
Massachusetts Personal Care Attendant (PCA) Program

Unionization in Participant Direction Programs:

Impact on State and Financial Management Services Operations

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Today's Presentation

- Overview of the MassHealth PCA program
- Unionization of PCAs in Mass
- Guiding Principles
- Links and Contact Information

Overview of the PCA program

- Massachusetts Medicaid state plan service
- Consumer-directed since inception in 1970's
 - Surrogates allowed since 1980's
 - Currently 64% of consumers have surrogates
- 30 Personal Care Management (PCM) Agencies
 - Performance based contracts with MassHealth
 - Provide assessment and evaluation; intake and orientation; functional skills training to manage the PCA program

Overview *(continued)*

- 3 “Fiscal Intermediaries (FI)”
 - **Vendor Fiscal/Employer Agents** under Section 3504 of the IRS code and IRS Revenue Procedure 70-6 and as modified by Proposed Notice 2003-70
 - Performance based contracts with MassHealth since 1999
 - Provide PCA payroll services on behalf of PCA consumers
 - File and pay state and federal taxes; issue W-2s*
 - Purchase workers' compensation insurance
 - Issue PCA checks*
 - Process over 13,000 timesheets weekly
 - Union dues deductions for over 7,000 PCAs

	FY 00	FY 08	FY09	% change (00 to 09)
Consumers	5,401	17,600	18,200	335%
PCM Agencies	12	29	30	150%
FIs	4	3	3	- 25%
PCAs	10,402	21,824	26,000	250%
PCA Payroll	\$98.2 Mil	\$293.7 Mil	\$340 Mil	340%
FI Admin Payments	\$3.3 Mil	\$9.1 Mil	\$10.2 Mil	340%
PCM Payments	\$3.8 Mil	\$11.2 Mil	\$12.7 Mil	335%
PCA Wage/hr	\$8.87	\$10.84	\$11.60	31%
PCA Rate/hr	\$10.03	\$12.28	\$13.16	31%

Unionization of PCAs

- M.G.L. c118G 28-33 established the **PCA Quality Homecare Workforce Council** (“the Council”)
 - Council duties:
 - Ensure quality of long-term, in-home personal care by recruiting, training and stabilizing the workforce of PCAs
 - Engage in collective bargaining activities on behalf of PCA consumers
 - Identify recruitment/retention strategies; establish a PCA referral directory; emergency back-up
 - Identify and provide training opportunities for PCAs
 - File a performance review report on the PCA program with the Governor and Legislature every other year
 - Hold public meetings

Unionization of PCAs *continued*

- Fall 2007: PCAs vote to join 1199 SEIU
- Fall 2008: First Union Contract ratified
 - 3 year Contract (July 1, 2008- June 30, 2011)
- January 2009: Implementation of wage increase (retro to July 1, 2008); union dues deducted

Unionization of PCAs: F/EA Role

- Role and responsibilities of Fiscal/Employer Agent as it relates to Unionization of PCAs
 - Make payroll deductions as appropriate (union dues and fees)
 - Report and make payments to Union on a monthly basis
 - Provide reports to Union and Council as required
 - Fulfill collective bargaining requirements as required (PTO, other benefits and requirements)

Unionization of PCAs: F/EA Role *continued*

- ❑ Include Union materials in PCA and Consumer packets as requested
- ❑ Allow Union access to PCAs at timesheet drop off locations
- ❑ Participate in labor management committee meetings and other meetings as appropriate

Unionization of PCAs: PCM Agency Role

- Role and responsibilities of Personal Care Management (PCM) Agency as it relates to Unionization of PCAs
 - ❑ Educate consumers/surrogates as to the unionization of PCAs (impact on wages, workforce, PCA rights, employer's rights, etc)
 - ❑ Educate consumers/surrogates re: the use and availability of the PCA Directory

Unionization of PCAs: MassHealth Role

- Role and Responsibility of MassHealth
 - Coordinate Collective Bargaining activities with FI and PCM as needed
 - Amend FI and PCM Contracts as necessary to reflect additional duties
 - Attend Council meetings, Labor Management meetings as needed
 - Reimbursement for additional costs (PCA rate; FI costs)
 - Facilitate report requests
 - Liaison for Union/Council to streamline reports to/from 3 FIs, including union applications

Guiding Principles

■ Participant Direction

- ❑ Consumers retain right to hire, fire, train, supervise, schedule their PCAs
- ❑ Consumers determine who may and may not enter their home or place of residence

■ Stakeholder Involvement

- ❑ Consumers are represented by the PCA Workforce Council, which is comprised of a majority of consumers

Guiding Principles *continued*

■ Union Administration

- ❑ Worker wage increases for each of the 3 years of the contract
- ❑ Outreach to workers by Union
- ❑ Access to PCAs at the FI drop-off locations for timesheets
- ❑ Website links on Council and Union websites
- ❑ “Financial Core Contributor” (objector) fee

■ Right to Strike

- ❑ Prohibited under Article 6 of the Collective Bargaining Agreement “Continuity of Care”

Guiding Principles *continued*

- Floor to Wages and Benefits
 - Collective bargaining for wages, benefits
 - Paid time off (limited benefit)
 - Study group to examine options for health insurance
 - Establishment of Labor Management Committee to meet not less than quarterly
 - Mutual respect, payroll processing, health and safety issues
 - PCA referral directory
 - Training needs and opportunities

Guiding Principles *continued*

- Impact on Model and Services
 - Financing of collective bargaining agreement
 - Financing of F/EA support costs to implement CB requirements

 - Systems of Support
 - Surrogate model
 - PCM Agencies
 - Fiscal Intermediaries (Fiscal/Employer Agents)
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Guiding Principles *continued*

- Hiring, Firing and Supervision of Workers
 - ❑ Consumers retain right to hire, fire and supervise
 - ❑ Consumers can hire family members, except for legally responsible relatives
 - ❑ Background checks are responsibility of consumer (with support of PCM Agency)
 - ❑ PCA Directory available
 - ❑ All workers must be checked against the Office of Inspector General (OIG) List of Excluded Individuals and Entities (LEIE). MassHealth cannot pay services provided by workers on LEIE.
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Guiding Principles *continued*

- Job Descriptions and Work Assignments
 - Consumer is responsible for developing job description, with surrogate and/or PCM Agency support as needed.
 - PCAs can only perform functions as authorized by MassHealth (on PCA evaluation).
 - “Service Agreement” describes roles and responsibilities of all parties involved in PCA.
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Guiding Principles *continued*

■ Working Environment

- ❑ Individual needs addressed through the Service Agreement (care plan) developed by the PCM Agency, Consumer and Surrogate

■ Screening Workers

- ❑ Background checks at option of consumer
- ❑ Instruction on screening workers and obtaining background checks provided by PCM Agency as needed
- ❑ LEIE match required and state cannot pay if match found

Guiding Principles *continued*

■ Training

- Training needs of workers and consumers is a focus of Workforce Council and Labor Management Committee (LMC)
- Training of worker currently responsibility of consumer

Contact Information *(continued)*

■ Fiscal Intermediaries

□ Cerebral Palsy of Massachusetts (CPMA)

43 Old Colony Ave.

Quincy MA 02170

Larry Spencer, FI Manager

617-479-7443 X 111

□ Stavros Center for Independent Living

210 Old Farm Rd.

Amherst MA 01002

Seren Derin, FI Manager

413-253-4236

□ North Shore ARC

6 Southside Rd.

Danvers MA 01923

Vade Mohammed, FI Manager

978-762-8307

Contact Information *(continued)*

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Boston MA 02108
- Lois Aldrich, Director of Community Services
617-222-7440
Lois.Aldrich@state.ma.us
- John Garcia, PCA Program Manager
617-222-7431
John.Garcia@state.ma.us

Contact Information *(continued)*

- PCA Quality Homecare Workforce Council
 - www.mass.gov/PCA
 - Links to helpful information for consumers and PCAs
 - Links to MassHealth PCA Consumer Handbook

 - Jack Boesen, Council Director
 - 600 Washington St. Rm. 5189
 - Boston, MA 02011
 - 617-210-5083
 - Jack.Boesen@state.ma.us
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