

# Self Direction

## Self-Direction is...

- People selecting, hiring, training, scheduling, 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 (PA) or Direct Support Worker (DSW) ...

- 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.



## 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) or direct support worker (DSW) 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 or DSW will work for you and what their duties will be
- Making choices about how much help you want from your agency
- Be treated with dignity and respect, which includes respect of your privacy and confidentiality
- Replace PAs/DSWs 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.
- "Information and Assistance Services" (I&A) from your Financial Management Service provider will teach you practical skills to enable you to manage your services.



## 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.
- Kansas has made available the "agency with choice" model of Financial Management Service (FMS). FMS agencies have contracted with Kansas SRS to assist you to manage and pay for your services.
- Check the provider listing on [www.selfdirect.ks.gov](http://www.selfdirect.ks.gov) or check with your area CDDO. Contact the providers and ask questions about the services each provides.



## 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/DSW duties and schedule
- Provide adequate training
- Do not ask PA/DSW to do tasks that were not agreed upon
- Give positive and constructive feedback
- Be respectful when talking to PA/DSW
- Make sure PAs/DSWs 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 PAs/DSWs!*



## 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, according to a plan of care and schedule
- If you live with your family or guardian, and they are capable of performing instrumental activities of daily living (IADL), you should rely on their unpaid help unless your PA/DSW 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 SRS.
- Your FMS provider, your Case Manager and your area CDDO can assist you in accessing resources and training methods so you don't lose the opportunity to self-direct because
  - \* your health and welfare needs are not being met,
  - \* the PA/DSW 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.



## Agency with Choice

*Kansas has selected the Agency with Choice model to make available the option for self – direction of Home and Community Based MR/DD Medicaid Waiver funded services for eligible individuals:*

This model provides a 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/DSW and refers him or her to the agency for the completion of payroll paperwork. The person self-directing sets the working hours and duties. Once hired, the person manages the PA/DSW including the approval of timesheets. The person may elect to train the PA/DSW 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.



## Financial Management Service Provider (FMS)

Kansas Dept. of Social and Rehabilitation Services and the Kansas Dept. on Aging have contracted with a variety of not-for-profit and private agencies to perform Financial Management Services for people seeking to direct their own services. FMS providers must meet a set of requirements and will be monitored for performance.

### FMS Administrative Responsibilities

Financial Management Services (FMS) provider organization assures services comply with state regulations, Medicaid, SRS/KDOA requirements, policies and procedures. Internal controls and safeguards to assure:

- Direct Support Worker's wages and benefits are processed.
- Direct Support Worker legal status and background checks are conducted
- Federal, state and local employment taxes are computed, withheld, filed and deposited
- Process is in place to report fraud, abuse, neglect and/or exploitation
- A list of Direct Support Workers is available
- An internal quality assurance program for Beneficiary satisfaction, Worker satisfaction and correct payroll processes are developed and maintained

### FMS Information and Assistance Responsibilities

Financial Management Service providers offer practical skills training to enable self-directing individuals, families or representatives to independently direct and manage services. Training can include recruiting, hiring, managing, communicating with direct support workers as well as problem solving.