

FREQUENTLY ASKED QUESTIONS ABOUT AGENCY WITH CHOICE IN THE MI CHOICE WAIVER

What is Agency with Choice?

Agency with Choice is a process within the Self Determination in Long Term Care option of the MI Choice waiver. With this option, a participant in the waiver serves as a co-employer with a traditional home health agency.

What is a co-employer? How does it work?

A participant in the MI Choice waiver serves as the “supervising” employer. The participant chooses the workers, makes the job descriptions and decides if the work is being done in a satisfactory way. The Agency with Choice takes care of the paperwork side of the process. The Agency with Choice does the criminal background check, the legal documentation for workers, pays the employment taxes, unemployment and workers’ comp. They also issue paychecks to the workers.

Who is responsible for the recruitment, orientation and training of workers?

The participant chooses their workers. The participant provides the orientation for the work they need done. The training provided to the workers varies depending on what the participant needs the workers to do. In addition, the agency may require the worker complete certain trainings such as first aid. The participant, Agency with Choice and the waiver agent work together to meet these needs.

Is there a set of model policies or guidelines for Agency with Choice?

Yes, the Department of Community Health issued a technical advisory for Agency with Choice that has been provided to MI Choice waiver agents and is available on the MDCH website www.mdch.gov/ltc.

Who is the employer of record?

The Agency with Choice is the employer of record. The participant is the managing employer.

What happens when the referred worker does not meet the minimum standards required by the Agency with Choice?

The Agency with Choice has the option to refuse individuals who do not meet their minimum standards. This can be spelled out in the contract they make with the waiver agent to provide Agency with Choice services.

What about a “back-up” plan in case the employee does not show up as scheduled?

Each participant is required to have a written back-up plan. The back-up plan could include the agency sending another worker if the participant’s workers is unavailable, but each participant will work with her or his support coordinator and agency contact to develop an individualized back-up plan.

What services will the workers be expected to provide? What if the Agency with Choice has not offered them before?

The specific tasks will be outlined in a three party agreement between the Agency with Choice, the participant and the worker. These services and supports are the ones identified and approved in the participant's service plan. The Agency with Choice is not obligated to provide services that it has not offered before. Each arrangement is a negotiation between the agency and the participant. The participant has the option to choose the Agency with Choice that will best meet their needs, switch agencies at any time, or choose another method for service provision.

Has there been any liability claims under this program?

Options like Agency with Choice in which participants manage workers employed by agencies have been available in Michigan and other states for years. There is no evidence to indicate the Agency with Choice model incurs a greater liability. Instead, when done correctly, this arrangement should increase participant satisfaction and the quality of services and supports provided.

Who has final say in a pay dispute?

The Agency with Choice can set the pay rate for workers. The pay for workers is clearly stated in the agreement with the worker. The participant signs the timesheets for the hours authorized by the waiver agent.

What is the appeal process if a dispute develops among the participant, worker and Agency with Choice?

The participant is the managing employer so she or he has the final say when there is a challenge with the worker. However, the Agency with Choice can establish guidelines for when it can step in to address a serious problem (such as abuse and neglect). The supports coordinator can also intervene when the issues directly effecting the individual receiving services must be addressed through the person-centered planning process. The appeal rights for the participants are the same as if receiving services from a traditional provider agency.

What is the Person Centered Planning process and how do participants receive information about Agency with Choice providers?

The waiver agent is responsible for providing information to the participant about the Person Centered Planning process and options in the Self-Determination in Long Term Care program, including Agency with Choice. Person-centered planning is the method for determining the services and supports needed by the participant and for addressing challenges that arise. For more information on person-centered planning, please see the Person-Centered Planning Practice Guideline.

Who monitors the quality of Agency with Choice providers?

The waiver agents contract with the Agency with Choice providers and monitor the quality of the service in conjunction with the participant.

What are the benefits of the Agency with Choice model?

For the provider agencies, offering this option could mean a reduced workload by having the responsibility of recruiting, overseeing, training and “managing” workers transferred to the participant. Studies of Agency with Choice used in mental health have shown it reduces staff turnover. For participants, Agency with Choice offers an increase in choice and control with the safety net of the provider as co-employer.

This option reflects the ever growing movement of increased choice and control over service by the people who use them. Becoming an Agency with Choice helps to increase an agency’s competitive edge.