



FAQ Guide

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What is the Personal Care Attendant (PCA) Program?

The PCA Program is a MassHealth program that helps people with long-term disabilities live at home by providing funds to hire PCAs. PCAs can help with hands on Activities of Daily Living (ADLs) such as:

- Mobility/Transfers
- Medications
- Bathing or Grooming
- Dressing or Undressing
- Passive Range of Motion/Exercises
- Eating
- Bladder or Bowel Care

PCAs can also help with Instrumental Activities of Daily Living (IADLs) such as:

- Shopping
- Laundry
- Meal Preparation
- Housekeeping

PCA time is not approved for activities such as recreation, babysitting or vocational training. Nor is PCA time allowed for verbal prompting or cueing, or supervision. The PCA program is a consumer-directed program. This means that the individual with the disability is the employer. This is different from more traditional home health care programs in which an agency provides the worker. The PCA program is designed to give individuals with disabilities control over how their own personal care needs are met.

Who is eligible?

Your MassHealth coverage type must be **Standard** or **CommonHealth**. You may be eligible for PCA services if you are a MassHealth member and:

- You have a permanent or chronic disability that impairs your ability to perform ADLs and IADLs without physical hands on assistance
- You need physical assistance with two or more ADLs (see list on prior page)
- Personal Care services are prescribed by your physician or nurse practitioner
- MassHealth determines that PCA services are medically necessary

What if I need help managing the PCA Program?

MassHealth requires that Tempus assess your ability to manage the PCA Program independently, and review this assessment periodically. If Tempus determines you need assistance to manage the PCA program, you will be required to find a surrogate.

What is a Surrogate?

If your Consumer Assessment determines that you need assistance to manage part of your PCA program, a consumer identifies a surrogate. Tempus can also help you with resources such as state funded Supported Living Program for Surrogacy if you are eligible. The surrogate is often a family member but may be any other person you choose who has the ability to manage the program and is also aware of your needs. A surrogate can assist you with managing any part of the PCA program with which you have difficulty, but a surrogate does not necessarily run your PCA program for you. When you apply for PCA services your Skills Trainer will determine whether you are able to manage the program independently, what skills training you will need to learn to manage the PCA program, and whether you will need any help from a surrogate. If you do need help managing your PCA program, you and your Surrogate will work together with the Tempus Skills Trainer to develop a Service Agreement that describes the responsibilities of the Surrogate, and which elements of the program you will handle. Our goal is to teach you to manage your PCA program as independently as possible. Your Service Agreement will be reviewed periodically, and can change over time as your skills and abilities change. If you require a surrogate and do not have one you will receive a 30 day notice to find one and have them in place. If no surrogate is in place within 30 days, MassHealth will be notified and your PCA program may end.

What is a Personal Care Attendant?

A PCA is a person who is recruited and hired by you to physically assist you in performing ADLs and IADLs. You may hire one or more PCAs as necessary to meet all of your hands-on care needs. A PCA is the employee of the Consumer.

What type of work can my PCA do?

MassHealth will pay for your PCA to provide you with physical (hands-on) assistance for the MassHealth-approved tasks described on the PCA evaluation. These tasks include helping with certain ADLs and may include IADLs. Tempus can provide you with a copy of your Service Agreement and PCA evaluation upon request. Tempus can work with you to determine what tasks your PCA can assist you with. A PCA cannot be paid to work for you if you are in a hospital or nursing facility, or during the time you are in a MassHealth-funded adult day health, day habilitation, adult foster care, or group adult foster care program.

Who decides if I am eligible and how many hours I can receive?

Tempus (PCM) will provide information that will allow MassHealth to decide if you qualify for PCA services, and how many hours of PCA services you are eligible to receive.

Tempus will send a Registered Nurse and Occupational Therapist to your home to evaluate the type and level of physical assistance you need to perform your ADLs and IADLs.

Tempus will request authorization from MassHealth by sending your completed and signed evaluation to MassHealth. You and your doctor must sign the evaluation before it is sent to MassHealth so that your doctor can review it and you know what is being requested to meet your needs. MassHealth will review the evaluation and make the decision to approve, modify, or deny the request. MassHealth will inform the Tempus PCM and the F.I. Department of its decision. You have the right to appeal a request that is denied or modified by MassHealth.

I live with my family, how will this affect my PCA services?

Tempus' Evaluation will take into consideration your disability and your living situation, as well as your daily routine. If you live with family members (Spouse, Parent or foster parent of a minor child, legally responsible relative) they will be expected to assist with most household chores. For example, routine laundry, housekeeping, shopping and meal preparation should include the needs of the family member with the disability.

How are services determined for children?

Personal care services are based on needs that arise because of a disability which impairs an individual's ability to perform activities of daily living independently. For very young children, who would not normally be independent in their activities of daily living (for example bathing, dressing, eating, toileting), PCA services will not generally be approved for activities that are considered routine child care. Tempus evaluation teams will take the child's age and developmental milestones into consideration when evaluating the need for PCA time.

I receive other services in my home. Can I still use PCA services?

PCA services can be used in combination with some other services, such as Visiting Nurse, Occupational or Physical Therapy, or Home Health Care services. When Tempus does your PCA evaluation they will take these other services into consideration. Some other services may not be used together with PCA. These include Adult Foster Care and Group Adult Foster Care, and Homemaker services funded through the Mass. Rehabilitation Commission.

It is important that you inform your Skills Trainer of any other services in your home. Tempus will need documentation from these other services in order to complete your MassHealth Evaluation for PCA Services. It is requested that you get these documents prior to the MassHealth Evaluation conducted by Tempus.

How many hours of service will I get?

The Tempus program will help MassHealth decide whether you qualify for PCA services, and how many hours of assistance you need. Tempus will conduct an Evaluation, which will describe your personal care needs in detail, and recommend how many hours of PCA services you need each week. After review and signature by your physician or nurse practitioner, this evaluation is sent to MassHealth, which makes the final decision about whether you are eligible and how many hours of PCA services will be approved for you. PCA services are usually approved for one year at a time.

What if I want to appeal a decision or denial?

If MassHealth denies a request for PCA services, or approves less time that Tempus has requested, MassHealth will notify you, the PCM and the FI. The notice will give the reason for the denial or modifications, and will inform you of the right to appeal, and the appeal process.

To appeal a denial or modification, you must Request a Fair Hearing from MassHealth. The Request for a Fair Hearing must be made in writing within 30 days after the date of the notice of denial. The Board of Hearings will conduct the hearing in accordance with 106CMR 343.000. Notify your Skills Trainer if you plan to request a Fair Hearing.

What if I have problems with Tempus PCA Program staff or with a decision regarding my services?

The Tempus PCA program has a process for dealing with any complaints or concerns. Your Skills Trainer will explain the process to you and make every effort to help you resolve your complaint or problem. A copy of the Complaint and Grievance Policy is given to you at the time of Intake and Annual Skills Training. You may call the Tempus office for a copy.

What are my responsibilities?

You are the employer of your PCAs. You will manage the PCA Program on your own or with a surrogate, if you need one. A surrogate is a person who knows you and your needs and will share in the management of the PCA Program. This may include part or all of your responsibilities as a PCA consumer. You will have specific responsibilities described in your Service Agreement. Tempus will be available to teach you about your rights and responsibilities as a PCA consumer. Tempus can also provide you with a copy of the MassHealth PCA regulations posted on the MassHealth Web site.

As a PCA consumer you must sign a Consumer Agreement. You are responsible for the following:

- Recruiting, Hiring, Training, Scheduling and if necessary, Firing your PCA
- Completing and sending all required paperwork as requested by the F.I. department including PCA Activity Forms
- Ensuring all Activity Forms are accurate and submitted in a timely manner. By signing the weekly Activity Forms, you certify that your PCA has worked the listed hours
- Ensuring the number of hours your PCA works does not exceed the number of weekly or nightly hours authorized by MassHealth
- Ensuring your PCA does not work over 50 hours a week without proper overtime authorization, issued by MassHealth
- Explaining your daily personal care routine to your PCA and teaching your PCA how to assist you with those routines
- Cooperating with your PCM agency during your evaluation, revaluations and assessments
- Notifying Tempus if you have a change in supports, medical or living situations
- Notifying Tempus if you unexpectedly need overtime pay for one of your PCAs, or if a PCA must perform Jury Duty
- With your Tempus Skills Trainer, making a list of PCAs to contact if your regular PCAs are unavailable
- Notifying Tempus if you move, change your phone number or change your doctor
- Notifying Tempus if you get admitted to a hospital, rehab or long term care facility

What are the Personal Care Agency's responsibilities?

MassHealth contracts with Tempus to provide you with a variety of services that will support you while you are participating in the PCA Program.

Tempus will:

- Explain the rules of the PCA Program to you, including your responsibilities as a PCA consumer
- Assess your ability to manage the PCA Program independently
- Evaluate your need for PCA services and submit a prior-authorization request to MassHealth
- Provide you with ongoing skills training to help you manage the PCA Program successfully and work with you to develop a written Service Agreement that describes your role and responsibilities, as well as those of others involved in supporting your use of the PCA Program. The Service Agreement will include a back-up plan if your regularly scheduled PCA is unable or unavailable to work for you
- You can contact your PCM agency to ask questions, seek additional help and skills training or request additional PCA services if your needs change. Write the name and number of your PCM agency in the front of this handbooks so that you have the information handy.

What is a Fiscal Intermediary (F.I.)?

A Fiscal Intermediary is an agency hired by MassHealth to help you with the employer-required tasks of employing a PCA, such as:

1. Receiving and Processing your PCA Activity Forms (also called timesheets)
2. Preparing your PCA's paychecks and direct deposits
3. Sending the paycheck that you give to your PCA
4. Filing and Paying your share of State and Federal Taxes, including Unemployment
5. Buying Workers' Compensation Insurance for your PCA
6. Issuing a W-2 to your PCA

With the assistance of the F.I. Department you will be able to pay your PCAs with MassHealth funds.

Who hires the PCA?

You as the consumer are the employer. If MassHealth approves PCA services for you, you will receive a prior authorization. At this time you can now recruit, hire, fire, train and schedule your own PCAs. Tempus can help you by:

- Offering skills training to help you learn how to do these tasks
- Assessing whether you need a surrogate to help you with some or all of these tasks
- Rewarding Works Website is a database that lists PCAs looking for work (www.rewardingwork.org)
- Your local Career Center can list your PCA job needs for free
- Call your Skills Trainer if you need help with resources to hire PCAs
- Tempus (F.I.) can do payroll processing and tax fillings on your behalf, but you, the consumer, are still the employer of your PCAs.

Who can I hire as a PCA?

As a consumer-directed program, the PCA program allows for great flexibility and control in who you can hire as a PCA. There are some restrictions however.

The following individuals cannot be hired as PCAs:

- The Parent of a Minor Child, including Adoptive and Foster Parents
- Spouse
- Surrogate
- Legally Responsible Relative

Your PCAs must also be legally authorized to work in the United States. They must be able to understand and carry out your instructions. It is your responsibility to check the references and criminal background of prospective PCAs before you hire them.

How do I schedule my PCA time?

Your PCA schedule should be set up to meet your own daily needs according to the hours approved by MassHealth. Your Skills Trainer will work with you in this area to help you learn how best to schedule your time.

How many hours each week can my PCAs work and can my PCA work overtime?

You must schedule your PCAs according to the number of hours approved by MassHealth, which is based on your evaluation. Your PCA schedule may change slightly from week to week, depending on whether you might have medical appointments that week, or other activities that do not take place every week. There are unforeseen emergency circumstances that may result in you needing your PCA to work additional hours. If you had no other option but to have your PCA work overtime, you should discuss the situation with your skills trainer. You should know:

- The name of the PCA who worked overtime
- The total hours of overtime requested
- What was the unforeseen event that caused the overtime request?
- A list of the PCAs you contacted
- Your regular PCA schedule

If the overtime use was caused because a PCA quit or was fired, MassHealth will also want to know what steps you have taken to recruit a new PCA. Tempus staff will contact MassHealth to request approval for overtime pay. MassHealth will let you, PCM, and the FI know in writing whether it has approved your request for overtime pay. MassHealth will still pay the regular rate if your request for overtime pay is not approved.

Remember that you the employer are personally responsible to abide by state and federal labor laws, including overtime rules. If you require your PCA to work more than 50 hours, MassHealth requires you to submit for an overtime authorization. Total hours worked are a combination of day/evening and night time hours. A PCA is not permitted to work more than 66 total hours across PCA consumer employees. Not abiding could cause sanction of PCA program participation.

Please be aware that your PCAs will not be paid for any work they do if there is no Prior Authorization approval in place for that date, or if you have used up all your approved PCA hours. PCA services cannot be used while you are a resident in a hospital or rehabilitation facility.

My disability is progressing, how can I get more help?

The PCA program should reflect your current needs, you should contact your Tempus' Skills Trainer at (800) 924-7570 if your personal care needs change at any time. A change in your personal care needs might be due to a change in your medical condition, or may be due to some other event, such as a change in your living situation or current supports.

How and when do I pay my PCAs?

When you are approved by MassHealth for PCA services you will receive a Prior Authorization Decision letter showing the number of hours of service you are approved for, and the start and ending dates of your approval.

Every two weeks you will submit timesheets to the Fiscal Intermediary showing the hours your PCAs worked. Each payroll period begins on a Sunday and ends on a Saturday; PCAs will normally receive their paychecks the following Friday. Each new consumer is assigned to a payroll schedule assigned by the Fiscal Intermediary.

The Fiscal Intermediary will handle your PCA payroll and tax reporting obligations.

Please refer to the Fiscal Intermediary pages for more details on the payroll process.

Who pays my PCA?

The F.I. is responsible for receiving and processing your PCA Activity Forms and issuing checks for your PCA. The F.I. will send the checks to you and you will pay your PCA. Your continued MassHealth eligibility allows your PCA to be paid.

Your PCA also has the option to be paid by direct deposit.

To view a SAMPLE of a Direct Deposit application, please click the link below:

<https://tempusunlimited.org/wp-content/uploads/2021/10/DIRECT-DEPOSIT-APPLICATION-FINAL-REV.-09152021-PCA-SAMPLE.pdf>

For a blank fillable Direct Deposit application, please click the link below:

<https://tempusunlimited.org/wp-content/uploads/2021/10/DIRECT-DEPOSIT-APPLICATION-FINAL-REV.-09152021-PCA.pdf>

Who decides how much my PCA gets paid?

The amount PCAs are paid will be determined by a collective bargaining (union) agreement.

In the collective bargaining negotiations, PCAs are represented by 1199SEIU and consumers are represented by the PCA Quality Home Care Workforce Council. The FI can tell you what the PCA wage is. Refer to the back of this handbook for contact information for the PCA Quality Home Care Workforce Council.

Will my PCA be paid for Jury Duty?

MassHealth will pay your PCA for Jury Duty, if they served during their regularly scheduled PCA work time. If another PCA fills in for the regular PCA, they will also be paid for their work. Please speak with your Tempus Skills Trainer on how to request Jury Service pay, or call the Tempus office at (800) 924-7570.

Will MassHealth pay for PCA assistance at night?

If MassHealth approves Night Time Attendant hours, they are to be used between midnight 12:00 am to 6:00 am.

What if one of my PCAs gets injured on the job?

All consumers are responsible to post Workers' Compensation Information in a location that can be seen by all PCA employees. Should your PCA get injured on the job, follow Workers' Compensation insurance company's instructions. You can get information about workers' compensation insurance and coverage by calling the Department of Industrial Accidents at (617) 727-4900. <http://www.mass.gov/dia/>

What if I need more information?

Call the Tempus PCM at **1 (800) 924-7570**, when:

- Your address or phone number has changed
- You have questions about your evaluation or reevaluation
- You have questions about your prior authorization
- Your medical condition changes and you feel you need more or fewer PCA hours
- You want to request prior authorization for your PCA to be paid overtime
- Your PCA has Jury Duty when scheduled to work for you
- You are having trouble managing the PCA Program
- You don't understand your responsibilities
- You have questions about certain PCA Program rules
- You need a skills trainer to visit you
- You have questions about how to recruit, hire or schedule PCAs

Call the Tempus F.I. at **1 (877) 479-7577**, when you:

- Have changed your address or phone number
- Need more Activity Forms (Timesheets) or other PCA paperwork
- Want to learn how to submit timesheets, electronically
- Have hired or fired a PCA or your PCA has quite
- Know your PCA has moved
- Believe your PCA was not paid correctly
- Need to correct an Activity Form (timesheet) you submitted
- Want to learn how to complete paperwork electronically when you hire a PCA
- Have other related payroll questions

Other Helpful Resources

Tempus Fiscal Intermediary (PCA Program Payroll)
1 (877) 479-7577

Tempus Personal Care Management (PCM) (PCA Program Intake, Skills Training and Evaluation)
1 (800) 924-7570

Tempus Adult Foster Care Program (AFC) (In Home Monthly Support by Tempus Staff)
1 (800) 924-7570

Tempus Resource Department for Help with MassHealth Benefits and Other Services
1 (800) 924-7570

Deaf and Hard of Hearing callers, please use Video Relay Services (VRS) or MARElay (711) to contact DPPC hotline.

Abuse and Neglect of a person with a disability ... What is Reportable?

The standard for reporting suspected abuse and neglect is "reasonable cause to believe" meaning mandated reporters need only a "mere suspicion" that abuse or neglect was committed against a person with a disability. If abuse or neglect is suspected, trust your feeling and report to:

Disabled Person's Protection Commission (DPPC) (24-hour Hotline)
1-800-426-9009

It is better to err on the side of action. <http://www.mass.gov/dppc>

In addition to reporting suspected abuse and neglect, mandated reporters are also required to report to the DPPC all cases in which an individual with a disability has died, regardless of whether or not abuse or neglect is suspected. For reporting suspected abuse and neglect committed against children, elders and persons residing in long-term care facilities (aka: nursing homes) refer to the following numbers:

Massachusetts Abuse Reporting Numbers

Disabled Persons Protection Commission (DPPC) (24 hours/7 days a week) for Ages 18 to 59
1 (800) 426-9009

Executive Office of Elder Affairs (EOEA) (24 hours/7 days a week) for Ages 60 and over
1 (800) 922-2275

Department of Public Health (DPH) For All Ages residing in Long Term Care Facilities
1 (800) 462-5540

Department of Children and Families (DCF) (24 hours/7 days a week) Birth to age 17
1 (800) 792-5200

What if I have questions about my legal responsibilities as an employer?

MassHealth, Tempus PCM, or Tempus FI cannot give legal advice, but there are many other organizations that can help with your questions.

Internal Revenue Service <http://www.irs.gov>
1 (800) 829-1040

Department of Industrial Accidents (Workers' Compensation) <http://www.mass.gov/dia/>
1 (617) 727-4900

US Department of Labor <http://www.dol.gov>
1 (866) 487-9243

Disability Law Center <http://www.dlc-ma.org>
1 (800) 872-9992

Greater Boston Legal Services <http://www.gbls.org>

1 (617) 371-1234 or 1 (800) 323-3205

Southeastern Mass. Legal Assistance

New Bedford Office **1 (508) 979-7150**

Fall River Office **1 (508) 676-6265**

Taunton Office **1 (508) 880-6704**

Attleboro Office **1 (508) 576-6807**

Legal Services for Cape, Plymouth and Islands

Hyannis Office **1 (800) 742-4107**

Plymouth Office **1 (800) 585-4933**

Mass. Attorney General's Office

Fair Labor Hotline **1 (617) 727-3465**

For non-payment of wages, to include nonpayment of overtime pay, a PCA has the right to file a complaint for non-payment of Wages. The Attorney General's office will then issue the PCA consumer a request of proof to verify the situation, or the AGs office may seek payment from the PCA consumer/employer to include a fee for the case to be processed.

Southeastern Mass. Office - **1 (508) 990-9700**

<https://www.mass.gov/orgs/office-of-attorney-general-maura-healey>

Office of Inspector General (OIG) [List of Excluded Individual Entities](#)

Contact the candidates you want to interview:

When you find one or more people who meet your specific needs, contact them by phone or email to arrange an interview. Before you interview your PCA candidates, check the List of Excluded Individuals/Entities maintained by the Office of the Inspector General (OIG) of the US Department of Health and Human Services. The MassHealth PCA program CANNOT pay you for a PCA whose name is listed.

MassHealth Fraud Hotline - 1 (877) 437-2830

MassHealth Enrollment Center (Self-Services available 24 hours/7 days a week)

1 (888) 665-9993

TTY for people who are deaf, hard of hearing, or speech disabled

1 (888) 665-9997

- Member Eligibility Information
- How to get a MassHealth Permission to Share Information Form
- Your Eligibility Notice
- How to ask for a fair hearing to appeal MassHealth decisions
- How to meet your deductible
- Your long-term care patient-paid amount (PPA)
- Where to report wages
- How to replace a MassHealth card
- Information to process a case
- Examples of acceptable proofs

Special MassHealth Programs:

Kaileigh Mulligan Program (Home care for children with severe disabilities)

PACE (Program of All-Inclusive Care for the Elderly)

MassHealth Customer Service - 1 (800) 841-2900 and TDD/TTY 711

ITV (for people with partial or total hearing loss) - 1 (800) 497-4648

- How to get a Senior Medical Benefit Request (including Supplement A: LTC Questions)
- How to get a Long-Term-Care Supplement or a PCA Supplement
- How to get a MassHealth Buy-In Application
- Where to send the Senior Medical Benefit Request (including Supplement A: LTC Questions)
- General Eligibility Information
- Covered Medical Services
- How to get interpreter services
- How to get proofs, like a Massachusetts birth record or a birth record from another state
- MassHealth Premiums
- How to find a MassHealth provider
- Emergency services- out of Massachusetts

For MassHealth Appeals (Fair Hearings)

Board of Hearings

100 Hancock St., 6th Floor, Quincy, MA 02171
1 (617) 847-1200 or 1 (800) 655-0338
Fax: 1 (617) 847-1204

U.S. Department of Labor

Offices in Boston and Taunton
<http://www.dol.gov/>

Mass. Commission Against Discrimination

1 (617) 994-6000
<http://www.mass.gov/mcad/>

Mass. Department of Revenue

Customer Service
1 (800) 392-6089
<http://www.dor.state.ma.us/>

Mass. Division of Unemployment Assistance

1 (877) 626-6800
<https://www.mass.gov/orgs/department-of-unemployment-assistance>

MassHire Department of Career Services

1 (617) 626-5300
<https://www.mass.gov/orgs/masshire-department-of-career-services>

Mass. Office on Disability

1 (800) 322-2020
<http://www.mass.gov/mod/>

Social Security Administration

1 (800) 772-1213
<http://ssa.gov/>



Fiscal Intermediary Procedure for Submitting Complaints and Grievances

Tempus Unlimited, Inc. processes payrolls and related tax filings as the Fiscal Intermediary (FI) for consumers in the Personal Care Attendant (PCA) Program. Tempus Unlimited, Inc. is obligated to provide these services in a professional, courteous and timely manner. Consumers or Surrogates should feel free to voice their concerns whenever they believe these standards are not being met.

- I. If a consumer or surrogate is unhappy with the service, or with a representative of the FI, they can call (toll-free at 877-479-7577), fax, (800-359-2884) , email to: MAFMS@tempusunlimited.org, include the word “Complaint” in the subject line, or mail your letter to the Consumer Relations Supervisor at Tempus Unlimited, Inc., 600 Technology Center Drive, Stoughton, MA 02072. The Consumer Relations Supervisor will review the circumstances regarding the complaint and attempt to resolve the issue within 24 hours of receiving the request. The consumer will be informed of the resolution using the same method as the complainant (telephone, fax, or mail).
- II. If a consumer is not satisfied with the action taken by the Consumer Relations Supervisor, and they feel strongly that their complaint is the result of a violation of law, or regulation, or egregious error or service, they can send an email to: Grievance@tempusunlimited.org, or mail to 600 Technology Center Drive, Stoughton, MA. 02072, ATTN: Compliance Department. The Compliance Office will review the circumstances regarding the grievance and will attempt to resolve the issue within 24 hours of receiving the request. The consumer will be informed of the resolution using the same method as the complainant (telephone, fax, or mail).
- III. If a consumer is not satisfied with the action taken by the Compliance Department, the grievance will be forwarded to the CEO/FI Director via email and/or consumer should submit their grievance by US Mail to Chief Executive Officer/Fiscal Intermediary Director, 600 Technology Center, Stoughton, MA 02072. The CEO/FI Director will conduct an investigation of the circumstances through telephone interviews, personal interviews and/or reviews of written or printed documents relating to the issues.
- IV. Within ten days of receiving the written grievance, the CEO/FI Director will issue a decision in writing to the consumer using the same method as the complainant (email or mail).
- V. If the consumer is dissatisfied with the decision of the CEO/FI Director, the grievance will be transferred to the appropriate parties at MassHealth.



Notice of Privacy Practices

August, 2021

This notice describes how Protected Health Information about you may be used and disclosed, and how you can get access to this information. Please review it carefully.

This notice is provided on behalf of Tempus Unlimited, Inc. herein named the Agency.

PURPOSE: This notice of Privacy Practices describes how we may use and disclose your Protected Health Information to carry out payment for Fiscal Intermediary program services, required by the contract entered into between the Massachusetts Executive Office of Health and Human Services and Tempus Unlimited, Inc. Protected Health Information is information that may identify the Consumer and that relates to the consumer's past, present or future physical or mental health, and may include name, address, phone numbers and other identifying information.

We are required by law to give you this notice and to maintain the privacy and security of your protected health information.

We must abide by this Notice, but we reserve the right to change the privacy practices described in it. A current version of this Notice, may be obtained from the Agency website, www.tempusunlimited.org, and will be posted in our offices. You may also request a current copy by sending a written request to the Agency Compliance Department, 600 Technology Center Drive, Stoughton, MA 02072

We understand that medical information about you and your health is personal and confidential, and we are committed to protecting the confidentiality of your Protected Health Information. We create a record of the care and services you receive at the Agency. We need this record to provide services to you and to comply with certain legal requirements. This Notice will tell you about the ways we may use and disclose your information. We also describe your rights and certain obligations we have to use and disclose your protected health information.

If you believe your Privacy Rights have been violated, you may make a complaint to us or to the US Secretary of Health and Human Services at: <http://www.hhs.gov/>. To file a complaint with us, you may send a letter describing the violation to Tempus Unlimited, Inc. Compliance Department, 600 Technology Center Drive, Stoughton, MA 02072. You also may email a complaint to Grievance@TempusUnlimited.org.

There will be no retaliation for filing a complaint.

WHO WILL FOLLOW THIS NOTICE: This notice describes the practices of Agency health care professionals, employees, volunteers and others who work in any of the Tempus Unlimited, Inc. Programs that you may participate in.

Your Privacy Rights:

You have the following rights relating to your Protected Health Information and may:

- Obtain a current paper copy of this Notice.
- Inspect or obtain a copy of Agency created documents. Your request to obtain a copy of these documents must be in writing or in a format that allows us to verify the requestor as the Consumer or Guardian or other designated individual.
- Request that we amend your Protected Health Information (PHI), if you feel the information is incomplete or incorrect.
- Obtain a record of certain disclosures of Protected Health Information.
- We will obtain your written permission for uses and disclosures of your Protected Health information sent to you by alternative means or at alternative locations.
- We will obtain your permission for uses and disclosures of your Protected Health Information that are not covered by the Notice or permitted by law. Except to the extent that the use or disclosure has already occurred, you may cancel this permission. This request to cancel must be put in writing or in a format that allows us to verify the requestor as the Consumer or Guardian or other designated individual.

Our Responsibilities:

We are required by law, to maintain the privacy and security of your protected health information and to abide by the terms of this Notice. We will let you know promptly if an incident occurs that may have compromised the privacy or security of your information. We must follow the duties and privacy practices described in this notice and give you a copy of it. We will not use or share your information other than as described here unless you tell us we can. If you tell us we can, you may change your mind at any time. We will request that you submit that request in writing. We will offer an accommodation to document your request if needed.

Examples of Uses and Disclosures

We will use your Protected Health information to provide services.

- Public Health: We may give your Protected Health Information to public health agencies who are charged with preventing or controlling disease, injury or disability and is required by law.
- Communicable Disease: We may disclose your Protected Health information to a person who may have been exposed to a communicable disease or may be otherwise at risk of contracting or spreading the disease or condition, if authorized by law to do so, such as a disease requiring isolation.
- Law Enforcement: We must disclose your Protected Health Information for law enforcement purposes as required by law.
- As Required by Law: We must disclose your protected health Information when required by federal, state or local law.
- Health Oversight: We must disclose your Protected Health Information to a health oversight agency for activities authorized by law, such as investigations and inspections. Oversight Agencies are those that oversee the healthcare system, government benefit programs, such as Medicaid, and other government regulatory programs.
- Abuse or Neglect: we must disclose your Protected Health Information to government authorities that are authorized by law to receive reports of suspected abuse or neglect.
- Legal Proceedings: We may disclose your protected Health information in the course of any judicial or administrative proceeding or in response to a court order, subpoena, discovery request or other lawful process.
- Required Uses and Disclosures: We must make disclosures when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the HIPAA Privacy Regulations.
- To Avoid Harm: We may use and disclose information about you when necessary to prevent a serious threat to your health or safety or the health or safety of the public or another person.
- For Specific Government Functions: In certain situations, we may disclose Protected Health Information of veterans. We may disclose your Protected Health Information for national security activities required by law.

[Notice of Privacy Practices Revised 8-2021 TU](#)



Aviso sobre las prácticas de privacidad

Agosto 2021

Este aviso describe como la Información de Salud Protegida sobre usted puede ser utilizada y divulgada y la manera en la que usted puede adquirir acceso a esta información. Por favor revise este aviso cuidadosamente.

Este aviso es provisto por parte de Tempus Unlimited, Inc., aquí nombrado como la Agencia.

PROPÓSITO: Este aviso sobre las prácticas de privacidad describe cómo podemos utilizar y divulgar su información médica protegida para llevar a cabo tratamientos, pagos u operaciones de atención médica y para otros fines permitidos o requeridos por la ley. La información médica protegida es información que puede identificar al consumidor y que está relacionada con la salud física o mental del consumidor, ya sea pasada, presente o futura y podría incluir el nombre, la dirección, los números telefónicos y otra información identificativa.

Se nos requiere por ley darle este aviso a usted y mantener la privacidad y la seguridad de su información médica protegida.

Debemos cumplir con este Aviso, pero nos reservamos el derecho de cambiar las prácticas de privacidad descritas en él. Se puede obtener una versión actualizada de este Aviso en la página de web de la agencia, www.tempusunlimited.org, y estará publicado en nuestras oficinas. También puede solicitar una copia actualizada enviando una solicitud por escrito al Departamento de Cumplimiento de la Agencia, 600 Technology Center Drive, Stoughton, MA 02072.

Entendemos que la información médica sobre usted y sobre su salud es personal y confidencial y estamos comprometidos a proteger la confidencialidad de su información de salud protegida. Hemos creado un registro sobre el cuidado y los servicios que usted recibe a través de la agencia. Necesitamos este registro para poder proveer servicios y para poder cumplir con ciertos requisitos legales. Este Aviso le informará sobre las formas en que podemos utilizar y divulgar su información. También le describimos sus derechos y ciertas obligaciones que tenemos para utilizar y divulgar su información médica protegida.

Si usted cree que sus derechos de privacidad han sido violados, usted puede someter una queja a nosotros o al Secretario de la Salud y Servicios Humanos de Estados Unidos en la página de web <http://www.hhs.gov>. Para someter una queja ante nosotros, puede enviar una carta a la agencia describiendo la violación al Departamento de Cumplimiento 600 Technology Center Drive, Stoughton, MA 02072. También puede someter una queja a través de correo electrónico dirigido a Grievance@TempusUnlimited.org.

No habrá represalias por someter una queja.

QUIENES SEGUIRÁN ESTE AVISO: Este aviso describe las prácticas de la agencia, los profesionales de la salud, los empleados, los voluntarios y otras personas que trabajan en cualquiera de los programas de Tempus Unlimited, Inc. en los que usted posiblemente participe.

Sus derechos de privacidad:

Usted tiene los siguientes derechos en relación a su información de salud protegida y puede:

- Obtener una copia impresa actualizada de este Aviso.
- Inspeccionar u obtener una copia de los documentos creados por la agencia. Su solicitud para obtener una copia de estos documentos tiene que ser sometida por escrito o en un formato que nos permita verificar al solicitante como el consumidor o guardián u otra persona designada.
- Solicitar que modifiquemos su información médica protegida (PHI, por sus siglas en inglés) si usted cree que la información está incompleta o incorrecta.

- Obtener un registro de ciertas divulgaciones de información médica protegida.
- Obtendremos su permiso por escrito para que los usos y divulgaciones de su información de salud protegida se le envíe a través de medios alternativos o en localizaciones alternativas.
- Obtendremos su permiso por escrito para que los usos y divulgaciones de su información de salud protegida que no sea cubierta por el aviso o permitido a través de la ley. Usted puede cancelar este permiso excepto en la medida en que el uso o la divulgación ya haya ocurrido. Este pedido para ser cancelado tiene que ser sometido por escrito o en un formato que nos permita verificar al solicitante como el consumidor o guardián u otra persona designada.

Nuestras responsabilidades:

Se nos requiere por ley mantener la privacidad y la seguridad de su información médica protegida y cumplir con los términos de este aviso. Le dejaremos saber prontamente si ocurre algún incidente que pueda haber comprometido la privacidad o seguridad de su información. Debemos de seguir los deberes y prácticas de privacidad que se describen en este aviso y darle una copia a usted. No usaremos ni compartiremos su información de otra manera que no sea la descrita aquí a menos que usted nos diga que podemos. Si nos dice que podemos, puede cambiar de opinión en cualquier momento. Le solicitaremos que envíe esa solicitud por escrito. Ofreceremos una adaptación para documentar su solicitud si es necesario.

Ejemplos de usos y divulgaciones:

Utilizaremos su información médica protegida para brindar servicios.

- Salud pública: Podemos compartir su información médica protegida con agencias de salud pública que están encargadas de prevenir o controlar enfermedades, lesiones o discapacidades y que sea requerido por la ley.
- Enfermedad contagiosa: Podemos divulgar su información médica protegida a alguna persona que pueda haber estado expuesta a alguna enfermedad contagiosa o que pueda estar en riesgo de contraer o propagar la enfermedad o condición, como alguna enfermedad que requiera aislamiento, si así lo autoriza la ley.
- Ejecución de la ley: Debemos divulgar su información médica protegida para fines de la ejecución de la ley, según sea requerido por la ley.
- Según lo exija la ley: Debemos divulgar su información médica protegida cuando así lo exija la ley federal, estatal o local.
- Supervisión de la salud: Debemos divulgar su información de salud protegida a una agencia de supervisión de la salud para las actividades autorizadas por la ley, tales como investigaciones e inspecciones. Las agencias de supervisión son aquellas que supervisan el sistema de salud, los programas de beneficios del gobierno como Medicaid, y otros programas regulatorios gubernamentales.
- Abuso o negligencia: Debemos divulgar su información médica protegida a las autoridades gubernamentales que están autorizadas por la ley para recibir informes sobre sospechas de abuso o de negligencia.
- Procedimientos legales: Podemos divulgar su información médica protegida en durante el curso de cualquier procedimiento judicial o administrativo o en respuesta a una orden judicial, citación, solicitud de proposición u otro proceso legal.
- Requerimiento de usos y divulgaciones: Debemos hacer divulgaciones cuando así lo requiera el Secretario del Departamento de Salud y Servicios Humanos para investigar o determinar nuestro cumplimiento con las Regulaciones de Privacidad de HIPAA.
- Para evitar daños: Podemos utilizar y divulgar información sobre usted cuando sea necesario para prevenir una amenaza grave a su salud o seguridad o la salud o seguridad del público o de otra persona.
- Para funciones gubernamentales específicas: Podemos divulgar información médica protegida de veteranos en ciertas situaciones. Podemos divulgar su información médica protegida para actividades de seguridad nacional requeridas por la ley.