailed or faxed to the Consumer Direct office by midnight every Monday.

Consumer Direct will deduct state, federal, and social security taxes from the caregiver's wages. Caregivers will receive the benefits of worker's compensation coverage, employer's social security contributions, and federal and state unemployment insurance.

Training and Certification

The Consumer is responsible for training the caregiver. Consumer Direct assists the Consumer with the training, if wanted.

Consumer Direct requires caregivers to understand and apply standard precautions for lifting, bloodborne pathogens and TB, and to pass periodic written tests on these subjects. All training must be current. Some training must be updated every year.

Transportation

Before a caregiver can drive for work-related activities, Consumer Direct must receive and keep on file a photocopy of the caregiver's current driver's license and the current motor vehicle insurance for the vehicle(s) being driven.

Confidentiality and Disclosure

Consumer information is strictly confidential. Information can only be released if the Consumer signs a waiver authorizing the release of information. A waiver is not needed to discuss or report the following:

- Any reasonable cause to suspect:
 - that the Consumer has threatened, or poses a threat to, the physical safety of another person and it appears possible that the threat may be carried out
 - the Consumer is at risk of immediate bodily harm
 - abuse, neglect, exploitation, death, or other reportable incidents

Change of Information Notification

Caregivers must fill out a "Status Change Form" within ten (10) days of any change in the following:

- Name
- Mailing address
- Physical address
- Telephone number
- Felony convictions
- Motor Vehicle violations

The form must be submitted to Consumer Direct.

Termination Notification

Caregivers may choose to end their employment with a Consumer, or vice versa. Within two (2) business days of the last day of employment:

1. Both parties must submit a "Status Change Form" to Consumer Direct.

2. Consumer Direct must receive the final time sheet with a note in the Comments Section stating “Last and final time sheet for caregiver <caregiver’s name>.”

Consumer Direct also has the right to end a caregiver’s employment with or without cause.

Authorized Caregiver Services

What tasks might I perform as Caregiver?

The following tasks are authorized for Montana’s Self-Direct Personal Assistance Services program. Tasks performed by the caregiver and total hours worked must be authorized on the Profile. Any tasks done that are not on the Profile or that take more time than approved must be paid by the Consumer.

Bathing - Consumer needs assistance ranging from setting out supplies to actual hands-on assistance in and out of the tub and bathing

Dressing – Consumer needs assistance laying out clothes and help with zippers, buttons, or putting on shoes and socks. Consumer may also need help getting into and out of garments, that is, putting arms in sleeves, legs in pants, or pulling up pants.

Eating – Consumer may need occasional physical help. Consumer needs extensive hands-on assistance with eating. The Consumer may need help holding utensils and needs continuous assistance during meals. Spoon-feeding of most foods is required, but Consumer can eat some finger foods.

Exercise – Consumer may need occasional or consistent assistance in completing an exercise routine.

Hygiene – Consumer needs assistance setting out supplies, or needs hands-on assistance with shaving, shampooing, putting on lotion, or brushing teeth because of an inability to see well, reach, or successfully use equipment.

Meal Preparation – Consumer has difficulty fixing simple meals that require any kind of preparation. Consumer has difficulty opening cans and preparing fresh foods for cooking. Consumer regularly has difficulty seeing or turning burners on and off or sometimes forgets to do so.

Medication Assistance - Assistance with already set-up medications. Consumer is compliant with taking meds but may need reminders.

Mobility – Consumer may need minimal assistance walking. Or the Consumer may have considerable difficulty walking even with an assistive device. Consumer can walk only with assistance from another person or with the occasional use of a wheelchair.

Positioning – Consumer requires occasional or consistent assistance with positioning in a bed or chair.

Toileting – Consumer has instances of urinary or fecal incontinence and needs assistance. The Consumer may have a catheter or colostomy bag, and occasionally needs assistance with management. Consumer may wear diapers to manage problem and needs some assistance with them.

Transfer – Consumer may need minimal assistance getting in or out of a bed or chair, or may need hands-on assistance when rising to a standing position or moving in or out of a wheelchair.

Health Maintenance Activities (HMAs)

Bowel Program – Consumer may need occasional help with suppositories or an ongoing bowel program.

Medication Administration - Identifying medication, correct dosage, and time of day and prescribed method of administration.

Urinary Management – Consumer needs occasional or ongoing help with catheter care, self-cath, or insertion. Consumer may also need help with colostomy care.

Wound Care – Consumer may need occasional or ongoing help with reddened areas, dressing changes, or pressure sores and is unable to perform the task themselves.

Household Tasks (HTs)

Light Housecleaning - House cleaning is restricted to the area(s) of the residence that the Consumer occupies. A PCA may do light dusting, sweeping, and picking up. A PCA is not paid to clean the entire house or perform yard maintenance duties such as trimming and mowing. Housecleaning is expected to be done while “multi-tasking” with other ADL tasks.

Laundry - Laundry is limited to the Consumer’s clothes or bed linens only and is expected to be multi-tasked with other ADL tasks.

Shopping - A PCA may assist the Consumer with going to the store to get the Consumer’s groceries or prescription pick-ups only.

Medical Escort

A Medicaid-payable service whereby a caregiver can be reimbursed for providing hands-on personal care of mobility, transfer, dressing, undressing, or toileting en-route to, or while at, medical appointments. This time can go above and beyond the maximum allowable hours. In and out times, destination, the reason for the appointment, and the physician’s name must be documented in the comments section of the time sheet. Medical Escort is only authorized when a family member or live-in caregiver is not available to assist.

Excluded Services

What tasks are not allowed under self-direct personal assistance services?

Caregivers will not perform tasks that are not authorized on the Consumer's Profile. The following are some examples of unapproved tasks:

1. Cleaning floors and furniture in areas Consumers do not use or occupy.
2. Laundering clothes or bedding the Consumer does not use.
3. Shopping for groceries or household items Consumers do not need for health or nutritional needs.
4. Attendants may not shop for items that are used by the rest of the household.
5. Supervision (except as allowed under the Home and Community Based Services Program), respite care, babysitting, or social visits.
6. Maintenance of pets, except in the case of a certified service animal. No additional hours will be authorized for the care of a certified service animal.
7. Home and outside maintenance. No lawn care, window washing, or woodcutting. Snow removal is permitted only to clear a path for accessibility to a vehicle or curb.

When self-directed services are not covered

Consumers who reside in the following settings are not eligible to receive self-directed personal assistance services:

1. Hospital
2. Nursing home
3. Licensed personal care facility or assisted living facility
4. Group home, foster home, or supported living facility

If a Consumer is temporarily placed in a hospital or nursing home, the PCA cannot be paid to provide services to the Consumer at the hospital or to provide household tasks at their home. Medicaid refers to this as "double dipping."

No Invasive Body Procedures

- Tracheotomy care

Specific Program Exclusions

- Babysitting
- Social visitation
- Home maintenance
- Pet care (service animal care may be approved on the Care Plan)
- Cleaning of areas not used by the Consumer
- Tasks that are not on the Consumer's Care Profile

Consumer Direct's Role and Responsibilities

*What does Consumer Direct do as Employer of Record?
How often must I meet with Consumer Direct?*

Consumer Direct is a Montana approved provider and contracted agency with different health management organizations. Consumer Direct follows all applicable federal, state, and local laws, including State Medicaid regulations, policies, and procedures.

Maintaining Confidentiality

Consumer Direct will keep information concerning Consumers confidential. Consumer Direct has a HIPAA Privacy Policy Statement and Notice of Privacy Practices that dictate how Consumer Direct may use or disclose personal or protected health information.

Service Agreement

Consumers choosing the self-directed option must sign an agreement in which the Consumer/PR accepts responsibility for all aspects of care and hiring, training, scheduling and managing of caregiver(s). This includes mandatory and individualized training of the caregiver. Consumer Direct uses the Agency-Consumer Service Agreement to highlight other important program responsibilities for both the Consumer and Consumer Direct.

Employer of Record Functions

- Must meet all the conditions of participation as stated in the Medicaid regulations for self-direct services
- Serve as the caregiver's Employer of Record for the purposes of payroll and federal and state hiring requirements:
 - Accept caregiver time sheets
 - Withhold and deposit Federal income tax
 - Withhold and deposit Social Security and Medicare tax (FICA) and Federal and state unemployment tax (FUTA/SUTA) payments
 - Purchase benefits, e.g., Workers' Compensation
 - Make sure all Federal and State Department of Labor laws related to minimum wage and overtime are complied with
 - Generate and issue paychecks
- Educate the Consumer in the skills needed to act as managing employer and to self-direct their care (e.g., how to recruit, interview, direct and dismiss caregivers, basic problem solving, and creating an effective backup plan)
- Review the Profile with the Consumer before beginning service
- Maintain and make available to the Consumer a list of names of interested caregivers who may be available to work or provide backup services

- Accept responsibility for billing Medicaid for all personal services provided to the Consumer, including:
 - Collect and verify time sheets
 - Submit claims to Medicaid
- Maintain a current Montana business license
- Work with the Consumer to develop an Emergency and Backup Plan to help Consumers when regularly-scheduled caregivers cannot work.

Additional Agency Responsibilities

Consumer Direct is also responsible for:

- Performing a state-wide criminal background check for all potential caregivers
- Assisting the Consumer with:
 - Filling out enrollment forms
 - Understanding self-directed philosophy
 - Knowing Medicaid regulations
 - Complaint procedures
 - Forms for ongoing participation
 - Guidance for program compliance
 - Completing home visits with the Consumer at intake and then every 180-days, or when there is a significant change in the functional needs of the Consumer
- Keeping a Consumer file that documents services provided to Consumers
- Keeping a caregiver personnel file with caregiver forms and employment information
- Giving training materials to the Consumer that are user-friendly and help them train their caregivers
- Giving the Consumer a “Consumer Training Manual and Resource Guide” with information that will help them be a good employer and explains tasks to be completed
- Assisting the Consumer with training the caregiver
- Informing the Regional Program Officers of incidents of concern
- Checking that the Consumer is eligible for full Medicaid coverage each month
- Making referrals to Mountain Pacific Quality Health or the Regional Program Officers if the agency questions whether the Consumer is able to direct their own care
- Staying enrolled in Montana as a self-directed provider agency
- Filing reports as required by the Department
- Passing random and targeted quality assurance reviews (audits) conducted by Department agencies
- Making sure the Consumer/PR is following the Consumer/PR Agreement

Consumer Safety

Consumer Direct will:

- Immediately remove a caregiver from contact with a Consumer if there is reasonable cause to suspect that:

- The caregiver has physically, sexually, or emotionally abused, threatened, or coerced a Consumer or a member of a Consumer's household.
- A Consumer, or a member of a Consumer's household, is in immediate danger of harm from a caregiver.
- Immediately remove from contact with a Consumer a caregiver who:
 - Is impaired by alcohol or drugs.
 - Has contracted a communicable disease that could pose a significant health risk to a Consumer.
- Provide an appeal process for a caregiver who has been removed from contact with a Consumer under the above two situations.

The above are examples of when a caregiver will be removed. There may be other circumstances as well.

Important Phone Numbers

Consumer Direct's Injury Hotline	1-888-541-1701
Adult Protective Services.....	1-800-551-3191
Child Protective Services.....	1-866-820-5437
Medicaid Fraud	1-800-376-1115
Consumer Direct Fraud Hotline.....	1-877-532-8530
Consumer Direct Human Resources, Steve Richards.....	1-888-532-1907

Definitions of Common Terms

Activities of Daily Living (ADLs) - The basic tasks of everyday life. The self-direct program provides support with bathing, dressing, grooming/hygiene, toileting, transferring, positioning, mobility, meal preparation, eating, exercise, and medication assistance.

Adult Protective Services (APS) - A state agency that works with adults who are at risk for abuse, neglect or exploitation

Personal Assistance Services (PAS) - Assistance in homemaking, personal care, companionship activities and general supervision that increase the likelihood of the Consumer remaining safely in their own home. There are two options for receiving personal assistance services:

- **Self-Directed Personal Assistance Services (SDPAS)** - intended for Consumers who wish to manage their own services. This includes recruiting, hiring, training, managing, and terminating caregivers. The Consumer and Consumer Direct share employer responsibilities. The Consumer is the managing employer. Consumer Direct is the employer of record and does accounting-type activities and is also a support for the Consumer. The type of care authorized depends on the Consumer's needs, living situation and documentation from a health care professional. People who participate in this program must have a back-up plan in case a caregiver is not available. Consumer Direct is a provider of the self-directed option only.

- **Agency-Based Personal Assistance Services (ABPAS)** - intended for Consumers who wish to have an agency manage their services. The caregivers are recruited, hired, trained, and scheduled by the agency. This type of care is dependent upon the Consumer's needs and living situation. Consumer Direct can provide a list of agency-based providers, if requested.

Personal Care Attendant (PCA/caregiver) - An individual hired by the Consumer, and in conjunction with Consumer Direct, to assist the Consumer with daily living tasks.

Department of Public Health and Human Services – The state agency that is responsible for administering Medicaid programs such as the self-direct program and the Home & Community Based Services program. Often times referred to as “The Department.”

Capacity - The ability to perform. Mountain Pacific Quality Health and Consumer Direct discuss a Consumer's ability to direct his/her own care with the Consumer if they have concerns. The Consumer may choose a Personal Representative (PR) to direct their care. The PR must meet the program capacity requirements.

Mountain Pacific Quality Health Nurse Coordinator - Employee of a health management organization who performs eligibility and authorization functions for Consumers in the Self-Directed program.

Child Protective Services (CPS) - A state agency that works with children who are at risk of abuse and neglect. (1-866-820-5437)

Consumer - A term for an individual who is eligible for Medicaid services.

Emergency and Backup Plan - A plan that the Consumer develops and uses when their regularly scheduled caregiver is unavailable to work. The Plan also details what the Consumer will do in case there is an emergency. Emergency numbers are written down and placed by the phone.

Freedom of Choice - Consumers and PRs have the right to choose what provider they want for attendant care services.

Functional Assessment - A Mountain Pacific Quality Health Nurse Coordinator will do a Functional Assessment with the Consumer to qualify him/her for services and every 12 months thereafter. Consumer Direct will contact the Mountain Pacific Quality Health Nurse Coordinator if there is a change in the Consumer's health condition and request an assessment if necessary.

Instrumental Activities of Daily Living (IADLs) - Activities related to independent living. The SDACS Program may provide assistance with shopping for groceries or personal items, light house cleaning, or laundry. IADLs may also be referred to as Household Tasks (HTs).

Monitoring Visits - Required by the SDPAS Program once every 180 days. A Consumer Direct representative schedules a meeting with the Consumer (and PR, if applicable) to see how things are going, to discuss the delivery of services, program goals, backup plan, caregiver issues and to answer questions. Both of these meetings are held in the Consumer's home. Two additional phone calls per year will be offered by Consumer Direct.

Personal Representative (PR) - An unpaid individual who is directly involved with the day-to-day care and decision-making for the Consumer. A PR is chosen by the Consumer and must be willing and able to direct the Consumer's care in the home on a consistent basis. This individual assumes the role of the Consumer for the purpose of managing caregivers and other responsibilities of the self-directed program.

Profile - The Consumer's approved plan of authorized tasks based on unmet needs.



CAREGIVER HANDBOOK

Revised
December 2016

MONTANA *APPENDIX*

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APPENDIX

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COMPLIANCE POLICY STATEMENT

The Company (“Company”) is committed to maintaining an organizational and accountability structure that promotes integrity and ethical behavior, assures compliance with all governmental laws, rules and regulations, and supports the Company’s ethical standards, standards of conduct and zero tolerance for fraud and abuse.

OBJECTIVES

The Company believes a compliance program is beneficial to everyone. It enhances employee morale, productivity and effectiveness. It also improves the quality of care. The Company’s goal is to integrate compliance into daily operations in order to create a better workplace and to ensure quality care.

RESPONSIBILITY

The Company’s Corporate Compliance Officer, Ben Bledsoe, is responsible for overseeing the implementation of the Corporate Compliance program and monitoring adherence to its standards. The Risk Manager assists the Corporate Compliance Officer.

Each Program Manager, State Director or Operations Director is responsible for the compliance efforts within their areas of responsibility. All field and office employees, department managers, officers and their designees are directly responsible for ensuring that the Company, in the provision of services and in routine operations, is compliant with Federal and State law, and Federal, State, and private payer health care program requirements. Each employee is responsible for reporting any perceived or potential compliance infractions.

Due diligence to prevent and detect violations of the law is everyone’s responsibility.

SCOPE

The Company’s Compliance program encompasses all aspects of the Company’s operations and involves all management, staff and employees of the Company.

INTERNAL CONTROLS

Prevention

Pre-screening of potential employees includes OIG and criminal background checks. The Company may prohibit the employment of individuals who have been recently convicted of a felony, a criminal offense related to health care or who are listed as debarred, excluded or otherwise ineligible for participation in Federal health care programs.

Standards of Conduct

All management, staff and employees of the Company are expected to be familiar with and abide by the standards set forth in the Company's internal policies as well as all governmental laws and regulations specific to their locations and services. The following issues are of particular concern.

Discrimination or Harassment of any kind is not tolerated by the Company, and should be reported immediately. The Human Resources Department investigates all reports of discrimination or harassment and takes whatever action is needed to resolve the situation.

Safety must function as an integral part of the operations of the Company. The Company must maintain a safe and healthful working environment and must comply with the requirements of Federal, State, and local safety and health codes to insure the well-being and safety of all employees and consumers. Employees must adhere to the proper operating practices and procedures designed to prevent injury, illness and loss of assets.

Fiscal Responsibility involves verifying eligibility of consumers, maintaining accurate records of services provided and billed for, and reconciling payments. The Company is diligent in its efforts to comply with all mandated accounting rules and regulations to ensure that current federal and state health care requirements are being met.

Fraud is defined as an intentional deception or misrepresentation that could result in any unauthorized benefit. Examples of fraud are listed in the Employee Handbook. Fraud is illegal and all discovered instances of fraud are reported to the appropriate authorities. The Company takes the commission of a fraud very seriously, and considers it grounds for immediate termination of employment. **All suspected fraudulent activity must be reported immediately to the department manager or compliance hotline.** In the event of no action, inappropriate action or lack of timely follow-up regarding a report, the Compliance Officer should be contacted.

A summary of the **Federal False Claims Act** is attached to this policy as Addendum 1. Addendum 2 is a brief discussion of **State Law** governing false claims and Medicaid fraud and is included in Employee Handbooks. Comprehensive training is conducted with all managers and staff regarding the provisions of the Federal False Claims Act.

Non-Retaliation

The Company believes in an open-door policy that enables compliance officers, managers and employees to comfortably discuss ethical matters, to ask questions and get answers while preserving the employee's rights to anonymity and confidentiality. The Company does not engage in or tolerate any retaliation or threats of retaliation against anyone who reports, in good faith, a violation or suspected violation of the law, Company policy, standards of conduct or other improprieties.

Reporting & Response

Reports of suspected offenses can always be discussed with an employee's immediate supervisor, department manager, Regional Director, Human Resources Director, or Risk Manager. However, if an employee feels more comfortable reporting a suspected fraud or abuse outside of the "chain of command," they can contact the Compliance Officer directly, at any time. Employees can make reports anonymously via the Fraud hotline, if they so desire.

No report of a suspected violation is ignored. Each allegation is fully investigated and documented. The investigation may be tailored to the level of the allegation, and if the allegation is substantiated, corrective action is taken. All reports and any corrective actions are documented. If appropriate, corrective actions are communicated to all employees.

If a violation calls for self-reporting to a government agency, the Company immediately does so, and may refer the matter to legal counsel, when appropriate.

Enforcement

Disciplinary action for any employee who has failed to comply with the Company's standards of conduct, policies and procedures, Federal health care program requirements, or Federal and State laws, or who have otherwise engaged in wrongdoing, is decided on a case-by-case basis, and takes into account both mitigating and aggravating circumstances. Corrective action is appropriate to the seriousness of the breach, and may include actions up to termination of employment.

Intentional or reckless noncompliance results in significant sanctions ranging from oral warnings to suspension, termination, or financial penalties. In addition, corrective action may be appropriate where a responsible employee's failure to detect a violation is attributable to his or her negligence or reckless conduct.

The Compliance Officer, working with the appropriate manager or Regional Director, will determine the level of discipline in each case. If there is reason to believe that the misconduct violates criminal, civil, or administrative law, then the Company will promptly report the existence of misconduct to the appropriate Federal and State authorities.

Record-Keeping

All reports of non-compliance, follow-up and disciplinary action are documented. The Company maintains adequate procedures and forms to address recurring issues, so that all incidents are recorded fully and consistently.

MONITORING

The Company believes an ongoing evaluation process is critical to a successful compliance program. The Company's evaluation process produces compliance reports that are maintained by the Compliance Officer. These include reports of suspected noncompliance and any subsequent investigation. The records of the investigation include documentation of the alleged



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violation, a description of the investigative process, copies of notes from interviews, the result of the investigation, including disciplinary action taken, and any corrective action that may have been implemented.

TRAINING

All new employees receive copies of the Employee Handbook or similar communication. The Handbook includes the Company's standards of conduct and a statement on Corporate Compliance. Modifications and updates are circulated in writing to all employees and discussed in department meetings.

Compliance awareness training is provided to employees at orientation and quarterly

Compliance Notices are sent to employees by the Compliance Officer via newsletter.

Approved by: Ben Bledsoe
signature on file

Title: President/CEO

Date: 2/16/2015

ADDENDUM 1**FEDERAL FRAUD AND ABUSE POLICY****United States Code Title 31 § 3729-3733****False Claims Act****I. DEFINITIONS**

- A. Claim. “Claim” includes any request or demand for money, property, or services made to any employee, officer, or agent of the Government (including, without limitation, Medicare Part B Carriers and Medicare Part A Fiscal Intermediaries), or to any contractor, grantee, or other recipient.
- B. Knowing and Knowingly. “Knowing” and “knowingly” mean that a person, with respect to information, does any of the following:
 - (1) Has actual knowledge of the information.
 - (2) Acts in deliberate ignorance of the truth or falsity of the information.
 - (3) Acts in reckless disregard of the truth or falsity of the information.Proof of specific intent to defraud is not required.
- C. Person. “Person” means any employee, volunteer, manager, contractor or agent of Employer.
- D. Employer. “Employer” means Company.

**II. ACTS SUBJECTING PERSON TO DAMAGES, COSTS AND CIVIL PENALTIES;
EXCEPTIONS**

- A. Liability under the Act. According to the Act, any person who commits any of the following acts shall be liable to the Government (the “Government”) for two times the amount of damages that the Government sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the Government for the costs of a civil action brought to recover any of those penalties or damages, and shall be liable to the Government for a civil action brought to recover any such penalty or damages:
 - (1) Knowingly presents or causes to be presented to any employee, officer, or agent of the Governments, or to any contractor, grantee, or other recipient of Government funds, a false or fraudulent claim for payment or approval.
 - (2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved.
 - (3) Conspires to defraud the Government by getting a false claim allowed or paid, or conspires to defraud the Government by knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.
 - (4) Has possession, custody, or control of public property or money used or to be used by the Government and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt.
 - (5) Is authorized to make or deliver a document certifying receipt of property used or to be used by the Government and knowingly makes or delivers a receipt that falsely represents the property used or to be used.
 - (6) Knowingly buys, or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property.

- (7) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government.
 - (8) Is a beneficiary of an inadvertent submission of a false claim to any employee, officer, or agent of the Government, or to any contractor, grantee, or other recipient of Government funds, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the Government within a reasonable time after discovery of the false claim.
- B. **Damages Limitation.** Notwithstanding subsection (A) above, a court may decide that no civil penalty shall be assessed, if such court finds all of the following:
 - (1) The person committing the violation furnished officials of the Government who are responsible for investigating false claims violations with all information known to that person about the violation within 30 days after the date on which the person first obtained the information.
 - (2) The person fully cooperated with any investigation by the Government.
 - (3) At the time the person furnished the Government with information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation.

III. PROSECUTING AUTHORITY AND CIVIL ACTIONS BY INDIVIDUALS AS QUI TAM PLAINTIFF AND AS PRIVATE CITIZENS

- A. **Responsibilities of the Attorney General.** According to the Act, the Attorney General shall investigate a violation as described under section II above. If the Attorney General finds that a person has violated or is violating section II, the Attorney General may bring a civil action against that person as set forth below.
- B. **Actions by private persons.** A person may bring a civil action for a violation of the Act for the person and for the Government in the name of the Government. The person bringing the action shall be referred to as the qui tam plaintiff.
- C. **Rights of the parties to qui tam (whistleblower) actions.**
 - (1) If the Government proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the following limitations:
 - a. The Government may seek to dismiss the action for good cause.
 - b. The Government may settle the action with the defendant.
 - c. Upon a showing by the Government that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the Government's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as:
 - (i) limiting the number of witnesses the person may call;
 - (ii) limiting the length of the testimony of such witnesses;
 - (iii) limiting the person's cross-examination of witnesses; or
 - (iv) otherwise limiting the participation by the person in the litigation.
 - d. Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

- (2) If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action.
 - (3) The Government may elect to pursue its claim through any alternate remedy available to the Government, including any administrative proceeding to determine a civil money penalty, such as The Program Fraud Civil Remedies Act (the PFCR Act”). The PFCR Act permits Federal agencies to use administrative procedures to obtain penalties and assessments from persons who submit false, fictitious, or fraudulent claims, similar to the claims set forth in section II above. If an alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section.
- D. Award to qui tam plaintiff.
 - (1) If the Government proceeds with an action brought by a person under subsection (b), such person shall, subject to certain limitations, according to the Act receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person and/or his counsel substantially contributed to the prosecution of the action.
 - (2) If the Government does not proceed with an action in accordance with this section, the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action or settlement. Such person shall also receive an amount for reasonable expenses, plus reasonable attorneys’ fees and costs.
 - (3) If the Government does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys’ fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.
- E. Government not liable for certain expenses. The Government is not liable for expenses that a person incurs in bringing an action under this section.

IV. PRIVATE ACTION FOR RETALIATION (WHISTLEBLOWER PROTECTION)

Any person who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by the employer because of lawful acts done by the person in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status such person would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys’ fees. A person may bring an action in the appropriate court of the Government for the relief provided in this subsection.

V. LIMITATION OF ACTIONS

- A. Statute of limitations. A civil action under Section III may not be brought more than 10 years after the date on which the violation was committed.
- B. Retroactivity. A civil action under Section III may be brought for activity prior to the effective date of this Act if the limitations period set in Subdivision A. has not lapsed.

- C. Burden of proof. In any action brought under Section III, the Government or the qui tam plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.
- D. Estoppel. Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under subdivision A, B, or C of Section III.

Anti-Kickback Statute

I. OVERVIEW OF THE FEDERAL ANTI-KICKBACK STATUTE:

- A. The Federal Anti-Kickback Statute's main purpose is to protect patients and federal health care programs from fraud and abuse. The Federal Anti-Kickback Statute prohibits certain conduct involving improper payments in connection with the delivery of items or services. These prohibitions apply to anyone who knowingly and willfully solicits or receives any payment in return for referring an individual to another person for the furnishing, or arranging for the furnishing, of any item or service that may be paid in whole or in part by the Medicare, Medicaid, or other federally funded health care program.
- B. The federal Anti-Kickback Statute applies where an individual offers or makes payments to another person in order to induce referrals or other prohibited conduct. Illegal payments or solicitations of payments include those in cash or in kind, i.e., goods, those made directly or indirectly, and those made overtly or covertly.

II. LIABILITY FOR VIOLATIONS OF THE ANTI-KICKBACK STATUTE:

- A. Health organizations and providers that violate the Anti-kickback Statute can be subject to a maximum civil monetary penalty of \$25,000, imprisonment up to five years, or both.
- B. Conviction would also lead to automatic exclusion from the Medicare, Medicaid, and other federally funded health care programs. Exclusion from these programs may also be sought by the Department of Health and Human Services ("HHS") through an administrative proceeding, without the need to initiate a criminal prosecution. Responsibility for enforcement of the statute is delegated within HHS to the Office of the Inspector General ("OIG").
- C. Employer prohibits bribes or kickbacks, including a complex array of discounts, rebates, profit-sharing agreements, or other business arrangements that would violate federal laws such as the Anti-Kickback Statute.

Stark Laws

I. OVERVIEW OF THE STARK LAWS:

Stark I and II are federal statutes that prohibit providers from making referrals to any entity in which they, or an immediate family member, have a financial relationship and which provides certain designated health services, unless an exception applies. A financial relationship includes, but is not limited to, ownership or investment interest, and compensation arrangements.

II. LIABILITY FOR VIOLATIONS OF THE STARK LAWS:

- A. Providers that violate the Stark Laws can be subject to the denial of payment of all designated health service claims and civil money penalties for knowing violations of the prohibitions.
- B. Violations may also be pursued under the Federal False Claims Act.

- C. Employer prohibits referrals and prohibits providers from referring patients for health care services to entities in which the provider has a financial relationship that would violate federal laws such as Stark.

Training

- I. ALL EMPLOYEES OF COMPANY:
 - A. Consumer and Caregiver Training: A copy of this Summary is attached as an Addendum to the Company's Corporate Compliance Policy and provided to all employees. The Corporate Compliance Policy, with the False Claims Act Addendum, is provided to all new consumers and caregivers during orientation. In addition, all employee handbooks and consumer training manuals contain a summary of the False Claims Act, included in the Medicaid Fraud section of the handbooks and manuals.
 - B. Administrative Staff: Comprehensive training is conducted with all managers and staff using the training booklet "Deficit Reduction Act Compliance Training Program – An Overview of the False Claims Act and Federal Health Care Programs."
- II. CONTRACTORS AND AGENTS: All contractors and agents of the Company are provided with a copy of this Summary and the applicable State False Claims Act Summary.

ADDENDUM 2

MONTANA FALSE CLAIMS ACT & MEDICAID FRAUD

January 2007

I. OVERVIEW OF MONTANA FRAUD AND ABUSE LAWS

- A. The Montana False Claims Act is contained in M.C.A. §17-8-401-412. The Montana False Claims Act statute includes liability for actions such as submitting fraudulent claims, providing false records, and knowingly benefiting from the submission of a false claim and failing to report it within a reasonable time.
- B. In addition to the violations contained in Montana's False Claims Act, the Montana Medicaid Fraud statute, M.C.A. §45-6-313, includes penalties for kickbacks, bribes, or rebates paid under the Medicaid program and for payments made and/or received for referring a recipient to another provider.

II. LIABILITY FOR VIOLATIONS OF MONTANA FRAUD AND ABUSE LAWS

- A. In a civil action brought under the Montana False Claims Act, a court shall assess not less than two times and not more than three times the amount of damages that a governmental entity sustains because of the person's act, along with cost and attorney fees, and may impose a civil penalty of up to \$10,000 for each act. Depending on the circumstances, the person committing the fraud may also be subject to a criminal proceeding and additional penalties.
- B. Medicaid fraud convictions range from fines of \$1,000 and/or imprisoned in the county jail for 6 months, to fines of \$50,000 and/or imprisonment in the state prison for 10 years. A person convicted of Medicaid fraud may be permanently suspended from participation in the Medicaid program.
- C. Criminal actions are pursued by the government. Civil actions may be pursued by the government or private industry. With some exceptions, persons who have engaged in unlawful acts pursuant to the False Claims Act may be liable to the United States government for a civil penalty that is not less than \$5,000 and not greater than \$10,000 plus three times the amount of damages the government sustains because of the act of that person.

III. DEFINITIONS

A. FRAUD

The intentional deception or misrepresentation that an individual knows, or should know to be false, or does not believe to be true, and makes, knowing the deception could result in some unauthorized benefit to himself or some other person(s).

B. FRAUD & ABUSE

Fraud: To purposely bill for services that were never given or to bill for a service that as a higher reimbursement than the services produced.

Abuse: Payment for items or services that are billed by mistake by providers, but should not be paid for by Medicare/Medicaid. This is not the same as Fraud.

IV. TRAINING

The Act requires that all Company employees, contractors and agents receive training or education relating to the pertinent elements of the Act.

Please review the **Corporate Compliance Policy** and additional information relating to Fraud and Abuse in the **Employee Handbook**.

If you have any questions regarding this subject, please contact your manager, supervisor, or the Corporate Compliance Officer.

**EMPLOYEES ARE OBLIGATED TO REPORT POTENTIAL FRAUD AND ABUSE.
EMPLOYEES WHO IN GOOD FAITH REPORT SUSPICIONS OF MEDICAID FRAUD
OR ABUSE ARE PROTECTED FROM ANY FORM OF RETALIATION.**

FITNESS FOR DUTY**DRUG FREE WORKPLACE POLICY**

Revision Date 5/1/2009

POLICY STATEMENT

Because drug and alcohol abuse in the workplace results in decreased productivity, increased liability exposure, and higher workers' compensation insurance premiums, the Company ("Company") has a substantial and vested interest in not only providing, but also ensuring, a drug-free workplace for the safety and welfare of employees and clients, as well as the Company.

OBJECTIVES

The goal of this Policy is to monitor and address any workplace or work time situation wherein a Supervisor or Manager determines an employee is unfit for duty, and/or address any substance abuse issues affecting the workplace, while adhering to the procedural requirements imposed by law.

RESPONSIBILITY

The Human Resources Manager is responsible for the overall implementation and management of the Fitness For Duty Drug Free Workplace Policy. This includes communication of the Policy's Standards of Conduct to all new employees, investigation of reports of violations of the Policy, and providing assistance to employees who voluntarily seek help with drug or alcohol dependency issues. The Risk Manager will assist the Human Resources Manager, as needed.

Senior Management approves and supports all aspects of this Policy.

Approved by: Signature on file Date: May 1, 2009
Signature
Bruce Kramer / Senior Vice President
Name / Title

SCOPE

Compliance with this Policy is required of all Company employees.

1. Standards of Conduct. The following standards of conduct apply to all employees:
 - a. Employees are strictly prohibited from working while unfit for duty which may include but is not limited to impairment resulting from the use of legal or illegal drugs or alcohol.

- b. The use, possession, transportation, purchase, promotion or sale of dangerous drugs on Company property, while performing Company business, or while attending a Company function is strictly prohibited. In addition, the Company prohibits an employee from being at work under the influence of alcohol or dangerous drugs. Dangerous drugs are those drugs designated as controlled Substances in Title 21 of the United States Code, Section 812, except a drug used pursuant to a valid prescription or as authorized by law. Other than as set forth in subparagraph c. below, the use by employees of alcohol and/or being under the influence of alcohol while working, while on Company property, or while using a Company vehicle or equipment, is prohibited.

The term “Company property” is used in its broadest sense and includes all land, property, buildings, structures, installations, parking lots, and means of transportation owned by or leased by the Company or otherwise being utilized for Company business. Private vehicles used by employees for work-related activities and vehicles parked on Company property are included within this prohibition.

- c. If approved, employees may bring or consume alcoholic beverages on Company premises in connection with and during Company-authorized events, but only to the extent that such use does not lead to impaired performance, inappropriate behavior, endangering the safety of any individual or violation of applicable laws.

2. Policy on Rehabilitation.

- a. Any employee who feels that he or she has a problem with some form of chemical dependency is encouraged to seek assistance. Requests for information concerning such assistance will be kept confidential. An employee seeking assistance for drug or alcohol dependency **may be** afforded coverage under the Company's health care plan. The employee will need to review their benefit plan document to determine coverage issues.
- b. The Company will grant rehabilitation leave to employees seeking treatment on a voluntary basis. To request leave, employees must contact the Human Resources Manager. To be eligible for paid leave (use of sick or vacation days), employees must have completed the eligibility period of employment prior to seeking sick or vacation pay leave. Employees who have been with the Company for less than the described eligibility periods of time **may be** entitled to the same total leave, but it will be without pay. Once the Company has initiated a drug and alcohol test process for an individual employee, that employee no longer has the right to request treatment on a voluntary basis. The cost of rehabilitation will be at the employee's expense, except to whatever extent covered by the Company's health care plan.
- c. Any employee who leaves a treatment program prior to completion of, and proper discharge from, the program will be immediately terminated from employment.

3. Sanctions. The following sanctions shall apply to employees violating the Company's standards of conduct, for being unfit for duty, or testing positive for dangerous drugs or alcohol:
 - a. Employees who violate company policy regarding standards of conduct set forth herein are subject to discipline up to and including immediate dismissal.
 - b. Employees who knowingly create a dangerous situation by working while impaired as a result of prescription or over-the-counter pain killers or other medicines, are subject to discipline, up to and including immediate dismissal.
 - c. Employees who test positive for dangerous drugs or alcohol pursuant to the procedures set forth below are subject to discipline up to and including immediate dismissal.
 - d. Employees who test positive the first time for dangerous drugs or alcohol may also be required to participate in a drug and/or alcohol counseling treatment or rehabilitation program at the employee's expense (unless covered by applicable health coverage), as an alternative to termination. Testing positive for dangerous drugs and/or alcohol a second time, will result in immediate termination.
 - e. Employees who test positive for dangerous drugs or alcohol will be subject to follow-up testing including random testing.
 - f. No negative sanctions will be imposed on an employee by the Company if the employee presents a reasonable explanation or medical opinion indicating the positive test results were not caused by illegal or otherwise prohibited use of dangerous drugs or by alcohol consumption. This explanation must be given to the Medical Review Officer ("MRO") and confirmed as a reasonable explanation, resulting in the rendering of the test as negative. Any such explanation will be treated as confidential.
 - g. Refusal by an employee to submit to initial testing, follow-up testing, or random testing will be deemed a positive test and therefore subject the employee to immediate dismissal.
 - h. Employees who attempt to tamper with drug or alcohol test samples are subject to immediate dismissal.
4. Types of Testing. The Company may perform the following types of testing for dangerous drugs and alcohol:
 - a. Fitness for duty reasonable suspicion testing of applicable employees.
 - b. Follow-up and random testing of employees who test positive, but per Management prerogative, have not been immediately terminated. Follow-up and random testing may be performed up to two years from the date of the positive test.

- c. Testing of applicable employees involved in work-related accidents causing death or personal injury or property damage.
- d. Testing of applicable employees involved, or suspected of being involved, in causing or contributing to any work-related injuries.

All compensated employees, including officers, directors and supervisors are subject to this Policy. However, this does not include independent contractors.

Fitness For Duty Reasonable Suspicion Testing

Employees will be subject to a Fitness For Duty medical evaluation, to include appropriate current methodologies for drug and alcohol testing when any Supervisor or Manager determines there are reasons to believe that the employee is or was at work while in violation of this Policy or if the Company has reason to believe that an employee has negatively impacted the Company's reputation via after hours use of dangerous drugs or alcohol. Testing methodologies include but are not limited to: urinalysis, saliva, breathalyzer, hair follicle, etc. A fitness for duty reasonable suspicion referral for testing will be made on the basis of documented, specific, contemporaneous, articulable observations concerning an employee's appearance, behavior, and speech. The following, not all-inclusive, list of conditions may be signs that an employee is under the influence of drugs and/or alcohol and, if at work, is unfit for duty:

- Abnormally dilated or constricted pupils
- Dulled mental processes
- Glazed stare - redness of eyes (sclera)
- Flushed face
- Change of speech (e.g. faster or slower)
- Redness under nose
- Needle marks
- Change in personality (e.g. paranoia)
- Poor concentration
- Constant fatigue or hyperactivity
- Slurred speech
- Smell of alcohol
- Excessive, unexplained absences
- Slowed reaction rate
- Difficulty walking
- Forgetfulness/performance faltering

Reasonable suspicion determinations will be made by any Manager or Supervisor who reasonably concludes that an employee may be in violation of this Policy. A fitness for duty medical evaluation, including drug testing, may be conducted anytime while an employee is on duty, immediately before or after the employee's regular work period or anytime after hours if it is determined the employee's behavior is negatively reflecting on the Company's

reputation. While waiting for the results of a drug test, the employee will be assigned to non-safety-sensitive functions.

5. Dangerous Drugs to be Tested for. The Company will utilize a 10-Panel test for the following types of dangerous drugs:

	<u>Initial Screen</u>	<u>Confirmation Screen</u>
Marijuana (THC)	50ng/ml	15ng/ml
Cocaine Metabolites	300ng/ml	150ng/ml
Opiates	2000ng/ml	300ng/ml
Amphetamines	1000ng/ml	500ng/ml
PCP	25ng/ml	25ng/ml
Benzodiazepines	200ng/ml	50ng/ml
Barbiturates	200ng/ml	200ng/ml
Methaqualone	300ng/ml	300ng/ml
Propoxyphene	300ng/ml	150ng/ml
Methadone Ethanol	300ng/ml	150ng/ml

The Company reserves the right to modify this list from time-to-time to include additional substances in the Panel.

6. Prohibited Alcohol Concentration Level. Employees who test positive for alcohol concentration at or above .04 and/or are materially impaired will be deemed to be in violation of this Policy.
7. Testing Procedures. Fitness for duty medical evaluations will be conducted during, or immediately before or after the regular work period of the employee to be tested, and the time spent by the employee while being tested, and in going to and from the testing facility, will be considered work time for purposes of compensation and benefits. All drug and alcohol testing will be conducted at Company-designated laboratories approved or certified by the United State Department of Health and Human Services, the College of American Pathologists, or the State Department of Health Services. The Company has contracted with state-approved drug and alcohol testing service companies to perform all testing, using scientifically accepted analytical methods and procedures, which may involve urinalysis, saliva, breathalyzer, hair follicle, or any other current methodology utilized by licensed testing facilities, including any other reliable and scientifically accepted industry available tests that may be developed. All test samples will be labeled in such a manner as to reasonably preclude the possibility of misidentification of the employee tested in relation to the test result provided by the testing entity.

Positive tests will be subject to confirmation through a chromatographic technique, such as gas chromatography-mass spectrometry or another comparably reliable, analytical method. Confirmed positive tests will be reviewed by the Medical Review Officer prior to the imposition of sanctions against an employee. The initial test will be at the Company's expense and employees will be paid at their regular rate, including benefits, for time attributable to the testing procedure.

All testing results are confidentially maintained by the Human Resources Manager.

A copy of the testing protocols is available from the Human Resources Manager.

8. Dispute Resolution Procedures. If an employee is tested for drugs and alcohol and the employee disputes the test result or believes that they have a reasonable explanation for a failed test, the employee will be given the opportunity to provide the Medical Review Officer with any medical information that is *relevant* to interpreting the test *results*, including information concerning currently or recently used prescription or non-prescription drugs.

The employee will be provided a copy of the test report. The employee has the right to request an additional test of the split sample by an independent laboratory selected by the person being tested. If a second test is requested, the cost of such test will be at the employee's expense if the test is positive and at the Company's expense if the test is negative. Employees with positive drug or alcohol tests will be offered the opportunity, in a confidential setting, to provide information that they believe may tend to rebut or explain the positive results obtained in their test. The Human Resources Manager will make the final employment decision or recommendation after considering the results of any drug test(s).

9. Confidentiality Requirements. All information, interviews, reports, statements, memoranda, and test results shall be confidential and shall not be disclosed to anyone, except:
 - a. The tested employee.
 - b. The Company's Human Resources Manager.
 - c. In connection with any legal or administrative proceeding arising out of the implementation of sanctions, or in response to inquiries relating to a work-related accident involving death, personal injury, or property damage when there is reason to believe that the employee may have caused or contributed to the accident.
 - d. Information obtained in the testing process that is unrelated to the use of dangerous drugs or alcohol may not be released by the Medical Review Officer to the employer.
10. Chain of Custody Requirements. The collection, transportation and confirmation testing of any drug test samples will be performed in accordance with 49 C.F.R. §40.73.
11. Summary of Criminal Sanctions for Use of Dangerous Drugs. The manufacture, distribution, possession, or use of dangerous drugs (other than pursuant to a valid prescription or otherwise authorized by law) is illegal under State and Federal law, and is subject to various criminal sanctions, including fines of up to \$50,000 and prison sentences of up to life in prison. In some cases there are mandatory minimum prison sentences. Federal sanctions are generally more severe than are State sanctions.

12. Distribution of Safety Materials. Company will make information available to all employees concerning the health and workplace safety risks of using controlled substances and alcohol. These materials will be distributed at the time each employee receives a copy of this Policy and to all employees who test positive for dangerous drugs or alcohol. Employees wishing to receive additional copies of these materials may do so by contacting the Company's Human Resources Department.
13. Search and Inspection. While on Company premises or while engaged in Company business, employee vehicles, desks, equipment, lockers, brief cases, back packs, purses, etc. may be searched or inspected by a member of Management at any time, if the Company feels there is reasonable cause to do so.
14. Pre-Employment Testing. At this time, the Company has chosen not to engage in pre-employment drug or alcohol testing, but reserves the right to change this policy at any time and without advance notice.

EXPOSURE CONTROL PLAN

Policy

The Company (“Company”) is committed to providing a safe and healthful work environment for its entire staff. In pursuit of this endeavor, the following Exposure Control Plan (“ECP”) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 1910.1030 “Occupational Exposure to Bloodborne Pathogens.”

The ECP is a key document to assist the Company in implementing and ensuring compliance with the standard, thereby identifying employees potentially at risk for occupational exposure to blood or other infectious materials and therefore are at risk for exposure to HIV and HBV.

This Plan is reviewed with all employees at orientation and thereafter at least annually.

Approval

Approved by: <u>Signature on File</u>	Date: <u>April 18, 2008</u>
Signature	
<u>Bruce Kramer</u>	/ <u>Senior Vice President</u>
Name	/ Title

Program Administration

The Risk Management Department is responsible for the implementation of the ECP. The Risk Management Department will maintain, review and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (“OPIM”) must comply with the procedures and work practices outlined in this ECP.

The Company will maintain and provide all necessary personal protective equipment (“PPE”), engineering controls (e.g., sharps containers), labels and red bags as required by the standard and applicable to home health care.

The Risk Management Department is responsible for maintaining appropriate employee health and OSHA records.

The Company is responsible for training and documentation of training. The Risk Management Department is responsible for making the written ECP available to employees, OSHA, and the NIOSH representatives.

Exposure Determination

OSHA requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed even if they wear personal protective equipment.) This exposure determination is required to list all job classification in which all employees may be expected to incur such occupational exposure, regardless of frequency. At this facility the following job classifications are in this category.

In addition, OSHA requires a listing of job classifications in which some employees may have occupational exposure. Since not all the employees in these categories would be expected to incur exposure to blood or other potentially infectious materials, tasks or procedures that would cause these employees to have occupational exposure are also required to be listed in order to clearly understand which employees in these categories are considered to have occupational exposure. The job classifications and associated tasks for these categories are as follows:

- Job Classifications in which *all* employees have Occupational Exposure:
 - Nurses, Home Health Aides, C.N.A.s., P.C.A.s, Habilitation Aides
- Job Classifications in which *some* employees have Occupational Exposure:
 - Physical Therapists
 - Occupational Therapists
 - Speech Therapists
 - Medical Social Workers
- Job Classifications in which there is *little* Chance of Exposure:
 - Office staff
 - Administrative personnel
- Tasks and Procedures in Which Occupational Exposure May Occur:
 - Handling of blood, blood products or body fluids or objects contaminated thereof
 - Invasive procedures
 - Care of newborns, infants and children
 - Phlebotomy or vascular access procedures and the care thereof
 - Contact with laboratory or pathological specimens
 - Wound care
 - Contact with mucous membranes or non-intact skin
 - Handling or disposal of medical waste

- Cleaning or processing of contaminated equipment
- Dialysis
- Suctioning or sputum induction
- CPR and intubation
- Handling of soiled linen
- Cleaning or decontamination of environmental surfaces

Method of Compliance

Methods of compliance to include but not limited to:

- ◆ Standard Precautions
All employees will utilize standard precautions.
- ◆ Exposure Control Plan
Employees covered by the bloodborne pathogens standard receive an explanation of the ECP during their initial training session. It will also be reviewed in their annual refresher training. All employees have an opportunity to review this Plan at any time during their work shifts by contacting the Risk Management Department. If requested, the employee will be provided with a copy of the ECP free of charge and within 15 days of the request.
- ◆ Engineering Controls and Work Practices
Engineering controls and work practices controls will be used to prevent or minimize exposure to bloodborne pathogens. The specific engineering controls and work practice controls used are listed below:
 - ❖ Handwashing Policies and Procedures
 - ❖ Isolation Practices
 - ❖ Medical Waste Policies and Procedures
 - ❖ Personal Protective Equipment Policies and Procedures

Employees are prohibited from eating, drinking, smoking, applying makeup or handling contact lenses in work areas where there is a reasonable likelihood of occupational exposure. Food and drink should not be stored in refrigerators, freezers, shelves, cabinets or on countertops where blood or other potentially infectious materials are present.

Needles, razor blades, broken glass and other contaminated “sharps” must be placed directly in a puncture-resistant, biohazard sharps container at the point of use. Gloves must always be worn when handling sharps.

The Risk Management Department identifies the need for changes in engineering control and work practices through review of records, maintaining incident logs and analyzing trends by Safety Committee activity.

The Safety Committee will evaluate new procedures or new products regularly by reviewing literature, supplier information, and product demonstration.

Both front line workers and management officials are involved in this process, by posted notice, orientation, memo in pay checks, or annual recertification.

The Risk Management Department will ensure effective implementation of these recommendations.

Hepatitis B Vaccination

Hepatitis B vaccine is available to all employees (who have some risk of occupational exposure) unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

The Hepatitis B vaccination series is available at no cost after training and within 10 days of initial assignment to employees identified as having risk for occupational exposure. Vaccinations will be provided by the Public Health Department.

Employees who decline to accept Hepatitis B vaccination must also sign a consent form. This does not prohibit the employee from choosing to receive the vaccine at a later date nor shall it adversely impact their job assignment.

Employees will receive counseling from a health care provider on the Hepatitis B vaccine, including information on efficacy, safety, method of administration, and the benefits and side effects of being vaccinated.

Post-Exposure Follow-up

Should an exposure incident occur, contact your department supervisor.

Following an exposure incident, all employees shall receive a confidential medical evaluation and follow-up that includes these elements:

- ❖ Documentation of the route(s) of exposure and the circumstances under which the exposure occurred.
- ❖ A description of the employee's duties as they relate to the incident.
- ❖ Identification and documentation of the source individual, when known.
Arrangements will be made and consent obtained from the source individual to be tested as soon as possible to determine HIV, HCV and HBV infectivity; with documentation that the source individual's test results were conveyed to the employee's health care provider. If the source individual is already known to be HIV, HCV and/or HBV positive new testing need not be performed.
- ❖ Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g. laws protecting confidentiality).

- ❖ After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV and HIV serological status.
- ❖ If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least 90 days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.
- ❖ The employee's relevant medical records and vaccination dates shall be made available to the healthcare professional evaluating the employee.

Results of the source individual's testing, if known, shall be made available to the exposed employee and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

A written report of this medical evaluation shall be available to the employee within fifteen (15) days of exposure. This report will be limited to:

- ❖ The employee being informed of the results of the evaluation
- ❖ The employee being told of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment

All other finding or diagnoses will remain confidential and will not be included in the written report.

Procedures For Evaluation The Circumstances Surrounding An Exposure Incident

The Risk Management Department will review the circumstances of all exposure incidents to determine:

- Engineering controls in place at the time
- Work practices followed
- A description of the device being used
- Protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc)
- Location of the incident
- Procedure being performed when the incident occurred
- Employee's training

The Risk Management Department will record all percutaneous injuries from contaminated sharps in the Sharps Injury Log.

If it is determined that revisions need to be made, the Risk Management Department will ensure that appropriate changes are made to this ECP. (Changes may include an evaluation of safer devices, adding employees to the exposure determination list, etc).

Employee Training

All employees who have occupational exposure to bloodborne pathogens receive training conducted by the Company.

All employees who have occupational exposure to bloodborne pathogens receive training on the epidemiology, symptoms and transmission of bloodborne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:

- A copy and explanation of the standard.
- An explanation of our ECP and how to obtain copy.
- An explanation of methods to recognize tasks and other activities that may involve exposure to blood and OPIM, including what constitutes an exposure incident.
- An explanation of the use and limitations of engineering controls, work practices, and PPE.
- An explanation of the types, use, location, removal, handling decontamination and disposal of PPE.
- An explanation of the basis for PPE selection.
- Counseling from a health care provider on the Hepatitis B vaccine, including information on efficacy, safety, method of administration, the benefits of being vaccinated as well as the side effects of being vaccinated and that the vaccine will be offered free of charge.
- Information on the appropriate actions to take and persons to contact in any emergency involving blood or OPIM.
- An explanation of the procedure to follow if an exposure incident occurs including the method of reporting the incident and the medical follow-up that the employer is required to provide for the employee following an exposure incident.
- An explanation of the signs and labels and/or color coding required by the standard and used by the Company.
- An opportunity for interactive questions and answers with the person conducting the training session.

Training materials are available from the Company and the Risk Management Department.

Recordkeeping

Training Records:

- Training records are completed for each employee upon completion of orientation. These documents will be updated yearly and kept with the employee's personnel file.

Training records include:

- The dates of the training session
- The contents or a summary of the training session
- The names and qualifications of persons conducting the training

- The names and job titles of all persons attending the training sessions.

Employee training records are provided upon request to the employee or the employee's authorized representative within 15 working days. Such requests should be addressed to the Human Resources Department.

Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020 "Access to Employee Exposure and Medical Records.

The Risk Management Department is responsible for maintenance of the required medical records. These confidential records are kept in the Risk Management Department for at least the duration of the employment.

Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to the Risk Management Department.

OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are performed by the Risk Management Department.

Sharp's Injury Log

In addition to the §1904 Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in the Sharp's Injury Log. All incidents must include at least:

- The date of injury.
- The type and brand of the device involved.
- The department or work areas where the incident occurred.
- An explanation of how the incident occurred.

The Sharps Log is reviewed at least annually as part of the annual evaluation of the program and is maintained for at least five years following the end of the calendar year that they cover. The Log is maintained by the Risk Manager. If a copy is requested by anyone, it must have any personal identifiers removed from the report.

Communication of Hazards

All blood or potentially infectious materials shall have a biohazard label affixed to the container (blood and blood products for clinical use are exempt) or shall be stored in red bags or red containers.

SAFE DRIVING PROGRAM SUMMARY

Policy Statement

The Company (“Company”) has made a commitment to safety, service, and quality to both our employees and customers. All employees assigned the privilege of driving a Company vehicle, as well as employees using personal vehicles in the course of company business, have an obligation to operate said vehicles in accordance with Federal, State and local laws, codes and regulations. Every Company employee has the responsibility to exercise safe conduct and common courtesy toward the general public, motorists and pedestrians while operating a vehicle during the course of company business.

Motor Vehicle Record (MVR) Policy

It is a Company policy and requirement for employment that every employee with driving duties have a valid driver’s license and a motor vehicle record (“MVR”) that meets the grading requirements of the Company. This MVR policy applies to all drivers who operate a vehicle in the course of company business, including company-owned, leased or private vehicles.

Insurance

All employees of the Company, who are authorized to use their personal vehicles in the course of company business, must carry adequate liability insurance coverage on their vehicle. The Company requires proof of insurance upon hire and periodically thereafter, as long as the employee is using their personal vehicle in the course of company business. Driving a personal vehicle without valid insurance is grounds for immediate termination.

The Law

Company employees are instructed to obey all traffic regulations at all times. Any violations of traffic laws and any fines resulting from citations are the responsibility of the individual receiving the citation. Employees with an excessive number of traffic violations will not be allowed to drive as part of their job. (See MVR policy.)

Cell Phones

It is against Company policy for anyone who is driving, in the course of company business, to talk on a cell phone – no exceptions. If an employee gets a call while driving, they must first pull over, and then answer the call, or simply let the call go to voice mail and check the message later, when not driving. If a call is missed, the driver must pull over before checking their voice mail. To use a cell phone during the course of Company business while in a vehicle, the vehicle must be parked.

Seat Belts

Motor vehicle accidents are the number one cause of on-the-job deaths. To reduce risk, Company employees and passengers are required to use vehicle-equipped restraining devices (any/all seat belts and shoulder straps) when driving or riding while on company business.

Accidents

All accidents are to be reported to the Risk Manager (via the Injury Hotline 888-541-1701, if necessary) as soon as reasonably possible, with written notification to follow within twenty-four (24) hours after the accident occurs.



CAREGIVER HANDBOOK APPENDIX

NOTES:

