



Introduction into the PCA Program

The Tempus Personal Care Attendant (PCA) program presents this manual to individuals and surrogates who wish to use the Personal Care Attendant Services through MassHealth's PCA program. This manual describes some of the history and philosophy of the PCA program, as well as the application process and consumer's rights in the program.

The manual also includes suggestions and ideas on different aspects of managing the PCA program. The material gathered here is the result of efforts by staff, advocates, and PCA users throughout Massachusetts, and reflects the many years of experience of people using the PCA program. We hope that you will find the material helpful, and that you will feel free to share your own ideas and suggestions with our staff, and with others PCA users.

Independent Living Philosophy

"Independent Living is a philosophy and a movement of people with disabilities who work for self-determination, equal opportunities, and self-respect.

Independent Living does not mean that we want to do everything by ourselves and do not need anybody or that we want to live in isolation. Independent Living means that we demand the same choices and control in our everyday lives that our nondisabled brothers and sisters, neighbors and friends take for granted. We want to grow up in our families, go to the neighborhood school, use the same bus as our neighbors, and work in jobs that are in line with our education and abilities, and start families of our own. Just as everybody else, we need to be in charge of our lives, think and speak for ourselves.

To this end we need to support and learn from each other, organize ourselves and work for political changes that lead to the legal protection of our human and civil rights."

- Adolph Ratzka

History of Personal Assistance Services

The Independent Living movement began in the early 70's with the establishment of Independent Living Centers- programs that are run by and for the people with disabilities. In Massachusetts, the first Personal Care Attendant program was set up in 1974 between the **Boston Center for Independent Living** and Medicaid to allow people with disabilities to take control over their personal care. Before this time, people with disabilities were forced to depend upon medical personnel for their daily care. Consumers had little control over how their care was done, when it was done, and by whom it was done. The PCA program gave consumers control and responsibility over their most basic daily needs. This element of consumer control is still the most basic foundation of the program.

Over the years, new PCA providers opened up, making PCA services available throughout the state. The PCA program has evolved over this time. In 1988, Medicaid allowed people to use the PCA program with the help of surrogates if they could not do all PCA management tasks independently. In 1999, another round of changes established Fiscal Intermediaries to handle payroll processing, tax reporting and payments for PCA users and surrogates who did not want to do these tasks themselves.

Throughout the years, and through these changes, the PCA program has remained rooted in the concept of consumer control. Consumers are expected to manage their own services as much as they are able. If a consumer cannot do themselves, and the surrogate will carry out their duties in the best interest of the consumer. There are now over twenty agencies providing PCA services in Massachusetts. While these agencies vary in size and structure, the PCA program rules are the same across the state. Access to PCA services begins with a call to the local provider of your choice.



PCA Program Reference Sheet

MY INFORMATION:

Consumer Number: _____	
Tempus Skills Trainer's Name: _____	

PCA PROGRAM CONTACTS:

Telephone:	1 (800) 924-7570
Fax:	1 (877) 867-1890

F.I. PROGRAM CONTACTS:

Telephone:	1 (877) 479-7577
Fax:	1 (800) 359-2884

WHO AND WHEN TO CALL OR FAX

- Call *Tempus PCA Program* when you are admitted and discharged from the hospital, rehab or a nursing home.
- Call *Tempus PCA Program* if you change your address or phone number.
- Submit a written notice to terminate a PCA via Fax to the *F.I. Program*.



PCA Program Complaint Policy

Any person applying for or receiving services from the Tempus Unlimited, Inc. PCA Program has the opportunity to communicate concerns about their staff experience or outcome of services. Throughout this description, "You" refers to the consumer who is applying for or receiving services, or his or her surrogate or legal guardian. "We" refers to the Tempus Unlimited, Inc. PCA program. This policy is made available and reviewed at least annually to all people who utilize the Tempus Unlimited, Inc. PCA program.

Complaint Procedure in regards to Initial Evaluation or Re-evaluation:

You are encouraged to solve any concern or conflict directly with the Tempus Unlimited nurse who conducted your evaluation in a way that maximizes respect and outcome. If you believe your issue has not been resolved with the nurse, you can write a letter to the Evaluation Department Supervisor. Complaint should be received within 10 business days of the date of your evaluation, or it may not be considered. *Complaints must provide specific information in relation to the evaluation and indicate a clear discrepancy or they will not be considered.* We will respond in writing to the written complaint within 3 business days.

If you do not understand the reasoning of the Evaluation Department Supervisor's response, you may write to the Program Director. The Program Director has 3 business days to respond to you by phone or in writing. You can mail or fax to the Tempus Unlimited, Inc. PCM office at 877-867-1890. If you are not satisfied with the Program Director's response, you may write to the CEO. The CEO has 14 days to respond to you.

Complaint Procedure in regards to other occurrences:

You are encouraged to solve any concern or conflict directly with Tempus Unlimited staff in a way that maximizes respect and outcome. If you believe your issue has not been resolved with staff, you can contact the office directly. We will verify your concern and notify a supervisor. If you prefer to submit your complaint in writing, you may do so. The supervisor will look into the matter and respond to you within 3 business days.

If you believe your issue hasn't been resolved by the decision of the supervisor, you may put your concerns in writing and send them to the Tempus Unlimited PCA Program Director. You can mail or fax to the Tempus Unlimited, Inc. PCM office at 877-867-1890. The Program Director will review the issues and respond to you by phone or in writing within 3 business days.

If you believe your issue hasn't been resolved by the decision of the Program Director, you may report these concerns in writing to the Chief Executive Officer (CEO) of Tempus Unlimited, Inc. The CEO will examine the issue and respond to you in writing within 14 days.

MassHealth Prior Authorization (PA) Decision

If you disagree with MassHealth's decision regarding your PCA hours as described in the PA letter you received from MassHealth, you may file an appeal with MassHealth. The process is included in the Fair Hearing Request Form which is sent with your PA Decision Letter. It is suggested that you keep the envelope that the Decision Letter came in so you have evidence of when the notice was sent to you. The 'How to Ask for a Fair Hearing information' includes Your Right to Appeal and How to Appeal. To request an appeal of a MassHealth decision, you must fill out the Fair Hearing Request Form and send the written request to Board of Hearing, Office of Medicaid, 100 Hancock St, 6th Floor, Quincy, MA 02171, or fax the form to 617-847-1204. Please keep one copy of the Fair Hearing Request Form for your records.



FAQ Guide

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What is the PCA Program?

The Personal Care Attendant (PCA) Program is a MassHealth program that helps people with long-term disabilities live at home by providing Prior Authorization 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
- Equipment maintenance

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, unless you have an Integrated Care Plan such as 1Care or SCO. 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 above).
- Personal Care services are prescribed by your primary care provider.
- 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 to Manage the PCA program determines that you need assistance to manage part of your PCA program, a consumer identifies a surrogate. Tempus can also help you with a referral to the 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 will mail you a copy of your Service Agreement and PCA evaluation when it is completed. 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.

If you are approved, MassHealth will mail you a Prior Authorization letter.

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. If your "family members" as defined above, are not available, there is consideration for those unmet tasks.

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 by a parent or caregiver. 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 clinical services will make a recommendation to MassHealth of 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 primary care provider, 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. The Prior Authorization will detail the outcome of the decision of time you can use to hire a PCA.

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 available on the Tempus Unlimited website under the Personal Care management page. You may also call the Tempus office for a copy, or with any assistance needed to file a complaint.

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
- Meeting with a Skills Trainer from your PCM agency at least quarterly during your first year in the PCA Program and when your surrogate changes
- 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 Management (PCM) Agency's responsibilities?

MassHealth contracts with Tempus PCM 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
- PCA Directory can assist with resources for hiring or advertising for PCAs.

Mass PCA Directory (helping Consumers looking for a PCA and helping PCA's look for work):

Mass PCA directory is sponsored by the [PCA Workforce Council](#) and it offers a comprehensive and current list of people in Massachusetts who are ready to provide personal care and consumers who are hiring PCAs. Visit www.masspcadirectory.org to get started!

New [how-to training videos](#) are available for consumer-employers on how to use the Mass PCA Directory. Learn how to register, post a job and manage messages.

- Your local Career Center can list your PCA job needs for free

- Call your PCM 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 how you reported your needs and also 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 Prior Authorization. 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#3 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. Electronic Timesheets are the best way to submit time worked. This information is posted on the Tempus Unlimited website and also in the PCM Consumer handbook.

Who pays my PCA?

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

Your PCA also has the option to be paid by direct deposit, or Debit Card.

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. Actual work times must be entered on the Timesheet to be correctly processed.

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 #3**, 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 (800) 924-7577**, 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 #3

Tempus Adult Foster Care Program (AFC) –
Daily tax free stipend for live in caregivers providing the care to a MassHealth member.
(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

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" which means that 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 or 1-888-822-0350 TTY.

It is better to err on the side of action. 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 (otherwise known as 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 or 1 (888) 822-0350

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

1 (800) 829-1040

www.irs.gov/

Department of Industrial Accidents (Workers' Compensation)

1 (617) 727-4900

www.mass.gov/dia/

US Department of Labor

1 (866) 487-9243

www.dol.gov

Disability Law Center

1 (800) 872-9992

www.dlc-ma.org/

Greater Boston Legal Services

1 (617) 371-1234

www.gbls.org/

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
<http://www.ago.state.ma.us/>

MassHealth Fraud Hotline

1 (877) 437-2830

MassHealth Enrollment Center

(Self-Services available 24 hours/7 days a week)
1 (888) 665-9993

ITV (Interactive Television)
(for people with partial or total hearing loss)
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) 941-2900

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) 555-0338

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 and Division of Career Services

1 (877) 626-6800

<http://www.detma.org/>

Mass. Office on Disability

1 (800) 322-2020

<http://www.mass.gov/mod/>

Social Security Administration

1 (800) 772-1213

<http://ssa.gov/>

PCM Use and Disclosure

*This notice describes how your services and/or medical information about you may be **used and disclosed** by Tempus Personal Care Management (PCM), program workers and how you can get access to this information.*

- Tempus Unlimited administers programs for those eligible for MassHealth, which includes PCM.
- Personal Care Management “program workers” include staff who is also responsible to follow this use and disclosure notice.
- Tempus will not use or share your information other than as described here unless you tell us we can in writing. -You may change your mind at any time.
- Tempus Personal Care Management shares required PCA employer related information with the *Tempus Unlimited Fiscal Intermediary (FI)* program for the purposes of a consumer’s enrollment to the **PCA program**.
- Let us know in writing or by telephone (someone can assist you with the written request) if you change your mind.
- You also have the right to access your record upon request to Tempus Unlimited PCM Keeper of Record.

Member rights and responsibilities:

- All potential and current program participants sign a **Permission to Share** form which further identifies entities Tempus may contact to establish your eligibility to this MassHealth program. If you restrict contact with other entities, services to establish eligibility or program continuation could end.
- All program participants will review this Use and Disclosure form, and ask questions about anything written.
- Identify an Emergency Contact in case Tempus PCM can’t get in touch with you.
- You have the choice of how we share your information with your surrogate – email, text, phone – and this will be reviewed with you as applicable.
- You have the right to ask Tempus to limit information that is shared with anyone.
- Member can restrict or share information in a disaster relief situation.
- Member can restrict or share your information in a hospital directory.
- You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy.
- File a complaint if you feel your privacy or security rights have been violated.

Tempus Unlimited has certain responsibilities:

- Tempus is required by law to maintain the privacy and security of your protected health information.
- Tempus will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.
- If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest.
- We will say “yes” to restrict whom we share your services/medical information with unless a law requires us to share that information.
- We will only share your information with you so that you can share with another.
- Tempus Unlimited will share your PCM clinical assessment and/or program information with your primary care provider and MassHealth for eligibility, auditing and billing purposes.
- Medical Practitioners and Tempus Unlimited clinical team can share info with each other if the purpose is establishing eligibility.
- We will not ask you for your passwords.
- We can use and share your health information to bill and get payment from health plans or other entities. Example: We give information about you to MassHealth or the SCO/1Care/MCO/ACO plan, so it will pay for your services.

How else can we use or share your health information?

Tempus will not share your information in other ways that contribute to the public good, such as public health and research, unless you tell us to do so.

Tempus will not share your information for marketing purposes. We have to meet many conditions in the law before we can share your information for these purposes.

For more information see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html.

Help with public health and safety issues

We can share health information about you for certain situations such as:

- Reporting suspected abuse, neglect, or domestic violence
- Preventing or reducing a serious threat to anyone’s health or safety – includes reporting contagious diseases that cause risk to public safety

Comply with the law

- We will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we’re complying with federal privacy law.

Address workers’ compensation, law enforcement, and other government requests

We can use or share health information about you:

- For workers’ compensation claims
- For law enforcement purposes or with a law enforcement official
- With health oversight agencies for activities authorized by law –
 - *We will share your information when needed to lessen a serious and imminent threat to health or safety of you or others.*
- For special government functions such as military, national security, and presidential protective services

Respond to lawsuits and legal actions

- We can share health information about you in response to a court or administrative order, or in response to a subpoena.
- We are required by law to maintain the privacy and security of your protected health information.

For more information see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html .

Changes to the Terms of This Notice:

We can change the terms of this notice, and the changes will apply to all information we have about you. The new notice will be available upon request, in our office, and on our web site: www.tempusunlimited.org

Tempus Unlimited does not discriminate against anyone and welcomes everyone to apply for our services. Eligibility is based strictly on the regulations.



Personal Care Management
600 Technology Center Drive
Stoughton, MA 02072
(900) 924-7570 #3



PCM COMPLAINT POLICY

Any person applying for or receiving services from the Tempus Unlimited, Inc. PCA Program has the opportunity to communicate concerns about their staff experience or outcome of services. Throughout this description, "You" refers to the consumer who is applying for or receiving services, or his or her surrogate or legal guardian. "We" refers to the Tempus Unlimited, Inc. PCA program. This policy is made available and reviewed at least annually to all people who utilize the Tempus Unlimited, Inc. PCA program.

Complaint Procedure in regards to Initial Evaluation or Re-evaluation:

You are encouraged to solve any concern or conflict directly with the Tempus Unlimited nurse who conducted your evaluation in a way that maximizes respect and outcome. If you believe your issue has not been resolved with the nurse, you can write a letter to the Evaluation Department Manager. Complaint should be received within 10 business days of the date of your evaluation, or it may not be considered. *Complaints must provide specific information in relation to the evaluation and indicate a clear discrepancy or they will not be considered.* We will respond in writing to the written complaint within 3 business days.

If you do not understand the reasoning of the Evaluation Department Manager's response, you may write to the Program Director. The Program Director has 3 business days to respond to you by phone or in writing. You can mail or fax to the Tempus Unlimited, Inc. PCM office at 877-867-1890. If you are not satisfied with the Program Director's response, you may write to the CEO. The CEO has 14 days to respond to you.

Complaint Procedure in regards to other occurrences:

You are encouraged to solve any concern or conflict directly with Tempus Unlimited staff in a way that maximizes respect and outcome. If you believe your issue has not been resolved with staff, you can contact the office directly. We will verify your concern and notify a manager. If you prefer to submit your complaint in writing, you may do so. The manager will look into the matter and respond to you within 3 business days.

If you believe your issue hasn't been resolved by the decision of the manager, you may put your concerns in writing and send them to the Tempus Unlimited PCA Program Director. You can mail or fax to the Tempus Unlimited, Inc. PCM office at 877-867-1890. The Program Director will review the issues and respond to you by phone or in writing within 3 business days.

If you believe your issue hasn't been resolved by the decision of the Program Director, you may report these concerns in writing to the Chief Executive Officer (CEO) of Tempus Unlimited, Inc. The CEO will examine the issue and respond to you in writing within 14 days.

Should Tempus Unlimited provide a response that you continue to be dissatisfied with, you may reach out to MassHealth.

MassHealth Prior Authorization (PA) Decision

If you disagree with MassHealth's decision regarding your PCA hours as described in the PA letter you received from MassHealth, you may file an appeal with MassHealth. The process is included in the Fair Hearing Request Form which is

sent with your PA Decision Letter. It is suggested that you keep the envelope that the Decision Letter came in so you have evidence of when the notice was sent to you. The 'How to Ask for a Fair Hearing information' includes Your Right to Appeal and How to Appeal. To request an appeal of a MassHealth decision, you must fill out the Fair Hearing Request Form and send the written request to Board of Hearing, Office of Medicaid, 100 Hancock St, 6th Floor, Quincy, MA 02171, or fax the form to 617.847.1204. Please keep one copy of the Fair Hearing Request Form for your



PCA Program: Getting Started

It is required for all PCA Consumers to report other services to avoid duplication.

PCA Program can be used along with some other services, such as:

- Adult Day Health
- Day Habilitation
- Early Intervention
- Elder Services
- Employment
- Hospice
- Private Duty Nursing
- School
- Visiting Nurse Association

PCA Program **IS NOT** allowed to be used with:

- Group Adult Foster Care
- Adult Foster/ Family Care

PCA Program **CANNOT** be used while you are in a facility, rehab, nursing home or hospital.

Please call Tempus *PCA Program* if you **ADD** or **DISCHARGE** other services **and** when you are **ADMITTED** to and **DISCHARGED** from a facility.

1 (800) 924-7570

Please call Tempus *F.I. Department* also when, you are **ADMITTED** to and **DISCHARGED** from a facility.

1 (800) 479-7577



Emergency Management

Along with being able to hire and manage PCAs, an individual who uses PCA services must be able to recognize and deal with potential health problems. The PCA provider agency will review this area with you, and will provide any training if needed. You are expected to have the following skills:

1. Be able to identify the signs of an emergency situation related to your own disabilities;
2. Be able to describe your emergency medical procedure for:
 - Situations that require transport to a hospital
 - Situations that can be handled at home and
 - General emergencies (fire, snowstorms, etc.)
3. Identify and describe the use of available emergency equipment;
4. Establish and post in sight, a written list of emergency numbers. These numbers should include:
 - a. Police
 - b. Fire
 - c. Ambulance
 - d. Preferred hospital
 - e. Primary Care Physician
 - f. Family member
 - g. Reliable neighbor
 - h. Support people
 - i. PCAs
 - j. Back-up PCAs
 - k. Lifeline service, if applicable
 - l. Be aware of community policies for snow emergencies

Many local fire departments maintain a list at each fire station of local residents who need help evacuating in an emergency. You should call your local fire department to see if they keep such a list. It is also a good idea for residents of apartment complexes to be familiar with the emergency response procedures in case of fire. In some buildings the Fire Department may recommend staying in your apartment, or gathering in a stairwell. Check with your building manager or local Fire Department to see what procedures are recommended in your building.

Date: ____ / ____ / ____		
Individual Health and Safety Plan		
Consumer's Name: _____	Date of Birth: ____ / ____ / ____	
Disability: _____		
Physician:	Physician's Telephone No.: (____) ____ - ____	
Physician's Address: _____ _____ _____		
Other Healthcare Providers		
Healthcare Provider's Name	Healthcare Provider's Specialty	Healthcare Provider's Telephone No.
1. _____	_____	(____) ____ - ____
2. _____	_____	(____) ____ - ____
3. _____	_____	(____) ____ - ____
Emergency Telephone Numbers		
Fire Department/ Police Department/ Rescue		911
Disabled Persons Protection Commission		1 (800) 426-9009
Preferred Hospital for Emergencies		
Hospital Name: _____	Hospital's Telephone No.: (____) ____ - ____	
Hospital's Address: _____ _____ _____		
Emergency Contacts		
Contact's Name	Contact's Telephone No.	
1. _____	(____) ____ - ____	
2. _____	(____) ____ - ____	
Emergency Procedures		
(step by step, including transportation method and notification of family)		
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black;"></div>		
Fire Procedures		
(edit to use, where to wait, how to signal presence)		
<div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black;"></div>		

Medication List on Reverse

Medication List	
-----------------	--

Medication Name		Dosage	Time(s)
1.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
2.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
3.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
4.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
5.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
6.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
7.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
8.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
9.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME
10.			<input type="radio"/> AM <input type="radio"/> PM <input type="radio"/> BEDTIME

Potential Medical Problems

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Tempus Unlimited, Inc.

Skills Training for the PCA Program - Service Agreement

This training is for you - This is your plan

Introduction

- Consumer/Surrogate Responsibilities
- PCA Roles and Responsibilities
- PCA Backup Plan/List
- PCM Agency Responsibilities
- Fiscal Intermediary (FI) Responsibilities
- Schedule of Functional Skills Training
- Surrogate Agreement
- Signatures

Consumer/Surrogate Responsibilities

- Assessments and Evaluations
 - Please cooperate during the process
 - Review and sign Evaluation, Assessment and Service Agreement
- PCA Management Tasks
 - Comply with all MassHealth rules
 - Do not bill while also using Group Adult Foster Care, Adult Foster Care, Day Hab, Adult Day Health or while in the hospital or facility

Admission to Hospital or Nursing Facility

You must notify PCM and FI

- Call and make the report
 - Tell us the time and date you were admitted
 - Tell us the time and date you are discharged
- Your PCAs can work before you are admitted
- Your PCAs can work after you are discharged
- Your PCAs can not work while you are admitted
- Please keep in touch with the PCM on your status while admitted.

PCA Management Tasks

- MassHealth approves the number of hours and the tasks using the Evaluation done by the RN and/or OT.
 - Employ your PCAs for no more than the number of hours approved
 - PCAs only perform approved ADL's and IADL's
 - Bathing dressing/undressing, mobility, medications, passive range of motion, eating, and toileting
 - Housekeeping, laundry, shopping, meal prep, wheelchair, maintenance, transportation
- Notify the FI of the PCA date of hire and the date of termination and PCA change of address

Complex Care

- Complex Care services require a specific PCA evaluation confirming the need for hands-on help with tasks like digital rectal stimulation (DRS) or enteral tube feedings, and are subject to new rules, including the exclusion of certain skilled tasks like certain types of tube feedings. Members must work with their Personal Care Management (PCM) agency and Personal Care Attendant (PCA) agency to meet eligibility and administrative requirements.
- Eligibility for complex care PCA services requires an assessment confirming the need for physical assistance with specific tasks like digital rectal stimulation or enteral tube feeding.

PCA Management – Overtime

- Contact PCM immediately when a consumer wants to pay a PCA for overtime:
 - Only certain conditions can apply
 - An unforeseen event occurs that prevented the usual PCA from coming in on their regularly scheduled shift
 - Special circumstances require a PCA to work over 50 hours a week. In this case you need authorization from MassHealth. This authorization may be temporary.
 - Special circumstances require a PCA to work up to 66 hours a week. In this case you need authorization from MassHealth.
 - You must report to PCM:
 - Your whole PCA schedule for the work week, including the names of all the PCAs employed
 - PCA name who couldn't work
 - Documentation of attempts to hire a replacement PCA
 - The list of PCAs who were contacted – at a minimum all persons employed or listed as emergency backup.

PCA Management – Jury Duty

- If your PCA has jury duty and can't come to work.
 - MassHealth will pay the PCA for the maximum of 3 days
 - Notify PCM:
 - The number of hours the PCA was scheduled to work during jury duty
 - Send in the Documentation: Copy of Certificate of Juror Service (state) or Copy of Attendance Sheet (Federal)

PCA Management Tasks

- Consumer Notifies PCM, FI, and MassHealth when there is a change of address or phone number.
- Work with PCM to develop a backup list of PCAs
- Work with PCM and FI to resolve any disagreements or complaints

Consumer Responsibilities - Employer of the PCA

- Comply with all applicable state and federal labor laws, including child labor laws.
- Hiring, scheduling, training and terminating PCAs.
- Practice safe employment of PCAs
 - Legally able to work in the US (I9 form complete)
 - You can communicate and they carry out directions
 - The PCA is willing and able to receive training and supervision
 - The PCA provides great care that is free from abuse and neglect.

Who cannot be a PCA?

- Surrogate
- Consumer's spouse
- A parent of a minor (younger than 18 years old)
- Adoptive/Foster parent
- Legally responsible relative (guardian who is related to you)

PCA Responsibility

- Provide the consumer with physical assistance as approved by MassHealth.
- Provide care as directed by consumer or surrogate
- Conduct themselves as any employee would.
- Respect their employer who is the consumer or surrogate
- Honest time put in for honest work done.

The Consumer is the Employer

- Perform all employer-required tasks as described in the MassHealth Consumer agreement under the option selected
- Inform the PCA of the right to have direct deposit
- Distribute checks to PCAs unless they have direct forms as required by the FI for proper PCA payment
- Submit Time Sheets (Activity forms) for PCA payment soon after PCA has worked for the pay period
- Ensure that the timesheets correctly identify the hours that the PCA worked for each pay period, and the PCA's name is correct and legible.

PCA Backup Plan/List

- It is very important to have a list of PCAs identified that can come to work if another PCA cannot come in.
- It is important that the backup PCA has completed FI paperwork so there will be no issue with payment for time worked.

Tempus PCM is the Personal Care Management Agency

- Tempus PCM is your consultant
- Tempus PCM shares information with you to ensure you understand how to be a successful employer for the PCA program.
- Tempus PCM is responsible:
 - Develop and review the Service Agreement
 - Will provide you with a copy of the Service Agreement
 - Monitor the Service Agreement:
 - Could be skills training visits to ensure that the consumer or the consumer's surrogate is managing the PCA program successfully.

Tempus PCM – Assessment and Evaluations

- Conduct formal written assessment of consumer's ability to manage the PCA Program
- Have an RN perform an evaluation of the consumer's ability and need for PCA services to recommend how many hours per week or per night a PCA is needed to physically assist the consumer
- Submit the Evaluation to MassHealth

- Be available for any training for consumer to manage the PCA program.
- Tempus PCM must notify MassHealth if we feel that the consumer or surrogate are not managing the PCA program according to the rules and regulations of the program.

Intake/Orientation and Functional Skills Training

- Eligibility determination
- Information about the rules, regulations and policies of the PCA program
- Teach consumer/surrogate how to manage safely
 - Schedule for appropriate work hours per week or per night as approved by MassHealth
 - How to recruit, hire, train, schedule, evaluate, and terminate PCAs.

Hiring PCAs safely

- CORI
- SORI
- OIG
- Local Police
- Check references for everyone
- Think of interviewing outside of your home
- Never give personal identification to someone you don't know

Tempus FI is your Fiscal Intermediary

- It performs all employer-required tasks as described in MassHealth Consumer Agreement
- Issues payment for PCAs
- Pay only when consumer has an active Prior Authorization
- Consumer Service relating to timesheets, tax forms, and functions of the FI
- The FI shares information with the PCM about overbilling, no billing and other concerns.
- Notifies MassHealth, PCM and consumer when consumers consistently overusing PCA hours.
- Provide you with Timesheets and pay period schedules – send in Supply Request form with timesheets when you need more.

Skills Training Moving Forward

- Page 7 of the Service Agreement is the plan for upcoming skills training and the frequency and method.
- This details who is responsible to receive the training and oversee the activity
- Page 8 is the signature page to show proper understanding and responsibility to the PCA program.

Any Questions?

Next scheduled appointment....

Thank you for choosing Tempus Unlimited, Inc.

We look forward to working with you.

The MassHealth EVV PCA Program requires consumers and their Personal Care Attendants (PCAs) to use a new electronic timesheet system to record services. EVV is a federal mandate under the [21st Century Cures Act](#) designed to verify when and where services are provided, ensuring proper use of Medicaid funds. The system allows PCAs to clock in and out of shifts using a device, which records the start and end times and location of the clock-in/out event, not the entire shift.

Key Aspects of the EVV PCA Program:

- **Federal Requirement:**

MassHealth is required to implement EVV due to a federal law mandating electronic record-keeping for in-home personal care and home health services.

- **Consumer-Directed Program:**

The PCA program allows individuals to hire and manage their own PCAs, and the shift to EVV does not change the services or schedules.

- **How it Works:**

- **Clocking In/Out:** PCAs use a device with internet access (or connect later) to clock in at the start of their shift and clock out at the end.
- **Data Collection:** The system records the date and time of the clock-in/out and the GPS coordinates of the clock-in/out event.
- **No Shift Tracking:** EVV does not track your location during the entire shift or the specific times you are performing tasks.

- **Implementation Timeline:**

- New consumers joining the PCA program after January 1, 2024, begin using EVV immediately.

- **Device Options:**

- Consumers and PCAs can use their own devices that meet the system requirements.
- A device voucher program is available for those who need a basic smartphone to use EVV.

- **Why it's Used:**

- **Verification:** It verifies that services were provided as billed.
- **Accountability:** It helps ensure that individuals receive the services they need.
- **Appropriate Fund Use:** It ensures that Medicaid funds for these services are used appropriately.

MassHealth is updating the Personal Care Attendant (PCA) program with a new seniority-based wage system for PCAs, effective July 1, 2025, as outlined in a new collective bargaining agreement. Complex Care services require a specific PCA evaluation confirming the need for hands-on help with tasks like digital rectal stimulation (DRS) or enteral tube feedings, and are subject to new rules, including the exclusion of certain skilled tasks like certain types of tube feedings. Members must work with their Personal Care Management (PCM) agency and Personal Care Attendant (PCA) agency to meet eligibility and administrative requirements.

Eligibility for complex care PCA services requires an assessment confirming the need for physical assistance with specific tasks like digital rectal stimulation or enteral tube feeding.

Limitations on Complex Care:

MassHealth will not approve PCA time for enteral tube feeding in cases where there is an aspiration risk or other signs of potential skilled service



PCA Recruiting & Interviewing

Helpful Tips in Preparation for Hiring a PCA

You have applied for the PCA Program and may need to begin preparing to hire a PCA. Remember the date of hire must be no earlier than the start date of your Prior Authorization, which is provided in your MassHealth decision letter.

1. Establish your care needs as approved by MassHealth
2. Establish when you wish to receive your care
3. Establish a schedule that fits your personal care and household needs
4. Document a job description and some qualifications that are important to you
5. Advertise and be clear about your expectations:
 - Local Career Center
 - MassHealth PCA Directory Website
 - Word of mouth/network with family and friends
6. Interview: Establish some important qualities that you are looking for and ask that person to explain their qualities. Remember it is your PCA Program and you deserve to hire the exact person you are looking for.

7. Background and Reference Checks:

- Run a free **Criminal Offender Record Inquiry (CORI)** <https://www.mass.gov/doc/home-health-aide-request-form/download>
- Check **Sex Offender Registry** (SORI list on the www.mass.gov website)
- Check the **Office of Inspector General** List of Excluded Individuals and Entities at www.oig/leie to be sure the potential employee is not restricted from working in a MassHealth funded program such as the PCA Program
- **Personal Reference Checks** or Professional Reference Checks: Ask potential PCA to provide a phone number or written letters of reference (sometimes a reference from a PCA's primary doctor could be helpful)

Note: PCAs WILL ONLY BE PAID WHEN THERE IS A DECISION LETTER FROM MASSHEALTH AUTHORIZING THE PCA PROGRAM.

PCA CAN BEGIN WORK ON THE EFFECTIVE DATE OF THE DECISION LETTER.

Recruiting Methods

Are you looking to hire a Personal Care Attendant (PCA)?



A **consumer-employer** is a person with a disability who hires, trains, and manages PCAs to assist with their daily tasks.

The MassHealth PCA Program helps people with long-term disabilities live independently by giving eligible members funds to hire PCAs to help with activities of daily living. Consumer-employers assume the responsibility for hiring and managing their own PCAs to meet their specific care needs.

My Personal Care Management (PCM)

Agency: _____

Contact Info: _____

My Skills Trainer

Name: _____

Contact info: _____

If you have any questions about how to manage your program, contact your skills trainer.

More information is available at
www.MADirectCare.com.

Get started: Post your job

The PCA Workforce Council partners with many organizations to offer current listings of people who are ready to provide personal care services to you.

**See the back of this flyer for
places to post your job.**



PCA Quality Home Care Workforce Council
1 Ashburton Place, 11th Floor, Boston, MA 02108
pcacouncil@state.ma.us

(1/2022)

Where to Post Your Job



Mass PCA Directory

The Mass PCA Directory connects MassHealth consumer-employers with PCA candidates.

You can:

- Create a job posting
- Search for PCA candidates in your area

The Directory will:

- Find PCAs based on information in your job posting
- Notify you by email or text when new PCAs are in your area

Visit www.MassPCADirectory.org to get started and watch training videos on how to register, post a job, and read messages. Call 888-MassPCA (267-7722) if you have questions about the directory. If you don't have access to a computer, contact your Skills Trainer who can print a list of PCA candidates.



MassHire Career Center

Visit www.mass.gov/masshire-career-centers/locations to find the center near you.

1. Call and ask for a Business Service Representative (BSR).
2. Tell the BSR you are a "MassHealth PCA Consumer registering as an employer with them".
3. Tell the BSR your Fiscal Intermediary is Tempus Unlimited. The BSR needs Tempus' federal employer identification number to post your job.



Massachusetts Rehabilitation Commission (MRC)

MRC utilizes career counselors to work with consumer-employers every step of the way to match and refer PCA candidates.

Visit www.mass.gov/lists/pca-employer-job-order-forms-for-mrc to download the PCA Employer Job Order Form.

Word of Mouth

This method is preferable because the potential PCA is known by you/family or has a connection to someone you know. It involves contacting people you know and asking them to tell anyone they know that may be interested in your job. It is most effective when you work hard to get the word out. Good, potential PCAs may be former teachers, former home health aides, respite workers, neighbors, church members, or someone you have met through a community activity function.

Make a list of all possible "word of mouth" connections. Note on the list the date you spoke to each person. Approximately 1-2 weeks later, make a follow up call to remind each person that you are still

looking for a PCA. If your contact is not interested, ask them to talk with people they know and trust about your job. ***Remember to check references for all PCA, even if it is a friend of a friend.***

There are many different ways to recruit potential PCAs.

Here are some ideas:

- Some teachers and professors will give credit to students in special education, psychology, rehabilitation or mental health counseling and interpreters who live in and work as PCAs. Contact such departments at universities or community colleges directly.
- Contact employment offices at local colleges
- Contact housing divisions of the Armed Forces near you. Sometimes a spouse may like to live off base where the husband and wife could visit, but could not afford it without help.
- Call groups representing employment of people with disabilities. Many people with disabilities can be competent PCAs
- Make 10 contacts per day to any or all of the above and others. Each one must be different.
- For high school aged PCAs, guidance officers may be able to put you in touch with students looking for work. High school coaches may know of off-season athletes who may be available to provide PCA services
- Contact the MassHire. They keep lists of jobs available for job seekers, as well as maintaining an on-line list of jobs.

Bulletin Boards and Posters

Posting ads on bulletin boards allows you to write an eye-catching description of your job. Your ad should include the town you live in (not the address), a brief description of the job, hours, and who to contact for more information. You may want to include the pay or a brief description of yourself. At first you will need to experiment in your local area to see which places should produce the most applicants. Many people have had success when they place an ad at local colleges (or high schools), churches (if you ask, they may publish the ad in their bulletin), libraries, hospitals, nursing homes and cultural clubs.

Make sure to take along tape or tacks to secure your ad when posting. Colleges typically require postings to be approved through the student employment office. Inquire first to save time.

Personal contact often helps in recruiting good workers. It may be beneficial to make a follow up call two weeks after you've posted an ad to inquire if there has been any response and to remind your contact that you're still looking for a Personal Care Assistant (PCA).

It may help to keep track of where you've posted ads, follow up calls you've made and the outcome. Over time, this information could help you decide which postings produced the most applicants. Remember to ask an applicant where they saw the ad so that you will know which postings have been most effective.

Newspapers

If your recruiting efforts haven't been successful through word of mouth and posting notices, consider placing an ad in the newspaper. Although some people hesitate to place ads in the paper, this method does help you reach the most people. To find out the cost for a brief ad, you will need to contact the ad department of the newspaper company. Some papers have a special section for personal assistants, which are less expensive and allow you to give more detail. Newspaper ads must be concise, but you can get a lot of information into a short ad. ***The beginning of the week is the best time for advertising.***

The Internet

There is a website for PCAs and Home Health Aides seeking work and for consumers seeking PCAs. As more people use it, it may become a useful recruitment tool. The address is (PCA Directory Information) www.mass.gov/how-to/hire-a-pca. Please remember that no matter how you locate potential PCAs, you're still responsible for screening and obtaining references.

Telephone Screening

When people call your home in response to your ad, you can save time by asking a few questions before you spend time talking about yourself or the details of the job.

Here are some examples of screening questions:

- Where do they live? (Is distance reasonable?)
- Are you available during the hours needed?
- Is the pay rate acceptable? (Pay rate is in accordance with the Massachusetts PCA Union, 1199SEIU)
- If lifting and/or transferring are required, can you perform this task and all essential tasks?

If the applicant does not meet these non-negotiable requirements, thank them for responding to the ad and cut the conversation short. If they do answer favorably to these screening questions, briefly describe the job. If, after speaking briefly with the applicant, you feel he/she is someone who is a strong applicant, set up a time and place for an interview.

Before hanging up, make sure you have their name and phone number. Be prepared to give clear directions to your meeting site (a neutral site such as the library or your home) and mention anything you want the applicant to bring such as references or a driver's license. Make sure they have your phone number and make sure they understand you will expect them at the designated time. Tell them to call if anything should come up and they can't make it.

Interviewing

The interview is an opportunity for you and your potential PCA to get to know each other. Some preparation will help you feel confident and help the interview run smoothly.

- Have a clean copy of an application ready for the applicant to fill out. This will be for your records.
- Have a job description ready. Know your needs.
- Consider holding interviews at a neutral location, such as the library. In doing this, the applicants you choose not to hire will not know the location of your home.
- If you are uncomfortable doing interviews on your own, ask someone to join you.
- Make sure you discuss the wage and benefits of the job, as well as your schedule and any rules or policies you have established. (Reference Helpful Suggestions)
- Have your interview questions prepared. It may be helpful to have a copy of the questions in front of you while interviewing. This will help you remember to cover all-important points and is a good place to take notes. The next page contains a list of possible interview questions.

Sample Interview Questions

What is your past experience and background?	Would you be able to lift me or help with transfers?
What made you want to apply for this job?	How do you feel about helping with personal care tasks such as bathing, hygiene, etc.?
What hours are you available?	What do you consider your strongest quality?
How many hours per week are you looking for?	Why did you leave your last job?

Are you willing to fill in if an illness and/or emergency occur?	Do you have reliable transportation?
Would you work weekends and holidays?	Discuss examples of situations that might arise, and how they would react.

Checking References

Ask for at least two references- both work related and personal. Not all of the references will be usable; a supervisor may be away, or a company may have closed. If a person has been out of the work force for a while, find out if they have been involved in any community activities or taken any classes. A professor or committee chairperson can tell you whether the person completed tasks properly and on time. A reference from their medical provider may also help clear the PCA for ability to perform duties.

Some companies require a written release before telling you anything about an employee. Others have a policy not to give out any information except for the dates of employment. This is another reason to ask for more references than you think you may need. If companies refuse to give you information, call the applicant, explain the situation, and ask for additional references.

When checking references, briefly verify what the applicant told you about dates of employment and the job title. Determine if his or her job performance was satisfactory. If the applicant no longer works there, ask about eligibility to rehire.

Some applicants may refuse to let you talk to their present employer, fearing that they will lose the other job. This is probably okay, as long as they provide you with other references. When talking to present employers, it is always helpful to stress that the hours are at night or on weekends, and that this job will no way interfere with the other position.

Successful reference checking is mainly a question of balancing the information you obtain. Weigh employment references (including babysitting and classes) more heavily than personal references. Naturally, the applicant's brother and best friend will have only good things to say, but sometimes you can tell something about people by the company they keep.

If you get one bad reference and three good ones, try to determine which source has more credibility. An employer could have a personal grudge against a former employee, or the employee may have been fired for opposing an unjust situation at the worksite, and this would actually end up being a positive recommendation.

Once you have spoken to all of the references and weighed them against one another, it's time to make a decision. Ultimately, you will have to trust your instincts, and the accuracy of your judgments will improve over time.

Even if all of the references are good and you think you'll like the person, you never know until the last minute whether he or she will end up working for you. You may call to offer the job, only to have the person say "I found someone else" or "I've been thinking it over and I'm no longer interested."

Don't take it personally. Keep a sense of humor and do some additional interviews.

HELPFUL SUGGESTIONS FOR PCA CONSUMERS TO MENTION DURING AN INTERVIEW:

- Because I am the employer, I know my needs best. My PCA Services are my prescription for care.
- My schedule is based on my needs and when I need the help.
- Punctuality is a must. I depend on you to be at work on time. If you are going to be late, please call. Abuse could mean termination.

- Please keep my information confidential. Please DO NOT talk about my condition- this is the LAW.
- Following instructions is a must. I do things a certain way because they work for me. Please DO NOT try and change this unless you ask.
- My phone is not for your personal use. DO NOT give out my number, unless you ask. (Emergencies are the only exception).
- PCAs should NOT call Tempus PCM or Tempus F.I. If there is an error or pay is late, I will address this.
- Timesheets are MY responsibility to process. PCA hours documented are actual PCA hours worked. All time entered must be in 15 minute increments as follows:
 - .25 = 15 minutes
 - .50 = 30 minutes
 - .75 = 45 minutes
- Sick Time is based on regulations located at www.mass.gov/ago/earned sicktime. If you or an immediate family member is ill, please call me as soon as you know that you may be out. I must cover your time. Abuse of sick time could result in termination. I may require a doctor's note after more than 2 days sick.
- There is no paid vacation time. Requests for unpaid leave must be submitted at least 2 weeks in advance and in writing. PCAs should always give as much notice as possible.
- Holidays: Christmas, Thanksgiving, July Fourth, and New Year's Day are paid at time and a half only if you are scheduled and work any of those four holidays.
- Respect in all communication is expected.
- I need to know my PCA is trustworthy.
- NO drugs or alcohol before or while on duty.
- Please DO NOT bring your children to work, it is difficult to keep your mind on your job if you are caring for children.
- Please leave your personal problems at home while working as my PCA. Tell me good news!
- Please DO NOT smoke in my home/place of employment.



**Find PCAs who are ready
to work...**

www.masspcadirectory.org

**...by using the
Massachusetts PCA Directory**

Find a PCA for yourself or someone in your care who needs assistance with personal care needs and other daily activities

Find the right PCA – right now

Finding and hiring a personal care assistant – or PCA – to work with elders and individuals with disabilities is quick and easy...when you use the Massachusetts PCA Directory. This service provides an up-to-date listing of PCAs who are ready and willing to work. It's available online at www.masspcadirectory.org.

The Directory will help you find PCAs willing to work part time or full time – or even nights, early mornings and weekends. You can also specify whether you need a PCA who will...

- Work with adults, elders, or children
- Drives or has a car
- Speaks your language

Best of all, the Massachusetts PCA Directory is free if you receive PCA services from MassHealth. As an employer you are responsible for conducting all mandatory background checks.

Register and subscribe today at:
www.masspcadirectory.org

For more information

Contact your Personal Care Management agency or call toll-free 1-866-212-9675 to get quick answers to any questions you have.

Para Mayor Información

Comuníquese con su agencia de Manejo de Cuidado Personal o llame gratis al 1-866-212-9675 para obtener contestaciones rápidas a cualquier pregunta que tenga

Encuentre al Asistente Personal idoneo ahora mismo

Encontrar y contratar a un asistente personal--(o PCA por sus siglas en inglés)--para trabajar con ancianos y personas incapacitadas ahora es rápido y fácil...cuando usted usa el Directorio de Asistentes Personales de Massachusetts. El directorio está disponible en www.masspcadirectory.org

Si usted es residente de Massachusetts y recibe servicios de asistentes personales de MassHealth, incluyendo CommonHealth, este servicio gratuito proporciona un listado actualizado de **PCAs que están listos y dispuestos a trabajar.**

Use el Directorio para localizar PCAs dispuestos a trabajar a tiempo parcial o completo...o noches y fines de semana. Usted puede especificar si necesita un PCA quien...

- Trabaja con adultos, ancianos o niños
- Maneja o tiene un carro
- Habla su idioma

Como empleador, usted proporciona el entrenamiento conforme a sus necesidades específicas y se responsabiliza de las revisiones obligatorias de los antecedentes del candidato.

El directorio está disponible en
www.masspcadirectory.org

www.masspcadirectory.org is an online resource that connects PCAs with elders and people with disabilities. It is a service of Rewarding Work Resources, a non-profit organization, in collaboration with the PCA Quality Homecare Workforce Council.

Commonwealth of Massachusetts
Executive Office of Health and Human Services
PCA Quality Homecare Workforce Council

Tips for Hiring

When hiring a new PCA, it is important that you develop trust with that person before bringing him or her into your home. Below are suggestions to help you stay safe and begin a successful relationship with your new employee.

Develop a telephone interview to determine that the applicant meets the minimum requirements of the job. Be honest about your needs, the requirements of the job, the pay, and the hours.

Prepare a list of questions and priorities to help you focus the interview on what is most important to you. To prevent discrimination, ask every applicant exactly the same questions.

Determine your level of comfort before meeting the applicant for the first time. Will you hold the interview in your home? If so, will there be anyone else in the house? Would you prefer to meet in a public place, such as a restaurant or library?

Listen to your instincts. If you have a bad feeling about someone you are interviewing, there may be a good reason for your feelings.

Be as clear as possible about the job, your expectations of your employees, and what they may expect of you. Present a job description that describes the duties they will need to perform.

Always ask for and thoroughly check people's character and employment references. Keep in mind, however, that sometimes former employers will say good things about bad people or bad things about good people.

You may want to do a **criminal background check**, but do not rely on it completely when making your decision. A clean record does not guarantee that an assistant will be trustworthy. Be especially cautious with people who lie about their criminal history.

After hiring, **develop a simple contract** that you and your assistant can discuss and sign. This lists the requirements of the job, the pay, and the hours. It is a good way to prevent misunderstandings later on.

Have a backup worker available for the first couple of days, in case the new person doesn't show up for work. If the assistant doesn't show up and doesn't call, hire someone else! Behavior like this does not improve with time.



PCA Hiring Forms (for Consumer Records)

Steps When Preparing to Hire a PCA

Introduction: Tempus has enclosed some sample hiring for you to use when hiring a PCA. It is important to do the paperwork carefully and keep a copy for your records.

CORI (Criminal Offender Record Information): Results must be **secured in a locked cabinet**.

LEIE (List of Excluded Individuals and Entities): Document that this was completed.

SORI (Sex Offender Registry Information): Document that this was completed.

Utilize the documents in this section, as well as section 6 to aide in the completion of the blank forms in Section 7.

Completed Forms must be sent to the Tempus F.I. Department when you want to hire a new PCA.

F.I. Fax No.: **1-800-359-2884**

F.I. Mailing Address: Tempus Unlimited
600 Technology Center Dr.
Stoughton, MA 02072

***Do not wait for the Timesheet to be completed.**

The new hire forms must be sent to the F.I. department one week before the timesheets.

IMPORTANT NOTICE

PLEASE READ AND SIGN BELOW AND RETURN WITH THE COMPLETED APPLICATION

The Personal Care Attendant position pays in accordance with the **Massachusetts PCA Union, 1199SEIU** for work performed between 6:00AM and 12:00AM (midnight). Work performed between midnight and 6:00AM is paid at a two-hour minimum, whether the work takes only a few minutes or up to two hours.

As a Personal Care Attendant, you are employed by the consumer for whom you work. You must complete a W-4 and Immigration and Naturalization form (I-9) before you can be paid, and you will receive a W-2 in January showing your earnings and taxes paid for the previous year. Any references or income verification requests should be directed to your employer (the consumer), not to your employer's personal care management agency (Options) or Fiscal Intermediary (Cerebral Palsy of Mass payroll company).

Personal Care Attendant services are MassHealth funded. PCAs receive a paycheck every two weeks. From the gross pay rate, deductions are made for your share of FICA (Social Security) and applicable federal and state income taxes. You will also have workers' compensation and unemployment insurance coverage.

All PCAs are welcome to register online at www.mass.gov/findpca. Consumers are encouraged to visit this website when recruiting PCAs.

Signature _____ Date _____

***NOTE: PCAs WILL ONLY BE PAID WHEN THERE IS A DECISION LETTER
FROM MASSHEALTH AUTHORIZING THE PCA PROGRAM.***

PCA CAN BEGIN WORK ON THE EFFECTIVE DATE OF THE DECISION LETTER.

Consumer/Employer Name: _____

Application for PCA Employment:

Name _____ Date _____

Address _____ Phone (H) _____ (C) _____

City/State _____ SS# _____

Have you ever worked before as a Personal Care Attendant? YES NO

If yes please describe: _____

What days are you available to work? MON TUE WED THU FRI SAT SUN

Please circle all that you are willing to work.

What hours are you available? _____

Can you work overnight (12AM – 6AM)? YES NO Do you have a car? YES NO

Are you available for emergency relief? YES NO

What is your primary language? _____ Do you speak other languages? _____

Can you perform all the hands-on tasks associated with being a PCA: such as bathing, grooming, mobility, dressing/undressing, bladder care, bowel care, medications, housekeeping, laundry, shopping? YES NO

EDUCATION

High School: _____ Grade Completed: 9 10 11 12

Training Program or College: _____

Degree: _____

Certification: _____

Do you have any other special skills or qualifications? _____

Do you have any special hobbies you may want to share? _____

REFERENCES

Please provide the names and telephone numbers of (3) three personal/professional/medical references not related to you:

Name _____ Telephone _____

Name _____ Telephone _____

Name _____ Telephone _____

EMPLOYMENT HISTORY

Please provide the name, address, and telephone numbers of the last three (3) places you were employed or list any previous work history which relates to the health care field. Include consumers you previously worked for.

Company _____ Supervisor _____

Address _____ Telephone _____

Dates of Employment: _____ Can we contact? YES/NO

Why did you leave? _____

Company _____ Supervisor _____

Address _____ Telephone _____

Dates of Employment: _____ Can we contact? YES/NO

Why did you leave? _____

Company _____ Supervisor _____

Address _____ Telephone _____

Dates of Employment: _____ Can we contact? YES/NO

Why did you leave? _____

Please explain any gaps in your work history:

I have written information that is truthful and to the best of my ability.

Signature: _____ Date: _____

Sample Job Description of a Personal Care Attendant

Employer: Consumer and/or Surrogate

Qualifications: Willingness to cooperate and work as an employee of the person (or their official representative/surrogate) receiving the care. Ability to take direction and cooperate with tasks assigned as appropriate to the PCA program.

Responsibilities may include:

1. Hands on Physical Assistance
 - a. Bathing/showering/grooming
 - b. Dressing/undressing
 - c. Bladder or Bowel Care
 - d. Assist with Range of Motion only when consumer cannot move themselves
 - e. Transfers – bed, tub, wheelchair, shower. May involve Hoyer Lift
 - f. Assistance with Medication as directed only
 - g. Eating
2. Household (tasks are for consumers and consumer living area only)
 - a. Meal Preparation and Cleanup
 - b. Laundry
 - c. Shopping
 - d. Housekeeping
 - e. Wheelchair cleaning and help with maintenance as directed
 - f. Other duties approved by MassHealth
3. Doctor's appointments
 - a. PCA approved time is from door of consumer to door of doctor's office only.
 - b. PCAs are not approved time to attend appointments.
4. Report all suspected incidents of consumer abuse: sexual, emotional, physical, financial or neglect to the Disabled Persons Protection Commission (DPPC).

A PCA may not:

Provide respite, recreation, babysit, take care of animals, help others in the home, do finances, sit and wait just in case.

Receive payment through the PCA program when a consumer is admitted to a hospital, rehab center, long term care or other in patient facility.



PCA Orientation

Your PCA must complete the PCA New Hire Orientation within six (6) months of FI notification. We strongly recommend however, that s/he completes it at least two weeks prior to that date, to allow time for processing by the FI. If your PCA fails to do so, s/he will incur a two dollar (\$2.00) per hour after-tax payroll deduction for all payroll payments dated on or after the six month period. The \$2.00 per hour deduction will continue, until your PCA completes the Orientation program.

There are two options available:

1. Your PCA can attend a group orientation session with other PCAs, or
2. You may choose the consumer taught option and provide the Orientation yourself to your new PCA.

If your PCA has not been oriented within 90 days then s/he will be encouraged to attend a group session to avoid payroll deductions.

The Home Care Training Benefit offers group sessions throughout Massachusetts. Your PCA should call the Homecare Training Benefit at (877) 409-8283 to register for a group session in his/her area.

If you choose the consumer taught option, please complete the enclosed Consumer Options Notice. You and your PCA must sign the Consumer Options Notice before you send it to your FI.

Please note if you choose this option, only you as the consumer employer are authorized to provide the orientation unless the surrogate is the parent of a minor child who is the consumer. Other surrogates are not authorized to provide the orientation.

A closed caption video was developed by consumers who have chosen the different delivery options; you may view the video by visiting the PCA website at www.mass.gov/pca



FAQs

- 1) **Are there consequences if I fail to ensure my new PCA receives the Orientation?** Effective immediately, New PCAs must complete the PCA New Hire Orientation requirement within 6 months from the date of notice¹. New PCAs who fail to complete the Orientation within the six months - an after-tax payroll deduction equal to two dollars (\$2.00) per hour will apply, until such time as they complete the Orientation program. If your PCA completes the Orientation within the following 2 months, the payroll deductions will cease and all accumulated deductions will be returned to your PCA. However, if s/he completes the Orientation two months or more after, his/her payroll deductions will cease but s/he will forfeit all accumulated deductions.
- 2) **How do I know if my PCA is “new” to the PCA Service system?** Your Fiscal Intermediary will inform you if your PCA is new to the PCA Service system.
- 3) **What is the PCA New Hire Orientation?** The PCA New Hire Orientation is a paid 4-hour Orientation that will insure all new PCAs receive the same basic information about the principles of independent living; the operational procedures of the MassHealth PCA Program; how to recognize and report fraud, abuse and neglect; standard precautions, and worker rights. In addition, new PCAs will receive information about the Home Care Training Benefit, the Rewarding Work Web Portal, the 1199 SEIU, and the PCA Workforce Council.
- 4) **Will the 4-hour Orientation affect my approved PCA hours?** No. The 4-hour PCA New Hire Orientation does not affect your approved PCA hours.
- 5) **How is orientation being offered?** There are two options: either your PCA can attend a group orientation session in their area or you, the consumer, can offer the PCA New Hire Orientation yourself through the consumer taught option.
 - a. Your PCA can call Homecare Training Benefit at: (877) 409-8283, to obtain information about classes, locations, dates and times.
 - b. If you choose the consumer taught option to provide the standard Orientation, but have questions about the Orientation, you should contact your PCM Agency
 - c. You can view the PCA New Hire Orientation curriculum before deciding to choose the consumer taught option. The PCA New Hire Orientation Curriculum is available at: <https://madirectcare.com/employer-resources/pca-orientation/>
- 6) **What is the timeline for when my new PCA must participate in the PCA New Hire Orientation?** The Orientation must be completed within (6 months) of notification by the Fiscal Intermediary² either in a group or by the consumer.
- 7) **If I choose the consumer taught option and provide the Orientation to my PCA, can s/he also attend a group Orientation?** Yes, your PCA can also attend a group PCA Orientation session; however, your PCA will only be paid once.
- 8) **Can my surrogate provide the orientation to my PCA?** The surrogate is not able to provide the orientation to a PCA on behalf of the consumer, unless the surrogate is the parents of minor children, legal guardians, or legal power of attorney.
- 9) **If I initially chose the consumer taught option, am I allowed to change my mind?** Yes, you can choose to send your PCA to a classroom Orientation offered by the Homecare Training Benefit. You will need to inform your Fiscal Intermediary of your decision and your PCA should call the Homecare Training Benefit at (877) 409-8283 to find out when the next class is being offered. Your PCA must complete the Orientation within 6 months of their start date.

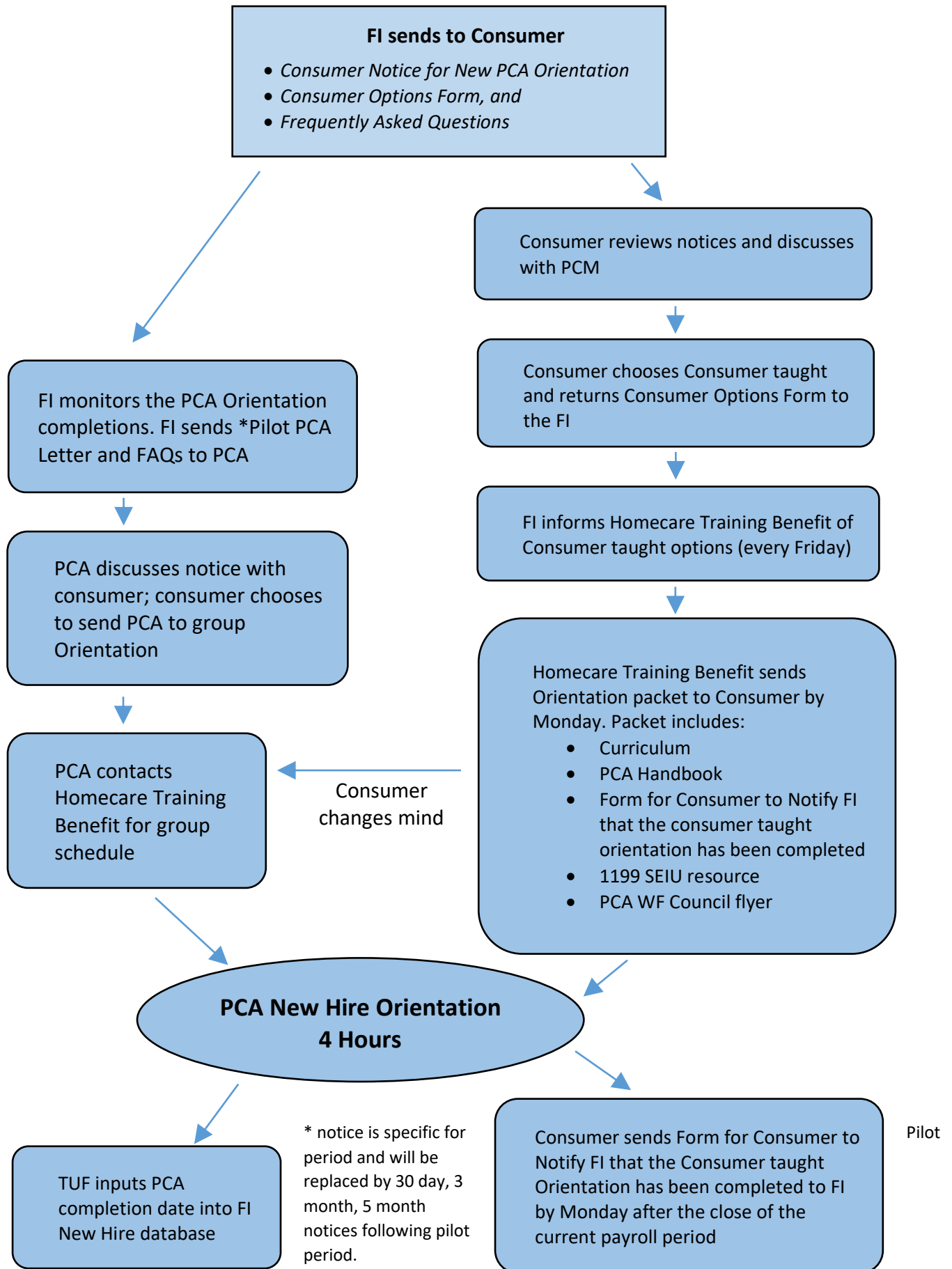
¹ During this current period modifications have been made for eligible PCAs. Please consult with your FI for more information

FAQ: Preguntas más frecuentes

1. **¿Hay consecuencias si no me aseguro de que mi nuevo PCA reciba la Orientación para el Nuevo PCA?**
Con vigencia inmediata, los nuevos PCA deben completar el requisito de Orientación para el Nuevo PCA dentro de los 6 meses de la fecha del aviso². Para los nuevos PCA que no completen la orientación dentro de los seis meses, se aplicará una deducción del sueldo de dos dólares (\$2.00) por hora después de impuestos, hasta el momento en que completen el programa de orientación.
Si su PCA completa la orientación dentro de los siguientes dos meses, las deducciones del sueldo se detendrán y todas las deducciones acumuladas se le devolverán a su PCA. Sin embargo, si él/ella completa la orientación dos o más meses después, las deducciones del sueldo se detendrán, pero él/ella perderá todas las deducciones acumuladas.
2. **¿Cómo sé si mi PCA es “nuevo” en el sistema de Servicios de PCA?** Su Intermediario Fiscal le informará si su PCA es nuevo en el sistema de Servicios de PCA.
3. **¿Qué es la Orientación para el Nuevo PCA?** La Orientación para el Nuevo PCA es una orientación de 3 horas pagas que asegurará que todos los nuevos PCA reciban la misma información básica sobre los principios de la vida independiente; los procedimientos operativos del programa de los PCA de MassHealth, cómo reconocer y denunciar fraude, maltrato y negligencia, y derechos del trabajador. Además, su PCA recibirá información sobre el Beneficio de capacitación para realizar cuidados en el hogar, el portal web Rewarding Work (Trabajo gratificante), el Sindicato 1199 SEIU y el Consejo de la Fuerza Laboral de PCA.
4. **¿Afectará la orientación de 3 horas mis horas de PCA aprobadas?** No. La Orientación para el Nuevo PCA de 3 horas no afectará sus horas de PCA aprobadas.
5. **¿Cómo se ofrece la orientación?** Existen dos opciones: su PCA puede asistir a una sesión de orientación grupal en su área o usted, el consumidor, puede ofrecer la Orientación para el Nuevo PCA usted mismo por medio de la opción de Enseñanza por el consumidor.
 - Su PCA puede llamar al Beneficio de capacitación para realizar cuidados en el hogar al (877) 409-8283 para obtener información sobre clases, lugares, fechas y horarios.
6. Si usted elige la opción de enseñanza por el consumidor para brindar la orientación estándar, pero tiene preguntas sobre la orientación, debe comunicarse con la Agencia de PCM.
7. Usted puede ver el plan de estudios de la Orientación para el Nuevo PCA antes de decidirse a elegir la opción de enseñanza por el consumidor. El plan de estudios de la Orientación para el Nuevo PCA está disponible en <https://madirectcare.com/employer-resources/pca-orientation/>
8. **¿Cuál es el programa para la participación de mi nuevo PCA en la Orientación para el Nuevo PCA?** La orientación debe completarse dentro de los 6 meses de la notificación por el Intermediario Fiscal² ya sea en un grupo o por el consumidor.
9. Si elijo la opción de enseñanza por el consumidor y le brindo la orientación a mi PCA, ¿puede él/ella también asistir a una orientación grupal? Sí, su PCA también puede asistir a una sesión de orientación grupal del PCA; sin embargo, su PCA solamente recibirá un solo pago.
10. **¿Puede mi representante brindarle la orientación a mi PCA?** El representante no puede brindar la orientación al PCA en nombre del consumidor, a menos que el representante sea el padre/la madre de un niño menor de edad, los tutores legales o tenga poder notarial legal.
11. Si inicialmente elegí la opción de enseñanza por el consumidor, ¿puedo cambiar de idea? Sí, usted puede elegir enviar a su PCA a una clase de orientación ofrecida por el Beneficio de capacitación para realizar cuidados en el hogar. Usted necesitará informar a su Intermediario Fiscal sobre su decisión, y su PCA debe llamar al Beneficio de capacitación para realizar cuidados en el hogar al (877) 409-8283 para averiguar cuándo se ofrece la siguiente clase. Su PCA debe completar la orientación dentro de los seis meses de la fecha de inicio del trabajo.

² Durante el período actual, se han realizado modificaciones para los PCA que sean elegibles. Consulte con su FI para obtener más información.

PCA New Hire Orientation Flow Chart



Terms and Conditions

By submitting a request for CORI using this form, the Requestor agrees to be bound by these terms and conditions and any and all other guidelines, disclaimers, rules, and privacy statements within this agreement, collectively referred to as "Terms and Conditions." All Terms and Conditions contained herein apply only to obtaining information from the DCJIS.

1. As referenced in these terms and conditions, the terms below shall have the following meanings:
 - a. CRA: Consumer Reporting Agency
 - b. CRRB: The Criminal Record Review Board
 - c. CORI: Criminal Offender Record Information
 - d. DCJIS: The Massachusetts Department of Criminal Justice Information Services
 - e. iCORI service: The internet-based service used to request and obtain CORI and self-audits.
 - f. Requestor: A registered user of the iCORI service and any additional authorized users for the requestor's account. Requestor, as used in these terms, also includes Consumer Reporting Agency requestors. Requestor, as used in these terms, also includes any individual who requests or obtains CORI or a self-audit report from DCJIS using a paper form.
2. Obtaining CORI from DCJIS by using this form is subject to Massachusetts General Law and to Federal law, including, but not limited to, M.G.L. c.6, §§ 167-178B (the CORI Law), M.G.L. c. 66, § 10 (the Public Records Law), M.G.L. c. 266, § 120F (Unauthorized use of a computer), and any current or future laws applicable to the use of computer systems or personal information. The penalties for violations of these laws include both civil and criminal penalties.
3. A requestor may only request the level of CORI access authorized by statute or the DCJIS for the type of request being submitted. A requestor who submits a CORI request using an access level higher than that authorized for the type of request being submitted will be in violation of the CORI law and DCJIS regulations and may be subject to both civil and criminal penalties.
4. An individual or entity who knowingly requests, obtains, or attempts to obtain CORI or a self-audit from the DCJIS under false pretenses, or who knowingly communicates, or attempts to communicate, CORI to any individual or entity except in accordance with the CORI law and DCJIS regulations, or who knowingly falsifies CORI or any records relating thereto, or who requests or requires a person to provide a copy of his or her CORI except as authorized pursuant to M.G.L. c. 6, § 172, shall, for each offense, be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than \$5,000.00. In the case of an entity that is not a natural person, the amount of the fine may not be more than \$50,000.00. In the case of such a violation involving juvenile delinquency records, an individual or entity shall, for each offense, be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than \$7,500.00. In the case of an entity that is not a natural person, the amount of the fine may not be more than \$75,000.00.
5. Neither the DCJIS nor the CRRB shall be liable in any civil or criminal action due to any CORI or self-audit report that is disseminated by the DCJIS or the CRRB, including any information that is false, inaccurate, or incorrect, because it was erroneously entered by the court or the Office of the Commissioner of Probation.
6. CORI results are based on an exact match of the information provided by the requestor to information as it appears in the CORI database. Requestors are responsible for providing accurate information for the subject requested. In addition, it is the requestor's responsibility to compare the CORI or self-audit results received from the iCORI service to the subject's personal identifying information to ensure that the results match this information. The DCJIS is not liable for any errors or omissions in the CORI results based on a requestor's submission of inaccurate, incorrect, or incomplete subject information. Furthermore, NO REFUNDS of CORI fees will be provided because of data entry errors or other errors or omissions made by the requestor.

7. Each requestor who submits 5 or more background checks annually must have a written CORI policy. Each requestor is responsible for adopting its own CORI policy. The DCJIS publishes a model CORI policy on its website that may be adopted for use by requestors. If this requirement applies to a requestor, the requestor agrees that at the time of submission of any CORI request, it has adopted a CORI policy.
8. The requestor agrees that he/she has reviewed and understands all training materials regarding the CORI process and CORI requirements available from the DCJIS. Requestors are solely responsible for reviewing and understanding the training materials provided by the DCJIS.
9. Requestors who seek to receive the standard or required level of access to CORI for employment, housing, licensing, or volunteer purposes must ensure that the following are completed prior to submitting a CORI request:
 - a. Completion of a CORI Acknowledgement Form for each subject to be checked;
 - b. Verification of the identity of the subject using an acceptable form of government issue identification;
 - c. Obtaining the subject's signature on the CORI Acknowledgement Form;
 - d. Signing and dating the CORI Acknowledgement Form certifying that the subject was properly identified; and
 - e. Confirming that the requestor is in compliance with all applicable laws and regulations.
10. All requestors, including those that request CORI through a CRA, must comply with 803 C.M.R. 2.00 and, if applicable, 803 C.M.R. 5.00. In addition, CRAs are also responsible for ensuring compliance with the Fair Credit Reporting Act and with DCJIS regulation 803 CMR 11.00.
11. A requestor that uses CORI to commit a crime against, or to harass, another individual is subject to the criminal penalties set forth in M.G.L. c. 6, §178 ½, including imprisonment in a jail or house of correction for not more than one year and a fine of not more than \$5,000.00. The DCJIS and the CRRB disclaim any liability for the improper use or dissemination of information obtained through the iCORI service.
12. Requestors are subject to audit at any time by the DCJIS and may be asked to produce documentation to demonstrate compliance with these provisions and with DCJIS regulations (803 CMR 2.00-11.00 et seq.).
13. No information obtained from the iCORI service or from DCJIS personnel regarding use of the iCORI service shall be construed as legal advice.
14. The DCJIS reserves the right to alter, amend, or discontinue any feature of the iCORI service or the conditions of its use at any time. Any such changes will be announced on the iCORI service and/or the DCJIS website in advance. The user is subject to the terms of use in effect at the time of his/her agreement. The DCJIS and the CRRB shall not be liable for any damages associated with use of this site.
15. These Terms and Conditions are governed by, and construed in accordance with, the laws of the Commonwealth of Massachusetts and the laws of the United States, without giving effect to any principles of conflicts of law. If any provision of these Terms and Conditions is determined to be unlawful, void, or for any reason unenforceable, then that provision shall be considered void. The remaining provisions shall remain valid and enforceable.
16. By submitting a request for CORI to the DCJIS, I affirm that I have read and understand these Terms and Conditions. Further, I acknowledge, agree to, and am bound by, these Terms and Conditions, as well as by M.G.L. c. 6, §§ 167-178B, inclusive, and 803 CMR 2.00-11.00, inclusive.



O.I.G.'s List of Excluded Individuals and Entities

<https://www.oig.hhs.gov/exclusions/index.asp>

MassHealth requires that all PCAs be checked against the OIG LEIE on a regular basis. Tempus FI Department will not process a timesheet of a person who is named on the list.

OIG's List of Excluded Individuals/Entities (LEIE) is a public, web-based, searchable database that provides information about currently excluded individuals and entities.

Web users can determine whether an individual or entity is currently excluded by entering the individual's or entity's name. If the entered name matches with the exclusion list, LEIE permits users to verify the uniqueness of the match with social security numbers, employer identification numbers, or tax identification numbers. OIG updates LEIE monthly, adding newly excluded individuals and entities and removing reinstated individuals and entities.

OIG also publishes a downloadable version of LEIE that varies in certain respects from the web version.

More detailed information about LEIE, its use, difference between the web and downloadable versions, and additional links to other federal web sites explaining OIG's exclusion program can be obtained at the website.



PCA Hiring Forms

(To be sent to the F.I. Department)

What does the Fiscal Intermediary (F.I.) Department do?

- Approve to Pay
- Pay Taxes
- Pay Workers' Compensation
- Pay Unemployment
- Process Legal Forms needed for you to become a business
- Process Payment when a PCA attends Orientation

Forms to send to the F.I. Department when hiring a PCA:

- ☐ W-4
- ☐ I-9
- ☐ PCA Signature Form
- ☐ Direct Deposit Application
- ☐ Electronic Timesheet (if appropriate)
- ☐ PCA Timesheet Attestation Form
- ☐ CYMA Portal Instructions (Consumer)
- ☐ CYMA Portal Instructions (PCA)
- ☐ CYMA Portal Instructions (Surrogate)

Fax, mail or drop prior to your PCA's first day of work.

PCA New Hire Paperwork can also be filled out online with PaperWorkr

Go to: <https://paperwork.tempusunlimited.org/>

Completing New Hire Paperwork online will help to eliminate errors.

Fax: 1 (800) 359-2884

Address: Tempus Unlimited, Inc.
600 Technology Center Drive
Stoughton, MA 02072



Form Generator

Please select from the dropdown list below. This list is separated into categories according to the type of forms you need.

Form Type

I need New Hire Paperwork for FI ▼

[PCA Signature Form \(English/Spanish\)](#)
[PCA Signature Form Sample \(English/Spanish\)](#)

[Direct Deposit Form \(English/Spanish\)](#)
[Direct Deposit Sample \(English/Spanish\)](#)

[Debit Card Enrollment Form \(English\) Print duplex](#)
[Debit Card Enrollment Form Sample \(English\)](#)
[Debit Card Flyer \(English\) Print duplex](#)
[Debit Card Pre-Acquisition Disclosure \(English/Spanish\) Print duplex](#)

[W4 \(English\) - Please print double sided \(duplex\).](#)
[W4 Sample \(English\) - Please print double sided \(duplex\).](#)
[W4 \(Spanish\) - Please print double sided \(duplex\).](#)
[W4 Sample \(Spanish\) - Please print double sided \(duplex\).](#)

[I9 Form](#)
[I9 Instructions](#)
[I9 Sample \(English\)](#)

PaperWorkr - Tempus Unlimited, Inc.

Use Paperworkr to create and printout your new hire packet

<p>Are you new to Paperworkr?</p> <p>Employee/PCA/Worker Last Name</p> <input type="text"/> <p>Employee/PCA/Worker Date of Birth</p> <input type="text"/> <p>Create New User</p>	<p>Search for previously entered data:</p> <p>Last Name</p> <input type="text"/> <p>Date of Birth</p> <input type="text"/> <p>Paperwork number</p> <input type="text"/> <p>Search for Existing User</p>
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Policy & Procedure: FI 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 should feel free to voice their concerns whenever they believe these standards are not being met.

1. If a consumer is unhappy with the service or a representative of the FI, a telephone call should be placed to a Payroll & Customer Service Supervisor of the FI department at Tempus Unlimited, Inc. The call can be placed through our toll-free number: 1.877.479.7577. The Supervisor will review the circumstances regarding the complaint and attempt to resolve the issue within 24 hours of receiving the call. The consumer will be informed of the resolution by telephone.
2. If a consumer is not satisfied with the action taken by the Supervisor, a telephone call should be placed to the Payroll & Customer Service Manager of the FI department at Tempus Unlimited, Inc. The call can be placed through our toll-free number: 1-877-479-7577. The Payroll and Customer Service Manager will review the circumstances regarding the complaint and attempt to resolve the issue within 24 hours of receiving the call. The consumer will be informed of the resolution by telephone.
3. If a consumer is not satisfied with the action taken by the Payroll & Customer Service Manager, the consumer should submit their grievance in writing to the Chief Executive Officer (CEO)/FI Director of Tempus Unlimited, Inc., Larry Spencer at 600 Technology Center Drive, Stoughton, MA 02072. The

CEO/FI Director will conduct an investigation of the circumstances through telephone interviews, personal interviews and/or reviews of written and printed documents relating to the issue.

4. Within ten days of receiving the written grievance, the CEO/FI Director will issue a decision in writing to the consumer.
5. If the consumer is dissatisfied with the decision of the CEO/FI Director, the grievance will be transferred to the appropriate parties at MassHealth.

600 Technology Center Drive, Stoughton, MA 02072
Toll Free phone #: 1-877-479-7577
Rev. 04/2017

www.tempusunlimited.org
Toll Free Fax #: 1-800-359-2884

ATTENTION

New Hire PCAs, required to complete an orientation requirement, are now subject to having \$2 per hour deducted from their pay if they do not comply with the orientation requirement.



For details go to www.mass.gov/pca

Electronic Timesheets Agreement

I. About The Electronic Timesheets Module

- a. The Electronic Timesheets Module is a web-based interface through which Consumers, Surrogates, Personal Care Attendants (PCAs)/Workers, and Fiscal Intermediary staff can respectively view relevant timesheet information.
- b. Consumers, Surrogates and PCAs/Workers will be able to use the system to both submit and approve timesheets electronically for payment by the Fiscal Intermediary.
- c. A Consumer is not required to have a Surrogate in order to use the system. But in cases where a Consumer does have a Surrogate and the Consumer approves the Surrogate to have access to the Electronic Timesheets Submission Interface, both the Consumer and his/her Surrogate will have identical abilities to enter and approve timesheets for payment.

II. Terms and Conditions

By signing below, you are agreeing to the following Terms and Conditions:

- a. The Consumer and/or Surrogate (if applicable) and the PCA/Worker each have a valid, separate e-mail address to which they have frequent access.
- b. The Consumer and/or Surrogate (if applicable) and the PCA/Worker each agree to maintain a valid separate e-mail address during the term of this agreement and to notify Tempus Unlimited, Inc. of any changes to their e-mail addresses.
- c. The Consumer, his/her Surrogate (if applicable) and the PCA/Worker agree to use the Electronic Timesheets Submission Interface as a method of submitting timesheets.
 - Signing this Agreement does not require you to only use the Electronic Timesheets Submission Interface. Other methods of submitting time, such as faxing or mailing, are still acceptable.
- d. A timesheet may only be submitted electronically if the Consumer and/or Surrogate (if applicable) and the PCA/Worker have executed this Agreement.
- e. An individual Electronic Timesheets Agreement is required for each Consumer and PCA/Worker relationship that chooses to use the Electronic Timesheets Submission Interface.
 - This is true even if the Consumer or PCA/Worker is already using the Electronic Timesheets Submission Interface in another Consumer and PCA/Worker relationship.

III. Termination of the Agreement

The Consumer, his/her Surrogate (if applicable) or the PCA/Worker may terminate this agreement at any time by submitting such request in writing to Tempus Unlimited, Inc.

Consumer Printed Name: _____	Consumer #: _____
Consumer E-mail: _____	
Consumer Signature: _____	Date: _____
Surrogate Printed Name: _____	
Surrogate E-mail: _____	
Surrogate Signature: _____	Date: _____
PCA/Worker Printed Name: _____	Last 4 digits of SS#: _____
PCA/Worker E-mail: _____	
PCA/Worker Signature: _____	Date: _____

Módulo de Nóminas Electrónicas

I. Sobre el Módulo de Nóminas Electrónicas

- a. El Módulo de Nóminas Electrónicas es un interfaz basado en web a través del cual los Consumidores, Delegados, Asistentes de Cuidado Personal (PCA)/Trabajadores y el personal del Intermediario Fiscal pueden ver respectivamente información de las nóminas.
- b. Consumidores, Delegados y PCA/Trabajadores podrán utilizar el sistema tanto para presentar como para aprobar nóminas electrónicamente para el pago por el Intermediario Fiscal.
- c. No le es requerido al Consumidor tener un Delegado para poder utilizar el sistema. Pero en casos cuando el consumidor si tiene un Delegado y el consumidor aprueba al Delegado para que tenga acceso al Interfaz de Presentación de Nóminas Electrónicas, tanto el Consumidor como su Delegado tendrán capacidades idénticas de entrar y aprobar nóminas para el pago.

II. Términos y Condiciones

Al firmar más adelante, usted está de acuerdo con los términos y condiciones:

- a. El Consumidor y/o el Delegado (si corresponde) y el PCA/Trabajador acuerdan en **cada uno mantener una dirección de correo electrónico válida y separada** al cual tienen acceso frecuente.
- b. Tanto el Consumidor y/o el Delegado como el PCA/Trabajador acuerdan en mantener una dirección de correo electrónico válida y separada durante el periodo de este acuerdo y de notificarle a Tempus Unlimited, Inc. de cualquier cambio a sus direcciones de correo electrónico.
- c. El Consumidor y su Delegado (si corresponde) y el PCA/Trabajador acuerdan en utilizar el Interface de Presentación de Nóminas Electrónicas como método de presentar nóminas.
 - Firma de este acuerdo no requiere que se utilice únicamente el Interface de Presentación de Nóminas Electrónicas. Otros métodos de presentar nóminas, tales como enviar por fax o por correo, todavía son aceptables.
- d. Una nómina solo puede ser presentada electrónicamente si el Consumidor y/o el Delegado (si corresponde) y el PCA/Trabajador han ejecutado este acuerdo.
- e. Un Acuerdo Individual de Nóminas Electrónicas es requerido para cada relación de Consumidor y PCA/Trabajador que decida utilizar el Interfaz de Presentación de Nóminas Electrónicas.
 - Esto es cierto incluso si el Consumidor o el PCA/Trabajador ya está utilizando el Interfaz de Presentación de Nóminas Electrónicas en otra relación de Consumidor y PCA/Trabajador.

III. Terminación del Acuerdo

El Consumidor, su Delegado (si corresponde) o el PCA/Trabajador puede terminar este acuerdo en cualquier momento presentando tal pedido por escrito a Tempus Unlimited, Inc..

Nombre Impreso del Consumidor: _____	Número de Consumidor #: _____
E-mail del Consumidor: _____	
Firma del Consumidor: _____	Fecha: _____
Nombre Impreso del Delegado: _____	
E-mail del Delegado: _____	
Firma del Delegado: _____	Fecha: _____
Nombre Impreso del PCA/Trabajador: _____	
Últimos 4 dígitos del número: _____	
E-mail del PCA/Trabajador: _____	
Firma del PCA/Trabajador: _____	Date: _____



Important Employer Documents

This section addresses the Consumer, as the Employer, and contains the following information:

- Timesheets and Instructions
- Workers' Compensation for PCAs
- MassHealth Fraud
- Important Information on Taxes
- Termination of a PCA
- Employment Laws and Benefits
- Wage and Hour Laws and Regulations
- Consumer Rights Under New Labor Contract
- Child Labor Laws
- Personal Time Off (PTO) - Travel Time – Overtime
- Hotlines
- Warmlines



TO: Consumers of the Personal Care Attendant (PCA) Program
FROM: Fiscal Intermediary Department
RE: **Timesheets and Instructions**

Tempus Unlimited, Inc. welcomes you as your Fiscal Intermediary. The following are instructions and comments for the completion of the timesheets that you should send to us for each biweekly payroll period that you use PCAs. You may want to provide a copy of this memo to your PCAs so that they might better understand the timesheets and the payroll process.

Biweekly Payroll: As you can see on the timesheet, we use a biweekly payroll period (every two weeks). Consumers and PCAs **do not** have the option of billing every week. All consumers must send in timesheets every two weeks. The payroll period is explained on the back of the timesheet and below under PCA Payment Schedule.

PCA Payment Schedule: The PCA Payment Schedule shows the payroll period beginning and ending dates, as well as the dates we must receive the timesheets and the dates the timesheets will be paid. Keep in mind that we require that the timesheets be in our office by 4:00 PM on the Monday after the end of each payroll period in order to process them in a timely manner. This is true even if Monday is a holiday.

Payroll Dates: In order to process timesheets with more accuracy, in a timely manner, and as per our funding source contracts we can only process timesheets that have the correct pay period dates that are assigned to you based on your PCA Payment Schedule. **If any other dates are printed in the Payroll Period boxes, the timesheet will NOT be paid.**

One PCA per Timesheet: The hours of each PCA must be recorded on different timesheets. Under no circumstances will a timesheet be processed if it contains information for more than one PCA.

Delivery of Timesheets: Timesheets can be faxed to us at the toll-free fax number listed on the front of the timesheet. In addition, you can drop off timesheets to our Stoughton office at the address listed below. **If you fax your timesheet, please do not mail the original to us.** Timesheets dropped at the Stoughton office by 4:00 PM on Mondays will be considered to be on time. Any mailed timesheets received with a postmark before the end of the payroll period will be returned to the consumer, unless there are no hours on the timesheet after the postmark. For instance, if there are no hours on the timesheet for the second Saturday of the payroll period then the timesheet can be mailed, faxed or delivered on Saturday. Likewise, if there are no hours on the timesheet for the second Friday and timesheet can be mailed, faxed or delivered on Friday or Saturday. However, if you mail, fax or deliver a timesheet on Friday that has hours on Friday or Saturday, it will be returned to you without being processed. **There will never be any exceptions to this policy.**

Signatures: The PCA and the consumer/surrogate **must sign the timesheet** at the bottom of the timesheet and the **signatures must be originals**. Although it is acceptable to make copies of timesheets if the PCAs work a set schedule, it is not acceptable to make copies of timesheets with signatures already on the document. Any timesheets received **without original signatures** will be **returned** to the consumer without being processed.

Consumer Information: The consumer is required to complete the consumer name, consumer # and telephone number information. The consumer # is assigned by our office. The telephone number should be the number you would like us to call if there is a problem with the timesheet.

PCA Information: The PCA is required to complete the name, last four digits of the social security number and telephone number section.

Direct Deposits and Debit Cards: Beginning January 1, 2017, you are required to have direct deposit for PCA services due to changes by the collective bargaining agreement between the Commonwealth of Massachusetts's PCA Workforce Council and the PCA union (1199SEIU).

If you already use direct deposit to be paid for PCA services, you do not have to do anything.

You may apply for another payment method from the options below:

Apply for Direct Deposit

- A **direct-deposit application** form is attached to this notice. Complete the application and return it to the address on the application.

Note: Direct-deposit accounts must be in the name of the PCA only. The bank account **cannot** be a joint account that you share with the consumer or the surrogate.

If You Cannot Get Direct Deposit, You Must Apply for a Payroll Debit Card

- If you do not have a bank account that accepts direct deposit, you must apply for a **payroll debit card**. Ask your fiscal intermediary (FI) or the union for a payroll debit card application.

Note: If you apply for a payroll debit card, **be sure to read all of the terms and conditions, which will tell you when any fees may apply.**

If You Cannot Get Paid by Direct Deposit or Payroll Debit Card, You Must Apply for an Exemption

- You may apply for an exemption *only* if you cannot enroll in direct deposit or get a payroll debit card due to a severe hardship. Examples of hardship may include: you cannot access a bank or financial institution during off-hours; there's no ATM within a reasonable distance of your work or home; or the PCA is a minor. If you do get an exemption, you will be paid by a paper check for PCA services. The PCA Workforce Council, together with your Fiscal Intermediary (FI) and the PCA union, will review your request and make a decision.

Note: ***Preferring to be paid by check is not a hardship.***

The form referenced above is available through our Consumer Relations Department at 1-877-479-7577.

All timesheets received on time will be processed so that direct deposit/debit card stubs can be mailed to the consumer on Wednesday. The debit card/direct deposits will be dated for that Friday. Timesheets received after Monday at 4:00 PM may be processed with check dates in the following week. Although a consumer can authorize a PCA to pick up the payroll package, a consumer **cannot** authorize a PCA to pick up just that PCA's stub. The entire payroll package must be picked up or mailed.

Payroll Packages: Each payroll period, the consumer will receive a payroll package, which includes payroll reports for all the timesheets processed for the consumer's records. A consumer may allow someone else to pick up his or her payroll package each payroll period. That authorization must be in writing and will remain in force until canceled in writing.

Effective September 1, 2019, consumer-employers and PCAs will be able to access PCA pay advice information electronically on your Fiscal Intermediary's website. Payment voucher information will default to electronic access; however, PCAs who wish to opt out of this option may receive payment voucher information via standard mail. Follow these steps to access a payment voucher request:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Select **PCA Information Forms** at the top of the page
4. Select **Tempus PCA/Worker Payment Voucher Request**

Time Worked - Day/Eve Hours: All hours worked between 6:00 AM and 11:59 PM are considered Day/Eve Hours. The PCA should complete the timesheet by writing the actual "Time In" and "Time Out" in the spaces provided including filling in the appropriate AM and PM circles using the sample on the back of the timesheet as a guide. You must use the AM and PM designations with all hours or the timesheet will not be processed. Also, remember that the timesheet should reflect actual hours worked. The Total Day/Eve Hours should be calculated daily using hours and minutes (i.e. A PCA who works from 1 PM to 2:30 PM would record the time for that day as 1 hour and 30 minutes, not 1 and 1/2 hours and not 1.5 hours).

The daily minutes must be rounded up to the next 15 minute increment. Please see the instructions on the back of the timesheet for more details. The Total Week 1 and Total Week 2 boxes should be calculated so that the total minutes do not exceed 45. For instance, if a PCA works 1 hour and 15 minutes each day for five days, the total for that week would be 5 hours and 75 minutes which should be expressed as 6 hours and 15 minutes in the Total Week box. If a PCA has more than 3 in and out times on a particular day, that PCA should use a second timesheet for that payroll period to record the additional in and out times. The second timesheet should have all of the other necessary information including the payroll period dates and signatures and should include only the total hours and minutes that appear on that second timesheet.

Time Worked - Night Hours: All hours worked between 12:00 AM and 6:00 AM are considered Night Hours **if the consumer is approved for Night Hours.** PCAs will be paid for two hours if they actually work between five minutes and two hours that night. If your PCA works from 12:00 AM - 12:15 AM, those 15 minutes should be recorded in the "Time In" and "Time Out" columns of the timesheet and two hours should be recorded under the "Total Night Hours" column. We can only pay PCAs night hour pay up to the amount of the approval per night. For instance, a consumer who has an approval for two Night Hours can only submit timesheets with two hours per night. We cannot pay in excess of the approval per night. If a consumer is approved for three Night Hours, the PCA would be paid for three hours only if that PCA worked more than two hours.

Overtime: Any hours worked by one PCA for one employer (consumer) in excess of 40 in one week are required to be paid at time and a half according to Department of Labor regulations. Under the guidelines of this program, it is assumed that overtime usage will not be routine. Each consumer should hire and schedule his or her PCAs to ensure that no one PCA is asked to work more than 40 hours in one week. In the event a consumer's only option for PCA coverage is an employee who will be working in excess of 40 hours for the week, the consumer is required to contact their **PCM Agency** to arrange for the overtime approval **before it occurs.** You must submit an Overtime Request Form to MassHealth. If the consumer cannot make contact with the PCM Agency before the overtime happens because of holidays or weekends, the consumer should leave a message at the PCM Agency office and follow up that call with another call on the next regular business day. You cannot avoid overtime by having a PCA work 45 hours in the first week of the payroll period and then work 35 hours in the second week of the payroll period so that the average is 40. Each week is calculated on its own for overtime purposes. Actual time worked is the basis for overtime.

There are TWO types of Overtime approval for MassHealth:

1. Temporary Approval

A consumer may request a Temporary approval to a PCA to work overtime when:

- The consumer has planned travel, and it would not be feasible to bring multiple PCAs to provide the

consumer's PCAs services.

- The consumer's PCAs is temporarily unavailable (e.g. vacation, winter break, family leave).
- The consumer has a temporary need to schedule their PCA to work additional approved PA hours (e.g. post-acute hospitalization).
- The consumer's PCA works greater than 66 hours per week and the consumer needs time to hire additional PCAs.
 - Requests for a temporary approval must include the specific reason(s) for such request.

2. Continuity of Care Approval

A consumer may request a continuity of care approval to schedule a PCA to work overtime when:

- The consumer has complex medical needs that require the specialized skills of the experienced PCA.
- The consumer has communication barriers that require the specialized skills of experienced PCA.
- The consumer has specialized medical conditions that necessitate fewer PCAs. Examples might include circumstances in which additional PCAs in the consumer's home would compromise the consumer's health due to highly compromised immune system, or a circumstance in which a consumer has significant cognitive impairments or behaviors that impact safety, and that hiring additional PCAs would cause disruption in security, health and/or safety to the consumer.
- The consumer receives Hospice care.
- The consumer's PCA has worked for the consumer for 5 or more years.
 - Continuity of Care Approvals are for the duration of the consumer's Prior Authorization.
 - Continuity of Care Approvals must be resubmitted for subsequent Prior Authorization periods.
 - Requests for continuity of care approvals must include the specific reason(s) for such request.
 - If a PCA works more than 66 hours per week, the consumer must apply for a Temporary Approval.

Fill-In Version of the Timesheet: There is a version of the Fiscal Intermediary timesheet available on our website that may be a more efficient way for consumers and PCAs to report payroll to us.

Follow these steps to access this form:

1. Go to our website- <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **Timesheets**
4. Select **FI Timesheet**

The only software you will need to use this timesheet is Adobe Reader which can be downloaded free on the internet at <http://www.adobe.com/products/reader/>. The timesheet can be downloaded from our website and saved on the user's computer. It can then be completed on the computer, printed out, signed and faxed to us for processing. The completed timesheet can also be saved and then revised for future payroll periods. The consumer and PCA would only have to change the payroll period dates, make any revisions to the in and out times for that payroll period, print, sign and fax the timesheet for processing.

Electronic Timesheet User Agreement: The Electronic Timesheet (E-Timesheet) Module is a web-based interface through which Consumers, Surrogates, PCAs/Workers, and Fiscal Intermediary staff can respectively can record, view, and submit relevant timesheet information. In order to use the E-Timesheets submission interface, a consumer, their surrogate (if applicable) and each PCA must sign an E-Timesheets Agreement which states that they both have a valid, separate e-mail addresses, and agree to use the E-Timesheet submission interface as a method of submitting time. **E-Timesheet Users enrolled in Direct Deposit can receive their payment as early as Wednesday by submitting timesheets by midnight Sunday.** Follow these steps to access the E-Timesheet Agreement:

Go to our website – <http://tempusunlimited.org/>

1. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
2. Scroll down to **Timesheets**
3. Select **Etimesheet**

Earned Paid Time Off: Personal Care Attendants (PCAs) are eligible for Earned Paid Time Off (PTO) effective July 1, 2019.

- PCAs will earn 1 hour of PTO for every 30 hours worked. PCAs can accrue up to 50 hours of PTO.
- PCAs may not accrue more than 50 hours of PTO. However, if a PCA uses PTO, the PCA may continue to accrue up to 50 hours of PTO
- For purposes of PTO, a year is defined as the state fiscal year (July 1 – June 30). The accrual is determine by adding all the hours work as a PCA across all consumer employers in the MassHealth PCA Program.
- A PCA can view his or her unused accrued PTO balance at the iSolved web portal at <https://www.OnlineEmployer.com/feapca>

More detailed information regarding Earned PTO is available on our website. Follow these steps to access the information:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **FAQs**
4. Select **What is Earned Paid Time Off (PTO)**

Accrued Paid Time Off – Day/Eve Hours: Earned Paid Time Off accruals begin with the PCAs date of hire. A PCA can begin utilizing **accrued** Earned Paid Time Off Time immediately.

Accrued Paid Time Off – Night Hours: Earned Paid Time Off accruals can be used for Night Hours **if the consumer is approved for Night Hours** (see Time Worked – Night Hours on page 2).

PCAs using Paid Time Off will not receive overtime or other premium rates.

Fill-In Version of the Paid Time Off Timesheet: A version of the Fiscal Intermediary Paid Time Off timesheet is available on our website. Follow these steps to access this form:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **Timesheets**
4. Select **FI Paid Time Off (PTO) Timesheet**

Paid Time Off can only be reported on the Paid Time Off Timesheet. Any paid time reported on a Regular Activity Form will not be processed for payment.

Earned Sick Time Notice to Employees: As an employer in Massachusetts, you are required to post this Notice where your PCAs can see it.

DUA: Also enclosed please find copies of the form from the Division of Unemployment Assistance (DUA) that you are required to give to each employee who leaves employment with you. Complete the front of each form with your name. Leave the DUA number and Federal Employer ID Number lines blank. When we receive notification of your DUA number, we will send it along to you.

Workers Compensation: The Tempus Unlimited, Inc. FI Program provides each consumer with a Workers' Compensation Policy. Any PCA who is providing services for a consumer must be notified that they are eligible for Workers Compensation should they be injured while working for a consumer. The Workers' Compensation carrier information can be found on the Workers' Compensation Notice enclosed in your employment package.

Emergency Notification System (Rave): We will use the system to notify you of office closings, important updates and other information that we need to provide quickly.

PCA New Hire Forms: There are additional W-4, I-9, PCA Signature Form, PCA Noncovered Services Attestation Form, Notice, PCA Job Description, Direct Deposit and Debit Card Applications for your use. As you hire new PCAs, have them **complete all of the forms** and send them to Tempus Unlimited, Inc., as soon as possible. **Please keep in mind that you are obligated to inform your PCAs that they must receive their net pay by direct deposit or debit card.**

Holidays Wages: PCAs are paid 1.5 times the regular pay rate when they work on New Year's Day, July 4th, Thanksgiving Day and Christmas Day. The consumer must be approved for holiday hours. If the PCA is asked to work on a holiday, the consumer must ensure they have adequate holiday hours remaining on their prior authorization. PCAs should confirm with their consumer about the availability of holiday hours **prior** to working a holiday. If there are no holiday hours remaining, then the PCA will be paid at the regular day rate by the FI.

PCA Union Applications: Enclosed are 1199SEIU Official Membership Applications, including the Final 2008 Beck Report, Hudson Notice, 2008 Audit Series 2 and 456 CMR Division of Labor Relations file.

Your PCA should complete and mail all forms directly to the union. DO NOT send these applications to Tempus Unlimited, Inc.

If you have any questions, please contact Tempus Unlimited, Inc. toll free at 1-877-479-7577 Monday through Friday between the hours of 7:30AM and 4:30PM. One of our Consumer Relations Specialists will be happy to assist you.

Top 10 Reasons Timesheets are Not Processed

PROBLEM		SOLUTION
1.	Invalid pay period	Use correct start and end dates
2.	Missing/copied signature	Original PCA/Consumer signatures
3.	AM/PM missing	Fill in circle each time entered
4.	Day/Night hours total missing	Enter totals for each shift
5.	12AM/PM errors	Noon = 12PM, Midnight = 12AM
6.	Wrong pay schedule	Verify consumer schedule
7.	Fax errors – cut off, too light	View fax receipt
8.	Daily totals not correct	Verify total against start/end times
9.	AM/PM Inconsistent	Validate that shift times make sense
10.	Submitted before hours worked	Complete all shifts before submission

How do I ensure my Timesheet gets processed accurately and quickly?

- Do a final review before submitting the timesheet
- Sign up to use Electronic Timesheet System



TO: Consumers of the PCA Program

FROM: Fiscal Intermediary Department

RE: **Workers' Compensation for Personal Care Attendants**

The Tempus Unlimited, Inc. Fiscal Intermediary Department provides each consumer with Workers' Compensation Insurance in the event an employee (PCA) becomes injured while working for a consumer. Consumers are required to notify PCAs that they are eligible for Workers' Compensation along with the necessary information to report an injury.

On the reverse side of this notice, please find a *NOTICE TO EMPLOYEES* that has been completed with the name and address of the Insurance Company along with the name and address of the Insurance Agent. Each consumer must complete the Employer section (consumer name) and Address section (consumer address) and post the NOTICE TO EMPLOYEES in a suitable public area on their premises. This notice is also available on our website at <http://www.tempusunlimited.org/>

The following is information you need to know about your Workers' Compensation Policy:

Atlantic Charter
25 New London St.
Boston, MA 02114

If a PCA should become injured while working for you please advise them to contact Atlantic Charter Insurance Company at 617-488-6500.

NOTICE TO EMPLOYEES



NOTICE TO EMPLOYEES

The Commonwealth of Massachusetts DEPARTMENT OF INDUSTRIAL ACCIDENTS

600 Washington Street, Boston, Massachusetts 02111

617-727-4900 – <http://www.mass.gov/dia>

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with:

NAME OF INSURANCE COMPANY

Atlantic Charter Insurance Company 617-488-6500

ADDRESS OF INSURANCE COMPANY

25 New Chardon Street, Boston, MA 02114

POLICY NUMBER

EFFECTIVE DATES

NAME OF INSURANCE AGENT

ADDRESS

PHONE #

HUB International, 229 Ballardvale St., Wilmington, MA 01887 978-657-5100

EMPLOYER

ADDRESS

EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY) DATE

MEDICAL TREATMENT

The above-named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the workers' Compensation Act. A copy of the first Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

Nearest Hospital to Consumer's Home

NAME OF HOSPITAL

ADDRESS

TO BE POSTED BY EMPLOYER



MassHealth Fraud Fact Sheet

All MassHealth PCA consumers have a responsibility to be sure that they, or their surrogates, are managing their PCA service in accordance with rules and regulations of the PCA program. Fraud is a crime and it also wastes money and can weaken the PCA program. Any suspicion of fraud must be reported to the Office at the State Auditor's Bureau Investigations (BSI) for further investigation and action.

Their number is 1-617-727-6771. Tempus Unlimited, Inc. are required to report any suspicion of fraud on the part of the consumer, a PCA, a surrogate, or other party.

Some Tips in Managing your PCA Program Successfully:

1. Make sure that your timesheet is filled out accurately and only for time that your PCA actually worked.
2. If you are hospitalized, your PCA can be paid for taking you to the hospital and picking you up, but cannot be paid for any of the time you are admitted to the hospital.
3. MassHealth can only pay your PCA for doing tasks that are approved on your Prior Authorization.
4. You must pay you PCA for all hours worked, even if you think your PCA didn't do a good job. If you do not pay your PCA, your PCA has the right to file a complaint for nonpayment of wages with the Attorney General's Fair Labor Division. Fees are imposed to consumers who are found guilty.
5. Be sure to schedule your PCAs appropriately for the amount of time you are approved. Do your best to submit timesheets for the weekly approved amounts so that your care can be provided for the entire Authorization Period and you won't run out early.
6. The FI will not pay your PCAs and you will be responsible for paying them if:
 - You lose your MassHealth eligibility for the dates that your PCA worked.
 - Your Prior Authorization has expired and has not been renewed.
 - You do not have enough units on your Prior Authorization to cover the hours worked by your PCA.



IMPORTANT INFORMATION ON TAXES

While on the PCA program, you may receive in the mail various forms from certain government agencies. For example: Massachusetts Division of Unemployment Assistance (DUA), the Internal Revenue Service (IRS) and the Massachusetts Department of Revenue (DOR), to name a few.

At no time should there ever be any financial charges to a consumer personally, and we never expect you to remit any monies in response to these notices. If you receive anything stating money is owed, immediately fax or email it to the **Fiscal Intermediary** office at:

**Tempus Unlimited, Inc.
600 Technology Center Drive
Stoughton, MA 02072**

We will take care of the situation

Tempus pays your Unemployment Insurance, Social Security/Medicare and Workers' Compensation Insurance for your PCA program, and also pays quarterly withholding taxes to the IRS on your behalf. Any paperwork you may receive regarding filing quarterly taxes should be disregarded ***unless there is a monetary demand for payment of quarterly taxes.*** In that case, please forward said forms directly to this office and we will resolve the issue.

You may receive blank forms at the end of each quarter (March, June, September and December) on which to file quarterly taxes. Since WE FILE THESE ELECTRONICALLY FOR YOU through our payroll company, you may throw them away. Again, if you do receive a notice from the IRS that these taxes have not yet been paid, showing a dollar amount due, please mail or fax to us and we will research and resolve the problem.

We hope that this will ease your mind regarding various notifications you may receive. If you have any questions, feel free to call Tempus.

Termination of a PCA

- Communicate clearly the date the PCA is no longer needed.
- Obtain signature on the last timesheet worked.
- Complete a Change Form (Request Form from FI)
- Submit the Timesheet and Change Form to the FI Department

- Provide the PCA with Unemployment Information “How to File for Unemployment Benefits”



EMPLOYMENT LAWS AND BENEFITS

Once you have hired your PCAs, you must make sure that you follow the laws that govern employers and employees. This is a brief description of some of the more important laws that cover employer/employee relations. This description is not complete, and is not meant to take the place of legal advice; but is only designed to give an overview of the general issues. If any consumer or surrogate needs more detailed information about any of these laws, or has a situation that may fall under one of these laws, they should seek professional legal advice.

DISCRIMINATION

Both state and federal law prohibits an employer from discriminating against an applicant or employee because of his or her race, age, disability, religion, national origin, sex or sexual orientation. This means that you cannot decide not to hire someone, or fire someone, only because of these characteristics. Hiring or firing decisions should be made only on the qualifications of the applicant.

State law also makes it illegal for any person (not just the employer) to interfere with the rights of the employee; or the help someone interfere with the employee's rights. This would cover harassment of the employee on the job, unfounded accusations of theft, threats, or any other action that prevents or makes it difficult for an employee to do their job.

Discrimination on the basis of disability is illegal, but an employee must be able to perform the essential functions of a job with or without reasonable accommodation. The accommodation must be the result of a two way negotiation.

When advertising for a job, an employer cannot put language in the ad that refers to a protected status. For example, an ad saying “female PCA wanted” would be illegal.

During an interview, open-ended questions about an applicant's criminal history or disability (either physical or mental) are not allowed. You can ask if an applicant will be able to perform all the essential functions of a job. In regards to criminal history, a consumer can ask if the applicant has been convicted of a felony within the last 7 years, and can also ask an applicant to bring in their CORI (Criminal Offense Record Investigation). If driving is an essential function of the job, an employer can ask if the applicant has had any misdemeanor motor vehicle convictions within the last five (5) years, or any felony motor vehicle convictions. Driving records in Massachusetts are currently open to the public, and are not covered by the same laws as CORI records.

SEXUAL HARASSMENT

A separate sexual harassment law in Massachusetts covers all employers. Harassment is when an employee is the victim of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. The harassment must create a working environment which affects the terms and conditions of employment. Harassment might be a situation where an employee is offered a certain employment benefit in exchange for sexual favors, or a work place that that employee considers sexually hostile. A person who chooses to display explicit, erotic material in his or her home might leave themselves open to accusations of sexual harassment if a PCA finds it offensive, and if it is not removed or covered when the employee asks. This also applies to telling dirty jokes. An employer must take prompt action to remedy the situation as soon as he or she receives a report of sexual harassment. The

employer is supposed to get all the facts from the employee and any witnesses, and then confront the accused. The problem arises if the harasser is also the employer, as is likely to be the case for any PCA. In this case, if the employer does not respond to the complaint, the PCA should take their complaint to the Attorney General's office.



WAGE AND HOUR LAWS AND REGULATIONS

The Office of the Attorney General enforces many of the laws regulating the workplace, including the payment of wages, overtime, minimum wage, prevailing wage and youth employment laws

The Fair Labor Hotline staff are available to answer your questions about the laws described in this guide and, if necessary, to help you file a complaint.

The Hotline number is 1.617.727.3465 and it is open Monday through Friday, from 9:00AM through 5:00PM.

Payment of Wages: The term “wages” includes pay for hours worked, tips, vacation pay, holiday pay and commissions as defined in Section 148.

Employers must be employee wages within the following time periods:

- If the employee works 5 to 6 days in a calendar week, payday must be within six (6) days of the end of the pay period.
- If the employee works seven (7) days or less than five (5) days in a calendar week, payday must be within seven (7) days of the end of the pay period.

Employees who voluntarily leave their job (quit/resign), must be paid in full on the next regular pay day or if there is no regular pay day, no later than the following Saturday.

Employees who involuntarily leave their job (fired/laid off), must be paid in full on the day of discharge. (MGL c. 149, s. 148)

Deductions: As a general rule, employers may only deduct federal and state taxes, social security and any other deductions required or permitted by law from wages.

Deductions taken by the employer may never reduce an employee’s salary below the minimum hourly wage unless those deductions are required by law. (MGL c. 149, s. 150A)

Pay stubs: Employers must give each employee a pay statement on payday that includes that name of the employer, name of employee, date of check (including the day, month and year), and number of hours worked during the pay period, hourly rate and any deductions for the period.

- Employees who are paid on an hourly basis must be paid every week or every other week.
- Employers must notify employees in writing of a change in the pay schedule from weekly to bi-weekly at least 90 days before implementing the change. (MGL c. 149, s. 148)

Overtime: Generally, an employer who permits or requires an employee to work over 40 hours in any week must pay the employee at least 1 ½ times their regular rate of pay for all hours worked over 40. (Example) – If an employee regularly earns \$8.00 per hour, the employee's overtime rate would be \$12.00 per hour. (\$8.00 which is regular rate + \$4.00 which is half regular time = \$12.00 which is overtime rate).

- The state overtime law contains a list of 20 categories of work for which overtime pay is not required. This does not include PCA workers.
- You may have the rights to overtime under federal law, even if you do not have state overtime rights. For more information, contact the U.S. Department of Labor at: www.dol.gov/ or call 1.617.624.6700. (MGL c. 151, s.1A). Overtime payment can be arranged by the Consumer/Employer with the FI.

Meal Breaks: Employees who work a period of more than six (6) consecutive hours per day are entitled to a 30 minute break. Employees must be relieved of all duties and be permitted to leave the premises during the meal break.

- If the employee voluntarily agrees to waive his or her break, he or she must be paid for the time worked.
- Exemptions to the meal break laws are contained in section 101. (MGL c.149 s. 100 and 101)



Child Labor: Special laws apply to the employment of workers under the age of 18. These laws regulate the hours minors may work and prohibit minors from working in certain hazardous occupations. For more information about these laws, visit: www.mass.gov/ago/youthemployment or www.laborlowdown.com.

Work permits: All teens under 18 must complete a work permit application and obtain a work permit before starting a new job. For further information about obtaining a work permit, visit the Division of Occupational Safety website at: www.mass.gov/dos. (MGL c.149, s. 56 – 105)

Employee Right to Sue: Employees have the right to bring private lawsuits against their employers on behalf of themselves and other similarly situated employees under the following wage and hour laws (MGL Chapter 149, sections 27, 27F, 27G, 27H, 33E, 52D, 148, 148A, 148B, 150, 150C, 152, 152A, 159C and Chapter 151, sections 1B, 19 and 20).

- Employees who succeed in their lawsuits are entitled to back pay, triple damages, attorney's fees and litigation costs.
- For violations of Chapters 149 and 151, section 19, employees must first file a complaint with the Attorney General's Office, and wait 90 days or obtain permission from the Attorney General to proceed with a private lawsuit before the 90-day period has passed, before filing in court.
- Any lawsuit under these provisions must be filed in court within three (3) years after the violation(s).
- For violations of Chapter 151, sections 1B and 20 (Overtime and Minimum Wage laws), employees do not need to file with the Attorney General's Office, but, must file in court within two (2) years after the violation(s).
- **No Retaliation:** An employer is prohibited from retaliating, discharging, discriminating or punishing an employee in any way as a result of any action taken on the part of the employee to seek his or her rights under the Wages and Hours provisions of chapters 149 and 151, including assisting the Attorney General's Office, or to any other person, about his or her rights under the State Wage and Hour laws. (MGL c. 149, s.148A and MGL c. 151, s. 19 (1))



CONSUMER RIGHTS UNDER THE NEW LABOR CONTRACT

PCAs are part of the SIEU1199 Union. Consumer Rights under the New Labor Contract.

Now that PCAs have a Union, a number of questions have arisen amongst consumers:

- Can I still fire a PCA that I am dissatisfied with?
- Can a PCA file a grievance against me?

To clarify matters, below is language directly from the contract signed by the Council.

Article 2: Consumer Rights

Section 1: General Rights

As provided by MGL c.118G, section 31(a), Consumers and/or their Surrogates shall retain the right to:

- Hire PCAs of their choice
- Supervise, manager and train PCAs in their employ
- Determine the work schedules of PCAs in the employ
- Terminate PCAs from their service at will
- Determine under any circumstances whom may and may not enter their residence.

Such authority and control on the part of the Consumers is not, and shall not be, diminished in any way whatsoever by this Agreement.

From time to time, consumers may receive union materials in the mail they receive from the Fiscal Intermediaries. Consumers should give these materials to their PCA. Remember, consumers have a stake in a strong union; the union promotes better wages and benefits for PCAs, thus increasing the number of people wanting to do PCA work and making it easier for consumers to recruit PCAs.

This is a compilation of state and federal child labor laws. The most protective laws are presented here and apply to all employers of teens including parents who may employ their children. There are additional regulations in this area not summarized here and some exceptions for employers in agricultural industries.

Questions about the state child labor laws should be directed to the Massachusetts Office of the Attorney General, Fair Labor Division by calling (617) 727-3465.

Questions about federal child labor laws should be directed to the U.S. Department of Labor, Wage and Hour Division by calling (617) 624-6700.

Summary of Massachusetts laws regulating Minors' work hours

Prohibited Jobs (Hazardous Orders)

Persons under 14 may not work. There are a few exceptions to this such as working as news carriers, on farms, and in entertainment (with a special permit).

Persons under 16 may NOT:

- Operate, clean, or repair power-driven machinery (except office machines or machines for retail, cleanup, or kitchen work not otherwise prohibited)
- Cook (except on electric or gas grills that do not have open flames)
- Operate fryolators, rotisseries, NEICO broilers, or pressure cookers
- Operate clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers
- Perform any baking activities
- Operate microwave ovens (except to heat food in microwave ovens with a maximum capacity of 140 degrees Fahrenheit)
- Clean kitchen surfaces that are hotter than 100 degrees Fahrenheit
- Filter, transport, or dispose of cooking oil or grease hotter than 100 degrees Fahrenheit
- Work in freezers or meat coolers
- Work in a manufacturing facility or occupation (e.g., in a factory, as an assembler)
- Work on or use ladders, scaffolds, or their substitutes
- Work in garages, except dispensing gas and oil
- Work in brick or lumber yards
- Work in amusement places (e.g., pool or billiard room, or bowling alley)
- Work in barber shops
- Work in door-to-door street sales, including work as a sign waiver (except directly outside employer establishment)
- Work in construction, transportation, communications, or public utilities (except doing clerical work away from heavy machinery off the job site)
- Work in warehouses (except doing clerical work)
- Load or unload trucks, railroad cars, or conveyors
- Ride in or on a motor vehicle (except in passenger seat if wearing a seatbelt)
- Work doing laundry in a commercial laundry or dry cleaning establishment
- Work as a public messenger

Work at processing operations (e.g., in meat or fish, poultry catching, cooping, cracking nuts, bulk or mass mailing)

- Work around boilers or in engine rooms
- Do industrial homework
- Work with dangerous electrical machinery or appliances
- Work in any of the occupations or tasks prohibited for persons under age 18
- Engage in work that is determined by the Massachusetts Attorney General to be dangerous to the health and well-being of minors

Persons under 18 may NOT:

- Drive a vehicle, forklift, or work assist vehicle (except golf carts in certain circumstances)
- Ride as a passenger on a forklift
- Operate, clean, or repair power-driven meat slicers, grinders, or choppers
- Operate, clean, or repair power-driven bakery machines (except for certain countertop models and pizza dough rollers)
- Work 30 feet or more above ground or water
- Handle, serve, or sell alcoholic beverages
- Use circular, chain, or band saws; guillotine shears; wood chippers; and abrasive cutting discs
- Use power-driven woodworking machines
- Use, service, drive, or work from hoisting machines
- Operate or load power-driven balers, compactors, or paper processing machines
- Use power-driven metal-forming, punching, or shearing machines
- Use buffing or polishing equipment
- Manufacture brick, tile, or kindred products
- Manufacture or store explosives
- Work in excavation, wrecking, demolition, or shipbreaking
- Work in forest fire fighting, forest fire prevention, timber track operations, and forestry service
- Work in logging, sawmilling, or mining
- Work slaughtering, packing, or processing meat and poultry
- Work in railway operations
- Work in roofing or on or about a roof
- Work in foundries or around blast furnaces
- Work manufacturing phosphorus or phosphorus matches
- Work where they are exposed to radioactive substances
- Work as a firefighter or engineer on a boat
- Oil or clean hazardous machinery in motion
- Work in any job requiring the possession or use of a firearm

Tasks not specifically permitted by the US DOL Secretary of Labor are prohibited.

Legal work hours for teens in Massachusetts

After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.

14 and 15 year-olds work hours

Only between 7 a.m. and 7 p.m. during the school year

Not during school hours

Only between 7 a.m. and 9 p.m. during the summer (from July 1 through Labor Day)

Maximum Hours When School Is in Session

- 18 hours a week
- 3 hours a day on school days
- 8 hours a day Saturday, Sunday, holidays
- 6 days a week

Maximum Hours When School Is Not in Session

- 40 hours a week
- 8 hours a day
- 6 days a week

16 and 17-year olds work hours

Only between 6 a.m. and 10 p.m. (on nights preceding a regularly scheduled school day) - if the establishment stops serving clients or customers at 10:00 p.m., the minor may be employed until 10:15 p.m.

Only between 6 a.m. and 11:30 p.m. (on nights not preceding a regularly scheduled school day).

Exception for restaurants and racetracks: only between 6 a.m. and 12:00 midnight (on nights not preceding a regularly scheduled school day).

Maximum hours of work - whether or not school is in session

- 48 hours a week
- 9 hours a day
- 6 days a week

**“Massachusetts Laws Regulating Minors' Work Hours.” *Mass.gov*,
www.mass.gov/servicedetails/massachusetts-laws-regulating-minors-work-hours.**

SICK TIME
PCAs accrue Sick Time for all consumers they work for starting July 1, 2015.
Benefit Year: 12 month time frame starting from date of hire.
PCAs begin accruing earned Sick Time on first day of work. Cannot accrue more than 40 hours in a Benefit Year.
PCAs can start using Sick Time 90 Days after first date of work if that date is on or after July 1, 2015.
If PCAs have been working on or before April 2, 2015 they can use Sick Time as soon as it accrues
Accrual rate: 1 Hour of Sick Time for every 30 Hours Worked
PCAs do not accrue Sick Time when they are not working.
PCAs may rollover up to 40 hours of unused Sick Time to the next Benefit Year.
PCAs cannot use Sick Time for periods they are not scheduled to work.
The smallest amount of Sick Time a PCA can use is 1 hour.
PCAs can use no more than 50 hours of Sick Time per Benefit Year.
Sick Time is paid at same hourly rate.
Mass Health is not required to pay unused Sick Time at end of Benefit Year or end of PCA employment.
PCA Payroll Portal: PCAs can go to https://www.onlineemployer.com/feapca and create an account. Here, they can track their Sick Time.
Timesheets: Consumers coming onto the PCA program will receive Sick Time timesheets. They can also be requested from the FI. Sick Time can also be entered into e-timesheets.

PTO (Personal Time Off)

As of July 1, 2019, all earned sick time will convert to PTO and PCAs shall only be eligible for earned PTO.

Used PTO must be reported on a separate "PCA Paid Time Off Activity Form Timesheet" obtained from your F.I.

PCAs will earn 1 hour of PTO for every 30 hours worked. PCAs can accrue up to 50 hours of PTO.

PCAs cannot accrue more than 50 hrs of PTO. Can carry over up to 50 hrs unused earned PTO to the next year.

PCA may never have more than 50 hrs unused earned PTO and must use PTO to start accruing again.

All PCAs who work enough hours must be allowed to accrue 50 hours per year of earned PTO.

PCAs begin accruing PTO from their first date of actual work.

A PCA can begin utilizing earned PTO 90 days after the PCA started working for a consumer.

PTO can be used for any reason the PCA chooses not to work scheduled time (vacation, personal, sick time ...)

It is the PCA's responsibility to use PTO in amounts consistent with their regular schedule.

PTO cannot be taken the same time/hrs PCA is providing personal care to another consumer in the program.

PCAs are entitled to use earned PTO in 15-min. intervals (shortest time period which earned PTO may be used).

PTO will not count toward the calculation of overtime or other premium rates.

PCAs should submit a Paid Time Off Activity Form for each consumer from whom they are requesting PTO.

Unused accrued PTO paid out at end of employment, regardless whether PCA left voluntarily or involuntarily.

A PCA must end employment with all consumers to be eligible for payment of unused accrued PTO.

A PCA must work for a PCA Consumer, and an activity form must be submitted, for dates of services on or after July 1, 2019, for a PCA to be eligible for payout for any remaining PTO at the end of employment as a PCA.

The Termination Form must be submitted within 1 year of the last date worked to be eligible for payout.

Payout of unused accrued PTO will be issued by the Fiscal Intermediary with the next scheduled payroll after receiving an accurately completed Termination Form.

PCAs must make a good faith effort to provide reasonable notice to the consumer employer of the intent to use PTO in advance of the use of earned PTO.

A PCA can view his or her unused accrued Paid Time Off balance at the iSolve web portal at <https://www.OnlineEmployer.com/feapca>

TRAVEL TIME

As of 1/1/16, MassHealth will be required to pay PCAs Travel Time.

PCA travel from their home to work (consumer's home) is not compensated

Travel from work site to work site must be compensated.

Note: If PCA lives with consumer this does not count toward Travel Time.

Travel Time is considered hours worked and factored into Overtime

Travel Time is not consumer controlled (FI and MH need to figure it out).

If PCA stops somewhere in between consumer work sites (ex. cup of coffee) Travel Time is based on the direct route between consumers and doesn't include Travel Time for the stop in between.

OVERTIME

As of 1/1/16, MassHealth is required to pay PCAs Overtime (time and-a-half) for hours worked over 40 hrs/wk.

This is for hours across consumers and FIs.

Consumers are required to make special requests for OT pay.

OT and Travel Time will be paid together on a separate check or direct deposit.

Timesheets submitted for PCA time when you are in the hospital or rehab will be denied and/or recouped.

Make your paperwork process easier:

E-Timesheets: <https://timesheets.masscp.org> and **PCA New Hire Paperwork:** <https://paperwork.masscp.org/>



HOT LINES

AIDS Action Committee of Massachusetts	1-800-235-2331
Provides information and referrals for persons with AIDS/HIV	
Child At Risk	1-800-792-5200
National Suicide Prevention	1-800-273-8255
www.suicidepreventionlifeline.org	
Federally funded suicide prevention hotline	
Connects individuals to crisis centers across the country	
Staff have essential resources to assist in a suicide crisis	
Samaritans	1-877-870-4673
Crisis hotline staffed by volunteers. Provides support to persons who are suicidal or in despair	
Samariteens	1-800-252-8336
Crisis hotline for teens; staffed by teen volunteers. Help for any teen that is suicidal or in despair	
Disabled Persons Protection Commission (DPPC)	1-800-426-9009
Elder Affairs	1-800-882-2003
Staff provides assistance to elders on areas of concern; also provides connection to	
Protective Services when elder abuse is suspected	
Fenway Violence Recovery Project	1-800-834-3242
Operated out of the Fenway Community Health Center, the project helps the gay/lesbian/bisexual/	
transgender community with the aftermath of violence, including hate crimes and domestic violence	
Mass Transgender Political Coalition (MTPC)	1-617-267-9001
Peer Listening Line	1-617-627-2535
Toll-Free	1-800-339-7337



HOT LINES (cont.)

- Health Care for All (HCFA)** **1-800-272-4232 or 1-617-350-7279**
Seeks to create a consumer-centered health care system that provides
high quality care and consumer education for everyone
- Recovery Hotline for Alcohol Crisis** **1-800-252-6465**
Staffed by Volunteers
- Massachusetts Substance Abuse Hotline** **1-800-327-5050**
Provides information and referrals for substance abuse and treatment; run through DPH
- Alcoholics Anonymous (AA)** **1-800-327-5050**
www.helplineonline.com
12-step support groups for persons with alcohol addiction
- Narcotics Anonymous (NA)** **1-800-327-5050**
12-step support groups for persons with drug addiction
- Alanon/Alateen** **1-508-366-0556**
(this is a statewide number for accessing local groups) Support groups for family and friends of
persons with addictions; Alateen is specifically to address the support needs of young people
- Massachusetts Council on Compulsive Gambling** **1-800-426-1234**
Support groups for persons with a gambling addiction



WARM LINES

Warm lines are run by and for consumers; they are used by consumers who need to talk to someone, but are not in crisis.

Central Massachusetts

Crossroads **1-978-629-8485**

Hours: Daily 4:00pm-7:00pm & 10:00am-12 Noon

Tradewinds **1-508-864-0270**

Hours: Friday 4:00PM-10:00PM, Weekends 10:00AM-10:00PM

Westwinds **1-508-426-1660**

Hours: Daily 6:00PM – 9:00PM

Central MA Recovery Learning Community **1-508-468-9740**

Hours: Daily 6:00PM – 8:00PM

Metro Boston

Peer Warm Line (Metro Boston RLC) **1-877-733-7563**

Metro Suburban

C.A.S.T.L.E. **1-617-610-7907** or **1-617-243-3977**

Hours: Mon.-Fri., Sun. 7:00PM - 11:00PM

The Peer Line **1-508-879-2250** Ext. 168

Hours: Mon.-Thurs. 8:30AM – 7:30PM, Fri. 9:00AM – 5:00PM

The Consumer/Edinburgh Center **1-800-243-5836**

Hours: Mon. – Fri. 5:00PM – 10:00PM, Weekends 1:00PM – 10:00PM

The South Shore Warm Line..... **1-617-689-1050** or **1-617-689-1051**

Hours: Mon., Thurs., Fri., Sun. 5:00PM - 10:00PM

Northeast

None – to be established by the Northeast RLC

Southeast

None – to be established by the Southeast RLC

Western MA

Pioneer Valley Warm Line **1-413-747-8658**

Hours: Wed. – Sun. 5:00PM – 1:00AM