

Individuals' Rights and Responsibilities in a Self-Direction Program

In Medicaid self-direction programs, individuals may direct many or all of their home- and community-based services, including selecting and managing direct service workers and/or managing a budget (which may also be referred to as a service cost maximum) for needed services. It is important for case managers working with individuals who choose to self-direct their services to ensure that those individuals understand their rights as well as responsibilities, such as having the ability to make decisions, managing a budget, serving as the employer or co-employer, and understanding program requirements. This document provides a list of the rights and responsibilities of individuals who self-direct services.

Individuals' Rights

- To be treated as an adult, with dignity and respect at all times.
- To make informed choices based on the information I am provided as a program individual and any other information I may obtain, and have those choices respected, while respecting the rights of others to disagree with the choices I have made.
- To feel safe and secure in all aspects of life, including health and well-being; to be free from exploitation and abuse, but not be overprotected.
- To realize the full opportunity that life provides by not being limited by others, making full use of the resources that this program provides, and being free from judgments and negativity.
- To live as independent a life as I choose.
- To have my individual ethnic background, language, culture, faith and beliefs valued and respected.
- To be treated equally and live in an environment that is free from discrimination, harassment, and bullying.
- To be treated with consideration, respect and full recognition of my dignity, privacy, and individuality.
- To voice grievances about services without fear of discrimination or reprisal.
- To voluntarily withdraw from this program at any time.
- To manage personal care assistants by:
 - Hiring who I want to assist me;
 - Deciding what special knowledge or skills my assistants must have;
 - Training each assistant to meet my own assessed needs; and
 - Replacing assistants who do not meet my needs.
- To seek assistance from my case manager if I need help with recruiting, hiring, training, or replacing my worker, or other activities related to my self-directed services.
- To let my case manager know if my needs change.

- To appeal any decision made by my case manager that affects me adversely.

Individuals' Responsibilities

- Accept responsibility for my health and safety.
- Provide my input on a service plan that details my assessed needs and how they will be met through the provision of direct care worker services and purchase other goods or services related to my assessed needs. This plan will be developed with the assistance and feedback from my case manager and any other person who I designate.
- Recruit, interview, and hire my own direct care worker(s). Follow program rules about criminal background checks and other worker licensing requirements. I understand that certain serious convictions that may appear as a result of this check may prevent me from hiring the individual I choose.
- Ensure that the direct care worker hired can adequately perform the tasks I need.
- Ensure that I will have adequate backup for my direct care worker(s) or support available in case a regularly scheduled direct care worker is unable to fulfill his or her duties.
- Provide orientation and training to my direct care worker. I understand I can access additional training resources with guidance from my case manager.
- Provide ongoing supervision and evaluation of my direct care worker with assistance, if needed, from my case manager.
- Schedule my direct care worker.
- Manage the use of my direct care workers' hours to ensure that I do not use more service than is indicated in my approved budget.
- Ensure that if my direct care worker(s) works over 40 hours per week, I will notify my case manager and financial management services provider.
- Monitor, ensure accuracy, and verify time worked by my direct care worker prior to signing and submitting time sheets to the financial management services provider. I understand that time sheets must be received by the stated deadlines and accurately completed for direct care worker(s) to be paid on time.
- Notify my case manager if my direct care worker asks me to sign an incorrect timesheet.
- Notify my case manager when there is a change in my condition or change in the level of services I need.
- Notify my case manager within 5 days, whenever I am hospitalized, or if I have had a change of address or telephone number. I understand that I cannot utilize direct care worker services when in the hospital, nursing home, or possibly an assisted living facility.
- Notify my case manager immediately if I terminate my direct care worker.
- Contact the financial management services provider in the event of a billing or payment complaint. The agency will provide a timely response to my inquiry.
- Make myself and my representative (if applicable) available with prior notice, at a mutually convenient time, for home visits from the case management staff to satisfy program requirements.
- Ensure that my direct care worker is performing all duties listed on the work agreement.
- Treat my direct service worker, my case manager, and others who work with this program with respect and dignity.

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