

Home Care Agency vs. Consumer Directed Employer

A COMPARISON

GLOSSARY

Agency Provider: A person who provides personal care and respite caregiving support and is employed by a Home Care Agency.

Area Agencies on Aging (AAA): Contracted agency designated by the Department of Social and Health Services (DSHS) to carry out programs or services approved by the department in a designated geographical area of the state, to include subcontracted organizations.

Client: An individual authorized to receive in-home personal care or respite services. When self-directing and using the CDE, the Client serves as the managing employer for their IPs. For purposes of this document the use of Client includes the Client and/or their Authorized Representative.

Collective Bargaining Agreement (CBA): Agreement between DSHS and SEIU 775 outlining IP wages, benefits and working conditions. SEIU 775 will continue to represent IPs under a successor agreement to the current CBA after the transition from DSHS to the CDE.

Consumer Direct Care Network Washington (CDWA): CDWA is the vendor contracted to serve as the Consumer Directed Employer.

Consumer Directed Employer (CDE): The entity contracted to serve as the legal employer for Individual Providers of in-home personal care and respite in Washington State for the purposes of performing administrative and employer functions.

Developmental Disabilities Administration (DDA): DDA supports people with developmental disabilities and their families by developing and implementing public policies that promote individual worth, self-respect, and dignity of the individual.

Department of Health (DOH): DOH is the licensing body for home care agencies, and provides oversight and credentialing for the home care aide certification process (testing and credentialing).

Electronic Visit Verification (EVV): A method used to electronically document and verify home care visits for submission of claims under the mandate enacted by the 21st Century Cures Act.

Home Care Referral Registry (HCRR): A registry formed to support the recruitment of IPs. The Carina interface was recently adopted as a platform for IPs and Clients to use. The HCRR function will become the responsibility of CDWA.

Home Care Agency: A service model in which the caregiver is employed and managed by an agency/company. The agency manages certifications, trainings, and wages. Considering Client need and choices, the agency maintains Client's schedule and choice of caregiver(s). Home care agency caregivers cannot be paid to provide care to family members.

Home and Community Services (HCS): The HCS Division promotes, plans, develops and provides long-term care services for persons with disabilities and the elderly who may need state funds to help pay for them.

Individual Provider (IP): Caregivers legally employed by CDWA to provide personal care or respite caregiving support for Clients authorized to receive in-home services from DSHS. IPs can be paid to provide care to some family members.

	Home Care Agency	Consumer Directed Employer (CDE)
Person Providing Care	Agency Provider	Individual Provider (IP)
Provider Roles	<p>Home care agencies employ caregivers who will serve Clients. As the caregiver's employer, the agency's activities include:</p> <ul style="list-style-type: none"> • Recruiting • Hiring • Managing • Disciplining • Terminating • Caregiver evaluation • Bi-annual on-site observations 	<p>As the legal employer, the CDE is responsible for administrative, employment-related activities. These activities include:</p> <ul style="list-style-type: none"> • Hiring activities (the administrative tasks and paperwork to employ an IP) • Ensuring compliance with background checks and training requirements for IPs • Providing training on employment-related activities • Time keeping including EVV • Payroll activities
Employing Family Members	Home care agencies cannot employ family members of a Client as the Client's caregiver.	Under the CDE, IPs can provide services to Clients who are family members. The CDE will ensure family IPs adhere to certain program rules and restrictions.
Employment Relationship	Home care agencies employ Agency Providers. The agency is the employer of record. The Client has no management or employer role, but rather the agency works with the Client to meet their schedule requests and care needs.	The CDE is the legal employer of an IP selected by a Client. The Client is the managing employer of IPs for selection of the IP, task-related IP instruction, scheduling, and supervision. The CDE has the authority to hire and terminate the employment of IPs.
Client Role	<p>Working with a home care agency, Clients can:</p> <ul style="list-style-type: none"> • Maintain choice of agencies (Provider Choice) and Agency Provider caregivers • Select (or decline) their Agency Provider from the agency's pool of candidates • Assist in scheduling and training on tasks and oversight of Agency Providers 	<p>When using IPs through the CDE, the Client is the managing employer and has the freedom to:</p> <ul style="list-style-type: none"> • Recruit and select their own IPs with support from the CDE • Manage IP schedules • Provide task-related instruction • Supervise their employees • Dismiss IPs when applicable
Interactions with AAA, DDA, and HCS	Home care agencies providing home care services are contracted with one or more of Washington's 13 Area Agencies on Aging (AAA).	The CDE does not contract directly with AAAs to provide services. The CDE's contract is with DSHS. The CDE works closely with DDA, HCS, and AAAs to provide personal care services including referrals and ongoing coordination of care.

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Backup Caregiver	Home care agencies are responsible for providing backup caregivers from their existing Agency Provider pool when the Client's primary Agency Provider is unable to work.	The Client is responsible to create a backup plan to provide for continuity of support when an IP is unable to work. The CDE will provide information and assistance to Clients about the use of the Carina registry and other resources.
Role of the HCRRs	Agencies do not use the HCRR.	Following transition to the CDE, the functions of the HCRRs will become the responsibility of the CDE.
SEIU 775 Labor Union	Some home care Agency Providers are represented by a labor union. The agency employing caregivers must meet the requirements of the Collective Bargaining Agreement (CBA) for Agency Providers if applicable.	SEIU 775 will continue to represent all IPs under a successor agreement to the current Collective Bargaining Agreement (CBA) during the transition from DSHS to the CDE. The CDE is required to meet the requirements of the CBA for IPs.
EVV Compliance	Home care agencies must follow EVV rules for Agency Provider time entry.	Non-live-in IPs must utilize EVV. Live-in IPs are exempt from using EVV. Live-in IPs will report their total daily hours and tasks and submit them weekly to the CDE.
Assignment of Hours, Tasks and Mileage	Home care Agency Providers must follow the CARE assessment for all Clients. Home care agencies are required to develop a Plan of Care outlining the specific needs of the Client. Clients maintain the right to refuse services.	All tasks authorized by the CARE assessment are managed by the Client. The Client is responsible for directing and supervising IPs in the provision of authorized service.
Service Monitoring	Home care agencies conduct Client home visits to review the plan of care initially, at six months, and annually or if there is a significant change.	The CDE does not conduct Client home visits. The CDE provides employment and administrative services on behalf of Clients.
Client Responsibility	Home care agencies collect Client Responsibility from Clients through a monthly invoice to the Client.	The CDE is responsible for collecting Client Responsibility amounts from the Client.
Licensure and Contracts	Home care agencies are licensed by the Department of Health (DOH) and are required to follow the rules issued by DOH for home care agencies.	The CDE is not a home care agency. The CDE is contracted with Department of Social and Health Services (DSHS) and is required to follow the DSHS contract.

How can you find out more about the CDE?

Find more information about the CDE and CDWA at www.ConsumerDirectWA.com

