

Topic:	CME Responsibilities for the PSW Workforce
Date Issued/Updated:	June 28, 2024

Overview

June 2024 update to remove CME responsibilities for entering PSW rates. July 1, 2024, all PSW rates will be determined automatically by eXPRS.

Description: This guide describes the responsibilities of Case Management Entities related to Personal Support Workers.

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Procedure(s) that apply:

Case management entity (CME) responsibilities related to personal support workers (PSWs)

- **Credentials**

ODDS is responsible for the credentialing of PSWs. ODDS and PPL, the fiscal management contractor for PSWs, send out notifications directly to PSWs to complete required steps for new and renewing credentials. ODDS relies on CMEs for assistance in the following areas to ensure all credentialing steps are completed on time¹:

 - **Background Check:**
 - CMEs are the Qualified Entity Designees (QEDs) authorized to enter background check information into ORCHARDs. The QEDs

¹ 411-415-0050(2)(b)(C)

facilitate the PSWs background check process for new and renewing providers.

- QEDs must send final Criminal History Check (CHC) determinations for new "Portable" determinations for providers set up by the QED in ORCHARDS in "Portability", where a subject individual (SI) can utilize a previously approved background check for other positions or placements. The determination will be sent to PSW.Enrollment@odhsoha.oregon.gov by QEDs. ODDS Enrollment Unit will update the PSW provider record.

- **Provider Enrollment Application and Agreement:** CMEs must submit the PSW Provider Enrollment Application and Agreement (PEAA) received at the CME office to ODDS at PSW.Enrollment@odhsoha.oregon.gov. PSWs may submit their PEAA directly to ODDS using the submission guidance in the PEAA.
- **Credential Notifications:** CMEs are not required to send notifications, but can use the [Provider Status Report](#) if they also want to notify PSWs about their credentials. Credential expiration emails are automatically sent to PSWs 120 days prior, 60 days prior, and on the date of expiration. PSWs are informed of their credential expirations upon login to eXPRS.

- **Choice advising**

CMEs must provide individuals and their ISP team neutral information about the provider types available to deliver in-home services. Individuals and their ISP team must be informed of the supports available to individuals that choose PSWs including information about:

- [Carina](#): the service available for PSWs and individuals to look for and find matches; and
- [Employer Resource Connection](#): the employer support program available to help employers fulfill their responsibilities related to employing PSWs. ²

- **Employers**

- **Enrollment** ³

- CMEs are responsible for referring new employer enrollments to PPL by creating a new Individual/Employer – PSW association in PPL's web portal. Creation of the association starts off the Employer of Record (EOR) enrollment process.
- PPL will notify the CME when the employer enrollment is complete. CMEs can contact PPL directly to ensure that the correct email is on file for this notification.

² 411-415-0020(6); 411-415-0050(8)(a-b); [DD PT 23-067](#)

³ 411-415-0080(7)(c)

- CMEs must verify that the Employment Relationship (ER) is completed in eXPRS prior to service authorization. For more information [How to Find and View I/DD Individual Employer/PSW Employment Relationship Information](#)
- **Responsibilities:** CMEs are responsible for orienting Employers⁴, including individuals serving as employers, parents of minor children serving as employers, designated employers, and proxies, of their employer responsibilities.
 - Review the [Employer Responsibilities and Criteria Agreement \(DHS 2933\)](#) with the employer and retain a signed copy of the employer accepting the responsibilities.
 - Offer a referral to the [Employer Resource Connection](#) during choice advising about available provider types, as part of interventions with an employer when there are concerns with fulfilling the employer responsibilities, and when a need for additional employer support is identified.
- **Intervention:** CMEs are responsible for intervening when there is evidence that the employer is not fulfilling their responsibilities as required.⁵ All interventions with an employer for failures to carry out their responsibilities must include an offer of a referral to the [Employer Resource Connection](#).
- **Removal:** There may be situations where an employer must be removed. Employers and the individual receiving services must be notified by the CME when an employer is removed in writing⁶.
 - Employers must be removed when the CME is aware that the employer has a history of substantiated or founded abuse or has participated in excessive or fraudulent billing.
 - Employers may be removed when the CME has intervened with the employer and the employer continues to fail to meet the employer responsibilities.
 - After an employer is removed, the individual must identify another person to serve as the employer. If no employer can be identified and the person is receiving services from a PSW, the person must be issued a Notice of Planned Action (NOPA) to terminate their choice of PSW due to no employer. Only the person receiving services has hearing rights related to the termination.

- **Authorization**

⁴ 411-415-0050(2)(b)(B)(i-iii); 411-415-0080(7)(c)

⁵ 411-415-0080(7)(c)(A); 411-375-0055(6)(b)

⁶ 411-415-0080(7)(c)(B-C); 411-375-0055(7)

- **Service agreement:** CMEs must prepare and provide the PSW with a Service Agreement within 7 days of being signed by both the PSW and their employer to inform the PSW of the following: ⁷
 - Amount and type of services and supports to be delivered by the PSW;
 - Information about known risks, health and behavioral information required for the PSW to safely and adequately provide the authorized services; and
 - Any protocols including safety plans, Positive Behavior Support Plan, or Nursing Care Plans needed for the PSW to provide services safely and adequately must be attached to the Service Agreement. ⁸
- **eXPRS authorization:** CMEs must authorize services in eXPRS prior to the start date of the services being delivered by the PSW. ⁹
- **Weekly Limitation exceptions:** CMEs must record CME approved exceptions to the PSW's weekly limit in on the PSW's provider record in eXPRS¹⁰. See [Exceptions to Individual Support Plan Hourly Cap for PSWs Worker Guide](#) and [PSWs Exceeding Weekly Hour Limitations Worker Guide](#).
- **Enhanced/Exceptional notification:** CMEs must notify PSWs and their employers about the enhanced or exceptional eligibility of the person they are providing supports to upon a change in eligibility and annually. See [Enhanced/Exceptional Supports Status and Rates Worker Guide](#).
- **Driver's License and Auto Insurance verification:** CMEs must verify a PSW has a valid driver's license and current auto insurance upon authorization of a PSW for community transportation for mileage reimbursement¹¹. A CME must provide written confirmation to a PSW that the documentation was received.

- **Pay**

PSWs are entitled to timely and accurate pay for services delivered. CMEs are responsible for:

- **Time sheet submission:** CMEs must provide the following for PSWs to submit their timesheets:
 - **Date stamping:** CMEs must date stamp timesheets upon submission to the CME. Timesheets submitted by email are considered timestamped if the email the timesheet was submitted with is maintained as the record of submission.

⁷ 411-415-0080(3)(b)

⁸ 411-415-0080(7)(b)(A-C)

⁹ 411-415-0050(6)

¹⁰ [DD-PT-23-005](#)

¹¹ 411-450-0110(4)(a)

- **Copies:** Upon request from the PSW, CMEs must provide the PSW with a copy of the date stamped submitted timesheet.¹²
- **Secure submission:** CMEs must provide either a secure submission portal for PSWs or send out a secure email to PSWs associated with their CME to respond to for submission of their timesheet¹³.
- **Office closures:** CMEs must extend the PSW submission deadline for timesheets proportional to any business days that the CME is closed unexpectedly during the submission period. CMEs can also make available secure email submission and drop boxes, but this does not substitute for the extension of the timesheet deadline if the CME has an unexpected office closure. CMEs must contact ODDS immediately by email or phone if the CME cannot meet the deadlines to process PSW timesheets to develop a plan for PSW pay processing.¹⁴
- **Time sheet processing:** CMEs must submit service delivered (SD) entries from properly completed timesheets in eXPRS prior to the CME submission deadline to ensure timely and accurate payment to PSWs. Failure to submit the SDs included on properly completed timesheets prior to the CME submission deadline can result in late/partial pay penalty fees and out-of-cycle fees for the CME. CMEs should only submit SDs included on a properly completed timesheet as described in the [Personal Support Worker \(PSW\) Timesheet Requirements for Billing in Plan of Care Worker Guide](#)
 - **Prior to the CME submission deadline:** Prior to the CME submission deadline, if an error is identified in the PSW's timesheet that would prevent submission of SDs included on the timesheet, the CME must notify the PSW as soon as the error is identified. PSWs are given an opportunity to correct the error and resubmit prior to the CME submission deadline. Corrected timesheets will be processed by the CME prior to the CME submission deadline when possible.
 - **After the CME submission deadline:** Corrections to timesheets due to PSW error received after the CME submission deadline or unable to be processed during the CME submission deadline will be processed on the next payroll cycle.
- **Pay issues:** PSWs will contact CMEs when they believe they have not been paid correctly. CMEs must help PSWs understand their rate and what to do if it's not correct. CMEs must also inform the PSW that the PSW has the right to request late/partial pay fees using the [Late or Partial Payment Request Form](#). The CME will provide the PSW with the

¹² [APD-IM-20-010](#)

¹³ [APD-IM-20-010](#)

¹⁴ [APD-PT-17-053](#)

link to the form. PSWs must report the pay issue using the [Late or Partial Payment Request Form](#) within 60 days of the processing date in order to be eligible for late/partial pay fees.

- **PSW Rates**

- **PSW wages** are now fixed rates that are based on the number of hours the PSW has delivered in eXPRS. The calculation of hours does not include overtime hours or hours entered after the end of the “lookback period”. Hours entered after the lookback period will be considered at the next lookback date. Lookback periods are determined in collective bargaining. View the current collective bargaining agreement for lookback period dates.
- **Wage Verification:** If a PSW reports an error for their rate, the CME should take the following steps to verify the correct rate:
 - Review the guide for how to find the base rate and differentials in eXPRS: See [PSW Wages, Differentials and Non-Standard Rates](#)
 - If after the base rate and differentials are verified by the CME and found to be incorrect, the CME must [submit a Technical Assistance Request in eXPRS](#).
 - The CME must refer the PSW to the [Late or Partial Payment Request Form](#).
- **Unpaid service delivereds (SDs):** If a PSW reports that they were not paid for submitted claims, CMEs should take the following steps:
 - Verify the receipt of the timesheet containing the service delivered that was unpaid.
 - Determine if the timesheet was submitted timely and was properly completed in accordance with [Personal Support Worker \(PSW\) Timesheet requirements for billing in Plan of Care](#)
 - Determine if there is a corresponding SD(s) submitted timely in eXPRS, identify the status of the SD, and determine if the SD was paid. See [Service Delivered \(SD\) Problem Solving Matrix](#), [How to Find and View Claims](#) and [Claims Problem Solving Matrix](#)
 - If it is determined that the PSW was not paid timely for one or more properly submitted SD due to CME error, the CME must approve the SD(s) immediately and follow the Out-of-Cycle payment process.
- **Other SD issues:** The following are possible scenarios that may cause a PSW pay issue that the CME must troubleshoot. These are not due to CME error, but still may cause pay issues for the PSW.

The CME must provide the PSW with information about the cause of the pay issue and any timeline for payment:

- The person receiving service has a loss or change in Medicaid status. See [How to Determine an Individual's TXIX Medicaid Eligibility by using the View Client Page](#).
- There is a lapse in the PSW's provider credentials. See [How to Find and View PSW Provider Records](#).
- **Pay issue due to unknown cause:** When a PSW reports a pay issue to the CME and it is unclear what is the cause of the pay issue, the CME must identify the status of the claim in eXPRS:
 - If a claim does not show paid in eXPRS and was not sent to PPL, the CME must submit an eXPRS Technical Assistance Request. See [How to Find and View Claims](#).
 - If the claim shows paid in eXPRS, the CME must check BetterOnline for payment or any error messages for the PSW. If it is unclear the reason for non-payment, contact PPL for further troubleshooting support. If PPL cannot provide information about the pay issue, the CME must submit an eXPRS Technical Assistance Request. See [How to Determine if a PSW was Paid in BetterOnline](#) and [CME Pro-Tip – Search for PSW in BetterOnline](#)
- **Out-of-Cycle payments:** CMEs must request an out-of-cycle (OOC) payment for any wages that failed to be paid due to CME error, both incorrect rates and unpaid SDs, within one business day of identification of the error. ODDS will not process any OOC request due to PSW error. Missing pay due to issues other than CME or PSW error are processed OOC on a case-by-case basis.
 - Send an email to request the OOC Excel template at ODDS.PaymentRequest@odhsoha.oregon.gov
 - Complete the OOC Excel template and submit to ODDS.PaymentRequest@odhsoha.oregon.gov
 - ODDS will invoice the CME for all fees incurred by ODDS for the OOC requests due to CME error including late/partial pay penalty fees.
- **Oregon Home Care Commission (OHCC) and ODDS verification:** CMEs must cooperate fully and timely with any requests from OHCC or ODDS to verify and resolve a pay issue. Delays in verification of pay issues can result in accrual of additional late/partial pay penalty fees for the CME
- **Voiding paid service delivered notification:** CMEs are responsible for email notification to info.eXPRS@odhsoha.oregon.gov within 48 hours when a paid SD for a PSW is voided. ODDS uses this information in any

communications about PSW pay issues that come to Oregon Home Care Commission. CMEs must provide the following information:

- PSW Provider Name
- Service Delivered ID number(s)
- Service Time and Date of the SD billing
- Reason why the SDs are being voided¹⁵
- **Weekly hours limits:** CMEs are responsible for communicating the PSW's weekly limit to the PSW in the Service Agreement including any exceptions that are approved by the CME or ODDS. See [PSWs Exceeding Weekly Limitations Worker Guide](#) and [Exceptions to the Individual Support Plan Hourly Cap for PSWs Worker Guide](#).
- **Electronic Visit Verification Exceptions:** CMEs are responsible for entering requests from PSWs for exceptions to using eXPRS Mobile-EVV into eXPRS. The eXPRS webform will determine if the PSW is eligible or not for the exception. See [Personal Support Worker eXPRS Mobile-EVV Exceptions for Case Management Entities Worker Guide](#)
- **Exceptions to using eXPRS:** CMEs must make exceptions to the PSW using eXPRS for time entry if the PSW has an ongoing hardship accessing eXPRS or language access presents a barrier to using eXPRS. CMEs also accept a paper timesheet in the following situations:
 - at least once a year when a PSW has limited access to the internet;
 - eXPRS has technical issues during all three days of the PSW submission window;
 - A new PSW has not received eXPRS login and password information.¹⁶

- **Monitoring**

- **Progress notes:** PSWs are required to submit progress notes as part of a properly completed timesheet. This information should be reviewed and used to monitor the supports and services provided by the PSW.
- **Service delivery:** CMEs have a responsibility to ensure that services are delivered as authorized and described in the person's ISP and Provider Service Agreement. While monitoring, a CME may identify situations that require additional action related to the PSW.
 - **Medicaid Fraud reporting:** CMEs must report suspected fraud to the [Medicaid Fraud unit](#).
 - **Abuse reporting:** CMEs must report allegations of abuse by a PSW to the appropriate abuse investigation entity.
 - **Recommendation to Take Action:** CMEs must report instances Medicaid Fraud, alleged abuse, alleged crime within 5 days. CMEs

¹⁵ [APD-IM-20-089](#)

¹⁶ [APD-AR-16-044](#)

may report these and other PSW non-compliance with the rules to ODDS using the [Recommendation to Take Action form](#). ODDS will review and determine appropriate action up to and including termination of the PSW. See [Independent Provider Terminations and Inactivations](#).

- **Health and Safety**

PSWs, like all employees, have a right to work in a safe environment.

Employers of PSWs have an obligation to provide this safe workplace for the PSW.¹⁷

- **Proactive efforts:**

- **Home visits:** at least annually when an individual is authorized to receive community living supports in their home, the case manager must conduct a home visit. During this home visit, if any health or safety issues are observed at the home, the case manager must inform the employer that those issues have been identified and the employer must mitigate the risks to the PSW.
 - **Risk mitigation:** the PSW must be informed on the Provider Service Agreement of the risks related to the individual that they support that are related to the services that the PSW is providing. Include details from the risk mitigation plan section of the ISP that provide the PSW with guidance on responding to known risks. PSWs must understand and agree to the supports that are needed in the Provider Service Agreement.

- **Reports of health and safety issues:** PSWs may report a variety of situations that create an unsafe work environment for the PSW along with impacts to the person receiving services.

- **Health and Safety Form:** CMEs must notify the PSW to complete the online [OHCC Health and Safety Form](#) to report health and safety issues. PSWs can ask the CME or OHCC for assistance in completing the form. If the PSW needs someone to complete the form on their behalf, the CME must direct the PSW to call the OHCC for assistance. OHCC will track PSW health and safety issues and follow up as needed.
 - **Serious incidents:** PSWs must report serious incidents to CMEs. That reporting may be done verbally, in writing, or by other means. CMEs must follow existing rule and policy to respond to any reported serious incidents.
 - **Employer interventions:** When a safety issue is reported or observed, the service coordinator or personal agent must contact the employer to inform them of their responsibility to maintain a safe working environment for their PSWs. Service coordinators or

¹⁷ [DD-PT-23-067](#)

personal agents must offer a referral to the Employer Resource Connection as part of the intervention. The intervention must be documented in progress notes. Prior to removal, the employer must have at least two documented interventions where there is evidence that the employer was informed of their failure to meet the responsibilities.

- **Employer removal:** Employers that repeatedly fail to meet their employer responsibilities, including the responsibility to maintain a safe working environment for their PSWs, may be removed from acting as the employer. Employers must be notified in writing of their removal. The notice must include evidence of the responsibilities that were not met and the attempts to correct the employer's behavior. Another employer must be appointed after an employer is removed or the individual must choose an alternative provider type. If no employer can be identified and the person is receiving services from a PSW, the person must be issued a Notice of Planned Action (NOPA) to terminate their choice of PSW due to no employer. Only the person receiving services has hearing rights related to the termination.

Form(s) that apply:

[ODDS Service Agreement Form \(se4606\)](#)

[Recommendation to Take Action Form](#)

[Employer Responsibilities and Criteria Agreement](#)

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