

# **Personal Assistance Services (PAS)**

## **Policy and Procedure Manual**

**Commonwealth of Virginia  
Department For Aging and Rehabilitative Services  
Community-Based Services Division**



## **Goals of the Personal Assistance Services (PAS) Program**

- To support employment of persons with significant physical disabilities; as well as to the members of their families
- To reduce the need for nursing home and other institutional placements
- To enable persons with physical disabilities to participate as fully as possible in all aspects of home and community life
- To provide services in a manner in which eligible consumers have real flexibility and choice in the selection and scheduling of personal assistants
- To improve the overall provision of consumer-directed personal assistance services as well as other in-home services at the local, state, and national levels

## Table of Contents

<b>Chapter 1</b>	<b>Definitions and Acronyms</b>	<b>Page 4</b>
<b>Chapter 2</b>	<b>Roles and Responsibilities</b>	<b>Page 6</b>
<b>Chapter 3</b>	<b>Application</b>	<b>Page 10</b>
<b>Chapter 4</b>	<b>Comprehensive PAS Assessment</b>	<b>Page 12</b>
<b>Chapter 5</b>	<b>Eligibility Determination</b>	<b>Page 17</b>
<b>Chapter 6</b>	<b>Waiting List</b>	<b>Page 19</b>
<b>Chapter 7</b>	<b>Determining CAP (Hours)</b>	<b>Page 24</b>
<b>Chapter 8</b>	<b>Determining Consumer Share</b>	<b>Page 27</b>
<b>Chapter 9</b>	<b>Appeal of State PAS and BI PAS Decisions</b>	<b>Page 31</b>
<b>Chapter 10</b>	<b>Active PAS Services</b>	<b>Page 36</b>
<b>Chapter 11</b>	<b>Employment of Personal Assistants</b>	<b>Page 37</b>
<b>Chapter 12</b>	<b>Payroll Process and Payroll Contractor</b>	<b>Page 39</b>
<b>Chapter 13</b>	<b>Record Retention and Disposal</b>	<b>Page 42</b>
<b>Chapter 14</b>	<b>Quality Review of Consumer and PA Files</b>	<b>Page 43</b>



## **Chapter 1- Definitions and Acronyms**

The following definitions and acronyms apply solely to the Virginia Department of Rehabilitative Services PAS Program and may not be applicable to programs and services provided by other agencies or organizations.

Activities of Daily Living (ADLs) include, but are not limited to, the following tasks: bathing, dressing, toileting, transferring, eating.

Applicant is a person who has applied to DARS PAS but has not participated in a Comprehensive PAS Assessment, provided all required documentation of income and resources, and applied for Medicaid and the Medicaid Waivers.

CAP is the maximum number of hours authorized for a PAS consumer to utilize in a two-week pay period.

Center for Independent Living (CIL) is a local, non-profit, non-residential organization with the mission to promote leadership, empowerment, independence, and productivity of persons with significant disabilities. A center for independent living also serves as an advocacy organization in order to promote the removal of accessibility barriers in employment and in other community places. A PAS assessor that works at a center for independent living may perform a Comprehensive PAS Assessment, Reassessment, or Consumer Orientation for the PAS program.

Consumer-directed is a program philosophy developed during the independent living movement. A consumer-directed program empowers a person with disabilities to make his/her own day-to-day decisions regarding care and other needs. A PAS consumer employs personal assistant(s) and manages all aspects of being the employer including recruiting, hiring, training, directing, and scheduling. A PAS consumer has the authority to dismiss personal assistants for unsatisfactory work performance.

Consumer Orientation is required PAS training provided to a new PAS consumer in order to prepare for using the PAS Program. The PAS Consumer and Personal Assistant Handbook is a major component of that training.

Instrumental Activities of Daily Living (IADLs): include, but are not limited to, light housekeeping, preparing meals, grocery shopping, laundering, running errands, providing transportation, and performing seasonal chores.

PAS Assessor is a person who is approved to administer Comprehensive PAS Assessments. An assessor is also trained to administer the UAI.

PAS Consumer is a person who has applied for PAS Services and has been determined eligible. A PAS consumer may be on the waiting list or an active participant in the PAS program.

PA Startup Packet is the packet that contains hiring information and the forms required for employing a new personal assistant. These forms must be completed and mailed to the PAS office in order to set up an employee file.

Personal Assistant (PA) is a person who works for a PAS consumer and provides personal assistance services.

Personal assistance services are the job duties performed by a personal assistant who works for a PAS consumer. Activities of daily living and instrumental activities of daily living are the primary tasks performed.

Reassessment is any Comprehensive PAS Assessment performed following the initial Comprehensive PAS Assessment.

Signatory Authority Form is the form used by a PAS consumer to authorize another person to assist in reviewing and signing PAS forms and time sheets. For PAS consumers that use alternate means of signing PAS forms and timesheets, this form also serves to indicate that using an "X" or a rubber stamp of a signature is necessary.

Uniform Assessment Instrument (UAI) is a required multi-agency assessment instrument used by state agencies in Virginia. The UAI provides information about a person's physical, medical, mental, functional, and emotional health. (The UAI is also used to screen individuals for nursing home and assisted living facilities.)

VR PAS services are PAS services provided to eligible VR consumers. VR PAS is also available to eligible VR consumers served by the Department for the Blind and Visually Impaired (DBVI). VR PAS is short term and time limited. VR PAS must be a necessary component of an Individualized Employment Plan. A VR PAS consumer may continue to use VR PAS if employed at the time of closure and placed in post employment.



## **Chapter 2- Roles and Responsibilities**

- A. DARS employees provide vocational, independent living and related services to persons with disabilities. Employees of the agency also administer PAS. Most of the requirements of State PAS, BI PAS, and VR PAS are the same. PAS employees shall follow the policies and procedures in this manual. PAS is also available as a component of VR Services. The policy and procedures for VR PAS are in Chapter 8.13 of the FRS Policy and Procedure Manual. VR PAS consumers served by DBVI are included in the DBVI Policy and Procedure Manual, in Chapter IX-R.
- B. PAS program employees coordinate and administer the following aspects of the PAS Program:
1. Approve and review expenditures of state and Federal funds allocated to the PAS Program;
  2. Utilize the PAS Database to secure and maintain demographic information on applicants, PAS consumers, personal assistants and the waiting list, enter relevant information from Comprehensive PAS Assessments for each applicant and consumer, enter financial information for consumer share for State PAS and BI PAS applicants and consumers, and calculate the authorized hours (CAP) for each PAS consumer;
  3. Determine the eligibility criteria for the PAS program and make decisions regarding eligibility for PAS services;
  4. Determine the order of selection from the waiting list;
  5. Identify the training needs of new and existing PAS assessors and provide training whenever needed;
  6. Provide PAS training to VR counselors to ensure that they are familiar with the requirements of the PAS program and understand counselors' roles and responsibilities when a VR consumer receives VR PAS, and to also cover the roles and responsibilities of the VR PAS Coordinator;
  7. Follow Virginia contracting requirements in selecting and utilizing a private payroll contractor to provide payments to personal assistants;
  8. Produce payroll files every two weeks utilizing the PAS Database in accordance with standard operating procedures;

9. Review payroll and reimbursement documentation (e.g. timesheets and billing invoices) for accuracy, and assure that timely payments are made to personal assistants, and to the payroll contractor;
  10. Provide ongoing consultation and technical assistance to applicants, PAS consumers, personal assistants, FRS employees, employees of other state and local agencies, and to other persons that contact the PAS office for information on PAS services.
- C. DARS Field Rehabilitation Services, Vocational Rehabilitation Counselors refer consumers for VR PAS services and communicate with the VR PAS Coordinator on a regular basis so that VR PAS is congruent with other VR services for each consumer who uses VR PAS
- D. Employees of the Community Rehabilitation Case Management Program and the Centers for Independent Living:
1. May assist with the completion and submission of PAS applications for persons desiring PAS services;
  2. May serve as representatives on local independent living advisory boards, and on local or regional long term care coordinating councils that monitor attendant/personal care/personal assistance services;
  3. Qualify following required training as PAS assessors for completion of Comprehensive PAS Assessments
  4. Provide PAS Consumer Orientation
- E. Personal Assistance Services (PAS) Advisory Committee
1. Members of the Personal Assistance Services Advisory Committee provide feedback regarding the policies and procedures of the PAS program.
  2. Committee members provide a community advocacy perspective regarding the day-to-day operation of the PAS program.
  3. Committee members also make suggestions for strengthening the PAS program.
  4. Prospective members are selected to serve on the committee following approval by the Assistant Commissioner, Director, Community Based Services.



5. Membership may include PAS consumers, CIL directors, other CIL employees, personal assistants, and other interested parties. The committee also includes the PAS Program Manager, as well as, a Rehabilitation Specialist from Community Rehabilitation Case Management.
6. Membership is for two-year terms and may be extended.

#### F. PAS Consumers

1. PAS consumers must follow all PAS program requirements in the hiring of personal assistants. PAS consumers are the employers of personal assistants.
2. PAS consumers, guardians, personal representatives, and signatories are required to fulfill the responsibilities described in The PAS Consumer & Personal Assistant Handbook.

#### G. Personal Assistants (PAs)

1. A PAS consumer, guardian, or personal representative may employ PAs.
2. PAs must complete and sign all required documents listed in The PAS Consumer & Personal Assistant Handbook, *on or before*, the first day of employment.
3. A payroll contractor who receives VR Case Services funds must also meet the requirements listed in the FRS Policy and Procedure Manual, Chapter 8.13, Policy 1, section D1 Qualified Vendors for Personal Assistance Services.
4. More detail regarding the responsibilities of PAs are described in The PAS Consumer and Personal Assistant Handbook.

#### H. BI PAS Consumers and Personal Representatives

1. BI PAS consumers must select a personal representative unless there is a guardian to provide guidance and coordination of BI PAS services. The



guardian may designate another person to act as authorized representative for a BI consumer.

2. Guardians and personal representatives are required to participate in Consumer Orientation.
3. Guardians and personal representatives are responsible for recruiting, hiring, training, and supervising personal assistants.
4. Guardians and personal representatives serve as signatories for the review, completion, and submission of all PA hiring forms, time sheets, and other documentation required by the PAS program.

## **Chapter 3- Application**

### **A. Application for PAS:**

- a. The PAS program has one application. Applications are available from the following places: the PAS office, DARS regional and local field offices, the DARS Web site, and the Virginia Centers for Independent Living.

### **B. VR Consumers who apply for PAS:**

- a. Individuals currently receiving vocational rehabilitation (VR) services from the Department of Rehabilitative Services or from the Department for Blind and Visually Impaired (DBVI) shall submit applications to the DARS PAS Office through their vocational rehabilitation counselor. (The policies and procedures regarding provision of PAS services to VR consumers are covered in the FRS Policy and Procedure Manual, Chapter 8.13 and the DBVI Policy and Procedure Manual, Chapter IX-R.)

### **C. Submitting an Application:**

- a. Any individual, organization, or agency may complete an application on behalf of an applicant, as long as the applicant participates in and agrees to submission of an application. An applicant must sign the application if able to do so, unless there is a guardian to sign on the behalf of the applicant.

### **D. Receipt of Application:**

- E. PAS employees shall complete the preliminary review of each application received within five business days. A letter shall be mailed within five business days to acknowledge receipt of the application, to report the results of the application screening and to request further information if the application was incomplete.

- F. The PAS Office Assistant shall date stamp each application that is received at the PAS office and shall enter all required information in the PAS Database.

- G. The Office Assistant shall send the application to the Program Manager. The Program Manager shall assign a PAS Coordinator. The Manager shall return the application to the Office Assistant.

- H. The Office Assistant shall enter the caseload assignment in the PAS Database and shall send the application to the assigned Coordinator.
- I. The PAS Coordinator shall review the information on the application. The Coordinator may request by telephone any missing or incomplete information on the application.
- J. The acknowledgment letter, which shall be sent by the Coordinator by the fifth business day, shall use one of three formats.
  - a. If the application was complete and provided sufficient information for a preliminary screening, the letter shall state that “based on the preliminary screening it appears that they *may be* eligible for PAS. The letter will also explain that a Comprehensive PAS Assessment will be required before eligibility determination can be determined. The letter will also explain the comparable benefit requirement, the waiting list, and shall state if a Comprehensive PAS Assessment shall be authorized or delayed.
  - b. If it has been determined that the applicant *is not* eligible for PAS, the letter will explain, “that they do not appear to be eligible for PAS”. In addition, it shall describe the appeal process.
  - c. If the application was incomplete and the Coordinator was unsuccessful in reaching the applicant by the fifth business day, the letter shall list any missing information that is needed before the application screening can be completed. A response will be required within 30 days. Failure to respond by the 30<sup>th</sup> day will end the application process.
  - d. If the information is received as requested by either telephone or mail, a second letter shall be sent by the fifth business day following receipt of the additional information. The second letter shall follow either the format in 6.a or 6.b.



## **Chapter4- Comprehensive PAS Assessment**

- A. Each applicant for PAS that is considered potentially eligible for PAS based on the application screening shall require a Comprehensive PAS Assessment in order to determine final eligibility to receive PAS services. (There is one exception: if a VR consumer meets the criteria for an exception under FRS Policy and Procedure Manual, Chapter 6, DIAGNOSTIC, Policy 1")
  
- B. Whenever the PAS Program has experienced significant cuts in its operating budget, it may be necessary to suspend authorizing Comprehensive PAS Assessments for applicants until such time that there are vacancies and funds are available to serve additional persons.
  
- C. When the possibility of serving persons on the PAS waiting list and in VR post employment arises, they shall be considered for PAS first unless an applicant with a need identified in an application clearly meets the criteria in Levels 1 or 2. (For more information on Levels, please see Chapter 6 Waiting List.) In these cases, a Comprehensive PAS Assessment will be authorized for those applicants at the same time.
  
- D. If an applicant, person on the waiting list, or an active PAS consumer fails to respond to a request to participate in a Comprehensive Assessment or reassessment within 45 days from a request by a PAS Assessor, eligibility determination shall end for an applicant. If a request for an assessment for a PAS consumer on the waiting list or actively receiving PAS, is not responded to within 45 days the PAS consumer shall be closed unless there are extraordinary reasons to justify a delay in reassessment. (An example would be a serious illness or hospitalization.)
  
- E. Applicants and PAS consumers that participate in assessments shall have 30 days to provide any requested documentation that is not provided at the time of the assessment. If an applicant or PAS consumer has requested a deduction for disability- related expenses, all documentation in support of this request is also required within this 30-day deadline. (Failure to provide requested documentation regarding disability related expenses will result in a financial determination with only the standard deduction for over the counter medicines.) .
  
- F. Prior to the first and subsequent annual anniversaries of the start of PAS services, PAS Coordinators or Rehabilitation Specialists shall perform either a telephone screening or a screening by letter to determine if the need for a reassessment is indicated. PAS consumers are required to participate in all such screenings.

- G. Active State PAS consumers and BI PAS consumers are required to provide a new financial form and supporting documents on an annual basis. This may be done at the beginning of each year or at the time of a screening or reassessment... Consumers may also provide documentation for disability related expenses at the time of each annual financial review.
- H. A reassessment may be requested at any time for the following reasons:
1. A PAS consumer has requested increased hours due to a permanent change in functional ability,
  2. A PAS consumer has not met PAS program requirements, such as proper completion and submission of timesheets and required PAS hiring documentation,
  3. A PAS consumer has a need for an increase or decrease in hours based on a change in school, employment, marital status, or the availability of other support services.
  4. A PAS consumer has requested a temporary increase in hours due to recovery from surgery or to other similar needs,
- I. Temporary increases in hours may be approved by the Program Manager without a reassessment, if sufficient medical documentation of need is provided, and the increase requested is for less than 90 days.
- J. Assessments and re-assessments shall be conducted in an individual's home. In other circumstances such as a student living in a dormitory or apartment away from home, the Program Manager may approve an exception.
- K. Assessments and re-assessments must include fully completed copies of all required forms. Required forms and documents include:
1. Written documentation of application for Medicaid with results (If an applicant or PAS consumer provides evidence of currently receiving Medicaid or SSI, no further income and resource information shall be required),
  2. Documentation of a request for screening for Medicaid Waivers,
  3. Documentation of application for Medicaid, if required,
  4. Uniform Assessment Instrument (UAI),
  5. PAS Assessment Form, (formerly known as UAI Addendum for PAS)



6. Financial form with complete income and financial resources listed for the applicant or consumer including any other required household income and resources with the required supporting documentation,
7. Documentation of disability related expenses if consideration of a deduction is sought by an applicant or PAS consumer,
8. A Medical report verifying disabilities (applicants only),
9. DARS Uniform Consent to Exchange Information.

#### L. Qualifications of PAS Assessors

Only trained assessors may conduct Comprehensive PAS Assessments and re-assessments. A PAS assessor must meet the following criteria:

1. Receipt of training and/or evaluation by PAS staff.
2. Completion of UAI training through VISSTA or other approved method;
3. Experience in identifying, developing, and/or providing comprehensive services to persons with physical disabilities;
4. Familiarity with the types of functional limitations resulting from various disabilities, as well as strategies to reduce limitations;
5. Knowledge of the physical assistance typically required by persons with physical disabilities, including Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs);
6. Basic knowledge regarding various long-term care programs, including nursing homes, adult care residences, Medicaid application, Medicaid Waiver screening, DSS Home Based and Chore Services, and Area Agencies on Aging personal care programs;
7. Ability to perform an objective assessment that thoroughly and accurately assesses a person with severe physical disabilities and identifies resources that would contribute to that person's independence.

#### M. Conducting Comprehensive PAS Assessments and Re-assessments

Whenever a PAS assessor is authorized to conduct a PAS assessment or re-assessment, the assessor is responsible for scheduling the appointment.

1. If an applicant or PAS consumer is unwilling to proceed with an assessment, re-assessment, or states that they are no longer interested in receiving PAS services, the assessor shall notify the PAS Coordinator who requested the assessment. A letter shall be sent to the applicant or PAS consumer who declined the assessment. The



letter shall make it clear that the eligibility determination process has ended. The letter to a PAS consumer shall state the effective date of termination of PAS services. This will usually be the end date of the second pay period from the date that the letter is written.

2. An applicant or PAS consumer may request to have other people present during an assessment. However, only the applicant or PAS consumer may respond to the questions. If it is difficult to understand the individual being assessed, a person who knows and understands the person may act as a speaking aide. (An exception will be offered for persons with guardians or for brain-injured persons who are unable to answer questions because of memory problems.)
3. The assessor shall briefly explain the purpose for the assessment and shall identify the agency that employs them. If this is the initial assessment, the assessor shall give a brief description of the PAS program to include:
  - a. General PAS program eligibility criteria,
  - b. That there is a waiting list for State PAS and BI PAS due to limited funding (If the person being assessed is an applicant for State PAS or BI PAS),
  - c. The requirement that an applicant or PAS consumer must apply for and accept comparable benefits that they may be eligible for such as Medicaid Waiver Services,
4. A previous UAI, if completed less than three years prior to the current assessment, may be used for updating each item on the previous UAI using red ink. A new signature and date of administration will need to be provided at the top of the first page.

#### N. Receipt of Assessments

1. Assessments received by the PAS office shall be date stamped by the Office Assistant. The Office Assistant shall inventory the contents of the assessment, using a checklist developed for this purpose. The Office Assistant shall enter the date that the assessment was performed and the date of receipt of the assessment in the PAS Database. The Office Assistant shall notify the Coordinator and Manager regarding receipt of each assessment or reassessment.

2. The Coordinator shall review the assessment checklist. The Coordinator is responsible for follow-up if any forms or supporting documentation is missing.
  - a. A letter to the applicant/consumer requesting any missing information shall be sent within two business days with a copy to the PAS Assessor. The letter will specify a time limit of not more than 30 days for receipt of any missing information.
  - b. If the assessment is incomplete because the assessor failed to complete all required forms, a letter will be sent to the assessor and will specify a time limit of not more than 30 days for receipt of the missing information.
  - c. If the assessment is complete, all tasks that make up the eligibility determination and calculation of hours and cost share shall be performed within 5 working days of receipt, including entering the required information in the PAS Database and completing a request for approval.
  - d. A summary recommendation for approval shall be written and provided to the Program Manager with the PAS consumer file. The Program Manager shall review the recommendation and shall complete a QA review of both the PAS Database file, as well as, the applicant/PAS consumer file. The Manager's review shall be completed within two business days.
  - e. The Manager's comments shall be written on the recommendation page in the file. The file shall then be returned to the Coordinator.
  - f. The Program Manager shall also complete the approval process in the PAS Database, if the request is made at the same time and approval will result in placement on the waiting list.
  - g. However, if approval in the PAS Database will result in a change in a PAS consumer share or CAP hours, the Coordinator may delay the request for approval in the database and shall schedule a reminder in Outlook.
  - h. It shall be the responsibility of the Coordinator to notify the applicant/PAS consumer in writing of the results within two working days of return of the file and shall include the effective date for implementation of any change to coincide with the beginning day of the second pay period from the date of the letter.



## Chapter 5- Eligibility Determination

- A. Employees of the PAS program perform eligibility determination. Determination of eligibility for PAS requires the following:
1. Review of the PAS ,Application,
  2. Review of the UAI,
  3. Review of the PAS Assessment Form,
  4. Review of the Financial with required supporting documentation,
  5. A finding that the applicant has *significant physical disabilities which require personal assistance because of an inability to perform two or more ADLs, and two or more IADLs,*
  6. Or that a BI PAS applicant has *significant short- term memory issues, is unable to reliably perform ADLs and IADLs, and exhibits poor judgment and personal safety issues,*
  7. A determination that the applicant has provided full disclosure of financial resources to the PAS program as well as to the Department of Social Services for the Medicaid application and was found ineligible for comparable benefits
  8. A determination that the applicant *shows the ability and willingness to self-direct personal care assistants or, in the case of an applicant for BI PAS; either has a guardian or has agreed to select a personal representative who will take an active role in all aspects of managing personal assistants and will serve as the signatory for completion of the required PAS forms and time sheets*
- B. In addition to the requirements in subsection A of this section, any applicant for PAS shall provide documentation of the following:
1. Applicant is 18 or older,
  2. Applicant is a resident of Virginia,
  3. Income and other financial resources fall within the limits established by the PAS Program.
  4. Exception: Applicants and consumers of VR PAS are exempt from the financial income and resource limits during the period in which they receive vocational rehabilitation or post employment services.
- C. A review of financial eligibility shall occur on an annual basis for consumers receiving State PAS or BI PAS.



- D A request for screening for comparable benefits may be requested at any time that it appears that a change in income or further loss of functional ability may positively impact reconsideration for comparable benefits.
- E Any PAS recipient who has ceased to meet the requirements in subsections A through C of this chapter shall be closed to PAS.