

Self Direction

Self-Direction is...

- People selecting, hiring, training, managing and firing their own personal assistants
- People choosing services and supports to meet their needs
- People managing their personal assistance hours to meet their needs.

A Personal Assistant ...

- is someone who is hired to assist a person with a disability
- has job duties that differ depending on the needs of the person with a disability
- may assist with activities such as:
Personal Care Community Access Health and Safety

Persons in Control Report Increased Satisfaction and Higher Quality of Life

History...

In the late 1980's people with disabilities in the state of Kansas came together with disability advocacy organizations in Kansas to go to the legislature to ask for a law to be passed that would give them control of their Medicaid services. In 1989 House Bill 2012 was passed in Kansas. It granted people with disabilities the right to direct the people who assist them to live their lives.

*Developed by the Kansas CDDO Coalition
March 2008*





Benefits of Self-Direction:

You have the right to have control of your life decisions and services, such as...

- Deciding who your personal assistant (PA) will be
- Directing the assistance you receive which can include, but is not limited to tasks such as dressing, bathing, transferring, shopping, cooking, eating, laundry, housekeeping, taking you to the church of your choice, assistance with cognitive tasks such as managing finances, planning activities and making decisions
- Deciding when your PA will work for you and what their duties will be
- Making choices about how much help you want from your agency, if you use one (see back page of this brochure)
- Be treated with dignity and respect, which includes respect of your privacy and confidentiality
- Replace PAs who don't respect your rights



You don't have to do it all!

You can seek help from a person you trust, an advocate or an agency.

You can start with one employment task and add more responsibilities over time.



Resources about Self-Direction:

These resources may assist you in acquiring more information...

- The Kansas Personal Assistance Supports and Services (K-PASS) Self-Direction Toolkit (*University of Kansas*) and *Self Advocacy Coalition of Kansas (SACK)* provide individuals with disabilities, case managers, and others the information and tools needed to self-direct any component of their personal assistance services.
- Quality community programs offer different models to allow you to select the self-direct service delivery method that best meets your needs, desires and personal outcomes. Choosing the option best for you depends on the level of other community supports available to you and your preferences.
- Check the provider listing in your area available through your CDDO. Contact the providers and ask questions about the services each provides. Models are described on the back of this brochure.
- Contact your Case Manager or local CDDO!



Your responsibilities when Self-Directing:

As the employer, you have rights & responsibilities to yourself and your personal assistant...

- Recruit, interview, and hire your PAs
- Be honest and detailed when explaining your needs, the PA duties and schedule
- Provide adequate training
- Do not ask PAs to do tasks that were not agreed upon
- Give positive and constructive feedback
- Be respectful when talking to PAs
- Make sure PAs get paid on time
- Develop a workable emergency/back-up plan
- Keep good records

The more responsible and prepared you are as an employer, the easier it is to keep good PA's!



Some things for you to consider:

There are some limitations to the self-direction benefit...

- You have the responsibility to use funds in the described way
- If you live with your family or guardian, and they are capable of performing independent activities of daily living (IADL), you should rely on their unpaid help unless your PA is teaching you how to perform a specific skill (i.e. cooking or housekeeping).
- The spouse of an individual or parent of a minor (or legal guardian in some instances) cannot be a paid personal assistant unless they meet a certain criteria approved by state central office Community Supports and Services.
- The CDDO will assist you in accessing resources, training methods and qualified providers so you don't lose the opportunity to self-direct because
 - * your health and welfare needs are not being met,
 - * the PA is not providing the services in your plan, or
 - * falsifying records resulting in claims for services you are not getting.
- If you choose to discontinue self-directing your services, you are requested to give ten days notice of your decision to your case manager to allow for the coordination of alternative services.

Models of Personal Assistance Services

Service delivery models have been evolving over the last decade and continue to be refined and clarified. The following are four basic models, providers in your area may offer one, several or a blend of these models:

Traditional Agency Model

An agency assumes responsibility for recruiting, hiring, managing, training, and dismissing employees who are hired to provide, at a minimum, basic assistance with activities of daily living to individuals living in the community. The agency sets the wages and hours, directs the actions of the employee while in the participant's home and provides necessary back-up as needed. *

Traditional Model Supporting Choice

Some traditional provider agencies encourage participants to identify and refer personal assistants (PAs) they have selected. The participants may interview potential PAs. The agency offers training in self-direction. While the person has the ability to select his or her PA, the agency continues its role as the employer of the PA and retains responsibility for the oversight of the PA service. Back-up is provided by the agency. *

Agency with Choice

This model provides an increased level of responsibility to the person self-directing by designating them the *managing employer* without becoming the employer of record. The agency is the *common law* employer. The person self-directing recruits, interviews, and selects the PA and refers him or her to an agency for the completion of payroll paperwork. The person self-directing generally establishes the wages and sets the working hours. Once hired, the person manages the PA including the approval of timesheets. The person may elect to train the PA or may direct the agency to provide training on his or her behalf. The agency may offer additional services to support the person's ability to self-direct. *

Fiscal/Employer Agent Model

This model involves the greatest level of flexibility and empowerment. The person self-directing or their designated representative is recognized as the common-law employer of his or her individually hired PAs; however, they generally delegate the employer-related responsibilities related to payroll and payroll taxes to an organization that serves as the "employer agent." The agency may offer a broad host of services that support the person self-directing, including skills training, location of other benefits such as Workers Compensation or health insurance, or other support functions including assistance with managing an individual budget. *

**Models descriptions excerpts from Centers for Medicare and Medicaid Services publication.*

All models are allowed in Kansas system for individuals living with family, known as In-Home Supports. Beginning in March 2008 a Self Directed alternative to traditional Day and Residential services became available. A person may select "Personal Assistant Services" in order to live alone or with other non-family members and participate in a daily work/activity routine without using a Licensed Developmental Disability Service provider.