

Washington Individual Provider (IP) Program

Unionization in Participant Direction Programs: Impact on State and Financial Management Services Operations

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Today's Presentation

- Program Models
- Overview of Washington's IP Program
- Operational Challenges
- Home Care Quality Authority
- Guiding Principles
- Links & Contact Information

Program Models

- Consumer-directed use of IPs began in 1981.
- Expanded to 1st State waiver in 1983.
- IPs are used in all In-Home Models of Community Based Programming:
 - State Chore Services; Medicaid State Plan; Most Waiver Plans
 - New Freedom: Consumer Directed Waiver that provides employer authority for both staffing and budgeting.
- Participants have a choice of an IP or Agency.

Program Models:

State & Waiver Plans

- State Plans and In-Home Waivers except New Freedom: (23,600 clients)
 - Case management (provided through AAA's and culturally competent community based agencies)
 - Assessment determines amount of personal care hours
 - Other services available based on eligibility criteria
 - Develop care plan based on assessment
 - Authorize payment, complete background checks, support with choice of agency or IP personal care service and contract IPs
 - Implementation of care plan services
 - Reassessment
 - Participant chooses IP or Agency

Program Models: New Freedom

400 participants

- Case Management assessment : determines amount of individualized budget
- Consultant assists participant with development of services spending plan based upon assessment
- Participant:
 - Choice of staff and other services based upon dollar value of budget.
 - Implements services spending plan; may request support and/or assistance from FMS.
- FMS:
 - Implements spending plan to the level requested by the participant
 - Authorize payment, complete background checks, support with choice of agency or IP personal care service and contract IPs
 - Tracks monthly services budget and provide participant with reports

Overview of the Washington IP Program

- Over 25,000 individual provider clients
- Participants can obtain an IP through:
 - Home Care Quality Authority (HCQA)
 - Traditional recruitment methods (place an ad; word of mouth, etc)
 - Family members/friends
- 60% of consumers use IPs rather than agencies
- WA DSHS serves as payer of IPs
- Payment is monthly
- Two methods to submit invoices for payment on monthly basis
 - Mail-in Service Invoices
 - Invoice Express allows telephonic submission of invoice

Overview of Washington IP Program: Payroll Deductions

- Union Membership Dues or
- Nonmember fair share fees
- Health Benefit Trust Participation
- Political Action Committee contributions
- Federal Withholding taxes
 - IP choice to have tax withheld or not
 - W2 statements only reflect DSHS payments

Overview of Washington IP Program: Benefits

(continued)

- Voluntary enrollment in Trust health plan
 - Worker only health care, dental, prescription drugs & vision
 - Eligibility based upon hours worked (86 per month)
 - Determines benefit levels and deductibles
- Unemployment Compensation
 - Breaks in service
 - Employment ends

Overview of Washington IP Program: Benefits

(continued)

- Workers Compensation:
 - Covered through WA Dept of Labor & Industries
- Vacation:
 - 1 hour of vacation for every 40 hours of work
 - Maximum of 80 hours at any time
 - Can be used or cashed out
- Mileage: 60 miles per month
- Training

Washington Accounting Payment System Operational Challenges

- The IRS, L&I, and other agencies treat payments made through SSPS (Social Services Payment System) as third party payments.
 - some are W2 services and some are 1099 services
- Negotiated union benefits treat payments made through SSPS like employee payments.
- Over the past 6 years SSPS has spent \$7 million to become a hybrid vendor pay/employee payroll system.
- Unionization will be even more costly into the future as new systems attempt to develop the ability to make social service payments.

Washington Accounting Payment System Operational Challenges

- A new system is being created to increase flexibility in order to handle newly negotiated benefits with fewer limitations quickly.
- It has taken the SSPS each full biennium to build a major payroll function along with several less complex benefit functions.

WA ADSA & Functions of SSPS

Operational Challenges: Current Abilities

- Payroll functions for IPs
- Identifies when IPs reach a new wage threshold and retroactively pays the provider their wage differential.
- Includes IP vacation hours based on hours worked and places it automatically on each invoice for the provider to claim.

WA ADSA & Functions of SSPS

Operational Challenges: Current Abilities

- Expands the information for each IP to include e-mail addresses and cell numbers and sends it to union.
- Withholds insurance premiums from IP wages for a third party health care administrator.
- Calculates the state's IP L&I payments for a third party employment insurance administrator.
- Calculates cents per hour payments to the training trust.
- Calculates mileage reimbursement for approved travel.

ADSA Reporting Responsibilities

Operational Challenges *(continued)*

Collective Bargaining agreement requires ADSA to provide information on each worker on a monthly basis to the union.

Full name	Individual provider number
Home address	Mailing address
Electronic mail address	Phone number
Electronic phone number	Wage rate
Program or service code	Union member type
Deduction type	Hours or units worked in a Month
Current training status	
Cumulative lifetime hours worked as an IP	
Amount paid during the current month of payment	

Monthly report of information is transmitted electronically in a common, commercially-available electronic format

Future Information from Payment System

Operational Challenges *(continued)*

Upgrades to the payment system will need to include reporting capabilities for:

- hire date
- termination date
- date of birth
- gender
- vacation hours paid
- vacation hours forfeited
- primary preferred language
- relationship to consumer employer
- marital status

Home Care Quality Authority (HCQA)

Washington State government agency; established in 2002

Governed by a nine-member board

Authority duty to lead collective bargaining transferred to the Governor's Office in 2004

Authority's duties:

- Establish an IP referral directory
- Provide consumer input to collective bargaining through Governor designated negotiators
- Provide education on employer role
- Administrative hearings for IPs removed from registry

Guiding Principles

Union

Administration

For purposes of collective bargaining only, the State is the Employer.

Scope :

Participant and employer rights are established in statute, not through CB. By statute, participants retain the right to select, hire, supervise, and terminate workers. The wages, hours, and working conditions of workers are determined solely through CB. The State's core responsibility is to set benefit levels and plans of care.

Guiding Principles

Union

Administration

(continued)

Opting out:

Home care workers may only opt out based on bona fide religious tenets or teachings of a church or religious body. If opting out, amount equivalent to dues must be paid to a charitable organization.

Guiding Principles

Right
to
Strike

- Washington workers are statutorily prevented from striking.
- Neither the Union, the workers or their agents can
 - authorize,
 - assist,
 - encourage and/or
 - participate in any way in any illegal strike activity, walkouts, slowdowns, etc.

Guiding Principles

Floor
for
Wages
&
Benefits

Participant cannot negotiate different wages.

Wages

- effective July 1, 2007: \$9.73/hr minimum
- effective July 1, 2008 through June 30, 2011: \$10.03/hr minimum
- An additional pay increase is granted for each 2000 hours a worker works.
- Wage scale steps range from \$10.17 at 2,001 hours of work to \$11.07 at 14,001+ hours of work.

Benefits

- Worker earns 1 hour of paid vacation for every 40 hours of work.
- Those who work at least 86 hours a month for 3 consecutive months qualify for employee-only health, dental, vision and prescription drug benefits through the Union Health Benefits Trust.
- As of 2007, the State began paying the entire Labor & Industries premium (Workers Compensation) representing approximately 16-17 cents per hour of work.
- As of 2008, workers can claim mileage reimbursement of up to 60 miles per client each month (mileage paid at the IRS rate).
- Training tuition and wages for mandatory training

Guiding Principles

Impact on Model & Services

Systems of Support

- **Model & Services Impact:**
Costs for increases in worker wages and benefits are funded as a distinct item in the state budget.
- Systems of support are not impacted by CB agreement.

Guiding Principles

Hiring,
Firing &
Supervision
Of
Workers

By statute,
participants retain the right to
select, hire, supervise, and
terminate workers.

Guiding Principles

Job Descriptions & Work Assignments

HCQA provides a DVD on importance of hiring workers and manual: [“YOUR CHOICE: How to Hire an Individual Provider”](#). (2008)
Also posted on YouTube.

- Functions of “personal care” are prescribed in regulation.
- Regulations serve as a boundary between what must be paid at Union scale and what should be paid at other market rates.
- Which personal care functions are performed and what is the exclusive domain of the participant in the New Freedom Plan.
- The non-personal care activities are the exclusive domain of the participant.

Guiding Principles

Working Environment

Working Environment

- Not addressed as a specific element of CB agreement.
- Participants are able to make home modifications and purchase equipment through the individual budget option.

Screening Workers

Screening Workers

- A registry is available but not mandated for use.
- Background checks and Character, Competence and Suitability (CCS) reviews are defined by statute. Participant/employers cannot opt out.
- The CCS is performed by the Case Manager or Consultant as a general services. It is utilized when there are concerns but the candidate has successfully passed a background check.
- Disqualifications due to a background check are determined by regulation.

Guiding Principles

Training

Training Trust:

Mandatory training standards (with timeframes) were doubled, including certification (delayed to 2011 due to state budget).

All training for IPs must be provided through an employer-labor Taft Hartley Training Trust.

All mandatory training is considered paid time worked.

Specific trainings include:

- Caregiver Orientation (parent workers for adult children are exempt)
- Revised Fundamentals of Caregiving: (34 hrs)
- Continuing Education: annual 10 hours of continuing education (optional for parent providers)
- Additional training is required for Nurse Delegation tasks

Resources

- HCQA legislation: [\(RCW 74.39A.220 to 290\)](#)
- HCQA Rule Making Authority is Washington Administrative Code (WAC): WAC 257-01 (HCQA Organization); WAC 257-05 (Safety); and WAC 257-10 (Referral Registry).
- Collective Bargaining Materials
<http://www.ofm.wa.gov/labor/agreements/09-11/homecare/homecare.pdf>
- Regulatory Code of Washington directing the creation of the Home Care Quality Authority and establishing guidelines for Union bargaining.
<http://apps.leg.wa.gov/RCW/default.aspx?cite=74.39A.220>
- WA Department of Social & Health Services <http://www.dshs.wa.gov/>
- WA DSHS/Aging & Disability Services Administration <http://www.adsa.dshs.wa.gov/>
- Washington Home Care Quality Authority <http://www.hcqa.wa.gov/default.html>
- Your Choice: How to hire the right Individual Provider (part 1 & 2)
<http://www.youtube.com/user/hcqa>
- Employment Reference Guide for Individual Providers
<http://www.adsa.dshs.wa.gov/Library/publications/brochurestext.htm#ip>

Contact Information

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