

Personal Support Worker/Direct Support Professional Frequently Asked Questions Regarding Dual Roles

Frequently Asked Questions (F.A.Q) specific to developmental disability providers and people receiving services through the Office of Developmental Disabilities Services (ODDS).

What is a PSW?

A PSW is a Personal Support Worker. PSWs are hired through a self-directed service model, meaning individuals and/or their designees are also 'joint employers' with the state. The purpose of this model is to give people more control over hiring, training and 'firing' these workers by fulfilling some of the responsibilities of the employer, with ODDS. A PSW is employed by a Common Law Employer and is paid through a system called PPL. A PSW works with adults and children with intellectual and developmental disabilities (I/DD) who live in their own home or in a family member's home. A PSW is a type of ODDS provider. Oregon's mental health system also uses PSWs; however, they are not impacted by ODDS rules or policies.

What is a DSP?

A DSP is a Direct Support Professional. This is a person employed by a Medicaid-Certified Agency to provide supports to an adult or child with I/DD. Agencies may get input on who to hire to support a person, but the person or a designee is not the employer; the agency is the employer. The agency is expected to have full responsibility for employment responsibilities for the worker.

What is a Common Law Employer?

A Common Law Employer is also known as an Employer of Record. This is the person who is the employer of the PSW. The Common Law Employer is responsible for hiring, training, creating schedules, approving/signing timesheets and any disciplinary action needed for a PSW.

What is a Medicaid Certified Agency?

A Medicaid Certified Agency is an organization approved to provide services to children and adults with I/DD. The agency is responsible for

employing Direct Support Professionals (DSP). The agency is responsible for ensuring the DSP has completed training, creating schedules and paying their employees/DSPs.

Is a Home Care Worker the same as a PSW?

No. Home Care Workers provide services to older adults and adults with physical disabilities. A Home Care Worker is a type of provider through the Aging and People with Disabilities program (APD).

Can someone be both a PSW and a Home Care Worker?

Yes, but ODDS and APD may have different rules and policies. When acting as a PSW and working for someone with I/DD, they must follow the rules and policies of ODDS. When working as a Home Care Worker, they must follow the rules and policies of APD.

What is a dual role provider?

If a person is enrolled as a PSW and also hired by a Medicaid Certified Agency as a DSP to deliver attendant care services to the same adult or child receiving attendant care services, this is considered a dual role.

Dual roles can pose a risk when there is potential for role confusion, unclear boundaries, and conflict of interest.

What are the rule changes for ODDS about dual roles?

The rule change states that a PSW cannot provide skills training or attendant care services as a Community Living Support agency staff or Direct Support Professional (DSP) to the same adult or child receiving attendant care services. This is called a dual role.

When does the rule change regarding dual roles happen?

Starting January 1, 2020, no new authorizations for dual roles can be approved by Community Developmental Disabilities Programs (CDDPs) or Brokerages. As a person's Individual Support Plan (ISP) renews throughout 2020, dual roles will need to be resolved. For instance, if a person's ISP

renews August 1, 2020, that is when any dual roles will need to be resolved. Individuals receiving services will need to decide if they want to self-direct their services and hire PSWs or use an Agency to hire DSPs. Providers will need to make a choice about which provider type they want to be.

Why is this rule change being made?

ODDS is implementing this rule in order to clarify the following:

- Role confusion for the person receiving services, especially if they are the employer of the PSW. It is unclear when they have the responsibilities of the employer and when the Medicaid Certified Agency is the employer.
- Role confusion for the Medicaid Certified Agency DSP delivering the services. It is unclear when the agency is responsible for the specific care needs of the person and when the employer is responsible. This can cause gaps in service and inadequate back-up coverage from the agency.
- Conflict of interest for the provider. The provider may receive financial benefit from being either a PSW or a DSP and can influence the schedule and allocation of resources to maximize their financial gain rather than being directed by the person receiving services.
- Risk of isolation, abuse or neglect. Receiving all services from a single provider is a recognized risk factor for isolation, abuse or neglect especially for people with significant needs. When the PSW is also a DSP for a Medicaid Certified Agency for the same person, there is not any additional check to ensure that this risk has been considered and that a single person providing all the care is the best available option. If there is a need to have the single person provide all the care, an exception to have the PSW work overtime hours may be considered. A provider agency may also authorize over-time as appropriate for the individual served.

Does the dual role include employment services?

The rule change about dual roles does not include when a PSW provides in-home attendant care and is providing employment, job coaching or Day Support Activities (DSA) services through an agency. It is also possible to provide in-home attendant care through an agency and provide job coaching as a PSW. This is because the roles are different (i.e., in-home attendant care and job coaching). However, a person may not work as a

Job Coach for an agency and a job coach as a PSW for the same person as this a dual role.

What if I am a PSW for one individual and a DSP for another individual?

This will continue to be permitted.

What if I work for two different agencies and support the same person?

While not ideal, this is allowed under the rule. Medicaid agencies are expected to follow rules and regulations to ensure appropriate supervision, training and support for their employees (DSPs).

Does the dual role include relief care or respite services?

Yes, relief care and attendant care are both types of services that PSWs and DSPs perform and are subject to the dual role exclusion.