



**CT Home Care Waiver
Question & Answer
(Questions Submitted by Representative Toni Walker)**

1. Question: Under the proposed waiver, the state will not have the ability to assure that a workforce of "personal care assistants" is paid a wage commensurate with the skill level required to perform these services. Is it the view of the department that consumers alone should be responsible establishing standards for this industry rather than having the state, which is the ultimate payer, maintain some responsibility?

Answer: The current PCA program establishes the maximum allowable rate, but the employer (person with disability) negotiates the final rate with the employee based on skill level and experience. If the employer negotiates a lower rate acceptable to the employee, the employer may be able to obtain more hours of service. The employer must pay no less than the state's minimum wage. The PCA program is designed to give consumers as much control as possible, consistent with the definition of self-direction and employer authority established by the Centers for Medicare and Medicaid Services (CMS).

The state does have standards and these are reflected in the current program and the proposed Connecticut Home Care Program for Elders (CHCPE) waiver amendment. These include the following:

- Be at least 18 years of age
- Have experience doing personal care
- Be able to follow written or verbal instructions given by the consumer or the consumer's conservator
- Be physically able to perform the services required
- Follow instructions given by the consumer or the consumer's conservator
- Receive instruction/training from consumer or their designee concerning all personal care services delineated in the service plan
- Be able to handle emergencies

With the exception of age and background checks, which are conducted by the fiscal intermediary, the employer is responsible for assessing whether the prospective personal care assistant meets these minimum standards.

2. Question: Has the department considered an alternative where consumers can control the important decisions regarding their care plan; such as hiring, scheduling and directing their own care plan, while at the same time allowing the department and this committee to set minimum standards around pay and benefits?

Answer: The PCA service was conceived and is implemented in a manner that espouses the authority and autonomy of the waiver participant to the greatest extent possible. The philosophy is long established that personal care assistants are hired and employed by the person with the disability and this is the approach taken under the proposed waiver amendment. In this way the employees are responsive to the employer as with other household employees and the employer has control over the important decisions with regard to their PCA services.

The state has set the maximum allowable rate for this service in its Medicaid waivers. As previously noted, state law establishes a minimum rate, which shall be no less than the state's minimum wage. When rate increases are authorized for waiver services, the PCA services may also be eligible to receive the same rate increase as provided for other waiver services.

3. Question: How do we assure that the wage standards established are appropriate to meet the growing demand to workers?

Answer: The Department monitors complaints related to the inability to access waiver services. If clients cannot find individuals to provide the service we will know that the rate may not be sufficient. Thus far obtaining PCA services has not been a significant problem.



4. Question: Is the department setting standards for training? How about meeting certain criteria for hiring such as running a criminal background check? If the answer is "yes", then why wouldn't the department and this committee want to establish minimum requirements for setting wages?

Answer: As noted in our response to #1, there are qualifying standards, which the employer is responsible for assessing. The only exceptions are the age and background checks, which are conducted by the fiscal intermediary. The activities of the fiscal intermediary are monitored as part of our quality assurance plan.

The waiver case managers assesses the waiver participants ability to self-direct (i.e., act as an employer of PCAs) prior to authorizing a service plan with self-direction. The fiscal intermediary provides the waiver participant with the training necessary to carry out employer functions including such as interviewing, hiring, training and managing their personal care staff.

The Department is considering opportunities to provide some additional PCA training to be incorporated into the fiscal intermediary contract, which is due for re-procurement this year.

5. Question: How will we track the development of this workforce if we do not know the industry standard for wages?

Answer: Once the CHCPE waiver amendment is approved, the Department will undertake monitoring of the wages paid for personal care assistance.

6. Question: Without setting standards for wages, has the department considered the potential for fraud and abuse in such a system?

Answer: The Department believes that mechanisms are in place to ensure that rates for PCA are not excessive. Accordingly, we do not believe that we are likely to encounter the types of fraud and abuse that may be associated with excessive rates. It is not clear from the question how wage standards relate to the problem of fraud and abuse.

7. Question: What data is available to this committee to assure us that this program will provide workers with a living wage, proper training and the types of support they will need?

Answer: Under the current waiver programs that provide for PCA, waiver participants have been able to recruit and maintain services from PCA's within the rate established under the waiver. The Department's responsibility is to ensure that waiver participants are able to secure providers to meet their needs and to enable them to achieve the goals of their care plan. The Department also has the responsibility to ensure that rates are consistent with state and federal law, which is to say, no less than minimum wage.

As explained previously, employers provide the PCAs with necessary training. The waiver case managers and the fiscal intermediaries are available to provide the employers and their personal care assistant employees with the support necessary to facilitate successful delivery of and payment for personal care services. However, as noted above, the re-procurement of the fiscal intermediary contract is an opportunity for the department to consider the addition of PCA training as part of that contract.