

## Draft for public comment: PCA/CFSS provider agency policies and procedures

Page posted: Draft	Page reviewed:	Page updated:
Legal authority	<a href="#">Minn. Stat. §256B.0659, subd. 21 and 28</a> , <a href="#">Minn. Stat. 256B.85, subd. 12 and 12a</a>	
Comparison of PCA and CFSS	<p>DHS is in the process of replacing PCA with CFSS. For more information about this transition, refer to <a href="#">CFSS Manual – Transition from PCA and CSG to CFSS</a>.</p> <p><b>Similarities</b> In both PCA and CFSS, provider agencies must have a manual that describes their policies and procedures. All required components of the manual are the same for PCA and CFSS.</p> <p><b>Differences</b> CFSS provider agencies must have policies on how they respond to incidents.</p>	
Definition	<p><b>Incident:</b> An occurrence that involves a person using PCA/CFSS and requires a response that is not a part of the ordinary delivery of the services. Incidents include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Serious injury to the person.</li> <li>• The person’s death.</li> <li>• Any medical emergency, unexpected serious illness or significant change that requires a call to 911, medical treatment or hospitalization.</li> <li>• Any mental health crisis that requires a call to 911 or a mental health crisis intervention team.</li> <li>• Any situation involving the person that requires a call to 911, the person’s primary health care provider, law enforcement or the fire department.</li> <li>• The person’s unexplained absence.</li> <li>• Behaviors that create an imminent risk of harm to the person or someone else.</li> <li>• A report of alleged or suspected maltreatment.</li> </ul>	
Applicability	<p>This page applies to:</p> <ul style="list-style-type: none"> <li>• PCA provider agencies.</li> <li>• CFSS provider agencies.</li> </ul> <p>This page does <b>not</b> apply to:</p> <ul style="list-style-type: none"> <li>• Consultation services providers.</li> <li>• Financial management services (FMS) providers.</li> </ul>	
Overview	<p>PCA/CFSS provider agencies must have a manual that includes the agency’s policies and procedures. Provider agencies must provide a copy of the manual at initial enrollment with DHS, reenrollment, revalidation and upon DHS’ request. The manual must include, at a minimum, policies and procedures about:</p> <ul style="list-style-type: none"> <li>• Employee misconduct.</li> <li>• Employee training requirements.</li> <li>• Enhanced rate.</li> <li>• Grievances from people who receive services, including the process for notification and resolution of grievances.</li> <li>• Identification and prevention of communicable diseases.</li> <li>• Prohibition of non-compete clauses.</li> <li>• Safety practices for employees and people who receive services.</li> <li>• Service delivery.</li> <li>• Staff hiring and termination.</li> <li>• Assurance that 72.5% of revenue from the Medical Assistance (MA) rate from PCA/CFSS services are used for PCA/CFSS worker wages and benefits (refer to <a href="#">CFSS Manual – PCA/CFSS provider agency worker wage benefit requirements</a>).</li> </ul>	

<p><b>Required components</b></p>	<p>The following sections explain the required components for the PCA/CFSS provider agency's manual.</p> <p><b>Employee misconduct</b>  The PCA/CFSS provider agency must establish procedures for disciplinary actions due to employee misconduct. Misconduct may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Violations of federal and state laws.</li> <li>• Violations of the agency's own rules for its employees.</li> </ul> <p>Disciplinary actions may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Remedial training.</li> <li>• Oral and written reprimands.</li> <li>• Paid or unpaid suspensions.</li> <li>• Demotion.</li> <li>• Discharge.</li> </ul> <p><b>Employee training requirements</b>  The PCA/CFSS provider agency must establish employee training procedures for:</p> <ul style="list-style-type: none"> <li>• Initial review of the provider agency's manual with the employee at the time of hire and frequency of ongoing reviews.</li> <li>• Fraud prevention.</li> <li>• Use of the provider agency's system for electronic visit verification (EVV).</li> <li>• Training the agency requires beyond the required PCA/CFSS worker standardized training (e.g., additional mandated reporter, data privacy or other training the provider agency requires).</li> <li>• Training documentation.</li> <li>• Training timelines.</li> </ul> <p><b>Enhanced rate</b>  The PCA/CFSS provider agency must establish procedures for how:</p> <ul style="list-style-type: none"> <li>• The person and qualified worker can request information about the enhanced rate.</li> <li>• The agency will pass on the revenue from the enhanced rate to an eligible person's qualified worker(s).</li> </ul> <p><b>Required information for people receiving services and the written agreement</b>  The PCA/CFSS provider agency must establish procedures for how to:</p> <ul style="list-style-type: none"> <li>• Provide the person with all required information.</li> <li>• Enter into a written agreement with the person.</li> <li>• Document the completion of the above requirements.</li> </ul> <p><b>Grievances from people who receive services</b>  The PCA/CFSS provider agency must establish policies and procedures for:</p> <ul style="list-style-type: none"> <li>• Documentation of grievances and resolutions (refer to the grievance reporting section on this page).</li> <li>• Notices and communications, including how to inform staff, people who receive services and outside resources about grievance policies and procedures.</li> <li>• Instructions for the person to file an internal appeal with the provider agency if they are dissatisfied with the proposed resolution.</li> <li>• Timelines for resolving grievances.</li> </ul> <p><b>Identification and prevention of communicable diseases</b>  The PCA/CFSS provider agency must:</p> <ul style="list-style-type: none"> <li>• Establish and implement policies and procedures for prevention, control</li> </ul>
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	<ul style="list-style-type: none"> <li>• and investigation of infectious and communicable diseases.</li> <li>• Follow Centers for Disease Control and Prevention guidelines, nationally recognized guidelines and applicable federal and state regulations.</li> </ul> <p><b>Prohibition of non-compete clauses</b> The PCA/CFSS provider agency manual must state that the provider agency cannot require workers to sign an agreement stating they will not work for another provider agency or FMS provider.</p> <p><b>Safety practices for employees and people who receive services</b> The PCA/CFSS provider agency must establish procedures to:</p> <ul style="list-style-type: none"> <li>• Report suspected maltreatment of children and vulnerable adults.</li> <li>• Support workers and people receiving services whose safety may be at risk.</li> </ul> <p><b>Service delivery</b> The PCA/CFSS provider agency must establish:</p> <ul style="list-style-type: none"> <li>• Internal controls and processes for PCA/CFSS service delivery, quality assurance and remediation.</li> <li>• Policies and procedures to complete service verification (i.e., confirmation that worker delivered services to the person), including through EVV.</li> <li>• Policies and procedures on service limitations specific to the provider agency.</li> </ul> <p><b>Staff hiring and termination</b> The PCA/CFSS provider agency must establish policies and procedures that comply with federal and state regulations to:</p> <ul style="list-style-type: none"> <li>• Employ, evaluate and supervise staff, including documentation of staff training.</li> <li>• Terminate staff.</li> </ul> <p><b>Response to incidents (CFSS only)</b> In CFSS, the provider agency must have policies for how they respond to incidents involving the person. For information about incidents, refer to the definition section on this page.</p>
<b>Grievance reporting</b>	<p>At the time of enrollment, reenrollment and revalidation, the PCA/CFSS provider agency must submit a record of grievances and resolutions from the previous year to DHS. Documentation of grievances must include all of the following information:</p> <ul style="list-style-type: none"> <li>• Date the grievance was received.</li> <li>• Name of the person who made the grievance.</li> <li>• Name of the staff member who received grievance.</li> <li>• Brief description of the issue.</li> <li>• Date(s) the grievance was investigated.</li> <li>• Name of the staff member who investigated the grievance.</li> <li>• Results of the investigation.</li> <li>• Date the grievance was resolved.</li> <li>• Resolution of the grievance, including any quality improvement changes.</li> <li>• Date the resolution was shared with the person who made the grievance.</li> <li>• Name of the staff member who shared the resolution with the person.</li> </ul>
<b>Additional resources</b>	<p><a href="#">CFSS Manual – PCA, CFSS and CSG enhanced rate/budget</a></p> <p><a href="#">CFSS Manual – PCA/CFSS provider agency worker wage and benefit requirement</a></p> <p><a href="#">CFSS Manual – PCA/CFSS worker criteria, requirements and responsibilities</a></p> <p><a href="#">CFSS Manual – Transition from PCA and CSG to CFSS</a></p> <p><a href="#">DHS – EVV</a></p>