

The James Patrick Florida Work Incentive PAS Program Policies and Procedures for Program Participants

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FACIL reserves the right to modify, supplement, revoke, and/or substitute any policy and/or procedure stated herein.

I. Program Description

In 2008, the Florida Legislature established (F.S. 413.402) The James Patrick Memorial Work Incentive Personal Assistant Services program (JP-PAS). The program allows working residents in the State of Florida with documented severe and chronic disabilities to receive a monthly stipend specifically to maintain a personal care Assistant (PCA) to assist them with activities of daily living. JP-PAS is administered by the Florida Association of Centers for Independent Living (FACIL).

II. Eligibility Criteria

Persons who wish to apply must meet all of the following eligibility criteria. In addition, the following statuses must be maintained to continue participation in the program:

- A. Must be a person with disabilities who requires personal assistance service (PAS) for support or cueing for at least two activities of daily living as documented in writing by a physician or psychiatrist. Activities of daily living means functions and tasks for self-care including ambulation, bathing, dressing, eating, grooming, and toileting (F.S. 429.02).
 - i. Disability determination proof shall be documented from a physician or psychiatrist dated within the last 12 months to include a medical diagnosis of PAS need for at least two activities of daily living as defined above.
- B. Must be at least 18 years of age.
- C. Must be a U.S. citizen or Legal Permanent Resident of the U.S.
 - i. Proof of U.S. citizenship or legal residency may be: Original or certified U.S. birth certificate, valid U.S. passport, green card, or Certificate of Naturalization.
- D. Must be a Florida resident who currently resides and has the present intent to remain in Florida. The following proof of residency documents will be required:
 - i. At least two documents must be presented from the following list: Florida Driver's License or Florida ID Card; Florida Voter Registration Card; Florida Vehicle Registration; income tax return, utility bills, cable bills, or a land line telephone bill or other documentation.
- E. Must be employed in Florida or in a county contiguous with the Florida border.
 - i. Proof of employment shall include at least one of the following: 1) copies of pay stubs for the past three months of employment 2) official letter of hire 3) copy of the most recent federal income tax return. Participants are required to participate in a bi-annual face-to-face meeting with a representative of this program to confirm employment.
 - ii. Temporary job assignments outside of Florida exceeding three months must be approved by the JP-PAS Oversight Committee.
- F. Must earn an annual (calendar) gross income of at least the Individual Federal Poverty Level and not more than \$99,999. (Call the Demographic Call Center of the US Census at 1-866-758-1060 for updated poverty thresholds, published annually).
- G. Must not receive Social Security Income (SSI) or Social Security Disability Income (SSDI).
- H. Individuals with disabilities may apply for participation in JP-PAS while they are on approved medical leave of absence. When they return to work, they are eligible to participate in the program if a slot is available. If they do not return to work following their medical leave, they will not be eligible to participate in the program.
- I. Must be able to acquire and manage a personal care Assistant.

III. Application Process

Contact FACIL (1-866-575-6004 or facil@earthlink.net) to request an Application Package or online at www.floridacils.org.

The Application Package materials include detailed instructions on how to complete and submit all forms and documents.

Participants will be reimbursed for the amount of PAS services actually rendered up to the maximum allowable amount of \$1,100 per month. Participants with gross annual incomes of up to \$60,000 are eligible to receive the maximum allowable amount. Participants earning gross incomes from \$60,001 to \$99,999 must complete the Income Worksheet to apply the formula for reimbursement.

IV. Enrollment

Applications to the JP-PAS program are welcome year-round; however, funding is limited and slots for program participation are limited. Program participation is not guaranteed. Qualified individuals who have submitted a complete Application Package will be notified by US mail if there are no slots available within 4 weeks of receipt of the application. The Application will be filed for inclusion into the program when the next available slot becomes open. When a qualified, completed Application Package is received and there is program availability, the applicant will be sent an Acceptance Package to complete. Incomplete Application Packages will **not** be placed "in line" until all required documentation is received.

Once an applicant becomes a Participant in JP-PAS, the Participant benefits will continue without interruption unless his or her eligibility status changes.

V. Approval/Denial Process

As acceptance is based upon chronological receipt of completed Application Packages and the number of slots available, it is highly recommended that each required step be completed immediately upon receipt of the Application Package.

The following approval/denial process applies:

- A. Application Packages are opened and an internal Approval Checklist is attached. The checklist is dated and initialed. Application materials are reviewed for completeness. If the Application Package is incomplete, the applicant will receive an e-mail or a phone call from FACIL within two business days of review of the Application Package requesting the missing information. No further processing takes place until the required information is received by FACIL. FACIL must receive the required information within 30 days of notification that the information was missing for the review process to continue. If the information is not received the application is denied and a denial letter will be sent to the applicant.
 - i. If the package is complete FACIL calls the applicant's physician or psychiatrist to verify that the applicant is a patient of the professional.

- ii. If diagnosis and PAS need is not verified by the referred professional a letter of denial is mailed to the applicant with instructions for how to appeal the denial or reapply.
- B. If the diagnosis is verified, FACIL calls the applicant's employer to confirm employment. If the employer will not confirm employment, a denial letter is mailed to the applicant, with instructions for how to appeal the denial or reapply.
- C. The grievance policy shall be attached to the denial letter.
- D. Once PAS need and employment are confirmed and there are slots available FACIL mails the applicant an Acceptance Package.

VI. Acceptance into the Program

Individuals who are accepted into the JP-PAS Program will receive an Acceptance Package.

VII. Participation in the Program

After all forms and documentation in the Acceptance Package are completed Participants can start receiving reimbursement for their PCA expenses. The forms that must be filled out contain detailed instructions on proper completion. All Participants are expected to adhere to the JP-PAS Policies and Procedures.

VIII. Participant Responsibilities

All Participants must complete the Hold Harmless Agreement. Participants will assume all risks and hazards associated with participation in the JP-PAS program and will maintain insurance for medical expenses and loss or damage of property.

In the event that false information is supplied to FACIL, the Participant may be terminated from the program and may be responsible for reimbursing FACIL for all benefits received.

IX. Change in Work Status

Notification must be made to FACIL immediately in writing when:

- A. Participant is out of work on medical leave extending beyond one month.
 - i. Individuals must provide medical documentation from their primary treating physician that they are unable to work due to medical complications.
 - ii. Participants are in "active status" and are eligible for PAS reimbursement during the first 26 weeks of unemployment and up to the time period specified by the Participant's governmental unemployment compensation extensions, if applicable.
 - iii. After 26 weeks of being unemployed Participants will be terminated from the program and must re-apply to JP-PAS once re-employed.
- B. Participant becomes unemployed for any other reason.
 - i. Individuals who become unemployed may receive PCA services for a maximum of 26 weeks following the first day of unemployment, or up to the maximum time specified by the particular unemployment compensation extension. Participant will retain "active status" in the program during this period, but must maintain contact

with FACIL regarding job searching (see 2. below). If Participant becomes re-employed within this time frame, no change will be made to his or her status.

- ii. As soon as the Participant becomes unemployed, FACIL must receive a bi-weekly memo from the Participant showing targeted job searches (with a minimum of three contacts, including phone numbers and addresses), verifying that a new job is being sought. *If documentation of job search evidence is not submitted, PCA reimbursement will stop.*
- C. If Participant remains unemployed after the 26 weeks or extended time period, his or her active status will be terminated and s/he will be removed from the program. Reapplication to the program will be necessary once re-employed.
- D. Changes employer and/or position with current employer or change in compensation that significantly effects the threshold income level.

X. Reimbursement

As this is a reimbursement program, Participants will not receive a 1099 form from FACIL. Participants are not required to consider the reimbursements received as income on their tax return.

Participants must choose one of the following options on the Reimbursement Selection Form:

A. Pay Me

Participants who select the “Pay Me” reimbursement option determine their PCA’s compensation amount and pay their PCA directly. Each month Participants will fax, mail, or e-mail to FACIL:

- 1) Payment Request Form
- 2) Cancelled checks written to their PCAs and
- 3) PCA Timesheets

All documentation is due on the 1st of the month and late after the 10th of the month following the month services are received. Individuals who submit payment request forms in a timely manner can expect their reimbursement by the 20th of the month. Reimbursement requests received after the 20th will be processed the following month. Participants may send in two requests in this instance.

Participants who select “Pay Me” are responsible for complying with all applicable federal and state employment laws and for filing all necessary federal income tax employment forms. Please refer to IRS Publication 926 Household Employer’s Tax Guide at <http://www.irs.gov/pub/irs-pdf/p926.pdf>.

B. Pay My PCA

As a service, Participants can opt to have FACIL pay their PCA. The PCA then works as a subcontractor of FACIL whose activities, however, *are directed by the Participant*. FACIL charges the Participant a \$12.00 processing fee for this service per PCA paid per month. All PCAs that FACIL pays must get a background check. PCAs must sign a FACIL PCA Contract and a PCA Workman’s Compensation Waiver. FACIL will file all necessary federal forms, including Form 1099.

Each Acceptance Package includes a blank one month (five week) PCA Timesheet to be used for Participants selecting the “Pay my PCA” reimbursement option. Participants should make the necessary number of copies of the timesheet so that each PCA has one to complete each month. The following procedure should be followed for completing timesheets:

1. The month and year should be noted in the space provided.
2. Participant and PCA name and phone number should be noted in the spaces provided.
3. The PCA’s hourly rate is determined by the Participant and should be noted in the space provided.
4. Each completed PCA Timesheet must be signed and approved by the Participant.

Participants who select “Pay My PCA” must submit to FACIL each month by mail, e-mail, or fax:

- 1) Payment Request Form and
- 2) PCA Timesheets

All documentation is due on the 1st of the month and late after the 10th of the month following the month services are received. Reimbursement requests received after the 10th will be applied to the next payment cycle, approximately two weeks later.

Lost/Stolen Check Policy: If a check is lost or stolen the participant should allow 10 business days from the date that the check was mailed before requesting a new check to be issued.

No Contact and Termination Policy: If a participant does not submit a reimbursement request and has no contact with FACIL for more than three (3) months, they will receive a No Contact Notice by return receipt requested certified letter. If after 10 days of receipt of the No Contact Notice the Participant does not establish contact with FACIL, FACIL will send the Participant a Notice of Termination letter.

XI. Background Checks

All PCAs who are paid by FACIL must get a background check. Participants must provide each PCA a Background Check Packet. The packet includes the following forms and requirements:

- A. All PCAs must use the enclosed fingerprint card on which to be fingerprinted in their county of residence. The PCA should retain the receipt for the fee to be reimbursed from FACIL. The completed fingerprint card and fingerprint fee receipt should be mailed to FACIL.
- B. All PCAs must undergo a Level 2 background check from the Florida Department of Law Enforcement (FDLE). Completed Background Consent Forms must be returned in the pre-addressed FACIL envelope.

When FACIL receives a PCA background check result, FACIL will determine if the result is acceptable based on Section 435.04, Florida Statutes. If the PCA is deemed acceptable, FACIL will then pay the PCA beginning on the first day of the month following the month in which the background check results were received. If the results of a PCA background check are not

favorable, the Participant must select another PCA (who must be fingerprinted and receive a Level 2 background check from FDLE).

XII. Bi-Annual Review Process

FACIL or its agents will conduct a bi-annual on-site interview at each Participant's place of employment. An annual physician's diagnosis of disability may be required. Employment and income verification shall be submitted on an annual basis. These reviews allow FACIL to ensure JP-PAS is successfully meeting the needs of the Participant.

XIII. Grounds for Termination

A Notice of Termination from the program shall be sent to Participant in these cases:

- A. Any of the following statuses have changed and no longer meet program requirements:
 - i. U.S. residency
 - ii. Florida residency
 - iii. Over age 65
 - iv. Gross income not within the program parameters
 - v. Begin receiving SSI or SSDI
 - vi. Begin participating in a Medicaid Waiver Program
- B. PAS need status has changed and no longer meets program requirements or it is determined that medical diagnosis does not meet eligibility requirements.
- C. Participant has been unemployed for more than 26 weeks or the allowable extension.
- D. Participant has not responded to the No Contact Notice within the date frame given.

XIV. Grievance Procedure

If concerns or complaints arise about the JP-PAS program that a Participant feels need to be addressed by FACIL, the Participant must adhere to the following grievance procedure and FACIL will make every effort to respond to the concern:

- A. Timing
In order to qualify for processing under this section, a grievance must be filed no later than thirty (30) calendar days after the date on which the aggrieved condition occurred.

- B. Procedure

Step One: Any Participant may present a grievance to the JP-PAS Program Staff by submitting the concern in writing or by dictating the grievance to the Program Staff. The Staff shall have five (5) regular working days in which to respond. Should the Staff fail to respond within this time limit or if the Participant finds the response unsatisfactory, the grievance should be submitted to the Executive Director within five (5) regular working days from the time the first answer from the Staff was due or was given. The Executive Director should respond in writing within five (5) days of receipt and if the Executive Director fails to respond within this time, or if the Participant finds the response unsatisfactory, the Participant may proceed to Step Two.

Step Two: The Participant may submit an appeal to the JP-PAS Oversight Committee if Step One has not resolved the issue. Upon receipt of a written appeal, the Oversight Committee shall discuss at the next regularly scheduled meeting wherein statements shall be taken from the aggrieved Participant. The Committee may refuse to grant the Participant's request for appeal when the issues involved are minor in nature, or involve evaluations or judgments by management unless they appear to be contrary to policy, malicious or vindictive. The Oversight Committee shall have twenty (20) regular working days in which to respond to the employee in writing concerning the relief requested.