

Caregiver Compensation Guidance

COVID-19 Appendix K Flexibilities

Caregiver compensation is allowed temporarily during the COVID-19 emergency. Parents and guardians (caregivers) may provide self-administered supported living (SL3) for their individual in-service on the Community Supports Waiver (CSW), Community Transitions Waiver (CTW), and Acquired Brain Injury Waiver (ABIW). Caregivers may provide personal assistance (PA3) for individuals on the Physical Disabilities Waiver (PDW). Effective November 1, 2021 service code SL3 will be used for supported living and PA3 will be used for personal assistance provided by a parent/guardian. Effective December 1, 2022, caregivers may provide attendant care (AC3) for individuals on the Limited Supports Waiver (LSW).

- Support can be provided between the hire date and **June 30, 2023**
- Support can be provided up to 40 hours per week based on the individual's documented and assessed need

All support provided must follow the scope and requirements of the [supported living service code](#), the [personal assistance service code](#), or the [attendant care service code](#).

After the RFS is approved, the Support Coordinator needs to approve the hire of the caregiver by emailing a [Form C19 COVID-19 Caregiver Compensation Authorization](#) to the fiscal agent as part of the completed employment packet. Before authorization, a Support Coordinator must consider:

- If there is a need specifically due to the COVID-19 pandemic
- If it is in the best interest of the individual
- The individual chooses to have their caregiver as an employee
- Caregiver burnout has been taken into consideration
- If the caregiver is capable of performing supported living or personal assistance

Satisfaction of these criteria may be subject to audit and should be clearly justified in the Person-Centered Support Plan (PCSP).

Notice of Agency Action

If the Support Coordinator does not believe the criteria have been met, the request for caregiver compensation can be denied. The individual or their representative has a right to appeal a denial if it occurs. When an individual is denied caregiver compensation, the Support Coordinator must contact

DSPD to send a Notice of Agency Action (NOA) to the individual in-services. Immediately after any denial of caregiver compensation, the support coordinator must send an email to noa@utah.gov that includes:

- the name and ID of the participant,
- the service that has been denied, and
- the reason for the denial.

Caregivers New to SAS

Caregivers can start using the self-administered services (SAS) model to receive caregiver compensation. They should contact their support coordinator to complete the paperwork needed to start SAS. If a fiscal agent reaches the capacity of those they can serve, a caregiver may be notified of this and be asked to select a different fiscal agent to move forward.

Caregivers Using Provider Model

Caregivers also have the option to seek employment with a DSPD contracted provider agency. Provider agencies typically provide supported living through the SLN service code. SAS employment guidance does not apply when the caregiver is employed by a provider agency. A caregiver would need to abide by the same hiring, training, and documentation practices expected of any newly hired staff of the provider agency.

SAS EMPLOYMENT PAPERWORK

Support Coordinators should assist families in completing the process to become a Self Administered Services (SAS) employee. All paperwork must be completed before the caregiver may begin providing services and receive payment. The fiscal agent will supply their typical new hire packet, or they can all be accessed on the [DSPD COVID-19 Information and Resources](#) webpage under the Caregiver Compensation heading. New hire packets include federal forms and fiscal agent payment forms. Note that caregivers who are also employers do not need to complete an employee agreement form. As with any business and financial matter, consulting with a tax advisor is always encouraged.

Background check information:

- Submit all background check paperwork to the caregivers chosen fiscal agent.

Earliest Effective Start Date

The fiscal agent will notify the caregiver when they are authorized to begin working. **The caregiver may not bill for hours prior to the hire date given by the fiscal agent.**

PLANNING AND BUDGETS:

Person Centered Planning and Budget

Use the SL3 service code for individuals on the CSW, CTW, and ABIW, or PA3 for individuals on the PDW, when using SAS, regardless of the individual's age.

- Additional units may need to be added to the budget for the purpose of paying caregivers.
 - For those new to SAS, the Fiscal Management Services (FMS) and SL3 or PA3 services will need to be added to the plan. The FMS will need units equivalent to the number of months of caregiver compensation services through **June 30, 2023**.
- Support Coordinators may make the changes to the PCSP budget without DSPD involvement if they can maintain the plan total within the plan max.
- If additional funds are needed, or will be needed before the end of the plan cycle, Support Coordinators should submit a Request For Services or RFS through USTEPS.
- Support Coordinators need to ensure that the SL3 or PA3 service code is in the PCSP budget with sufficient units to cover all applicable months through **June 30, 2023** at the time the caregiver is hired to ensure there are no delays in payments for the caregiver.

Timesheets

Hours of support billed by a caregiver must not exceed the documented need in the person-centered support plan or 40 hours per week per individual, whichever is less.

- If more than one caregiver is employed, the combined total of billed hours must not exceed the documented need in the person-centered plan or 40 hours per week, whichever is less.
- If 40 hours a week is less than the individual's documented need in the person-centered plan, non-caregiver employees are needed to provide the remaining support.
- The 40 hour caregiver maximum for an individual applies to each work week (defined as Sunday through Saturday) and may not be averaged across the two week payroll period.
- Additionally, a caregiver may not exceed 40 hours per week in cases where multiple individuals in the household receive DSPD services.

Timesheets for caregiver compensation need be legible and include the following:

- Start and end times of the service provided
- A description of the services provided
- Hours that do not exceed 40 per week

Support Coordinators must approve and submit the timesheet for caregivers. (Note: for non-caregiver employees, please continue submitting hours normally. Support Coordinator approval is not required for non-caregiver employees.)

- Caregivers should fill out their timesheet and send it to the Support Coordinator for approval.
- Work with the FMS to understand their timesheet submission process, whether they are using paper time sheets or an electronic system.
- Be mindful of the FMS agency's timesheet submission deadlines. Caregivers should submit timesheets to Support Coordinators early enough for them to review and submit it to the FMS agency in time for payroll processing.
- Submit each time card to the correct FMS agency for that individual.