

Chapter 6- Waiting List

- A. A determination of eligibility does not guarantee admission to the PAS program. Admission to PAS will occur when there are available funds. Whenever funds are not available to provide services to all eligible applicants the names of eligible PAS consumers that are in need of PAS shall be placed on the PAS waiting list.

The PAS waiting list shall be maintained in the PAS Database. However, VR PAS consumers using post employment are considered along with waiting list applicants as shall be explained further below. The waiting list shall be reviewed whenever State PAS or BI PAS has funds available to admit an eligible VR PAS consumer or eligible PAS applicant. The following two criteria shall be considered whenever selection is made for offering admission to State PAS or BI PAS: Service Impact Score and Level.

B. Service Impact Score

Employees of the DARS PAS program utilize a numerical rating system to determine each applicant's/PAS consumer's relative need for PAS. PAS assessors use the Service Impact Inventory and check the descriptions that best describe the current situation for an applicant when completing the PAS Assessment Form. Each individual's final score is determined by totaling the point values assigned to the descriptions checked for each domain of the Service Impact Inventory. An individual with a high score has a greater relative need for PAS services than does an individual with a lower score.

Service Impact Domains, descriptions, and points are as follows:

1. Living Arrangements

If provided with PAS Program services, the consumer will:

- Move from a nursing home facility to a community living arrangement. (6)
- Be prevented from entering a nursing home. (6)
- Be permitted to move from a housing arrangement, which the consumer finds undesirable or inappropriate to a less restrictive or more appropriate environment. (5)
- Be able to achieve greater independence in the current environment where help is currently unpredictable or inadequate. (4)
- No change in living arrangements. (0)

2. Employment Status

If provided with PAS, the consumer will:

- Be able to maintain employment currently in jeopardy due to lack of personal assistance. (6)
- Be able to accept employment, including employment previously rejected due to the need to maintain eligibility for other income-based personal assistance, such as Medicaid Waivers or Companion Services. (6)
- Be able to increase work hours, or to continue at current level, or move from workshop or supported employment to competitive employment if ongoing personal assistance were available. (4)
- No change in employment status. (0)

3. Training or Educational Status

If provided with PAS, the consumer will:

- Remain in school or training program currently in jeopardy due to lack of ongoing personal assistance. (6)
- Attend a school or training program in which they are currently unable to participate due to the lack of personal assistance. (6)
- Improve the ability to successfully participate and complete a school or training program due to the availability of personal assistance. (5)
- There will be no effect on school or training activities because of PAS. (0)

4. Physical Health

The consumer: **

- Is experiencing seriously deteriorating health due to lack of adequate personal assistance. (6)
- Frequently experiences acute medical problems that result from the lack of help with primary activities of daily living, such as bathing, dressing, transferring, and eating. (6)
- Would be able to improve or maintain his or her overall health with assistance with primary activities of daily living, such as bathing, dressing, transferring, and eating. (4)
- There will be no effect on overall health. (0)

** Determination in this category must be documented by a medical and/or physical therapy/occupational therapy evaluation.

5. Current Volunteer or Family Member Provider of Assistance

- Consumer is in need of personal assistance and currently receives no assistance, either paid or unpaid. (6)
- Consumer is in need of personal assistance, and currently receives volunteer/family help only, and the volunteer/family member is unable to continue providing the level of ongoing assistance needed. (6)
- Consumer is in need of personal assistance, and currently receives volunteer or family help, and volunteer or family member has had to stop working outside the home in order to provide the level of ongoing assistance needed. (5)
- Consumer relies solely on relatives or other volunteers who are providing inadequate assistance. (4)
- Consumer relies solely on relatives or other volunteers who are providing adequate assistance; however, the consumer desires a more independent alternative. (3)
- Consumer receives adequate assistance from family/volunteer help and is satisfied with the arrangement. (0)

6. Assistance from Other Programs

- Consumer has significant physical limitations, has demonstrated the ability to participate in a consumer-directed program, and is ineligible for assistance from any other program. (6)
- Consumer meets nursing home admission requirements, qualifies for Medicaid-funded personal care services, but does not live in the vicinity of a licensed, participating provider and receives no help. ** (6)

** Assessments listing this rating criterion must contain documentation from the consumer and home health care agencies validating these circumstances.

7. Family Status

- The family of the consumer and/or the consumer is experiencing extreme emotional, physical, and/or financial stress due to lack of personal assistance. (6)
- Family situation is stressful due to the consumer's need for personal assistance and could be expected to improve significantly if personal assistance services were available. (5)
- Family situation is adequate currently, but is anticipated to change within one year due to family changes, including medical problems of caretaker family member/assistant, planned relocation of consumer, or

deteriorating condition of consumer that will require additional assistance. (4)

- Family situation is adequate and predicted to remain stable, but consumer would prefer a non-family provider. (1)
- Family situation is adequate and will not change. (0)

8. Ability to Manage PAS Services

The consumer:

- Has demonstrated the ability to supervise a personal assistant independently. (6)
- Has knowledge of care requirements and program responsibilities, but does not want to assume those responsibilities at the present time. (0)
- Does not demonstrate knowledge of care requirements and has not demonstrated the ability to manage a personal assistant independently. (0)

C. Order of Selection from the waiting list and VR PAS consumers in post employment.

1. The Service Impact Score shall be the first determinant in ordering qualified applicants and VR PAS consumers.
2. Each individual either on the waiting list or receiving VR PAS in post employment shall also be assigned to one of three Priority Levels:
 - a. Level 1 shall contain qualified persons who are working and require Personal Assistance Services in order to maintain employment.
 - b. Level 2 shall contain qualified persons who live alone, do not receive minimally adequate assistance from any source including family and friends, are at significant risk due to a deteriorating condition, and require assistance to perform three or more ADLs,
 - c. Level 3 shall contain qualified persons who live in a household with others and receive adequate assistance from various sources, including family and friends.
3. When funds are available to offer admission to State PAS or BI PAS, an update of the PAS Comprehensive Assessment shall be obtained for each qualified individual starting with individuals in Level 1 with the highest scores.

4. Individuals in Level 1 shall be offered admission to State PAS or BI PAS first, by going in descending order starting with the individual with the highest numerical score.
5. If the PAS budget permits further consideration after offering admission to individuals in Level 1, qualified applicants in Level 2 shall be reviewed and offered admission using the same method used with Level 1.
6. If the PAS budget permits further consideration after offering admission to applicants in Level 2, applicants in Level 3 shall be reviewed and offered admission using the same method used with Levels 1 and 2.

Chapter 7- Determining CAP (Hours)

The PAS program use a standardized "allotment of time" formula to determine an estimate of the PAS hours required. The categories and formula are from a scale developed by the Virginia Department of Health.

The original scale from DOH is as follows:

This listing of services times below is defined in terms of the times (duration and frequency) required for an unimpaired person to accomplish them. Frequency is not defined for all tasks. For asterisked items, task frequency may be increased due to incontinence or other impairments, as appropriate.

Both duration and frequency of tasks will depend on the impairment of the client and on whether he is doing them himself or having them performed for him. These guidelines may be used to both identify whether an applicant demonstrates some impairment for purposes of the D.O.H. assessment and also for care planning to estimate the service time needed.

Please note that these timelimits represent the upper limits of what can be expected. The timelimits for these service tasks reflect the service needs of a single individual. In some cases, the timelimits specify an amount of time spent actively performing a task, and a second amount identified as "total duration." The total duration includes both work times and the waiting times needed for some tasks such as washing clothes or letting a freezer thaw for defrosting. Whenever possible, other tasks could be performed during the waiting time.

PERSONAL CARE				PREPARING MEALS			
TASK	TIME	TASK	TIME	TASK	TIME	TASK	TIME
Feeding (by hand)	30 min/meal	*Dressing/Undressing	15 min/ea	Cold breakfast	15 min/meal	Lunch	15 min/meal
Feeding (cut food, place utensils)	5 min/meal	Clothing	2 times/day	Hot breakfast	30 min/meal	Dinner	30 min/meal
Feeding (supervision)	30 min/meal	Shaving	10 min/ea	(as required due to disability)		Therapeutic	same as above
*Bathing	30 min/bath	Nail Care	7 times/wk	HOUSEKEEPING			
Shampooing	30 min/each	Dental Care	15 min/wk	TASK	TIME	TASK	TIME
	3 times/week		10 min/day	Total floor care (all rooms)	1 hr/wk or 4 hrs/mo	Dusting	1 hr/mo
SHOPPING, ERRANDS, FINANCIAL				Kitchen (putting groceries away, general cleaning)	30 min/wk	Picking up living space	1 hr/wk or 4 hrs/mo
TASK	TIME	TASK	TIME	Wash dishes	15 min/meal or 30 min/day	*Making changing beds	15 min/bed change
Groceries (with 3 miles transp)	45 min/week or 1 hr/mo	Cash checks, buy food stamps (with 3 miles transportation)	1 hr/mo	Garbage trash disposal	15 min/wk		1 time/wk
Personal Shopping (with 3 miles transp)	2 hrs/mo	Pay bills, other financial transactions	1 hr/mo	SEASONAL CHORES			
Pick up mail (with 3 miles transp)	30 min/wk or 2 hrs/mo			TASK	TIME	TASK	TIME
LAUNDRY @ 1 LOAD/MONTH (4 CLOTHING, 4 LINES)*				Washing/drying	15 min/load or 2 hrs/mo	Folding	15 min/load or 2 hrs/mo
TASK	TIME	TASK	TIME	Sorting, loading, unloading	2 hrs/mo	Putting away	1 hr/load or 2 hrs/mo
Washing/drying	15 min/load or 2 hrs/mo	Folding	15 min/load or 2 hrs/mo	Clean and defrost refrigerator (duration) including waiting time	2 hrs/mo	Clean oven	1 hr/mo
Sorting, loading, unloading	2 hrs/mo	Putting away	1 hr/load or 2 hrs/mo	Clean oven (duration including waiting time)	3 hrs/ea	Mow lawn	30 min/wk or 16 weeks/year
Washing/drying	1 hr/load or 2 hrs/mo	Ironing	30 min/mo	Clean walls, woodwork, cupboards, closets	2 hrs/mo	Change storm windows	15 min/windows/year
Total duration (Laundry to iron vary)	4 hrs/mo						
Washing/drying	15 min/ea or 1 hr/mo	Mending	1 hr/mo				
Transportation	1 hr/mo						

The following is a redacted copy of a score for a consumer in the PAS Database

	Quantity		Weekly Time
Meals/Personal Care	**		
Feeding (by hand)	3.00	Meals Per Day	10.5
Feeding (cut food, place utensils)	3.00	Meals Per Day	1.75
Feeding (Supervision)	3.00	Meals Per Day	10.5
Bathing	1.00	Baths per day	3.5
Shampooing	1.00	If Authorized	1.5
Dressing/Undressing	2.00	Times per day	10.5

Combing	1.00	**	If Authorized	1
Shaving	1.00	**	If Authorized	1
Nail Care	0.00	**	If Authorized	
Dental Care	1.00	**	If Authorized	1
Bowel/Bladder Program	0.00	**	Actual time	
Transferring	**			
Supervised plus positioning	4.00	**	Transfers per day	2.33
Mechanical/Lift plus positioning	0.00	**	Transfers per day	
Dependent Transfer	0.00	**	Actual time	
Preparing Meals, Clean Up	**			
Light Meal	1.00	**	If Authorized	2.33
Main Meal of Day	1.00	**	If Authorized	5.25
Additional Meal	1.00	**	If Authorized	3.5
Prepared Snack	1.00	**	If Authorized	1
Laundry @ 2 Loads Per Week	*			
Sorting, washing, drying	1.00	**	If Authorized	1
Folding	1.00	**	If Authorized	1
Putting Away	1.00	**	If Authorized	0.25
Laundromat	2.00	**	Actual time	2
Housework	**			
Total floor care	1.00	**	If Authorized	1
Kitchen (put away groceries, general cleaning)	1.00	**	If Authorized	0.5
Dusting, picking up living space	1.00	**	If Authorized	1
Garbage/Trash disposal	1.00	**	If Authorized	0.25
Making/changing beds	1.00	**	If Authorized	0.25
Errands	**			
General (shopping, banking, cleaners, etc)	1.00	**	If Authorized	2
Seasonal Chores/Outside Work	1.00	**	If Authorized	0.5
Other	**			
Accompany to medical/ dental appointments	1.00	**	Actual time	1
Additional transportation time allowed	2.00	**	Actual time	2

School related	0.00 * *	Actual time	
Work-related	0.00 * *	Actual time	
Total Weekly Allotment			68

The PAS Coordinator enters the needed ADL and IADL tasks in the PAS Database using the information from the PAS Assessment Form and the UAI. The Database then calculates the number of hours that are needed using the formula. If the Program Manager approves the Total Weekly Allotment, this is doubled to become the (CAP-limit) on the number of hours a PAS consumer may use in each two-week period.

Applicants/consumers may be authorized the total number of hours determined by the computations. However, the CAP may have to be reduced if budget limitations necessitate limiting hours. In addition, if an applicant/consumer has requested fewer hours, the CAP shall be adjusted to reflect the consumer's request. (For example, time for laundry and grocery shopping would not be included if there is a spouse who performs these activities.) The CAP is to address paid personal assistance needed by an applicant or consumer who is unable to perform the tasks or does not have anyone to perform the tasks.

Chapter 8- Determining Consumer Share

- A. All applicants/consumers of State PAS and BI PAS must provide proof of financial eligibility based on financial resources and all sources of income by completing the Financial Form and providing supporting documentation of financial status. Depending on the living situation and marital status of the applicant/consumer, resources of other adults living in the same household may be considered when making determination of financial eligibility and consumer share.
- B. If a consumer's countable income exceeds the poverty level listed in the **Federal Income Scale-Percentage of Client Contribution** based on the family size tables after taking into consideration the various deductions allowed, the consumer will be responsible for a consumer share to be paid to each personal assistant working for that consumer. (If income exceeds the top of the scale where the consumer share would be 100%, the applicant or consumer is not eligible for PAS).
- C. Countable household financial resources cannot exceed the limit of \$50,000 (which includes liquid assets, IRAs and other retirement program funds or assets, bank accounts, cash on hand, and any other similar financial resources).
- D. Consumer and other household income, both earned and unearned, shall be used to determine consumer share for PAS services. (However, annual income is not considered part of the \$50,000 limit on financial resources.)
- E. Individuals receiving State PAS and BI PAS are required to document all income, resources and expenditures in the following manner:
 - 1. Pay stubs, letters from funding sources (example: Social Security award letter), or other proof of the amount of all earned and unearned income;
 - 2. Copies of all bank statements of an applicant/consumer and spouse;
 - 3. Documentation regarding the value of any trusts, including the value and degree of access that an applicant/consumer has to these funds;
 - 4. If an applicant or consumer desires consideration of Disability related expenses, copies of medical bills, pharmacy receipts, bills for purchase of disability-related equipment, or specially adapted vehicles, medical insurance payments, must be provided, etc.
 - 5. If desiring consideration of transportation as a disability related expense, documentation of transportation costs must be provided

6. Income, resources, and deductions will be verified at the time of eligibility determination and subsequently during each re-assessments; and financial review
7. Complete tax returns are required for self-employment, and may be required if other documentation is inconclusive. An applicant/consumer may choose to provide a complete tax return with all attachments, instead of providing the income documentation requested above. However, copies of bank account statements, retirement account statements, mutual funds, stocks, bonds, etc. are required.

F. For income determination purposes, "household" is defined as:

1. An applicant/consumer,
2. The spouse of an applicant/consumer if living in the same home;
3. Children, including stepchildren of an applicant/consumer under the age of 18 who live in the same home
4. Foster children, living in the same home, for whom the family receives compensation for care, will not be counted for determination of either household size or income;
5. Children of the applicant/consumer if over the age of 18 and still dependents of the applicant/consumer and/or spouse for support while attending college or training programs, or if disabled and still dependent on the parent(s) for ADLs, IADLs, and supervision;
6. An applicant/consumer age 18 and over, is considered a household of one, if residing with family members other than a spouse and/or children;

G. Earned income:

All money received by any applicable household member resulting from employment, including self-employment. An applicant/consumer who works on commission, or otherwise receives variable income, will have earnings determined by reviewing the tax return. This figure will be used to project the cost share.

H. Unearned income:

Any income received by the household from the following sources:

1. SSDI, including payments received by spouse and children in the household;
2. SSI Income received by any household member;
3. Private disability payments;

4. Pensions
5. Temporary Aid for Needy Families (TANF);
6. Alimony and child support;
7. Veterans benefits;
8. Workers' Compensation;
9. Income from public or private retirement accounts;
10. Dividends and interest from stocks, bonds or other investments;
11. Voluntary, regular contributions to the household by relatives or other sources;
12. Rental income: This amount will be determined by reviewing the rents and royalties form as a part of the tax return.

I. Allowable deductions:

The following expenses may be considered for deductions before the final determination of consumer share. (This is contingent on timely and proper documentation of allowable disability related expenses :)

1. Twenty-two percent (22%) of all earned income shall *always* be excluded. (This does not require provision of proof of disability related expenses. 22% is a standard figure used to adjust the earnings based on payroll taxes);
2. Costs of public transportation to and from work, school, or job training including fixed route bus, Para-transit, metro, or taxi fare, when those costs are not covered or reimbursed by a third party;
3. Garnishments of earnings;
4. Repayment of hospital and/or other medical bills related to a consumer's disability;
5. Back payments for child support;
6. Repayment of student loans;
7. One-third of the ongoing monthly loan payment made on a vehicle that has been specially designed or modified to accommodate a consumer's disability;
8. Health insurance premiums paid by a household member, including payments on long-term care and disability insurance;
9. Medically-related expenses not covered by a third party, including prescription medication, physician charges, dental care, hospitalization, therapy, and any other costs related to medical and/or rehabilitation needs. This category will include co-payments required of a consumer for any medical-co-payments charged such as office visits and prescriptions.
10. A consumer may claim a standard \$20 deduction for non-prescription drugs such as aspirin or asthma medication, if taken on a daily basis. For non-prescription drugs and supplies a greater deduction may be

granted if a consumer provides full medical documentation that shows extensive non-prescription drugs used, as well as, receipts for medical supply purchases that exceed \$20 monthly;

11. Disability-related expenses not covered by a third party, such as wheelchairs, home modifications, vehicle modifications;
 12. Supplies related to disability not covered by a third party, including catheters, syringes, incontinence supplies, urinary appliances or other products related to a consumer's disability. This category also includes ADL supplies required by a personal assistant, such as disposable gloves; Documentation is required
 13. Tuition, books, and other costs directly related to education not covered by a third party; and,
 14. Court-ordered child support and alimony payments.
- J. PAS employees shall include all countable income minus the deductions for allowable expenses. Once net income is calculated, PAS employees shall use the PAS database to determine if a consumer share is owed.
- K. The PAS program uses the current **Federal Family Size Living Expense Exclusion table**. The living expenses for a family size of four (4) in the **HHS Poverty Guidelines** are used for a family size of one (1) in the table below. Living expenses for other family sizes in the table below use the HHS increment for each additional family member.

The 2011 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Persons in family	Poverty guideline
1	\$10,890
2	14,710
3	18,530
4	22,350
5	26,170
6	29,990
7	33,810
8	37,630

For families with more than 8 persons, add \$3,820 for each additional person.

- L. After applying the Family Size Living Expense Exclusion to the calculated net income, the percentage of the overall service cost will be based on the current **Federal Income Scale-Percentage of Client Contribution** based on family size.

Chapter 9- Appeal of State PAS & BI PAS Decisions

A. State PAS and BI PAS

This policy and procedure describes the process to be followed if an applicant for State PAS, a State PAS consumer, an applicant for BI PAS, or a BI PAS consumer should appeal a decision made by the employees of the PAS program.

(The FRS Policy and Procedure Manual, Chapter 15, APPEALS describes the process that shall be followed if an applicant for VR PAS or a VR PAS consumer should decide to appeal a decision made by FRS employees of the Department of Rehabilitative Services.)

B. Requesting an Appeal:

All requests to appeal a State PAS or BI PAS decision must be submitted in writing to the DARS Commissioner within thirty calendar days of the date of notification of a decision or action that is covered in this policy and procedure "Chapter 9 Appeal of State PAS & BI PAS Decisions".

C. Provision of Services Pending Final Decision on an Appeal:

1. If an appeal is received within fourteen calendar days of notification regarding a change in hours or consumer share, the change in hours or share shall be delayed until the conclusion of the appeal process. The final decision made by the Commissioner at the conclusion of the appeal process may result in a response favorable to the person who filed the appeal or in support of the original decision made by employees of the PAS program.
2. In cases of consumer fraud, the agency may suspend PAS services during an investigation by the Virginia State Police. A finding by the Police that fraud did occur shall result in closure to PAS services for that consumer.

D. Appeals may be requested for any of the following reasons:

1. Eligibility denials based on a review of the PAS application
2. Eligibility denials based on review of a Comprehensive PAS Assessment
3. Eligibility denials based on any subsequent Re-assessment(s)

4. Termination of PAS services at any point due to:
 - a) A finding that an applicant or consumer is eligible for a comparable benefit
 - b) A refusal by an applicant or PAS consumer to apply for; or to accept a comparable benefit
 - c) A finding that an applicant or PAS consumer is unable to manage consumer-directed services in keeping with PAS program requirements, (This does not apply to BI PAS.)
 - d) A finding that an applicant or PAS consumer has financial resources in excess of the limits set in the financial eligibility criteria
5. Disagreement on the percentage assessed for consumer share (e.g. If an applicant or PAS consumer believes that the consumer share which was assessed was improperly determined by PAS employees in utilizing the documentation supplied by the applicant or consumer)
6. Disagreement regarding the number of hours authorized by employees of the PAS program. If an applicant or PAS consumer believes that PAS hours were determined using a UAI and PAS Assessment or UAI Addendum that failed to adequately reflect their needs, or that time allocations for critical tasks were insufficient to provide minimally adequate care

E. Appeal Process

1. The DARS PAS Appeal process consists of a Panel review of an applicant's or PAS consumer's case file, as well as, any other further documentation provided by the applicant or PAS consumer or by employees of the PAS program.
2. The Panel shall review relevant PAS Policy & Procedures, and the documentation from the case file to determine if a decision by employees of the PAS program followed PAS policy and procedures and did not include any errors or omissions.
3. The Panel shall make its findings available to the Commissioner in a memo. The memo shall be prepared and sent to the Commissioner no later than four business days after the Review Panel meeting.

4. The Commissioner shall carefully consider the findings of the Panel. However, the Commissioner shall have authority for making the final decision.
 5. The Commissioner's decision shall be stated in a letter sent to the person who filed the appeal, as well as, to the PAS Program Manager. The appeal process shall be concluded within 60 calendar days of the receipt of the request for appeal.
- F. The PAS Appeals Review Panel shall include individuals who are knowledgeable regarding the Universal Assessment Instrument (UAI), the PAS Assessment, the conditions, and needs of persons with significant physical disabilities, the conditions and needs of persons with acquired or traumatic brain injuries, and the policies and procedures of the PAS program. The DARS Commissioner shall appoint the members of the Review Panel, as well as, the Appeals Coordinator.
- G. PAS Program Appeals Coordinator
1. The PAS Appeals Coordinator shall assure the timely conclusion of appeals within 60 calendar days of receipt of an appeal.
 2. The deadline for the Appeal Panel Meeting as well as the final decision by the Commissioner may be extended when circumstances dictate a delay in making a reasonable conclusion during the 60 calendar day period. If this is necessary, the Commissioner will notify the person who requested the appeal by letter, with the reasons for the extension. The PAS Program Manager and members of the Appeal Panel shall also be notified regarding the extension.
 3. The Appeals Coordinator shall not be an employee of the PAS Program or work under the direct supervision of the PAS Program Manager. The Appeals Coordinator shall not function as a voting member of the Panel. The Appeals Coordinator shall have no direct decision-making authority relating to appeals.
 4. The Appeals Coordinator shall be responsible for coordinating all aspects of an appeal including arranging for the meeting, sharing the confidential information with members of the Panel, facilitating the meeting, assuring that the members of the Review Panel are provided relevant policies and procedures relating to the appeal, the PAS Appeal Policy and Procedure, and shall retrieve all copies of confidential information from the Panel members at the conclusion of the appeal. All sharing of information shall conform to agency requirements for

sharing of confidential information regarding consumers and applicants. The person filing the appeal shall be asked to authorize the release of confidential information and each Panel member shall sign an agreement to abide by the agency rules for protecting confidential information. Copies of confidential information which is shared with members of the Panel shall remain the property of DARS and shall be returned to the Appeals Coordinator immediately following the Panel Review meeting

H. The Appeals Coordinator shall carry out the following activities in coordinating an appeal:

1. Shall provide written acknowledgement of the receipt of an appeal, within five business days of the date of receipt
2. Shall also inform the person who filed the appeal that information from the confidential case file needs to be provided to members of the Review Panel. The completion and return of a signed consent form is required for the appeal to move forward. The letter shall also explain that a person who files an appeal may submit documentation in support of their reason(s) for the appeal. The deadline for receipt of documentation from the person who filed the appeal is five calendar days before the scheduled Panel Review.
3. Shall provide members of the Review Panel with a copy of the letter of appeal, information from the person who filed the appeal, and information supplied by the PAS Program Manager
4. Shall make the appeal materials available to Review Panel members in alternative format, if requested
5. Shall convene and facilitate the meeting of the Review Panel via conference call, video conference, or face-to-face meeting
6. Shall communicate with the PAS Program Manager or other DARS staff if policy clarification is needed
7. Shall take and prepare minutes
8. Shall prepare and distribute a memo to members of the Review Panel summarizing the findings and recommendations of the Panel for final review within two business days following the meeting.

9. Shall forward a Memo with Review Panel recommendations to the Commissioner
10. Shall meet with the Commissioner, if needed, to clarify the Review Panel findings and recommendations
11. Shall arrange for the participation of the PAS Program Manager in the meeting with the Commissioner, if requested
12. Shall distribute the Commissioner's final written decision and recommendations to the person who filed the appeal and the PAS Program Manager
13. Shall place copies of the PAS Appeal Process materials in the applicant's or PAS consumer's file
14. Shall retrieve and destroy the extra copies of confidential materials provided to members of the Review Panel after the appeal has ended
15. Shall destroy appeal case files in keeping with Agency and Library of Virginia policy and procedures regarding retention and destruction of case files

Chapter 10- Active PAS Services

- A. When a consumer is open to PAS Services, he/she must participate in Consumer Orientation and begin the process of finding personal assistants as soon as possible.
- B. A consumer who has completed consumer orientation is expected to hire personal assistants, begin using the hours and submit time sheets by the due date within one month. Any consumer who fails to do so shall be contacted by a PAS Program employee. Failure to hire personal assistants within three months shall be grounds for closure.
- C. Any other circumstances (including hospitalization) that cause PAS services to cease or become interrupted for more than thirty consecutive calendar days shall be grounds for closure unless the PAS Program was made aware of impending hospitalization; or in the case of summer or winter breaks for college students.
- D. A consumer who dies shall be closed as soon as any unpaid time sheets have been received and processed.

Chapter 11- Employment of Personal Assistants

A. Required Documents

Whenever a PAS consumer hires a personal assistant (PA), the consumer is required to provide the following completed forms to the PAS Office.

1. Employment Eligibility Verification Form (I-9)
2. Personal Assistant Service Agreement
3. Provider Form
4. Consumer Notification Form
5. A clear and legible photocopy of an ID card with the PA's picture.
(The ID card must be listed on the I-9 List of Acceptable Documents.)
6. A photocopy of the PA's Social Security card or birth certificate

B. Payment for the work performed by a new personal assistant will not be authorized until all the required and properly completed forms are received at the PAS Office.

C. Original signatures are required on all forms.

D. PAS consumers who are unable to review and sign forms must select a signatory and complete the Signatory Authority Form. PAS consumers who have a guardian will have already provided a copy of the guardian order. In that case, the guardian will sign a Signatory Authority Form so that a copy of the guardian's signature is on file.

E. The signatory must sign and meet the same requirements for submission of forms.

F. Each time sheet must be completed, signed, and dated by the PAS Consumer or signatory or guardian and the personal assistant who performed the work.

G. A signatory should sign for a consumer as shown below:
"John Q Signatory for Bessie Consumer"

H. PAS consumers are the employers of personal assistants

1. "Consumer-directed" is the only option for the State PAS and BI PAS programs. Payments for work performed are based on the hourly wage set by the PAS Program.

2. There is also an "agency-directed" option for the VR PAS program. If a VR PAS consumer selects the agency directed option, personal assistants are employed by the home health care agency that was selected. In the case of agency-directed, the consumer is responsible for any costs over and above the prevailing consumer-directed PAS hourly rate. For more information on agency-directed, see the FRS Policy and Procedure Manual.

I. Pay checks and taxes for PAs

1. Each time sheet is reviewed by a PAS employee for accuracy prior to authorizing the payroll contractor to issue a check. The payroll contractor also provides the withholdings for FICA, Unemployment, State income taxes, and Federal income taxes.
2. The IRS considers personal assistants household workers. Personal assistants are not eligible for worker's' compensation. Personal assistants are eligible for unemployment.
3. The payroll contractor issues W-2 forms to all PAs who worked the previous year.

J. Quarterly Reports

PAS consumers are sent a quarterly report of the earnings for each personal assistant who has worked for them. These reports are provided by the payroll contractor. Quarterly reports include gross earnings and taxes paid. PAS consumers are asked to review each quarterly report and to report to the PAS Coordinator any discrepancies that are noted.

K. Selection of an agency-directed PAS provider by a VR PAS consumer

A VR PAS consumer may select a home care agency to provide personal assistance services, either on a full-time or intermittent basis.

Chapter 12- Payroll Process and Payroll Contractor

- A. Pay periods are two weeks in length and start on a Thursday and end on a Wednesday. Copies of the new pay period schedule are mailed to all PAS consumers at the beginning of each fiscal year. These packets also include time sheets. Packets are sent by the PAS Coordinators and the Office Assistant.

- B. Depending on where the dates fall each month, there may be two payrolls processed for reimbursement some months and three payrolls processed other months. For this reason, projecting budget expenditures monthly has to take into consideration the number of payrolls that have been processed for reimbursement and the payments that have been released. There are 26 pay periods per fiscal year. However, depending on where the dates for requesting reimbursement for the payroll contractor fall, actual budget expenditures for the final pay period each fiscal year may be paid as an expenditure from the next fiscal year budget.

- C. The PAS Program utilizes a payroll contractor to issue payroll checks to personal assistants. The contract must have been developed, approved, and signed in accordance with Virginia regulations for Invitations for Bids. A Vendor must be registered and qualified through "*e-Virginia*". The payroll contractor is required to follow all conditions in the contract for the duration of the contract. The Program Manager is responsible for monitoring compliance with the contract. The Manager shall follow all required contract renewal procedures whenever a contract ends or issue an Invitation for Bid. Either course of action requires the approval of the Commissioner.

FY 2012 DARS PAS PROGRAM PAY SCHEDULE

The pay periods begin and end on the following dates:
The deadline to mail timesheets to PAS is the Friday following the end of the pay period. If timesheets are mailed by the deadline, the PA will be paid on the scheduled payment date.

Pay Period #	Begin Date	End Date	Deadline to mail timesheets	Payment Date for PAs
1	06/16/11	06/29/11	07/01/11	07/08/11
2	06/30/11	07/13/11	07/15/11	07/22/11
3	07/14/11	07/27/11	07/29/11	08/05/11
4	07/28/11	08/10/11	08/12/11	08/19/11
5	08/11/11	08/24/11	08/26/11	09/02/11
6	08/25/11	09/07/11	09/09/11	09/16/11
7	09/08/11	09/21/11	09/23/11	09/30/11
8	09/22/11	10/05/11	10/07/11	10/14/11
9	10/06/11	10/19/11	10/21/11	10/28/11
10	10/20/11	11/02/11	11/04/11	11/11/11
11	11/03/11	11/16/11	11/18/11	11/25/11
12	11/17/11	11/30/11	12/02/11	12/09/11
13	12/01/11	12/14/11	12/16/11	12/23/11
14	12/15/11	12/28/11	12/30/11	01/06/12
15	12/29/11	01/11/12	01/13/12	01/20/12
16	01/12/12	01/25/12	01/27/12	02/03/12
17	01/26/12	02/08/12	02/10/12	02/17/12
18	02/09/12	02/22/12	02/24/12	03/02/12
19	02/23/12	03/07/12	03/09/12	03/16/12
20	03/08/12	03/21/12	03/23/12	03/30/12
21	03/22/12	04/04/12	04/06/12	04/13/12
22	04/05/12	04/18/12	04/20/12	04/27/12
23	04/19/12	05/02/12	05/04/12	05/11/12
24	05/03/12	05/16/12	05/18/12	05/25/12

25	05/17/12	05/30/12	06/01/12	06/08/12
26	05/31/12	06/13/12	06/15/12	06/22/12

Chapter 13- Record Retention and Disposal

- A. Employees of the PAS Program shall adhere to all requirements of the Library of Virginia with respect to retention and disposal of records. The Library of Virginia requirements are found in the section on Records Retention at the DSA General Services web site. Records retention and disposal questions should be directed to the DSA Records Retention Officer.
- B. PAS consumer files shall be retained as long as a consumer is open to PAS services. The files for all consumers closed to PAS services shall be retained for five years after closure. The only exceptions are files that need to be held longer due to a FOIA request, audit, investigation, or litigation. Closed consumer files shall be clearly labeled and stored in a separate location. Closed PAS Consumer files shall be filed in alphabetical order by the year of closure. During the first month of the year following the five-year retention period, all closed consumer files shall be disposed of in full compliance with the Library of Virginia requirements.
- C. Files for personal assistants no longer employed by PAS Consumers shall be retained for five years. The same exceptions apply for these files, as the exceptions listed in B. Personal assistants that have not worked for 180 days shall be closed. The files shall be stored by year of closure with the closed PA files arranged in alphabetical order. During the first month, following the five-year retention period closed PA files shall be disposed of in full compliance with the Library of Virginia requirement.
- D. The PAS employee requesting the disposal of files must complete and sign a Certificate of Records Destruction (RM-3). The PAS Program Manager shall review and sign the RM-3. The request form shall be sent to the Records Retention Officer (RRO) for the agency. The RRO shall review the request and approve or deny the request. When the RM-3 is received back at the PAS office with approval and signature, the files shall be placed in a locked disposal bin. Copies of all Certificates of Record Destruction shall be retained as proof that record disposal policies were followed. Originals of RM-3s shall be sent to the Library of Virginia.
- E. Duplicate documents shall be purged from consumer and PA files as deemed necessary. Duplicate materials shall be placed in a locked records disposal bin.
- F. Consumer and PA files that become too large for a single folder shall be labeled clearly and in accordance with established PAS guidelines.

Chapter 14- Quality Review of Consumer and PA Files

- A. PAS employees shall follow a chart order and use a checklist for applicant, consumer, and PA files.
- B. The PAS Program Manager shall perform a quality review of State PAS and BI applicant/consumer files whenever requested to approve the results of an assessment, reassessment, or change in the number of hours. The review shall include the file and database. A case note shall be written by the manager to document the results of the review. The quality review date will be entered in the database also.
- C. The Manager shall review VR PAS files after the approval process has been completed by the VR PAS coordinator. The review shall include the file and database. The VR PAS coordinator shall enter a case note in the PAS database prior to approving any assessments and reassessments. The manager shall enter a case note in the database to document that a quality review was performed. The quality review is also noted by an entry of the date of the quality review in the PAS database as well.
- D. Policy and Planning employees assigned to perform quality reviews for VR consumer files shall also perform quality reviews of 12 PAS files each year. These reviews shall be scheduled at a time that is acceptable to the reviewers. The PAS program manager shall schedule a reminder date each year to insure that this activity is completed. The reminder shall be dated on or before July 15 of each year. (These reviews will constitute independent reviews by persons not working in the PAS program.) The PAS program manager will draw a sample for the independent reviews. Files drawn shall consist of:
 - 1. an applicant for State PAS who was assessed and placed on the waiting list;
 - 2. an applicant for BI PAS who was assessed and placed on the waiting list;
 - 3. the State PAS consumer last opened to PAS;
 - 4. the State PAS consumer closed on the date closest to the sample draw;
 - 5. a State PAS consumer open for over 10 years;
 - 6. an inactive State PAS consumer;
 - 7. a State PAS consumer open for 2-5 years;
 - 8. the VR PAS consumer opened closest to the sample draw;

9. the VR PAS consumer closed on the date closest to the sample draw;
 10. an active BI consumer;
 11. a State PAS consumer with a new reassessment that was entered and approved in the past twelve months;
 12. A State PAS consumer transferred from VR PAS within the last year.
- E. Members of the PAS team shall meet on the second Monday in the months following the end of each quarter of the state Fiscal year (July, October, January, and April) in order to perform Peer QA Reviews. (This will commence in October of 2011).
- F. The process for Peer QA Reviews shall be as follows:
1. The Office Assistant will draw a sample of 8 active PA files and 4 files closed within the last year. The PAS coordinators will each draw a sample of 8 consumer and 2 applicant files. The same files will not receive Peer QA Reviews within a 24-month period.
 2. The Fiscal Technician will review four of the PA files and one consumer or applicant file from each coordinator. The Coordinators will review six-consumer and applicant files assigned to the other coordinator and two of the PA files. The PAS Program Manager will review one active consumer file from each coordinator and four PA files. The Office Assistant will review three consumer files from each coordinator. The manager will be present to assist each employee as the need arises. Two laptops will be available for lookups in the PAS Database and AWARE.
 3. A Peer Review Form shall be completed for each file that is reviewed. Findings from each review shall be verbally summarized at the conclusion of the meeting. Two copies will be made of each completed form. Each original Peer Review Form shall be placed in the designated file cabinet for QA files. One copy of each Peer Review Form shall be given to the PAS employee responsible for the file and the other shall be given to the manager. The manager shall summarize the peer reviews and share this with the Assistant Commissioner, Community Based Services.
 4. The Coordinators and the Office Assistant shall develop Plans of Correction for each file that contained deficiencies that can be corrected. Each Plan shall have a completion date 90 days after the date of the review.

5. The Office Assistant shall place the Plans of Correction on the shared drive in a specific folder for this purpose and the manager shall monitor progress and completion of each Plan of Correction.

G. Peer Review of an Applicant file shall consist of:

1. Application with date received,
2. Manager assignment note,
3. Assignment to Coordinator
4. Coordinator performed application screening,
5. Acknowledgement letter with results of application screening,
6. Date of most recent contact,

H. Review of State PAS waiting list file, State PAS consumer file, BI PAS waiting list file, and BI consumer files shall consist the following:

1. Chart order list in the front of the file,
2. PAS Application- completed, signed, dated,
3. Application acknowledgement letter,
4. Authorization letter for PAS Assessment,
5. Assessment or Reassessment receipt date in the PAS Database, Assessment date in the PAS database,
6. Checklist(s) completed by the PAS assessor, the office assistant or coordinator (in place starting July 1, 2011)
7. CAP hours were approved in the database (If entered after December 1, 2008)
8. Financial with needed supporting documentation (unless VR), date financial was entered in database after December 1, 2008.
9. Medicaid and Waiver determination,
10. Approval Process included a case note and summary, QA, date entered in database for QA review (after July 1, 2011),
11. Letter regarding the results from the assessment or reassessment,
12. Signatory Authority form
13. Correspondence Section:
 - a) General letters
 - b) Consumer specific letters
 - c) Letters from consumer to PAS

- d) Assessment and re-assessment documents (chronological order- newest on top, oldest on bottom)
- e) Results for assessment and reassessments with recommendations and case notes (case notes are in Database after July 1, 2011 for State PAS and VR PAS and BI PAS.)
- f) DARS Universal Consent form

I. Review of a VR PAS Consumer file shall consist of:

- 1. Application with date received, counselor
- 2. Manager assignment note
- 3. Assignment to coordinator
- 4. Acknowledgement letter with results of application screening
- 5. Authorization for PAS Comprehensive Assessment,
- 6. Receipt of PAS Assessment documented in database with date administered and date received, (July1, 2011)
- 7. Assessment Checklist,
- 8. Acknowledgement letter for receipt of Assessment to consumer and to PAS assessor noting if anything was missing and a giving deadline for receipt of missing documentation (July1, 2011 forward)
- 9. Financial if VR consumer is near closure or if post employment is ending and there is a planned move to State PAS
- 10. Comparable benefits documentation (when required)
- 11. Date most recent CAP hours were entered and approved in database, Summary case note including if hours were limited to training or educational hours, (July 1, 2011 forward)
- 12. Quality Review by manager with case note and date entered,
- 13. Case note entered in AWARE by coordinator and emailed to counselor (July 1, 2011)
- 14. Letter to consumer reporting outcome of Assessment
- 15. Consumer PA Handbook and PA Hiring Packet mailed to consumer and to PAS Assessor prior to Orientation
- 16. Consumer Orientation Checklist
- 17. Letter with notification of PAS start date for consumer and counselor

18. Case note request in AWARE and email to counselor for initial authorization for VR PAS
19. Quarterly case note by coordinator (July 1, 2011 forward)
20. VR Closing and Post Employment Case Notes written by coordinator (July 1, 2011 forward)
21. Request for Financial if and when a move to State PAS was anticipated.

J. Review of PA files shall consist of:

1. Checklist completed and noted in database
2. All documents were signed and dated
3. I-9 properly completed
4. Copy of Social Security Card and clear photo ID
5. Time sheets from newest to oldest
 - a. date stamp,
 - b. Reviewer corrections, notes, reviewer initials,
6. Letters to PAs
7. Letters to specific PA
8. Letters from PA
9. If closed, date placed in closure status
10. Database review to see if all details required were entered in the database
11. In future, case notes regarding problems reported by PAs

K. Documentation of Peer Quality Reviews:

A Peer Review Form shall be completed for each file, which is examined. For more information please see the file review form.

L. PAS Consumer file cleanup

At a minimum, a monthly PAS team meeting shall include a file purging session to eliminate duplicate copies of documents in consumer and applicant files and to assure arrangement of the documents in the proper order. Checklists will be added. Alternate methods of addressing purging and inserting checklists may be utilized such as summer interns, etc. if available.

