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Executive Office of Health & Human Services

# Personal Care Attendant New Hire Orientation

Massachusetts PCA Quality Workforce Council



# PCA New Hire Orientation

## Preface

In 2013 the PCA Workforce Council and the 1199 SEIU signed an agreement requiring all Massachusetts Personal Care Attendants (PCAs) hired after January 1, 2014, to attend a *PCA New Hire Orientation* within the first 6 months of their employment.

**The goal of the PCA New Hire Orientation is to support PCA workers in their positions, support the integrity of the PCA program in the state, and increase communication between the consumer and PCA workers following hire.**

### Acknowledgements:

This curriculum would not be possible without the thoughtful and collaborative efforts of the following organizations:

Executive Office of Health & Human Services  
University of Massachusetts Medical School  
MassHealth  
PCA Workforce Council  
1199 SEIU  
Stavros  
Cerebral Palsy of Massachusetts

Special thanks is given to the PCA Orientation Stakeholder Group: Co-Chairs: Rosalie Edes and Paul Spooner, and group members: Serin Derin, Charlene Mancusi, Elizabeth Connell, Raymond, Glazier, Kenneth Smith, Deborah Ritcey, Harneen Chernow, Jennifer James, Linnea Rego, Courtland Townes III, Carmen Rosario, Larry Spencer, Joe Tringali, Rebecca Gutman, Clayton Novak, Terri Morris, Jessica Colangelo, Leanne Winchester and Jack Boesen.

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Image courtesy of [www.mass.gov](http://www.mass.gov)

# PCA New Hire Orientation

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# PCA New Hire Orientation

## Introduction

In alignment with the goal of the PCA Stakeholder Group, a three-hour Orientation has been developed with input from consumers, PCAs, PCM agency staff, centers for Independent Living staff, PCA Union (1199 SEIU) representatives, and other stakeholders.

In an effort to inform the PCA of the independent living principles, operational procedures of the PCA program, fraud, abuse and neglect, and PCA worker rights; the training facilitator and consumer who chooses to provide the Orientation to their PCA through the consumer taught option *must* adhere to this curriculum.

### **The Orientation curriculum includes four modules:**

Module 1: Understanding Independent Living Principles

Module 2: Operational Procedures of the PCA Program

Module 3: Recognizing and Reporting Fraud, Abuse and Neglect

Module 4: Workers' Rights, including 1199 SEIU presentation and resources

Each module ranges from 30 to 50 minutes. Within the modules are information to be presented to the PCA, topics for discussion, and helpful activities to enhance the PCAs understanding of the content. A lot of information must be covered in a very short period of time. Therefore, it's important to monitor the time spent during discussion and activity time. Remind the PCAs that they are always invited to continue their discussions after the Orientation has ended.

### **Other Important Information:**

- The new PCA must receive all of the information in this curriculum
- The new PCA will be paid for participating in the three-hour Orientation
- The PCA Consumer may choose the consumer taught option and provide the PCA New Hire Orientation to their new PCA; or
- The PCA Consumer may choose to have their new PCA attend a group Orientation
- The new PCA has the right to attend a group Orientation following the consumer taught model; however, the new PCA will only be paid once for the three-hour Orientation
- This Orientation does *not* replace the individualized training provided by the PCA employer!

# Understanding Independent Living Principles

## Independent Living Philosophy Facilitator's Guide Outline

Facilitation of this curriculum can be offered two ways:

1. Group facilitation; or
2. Consumer taught option

➤ Throughout the curriculum there are two facilitation options: group facilitation or the consumer taught option. When the activities vary, the options will be identified by the arrowed bullet shown here.

The structure of this curriculum begins with the goals and objectives. The objectives help ensure the information provided to the PCA throughout the curriculum is consistent with the lesson goals.

The Orientation will take three hours to complete. Times are assigned to each activity. It is important to remain vigilant to the time allotment. While asking questions is always encouraged, it's important for the facilitator to recognize many questions may be answered in later modules. To that end, it is best to post questions on a flip chart, paper, or board and answer the questions at the end of the Orientation.

On the opening page of each module is a list of materials that are needed for the facilitation of the module. It's important to have these items ready before the PCAs arrive. Also included on the first page is the "Advanced Preparation" information. The facilitator (or consumer) should review this information ahead of time and prepare the planned activities as instructed. Early preparation will ensure a smooth presentation and an enjoyable experience for both the PCA and the facilitator (or consumer).

Throughout the curriculum there will be text box images that will display visuals for the flip chart paper that is used in the Group sessions.

Flip Chart

This curriculum also offers suggested "Facilitator Tips," which assist the facilitator (or consumer) in the delivery of the PCA New Hire Orientation material.

Complimentary to this curriculum are the PCA New Hire Orientation handouts. These handouts contain useful information for the PCA to refer to during the Orientation. The handouts will also be a useful resource in the future. The handouts should be copied and offered to the PCA at the beginning of the PCA New Hire Orientation.

# Understanding Independent Living Principles

**40 minutes** (includes official welcoming, opening, set-up time for video, and summary)

<b>Goal:</b> PCAs will understand independent living principles and the role of the consumer as the PCA employer.		
<b>Objectives:</b> By the end of the Module the learner will be able to: <ol style="list-style-type: none"><li>1. Describe the importance of the consumer as the PCA employer model</li><li>2. Explain the importance of the Independent Living Principles</li><li>3. Describe the role of the PCA</li></ol>		
10 min	Welcome, Introductions, Orientation overview, and ground rules	Group discussion, interactive activity
05 min	History of the Massachusetts PCA Program	Interactive presentation
15 min	Meeting PCA Employers	Video
10 min	Understanding Who Employs PCAs Principles of Independent Living Understanding the Role of the PCA	Group discussion

## Resources/Materials needed for this module:

- TV with DVD player; or
- LCD, laptop, and screen
- Flip chart paper and markers/ paper and pen/pencil (PCA consumer taught option)

## Advanced Preparation:

**Be sure video equipment and video work ahead of time!**

# Understanding Independent Living Principles

## Welcome and Introduction

10 minutes

Welcome the PCA(s) and briefly review the goals and objectives of the PCA New Hire Orientation.

- Set “Ground Rules,” such as no cell phones; explain that all ideas are valuable, etc. Remember questions will be kept to a minimum and will be answered at the end of the 3 hours.
- Tell PCAs that if they do not understand a term or an acronym, they may be able to find it in the “Glossary” at the end of their handouts.

**The goal of the first activity is to gain an understanding of the PCA’s past experiences.**

These experiences could influence how the PCA will perceive or understand the consumer as the PCA employer model, so it’s important to address the different perspectives to help the PCA understand the important role the PCA has in supporting the consumer to reside at home.

➤ **Consumer taught option:** the consumer should ask their PCA about their experience working as a direct care worker or informal care giver.

➤ **Group facilitation:** facilitators should take a poll by asking people to raise their hand in response to the following questions:

How many of you have worked for an agency as a home care worker (i.e. homemaker, personal care homemaker, home health aide)?

How many of you are a nurse’s aide (CNA), LPN, or RN?

How many of you have worked as a direct support specialist for a provider agency?

How many of you have no experience working in a home- or community-based setting and are brand new to the field?

**In both the consumer taught and group settings:**

- **Ask** the PCA(s) how traditional direct support workers are **similar** to a PCA (hint: traditional home care workers do many of the same tasks). Then ask how more traditional direct-support worker positions are **different** from their role as a PCA? (Hint: the PCA program is the only consumer-controlled support program in Massachusetts).

### **Facilitator Tip:**

Be mindful of the time! There is a lot of information to cover.

# Understanding Independent Living Principles

## History of the PCA Program

5 minutes

**Explain to the PCAs** that there is a long history that leads us to today's Independent Living model. Prior to 1963, the individuals they will see in the video would have probably lived very different lives than they do today.

**Ask the PCAs** to turn to page 3 of their handbook which depicts Figure 1 on page 9, a timeline of independent living progress from 1848 to 2013.

**BRIEFLY** review the history of the Independent Living Movement. Explain to the PCAs, the Massachusetts PCA Program is a product of the Independent Living Movement, which evolved from the Civil Rights/ Disability Rights movements in the United States.

World War II resulted in millions of injuries and sparked improvements in treatments that increased the chances of people living longer, productive lives. However, it was the *Civil Rights Movement* in the 1960's that awoke a deep passion in many people with disabilities, in that they likened their injustices to the oppression felt by African Americans and other minority groups.

### Facilitator Tip:

On page 8 is a script describing the History of the Independent Living Movement that facilitators/ consumers should read or refer to when reviewing the timeline.

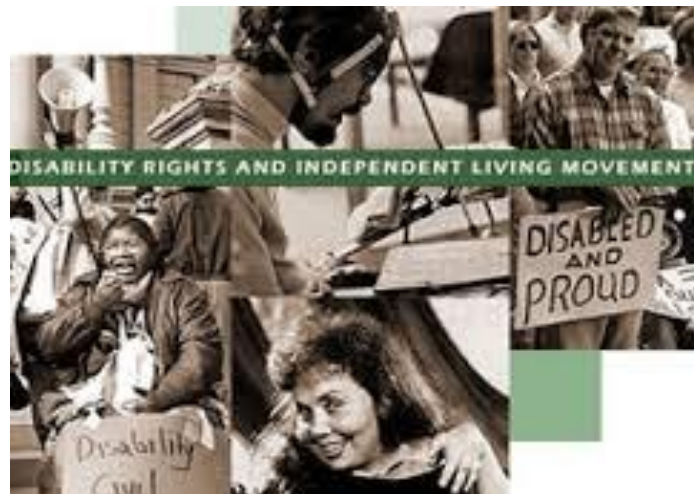


Image taken from [www.bancroft.berkeley.edu](http://www.bancroft.berkeley.edu)



# Understanding Independent Living Principles

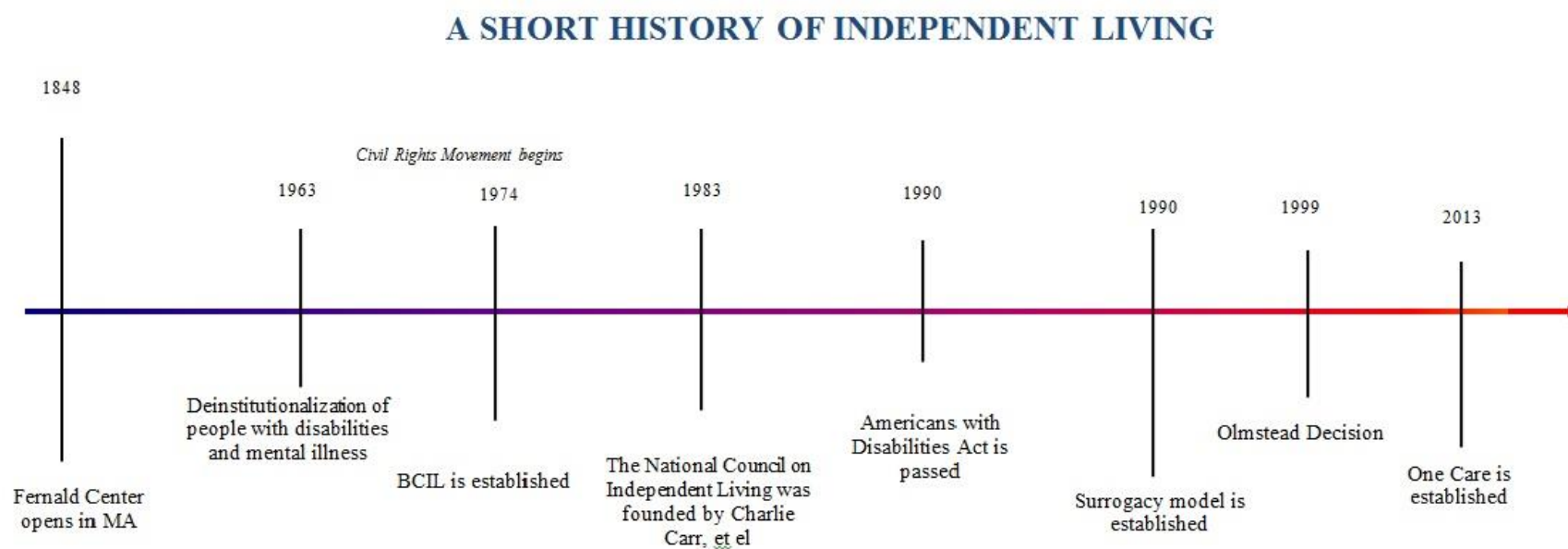
## History of the Independent Living Movement

- Prior to 1963, many people with disabilities were forced to live in institutions – a major one being the Fernald State School in Waltham, MA, which opened in 1848. These institutions segregated people with disabilities from society.
  - In 1963, the Civil Rights Movement began. Under President John F. Kennedy people with disabilities and mental illness began moving out of institutions and back into the community
- In 1972, people with disabilities developed the first Independent Living Centers (ILC) in Berkley, California. The ILC helped them get out of hospitals, nursing homes, and other medical facilities. The core principle of the ILC was, and still is Consumer Control
- The second ILC, the Boston Center for Independent Living (BCIL), opened in 1974.
- In 1976, The Massachusetts PCA Program was developed. The program initially benefited only people with physical disabilities who could “self-direct”. Participants needed hands-on care to be eligible. The person with the disability is the employer and able to hire, fire, supervise, and train their PCA
  - In 1990, the Americans with Disability Act (ADA) passed, implementing and protecting many more rights for people with disabilities, such as the right to in employment, education, and access to society.
  - In 1990, the MA PCA program expanded to include a “surrogacy” model, allowing people who could not fully self-direct to participate with the help of a trusted individual. This opened up the program to people with intellectual/developmental disabilities, head injuries, mental illnesses and many other groups.
  - In 1998, the “Fiscal Intermediary” was introduced into the PCA program, helping to solve some of the operational issues that had arisen, such as ensuring PCAs were paid and taxes were deducted appropriately
  - In 1999, the Olmstead decision is made, requiring services for people with disabilities to be offered primarily in community settings, exactly where PCA supports are provided.
  - In 2006 the PCA Workforce Council was established. The Council is charged with insuring the quality of long-term personal care in the home, and supporting efforts for recruiting, training and stabilizing the PCA work force.
  - In 2007, PCAs took a vote to become unionized and joined the SEIU 1199 (Service Employees International Union); enabling PCAs to negotiate and fight for better pay, benefits, training, etc., while still maintaining the role of the consumer as the employer and protecting consumer control.
  - In 2013, *One Care* was implemented. One Care is a new and easier option for people with disabilities, who are 21-64 years old, to get the full set of services provided by both MassHealth and Medicare.
  - Today, the PCA program continues to grow and evolve, providing more choices and control for more and more people with disabilities.

**Inform the PCAs that they play an important role in ensuring the continued evolution of the Independent Living Movement.**

# Understanding Independent Living Principles

Figure 1. Independent Living Timeline



## Understanding Independent Living Principles

In the MassHealth PCA Program the Consumer, person with the disability, is the employer. S/he hires the PCA, determines schedules, trains the PCA, defines job tasks, supervises and evaluates the PCA's performance, and may ultimately fire the PCA. The PCA works for the person with the disability (consumer).

Inform the PCAs, in the PCA Program, they should avoid using terms such as “*client*” or “*patient*”. A PCA does not “*take care of*” someone; rather, a PCA assists another person to live independently.



Image courtesy of [www.dol.gov](http://www.dol.gov)

# Understanding Independent Living Principles

## Meeting PCA Employers

**15 minutes**

This section utilizes the video: *PCAs: The Key to Independent Living*. Introduce the video, explaining that it was developed, narrated, and produced by Massachusetts consumers. Tell the PCAs, “There will be a follow up discussion after the video”

**Note:** After the video allow the PCA(s) a moment to process what they have just watched. This will allow them a moment to gather their thoughts for the follow up conversation.

**Play the video.**

**Follow up Discussion:** Guiding questions will focus on three (3) main areas:

1. Understanding Who Employs PCAs see page 12
2. Understanding the Principles of Independent Living see page 12, and
3. Understanding the Role of the PCA see page 13

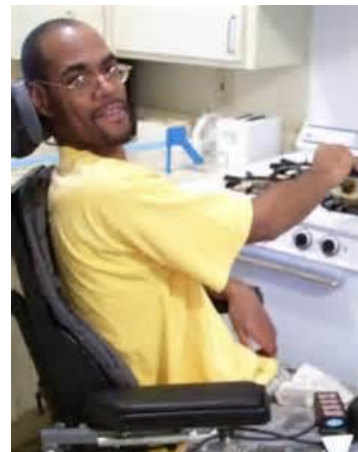


Image courtesy of [www.ncdhhs.gov](http://www.ncdhhs.gov)

# Understanding Independent Living Principles

## Understanding Who Employs PCAs

### **Guiding Question:**

Explain to the PCA(s) - In the video you met, Carmen, Pat, Rob, Anne, and Eddie. However, these five (5) consumers only represent a small percentage of the types of people who employ PCAs.

**Question:** Ask the PCA(s), “Why did the people in the video need to hire PCAs? Who else might hire a PCA”?

### **Facilitator Tip:**

Below is a list of other types of people who may employ PCAs.

### **People Who Employ PCAs:**

- Elders with disabilities and chronic illness
- Children and adults with intellectual and developmental disabilities
- People with Alzheimer’s disease
- Children and adults who have sensory disabilities
- Children and adults with physical disabilities
- Children and adults who are chronically ill
- Children and adults who are dying (terminally ill)
- People who are mentally ill
- Children and adults with multiple disabilities

## Principles of Independent Living

### **Guiding Question:**

Explain to the PCA(s) - In the video you heard the PCAs and consumers commenting about different principles that are instrumental to the PCA program.

**Question:** Ask the PCA(s), “What principles do you recall hearing in the video”?

**Facilitator Tip:** Below are some points made in the video

**Consumer Control:** I let them know I’m the boss, they are not hired by the agency, they are hired by me (Carmen); Some PCAs don’t think I’m their boss, but I am (Pat);

**Consumer Choice:** She (consumer) gives direction, tells you what she wants done, how she wants it done, when she wants it done, if she wants it done (Karen). Each person is an individual and only that person can tell you/ direct you what works for them (Anne).

## Understanding Independent Living Principles

**Trust:** When I know that I have a PCA that I can trust and depend on then I know that I am truly independent (Rob); Trust is important due to many incidences in the past such as stealing money from me, writing hours they've never worked, and leaving me in the chair for hours. Trusting my PCA is the most important part of my life (Carmen).

**Reliability:** I need to know when they're not going to be here; I need to know if they're feeling ill so that I can find someone else as soon as possible (Anne); If I didn't have the PCA program I'd be living in a nursing home (Carmen). Once I know that the PCA was going to work out, then I knew I was truly independent (Rob). I couldn't live my life without them.

### Understanding the Role of the Personal Care Attendant

#### **Guiding Question:**

**Explain to the PCA(s)** - In the video you saw PCAs working, and you heard the PCAs and consumers talking about some of the tasks the PCA did to assist the consumers to live independently.

**Question:** Ask the PCAs to think about their own personal lives on a daily basis. What are some of the things that they had to do today before they arrived here? Write their responses on a flip chart/ paper

**Hint:** I got out of bed, brushed my teeth, ate, showered, got dressed, exercised, took medication, went to the store, did laundry, cleaned the house, etc.

**Question:** How would today be different for you if you were unable to do these things on your own?

PCAs make a big difference in the consumer's daily life, but PCAs also have a major impact on the health and social services system because they make it possible for consumers to live independently and not have to move to a nursing home. PCAs also make it possible for people to return home sooner after hospitalization.

**Ask the PCA to turn to page 5 of their handbook.** Then review page 14, Personal Care Attendant's Responsibilities, with the PCAs.

## Personal Care Attendant's Responsibilities

**Explain to the PCA(s)**, when the consumer enters into the PCA Program, the Personal Care Management (PCM) agency, with the consumer, develops a Service Agreement. The Service Agreement lists approved ADLs and IADLs the consumer needs assistance with in order to live independently. To be eligible for the PCA program, a consumer must need assistance with 2 or more ADLs<sup>1</sup>. The Service Agreement is an agreement between the consumer and MassHealth. PCAs should talk with the consumer about what their job should entail and request a job description so that they can know what their job entails on a regular basis. Also, PCAs must receive training from the consumer or surrogate in all PCA activities. Most commonly, these activities include:

### Activities of Daily Living (ADLs)

- Bathing and grooming
- Dressing and undressing
- Eating
- Toileting and continence
- Transferring and mobility
- Transfers – physically assisting the person in and out of bed, a chair, or a wheelchair (includes lifting)
- Mobility – physically assisting the person to ambulate or move their wheelchair from one point to another

### Instrumental Activities of Daily Living (IADLs)

- Shopping
- Laundry
- Housework
- Transportation; such as to/from a medical appointment
- Preparing food and clean up

### Boundaries:

Without disclosing personal information, **ask the PCA(s)** to share other activities they have helped their employer with, that are not on the list.

**Explain to the PCA(s)** - There may be times when the consumer asks the PCA to do additional tasks that will enable the consumer to live independently within the community.

The PCA should consider refusing to do additional tasks if:

- The task poses a health or safety risk for the PCA
- PCA is not comfortable or confident in their ability of performing the task
- The task might be illegal
- PCA is asked to do something that may be considered fraudulent (see Module 3)
- The PCA is asked to provide supports for someone other than the consumer.

**Remember - in all situations, PCAs should always:** Listen carefully, communicate clearly, and be respectful and act professionally

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<sup>1</sup> Section 422.403(C)(3) of the Personal Care Manual

## Operational Procedures of the MA PCA Program

**65 minutes (not including the break)**

**Goal:** PCAs will be informed of the operational procedures of the PCA program, including how to resolve disputes

**Objectives:** By the end of the session the PCA will be able to:

1. Describe MA PCA program
2. Describe key terms of the PCA Program
3. Describe PCA wages and benefits
4. Explain how to file a nonpayment wage complaint form
5. Explain who PCAs may need to interact with and resources for resolving disputes

10 min	PCA Program	Interactive Presentation
15 min	PCA Wages and Benefits	Interactive Presentation,
10 min	Completing a Timesheet	Discussion
15 min	Non-payment Complaint	Discussion
15 min	Resolving Disputes	Activity
10 min	Break	

### Resources/Materials needed for this module:

Flip chart paper & markers or pen/pencil and paper

#### PCA Handouts:

MassHealth PCA Program

Wages and Benefits/Completing a Timesheet

PCA Reference List



## The PCA Program

### 10 minutes

The information in this section is offered as a resource to help the PCA understand the overall program and how they (the PCA) fit within the MA PCA Program

**The MassHealth PCA Program** helps people with permanent or chronic disabilities keep their independence, stay in the community, and manage their own personal care.

Massachusetts offers different options for MassHealth members so that they may continue to live independently at home and in the community. MassHealth members may participate in a PCA fee for service program or they may choose a *managed care program*<sup>2</sup> like Senior Care Options (SCO) or a One Care Plan offered by an Integrated Care Organization (ICO).

**It is important for the PCA to understand – they DO NOT work for an agency, the PCM or the FI. The PCA works for the consumer employer.**

There are 28 PCM agencies and 4 FIs in Massachusetts (see PCM and FI List on page 18).

**Ask the PCA to turn to page 6 of their handbook, then review** with them Figure 2 on page 17. This Figure outlines the three primary organizations of the MassHealth PCA Program; briefly explaining the background of how a consumer becomes a member in the MassHealth PCA Program and the process for obtaining PCA services. Note: consumers who choose to participate in a managed care program such as SCOs or OneCare will apply to these programs separately.

**Explain the other important points to the PCA:**

**According to Massachusetts law**, the following people cannot assume the role of PCA for the consumer:

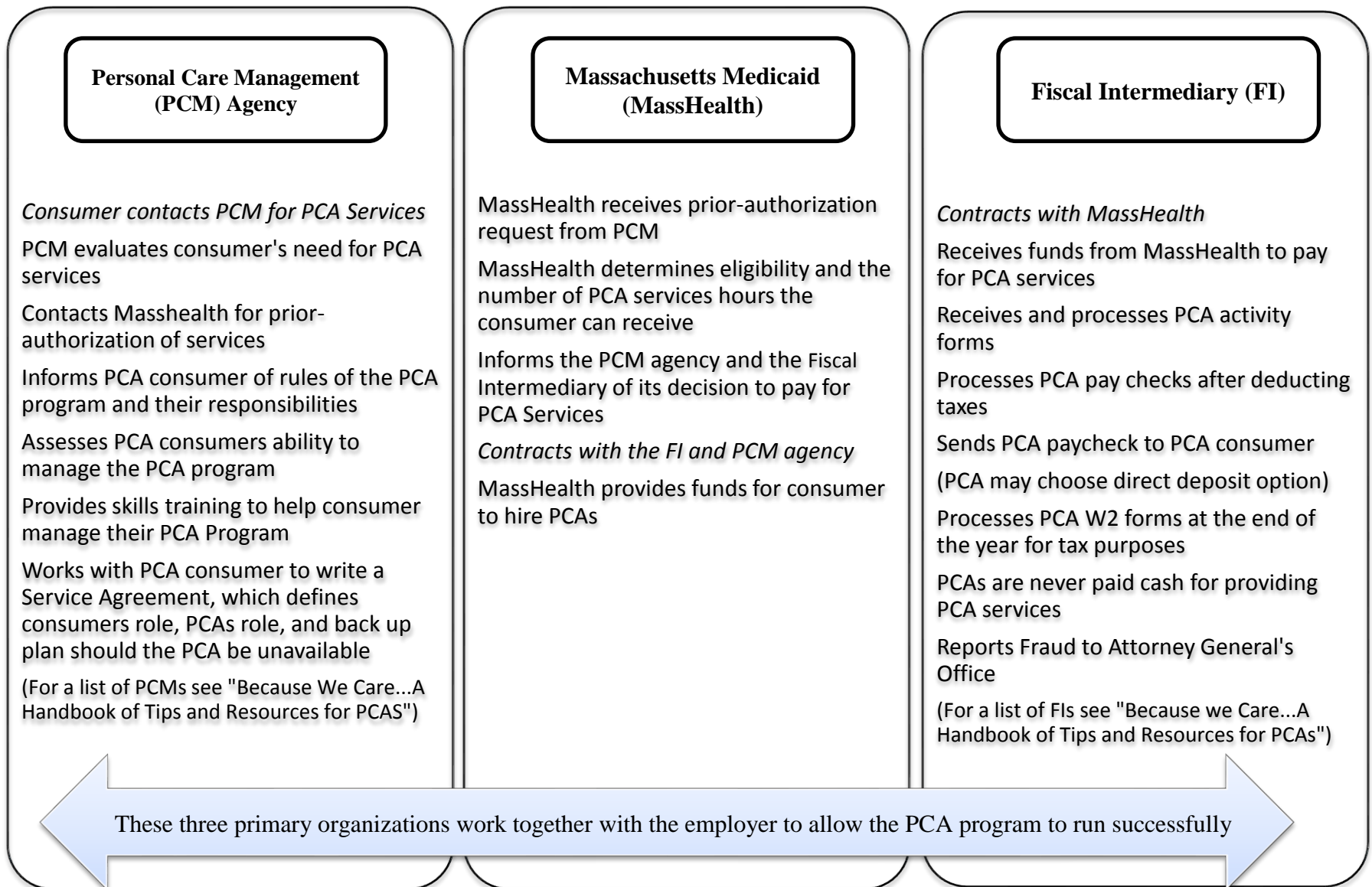
- The consumer's spouse
- The parent of a minor child including adoptive
- Guardian, or foster parent
- The surrogate
- Legally responsible relative of the PCA consumer

As previously mentioned, some Consumers will have a surrogate. The surrogate is a person who assists the Consumer to manage his/her PCA program. The surrogate role is individualized for each Consumer who has one.

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<sup>2</sup> For more information regarding SCOs or OneCare see <http://www.massresources.org/>

**MassHealth PCA Program:** Helps people with permanent or chronic disabilities keep their independence, stay in the community, and manage their own personal care



**Figure 2**

## PCM and FI List

PCM AGENCY		Town/State	Phone
1	AdLib, Inc.	Pittsfield MA	413-447-7047
2	ARC of The South Shore	N. Weymouth MA	781-335-3023
3	Baypath Elder Services, Inc.	Marlborough, MA	508-573-7200
4	Boston Center for Independent Living	Boston MA	617-338-6665
5	Boston Senior Home Care, Inc.	Boston MA	617-451-6400
6	Bristol Elder Services	Fall River MA	508-679-0320
7	Center for Living and Working	Worcester MA	508-798-0350
8	Coastline Elderly Services, Inc.	New Bedford, MA	508-742-9127
9	Elder Service of Merrimack Valley	Lawrence MA	800-892-0890
10	Elder Services of Worcester Area, Inc	Worcester, MA	508-756-1545
11	Family Services Assoc. Of GFR, Inc.	Fall River MA	508-677-3822
12	Franklin County Home Care Corp.	Turners Falls, MA	413-773-5555
13	Greater Springfield Senior Services	Springfield, MA	413-781-8806
14	Independence Associates	Brockton MA	508-583-2166 x 104
15	Montachusett Home Care Corp.	Leominster MA	978-537-7411
16	NE Independent Living Program	Lawrence MA	978-687-4288
17	Northeast ARC	Danvers MA	978-624-2330
18	Old Colony Elderly Services	Brockton MA	508-584-1561
19	Options Program of Cerebral Palsy of Massachusetts	Taunton, MA	800-924-7570
20	PRIDE, Inc.	Taunton, MA	508-823-7134
21	Southwest Boston (Ethos)	Boston MA	617-522-6700
22	Springwell	Waltham, MA	617-926-4100
23	Stavros	Amherst MA	413-256-0473
24	Toward Independent Living and Learning, (TILL)	Dedham MA	781-302-4893
25	Tri-Valley Elder Services	Dudley, MA	508-949-6640
26	United Cerebral Palsy	Watertown MA	617-926-5480
27	West Mass ElderCare	Holyoke MA	413-538-9020
Fiscal Intermediaries		Town	Phone
1	Cerebral Palsy of Massachusetts	Watertown	781-297-5400
2	Stavros Center for Independent Living	Amherst	413-256-6692
3	Northeast ARC	Danvers	978-624-2330
4	PPL Consultants Group	Worcester	1-877-522-1056

## Wages and Benefits Information

### 15 minutes

Ask the PCAs to turn to page 7 of their handbook. Briefly, review the following wages and benefit information - describing how the PCA is paid for providing PCA assistance to the consumer. Emphasize the need for prior approval and PCA rights.

1. **PCA salaries** are determined through collective bargaining agreements. During collective bargaining, the PCA is represented by the 1199 SEIU, consumers are represented by the PCA Quality Workforce Council. The current salary is \$\_\_\_\_\_ per hour.
2. Listed below is the payment information for PCAs
  - **Daytime wages** – PCAs are paid regular wages for work performed between 6 am to midnight.
  - **Night time wages** – PCAs are paid for 2 hours for approved time worked between midnight and 6 am only.
  - **Overtime wages** – PCAs are entitled to overtime wages (1.5 times the regular pay rate) when they work more than 40 hours per week for a single consumer. The consumer *must* inform MassHealth of their attempts to reach other PCAs and then request overtime before receiving prior approval by MassHealth for overtime PCA services.
    - Without prior approval, MassHealth will only pay the regular rate, not overtime rates. Therefore, the consumer is liable for the difference.
  - **Holiday wages** – PCAs are paid 1.5 times the regular pay rate when they work on New Year's Day, July 4<sup>th</sup>, Thanksgiving Day, and Christmas Day.
    - The consumer must be approved for holiday hours and must also 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, the consumer is liable for the difference.
  - **Paid time off (PTO) wages** – Twice a year, PCAs who work 100 hours or more per month for 3 months will receive a PTO bonus equal to five hours of paid work.
    - The process for payments is - the Fiscal Intermediaries will review PCA work hours twice a year, In July and February.
    - Workers who had 100 or more hours per month for the months of April, May and June would qualify for five hours of PTO in July. The same procedure would be used for the months of November, December and January for five hours of PTO in February.

3. There are two types of insurance the PCA receives through the MassHealth PCA Program.
- **Unemployment Insurance:** Unemployment insurance is a temporary income protection program for workers who have lost their job through no fault of their own, but are able to work, available for work, and looking for work. In certain circumstances, PCAs may be eligible to collect unemployment benefits from the Department of Unemployment Assistance.
    - If the PCAs consumer employer is hospitalized for 2 or more weeks, the PCA can apply for unemployment insurance

The Consumer should supply the PCA with unemployment information; otherwise, PCAs can access unemployment information by phone at (877) 626-6800 or (617) 626-6560. More information, including forms can be accessed online at [www.mass.gov/dua](http://www.mass.gov/dua)

- **Workers' Compensation Insurance:** PCAs are covered by Workers' Compensation Insurance, which benefits PCAs who are injured on the job. The consumer should post a visible notice for his/her PCAs with instructions of the name and telephone number of the insurance company that the PCA should contact if injured on the job.

**Explain to the PCA -** The Fiscal Intermediary (FI) 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.

Figure 3 on page 21 provides an example of 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. This figure can be found on page 9 of the PCA handbook.

The Employer section (consumer name) and Address Section (consumer address) must be completed by the consumer. The Notice to Employees must be posted in a suitable public area in the home. The notice is also available from the FI.

The Workers' Compensation Insurance Company is located at:

Atlantic Charter  
25 New Chardon St.  
Boston, MA 02114

The PCA should contact Atlantic Charter Insurance Company if s/he is injured while working for the PCA consumer. The number to call is (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:

**Atlantic Charter Insurance Company 617-488-6500**

NAME OF INSURANCE COMPANY

**25 New Chardon Street, Boston, MA 02114**

ADDRESS OF INSURANCE COMPANY

POLICY NUMBER

EFFECTIVE DATES

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

NAME OF INSURANCE AGENT

ADDRESS

PHONE #

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**

**Figure 3**

## Completing a Timesheet

10 minutes

**Inform the PCAs** timesheets can vary depending on the FI that is processing paychecks. Ask them to turn to page 10 of their handbook and review the important facts below about completing their timesheet. **Emphasize that their signature certifies to the State that the information on the timesheet is true and accurate.**

- Timesheets must show actual hours worked; e.g., if the PCA worked from 9 am to 1 pm, then the timesheet must say 9 am to 1 pm
- Timesheets should not be signed ahead of time
- PCAs can be paid only for the hours worked on the day their consumer is hospitalized and the hours worked on the day s/he is discharged. A PCA cannot be paid for any *full days of hospitalization*
- PCAs cannot be paid for any days on which either the PCA or the consumer is incarcerated
- PCAs are never paid to be “on call”
- The consumer must not endorse, deposit, or cash the PCA paycheck
- PCAs sign their timesheets under pain and penalty of perjury that they have provided MassHealth PCA services to the consumer and that the information is correct. This means if the information on the timesheet is not true, the Attorney General’s Office can prosecute the PCA and the consumer charging them with Fraud

### **Mistakes that can delay a PCA paycheck from being issued:**

- Not signing a timesheet
- Putting in the wrong time (for example putting in 12:00am instead of 12:00pm)
- *Ask the PCAs if they can identify other reasons that may hold up a paycheck*

### **Exceptions that can impact the PCA wages**

- Consumers use up the allotted holiday pay allowance before the end of the year
  - Example – if a consumer is allotted 100 hours of holiday pay
- Consumers use up the allotted PCA time allowance before the end of the year

## Nonpayment Complaint

15 minutes

**Ask the PCAs to turn to page 11 in their handbook. Explain to the PCAs** that unfortunately, in all businesses disputes between employers and employees sometimes occur. A typical dispute is a dispute about wages and overtime pay.

The steps a PCA should follow for non-payment of wages are:

1. If the PCA has not been paid, s/he should first contact the FI with the consumer. If the issue is not resolved by the FI, then
2. The PCA should call the PCM, if the issue is still unresolved,
3. The PCA should call the 1199 SEIU Union.
4. As a last resort, **the PCA should contact the Attorney General's Office** to file a non-payment of wages complaint form.

If the PCA believes they are due wages or overtime pay and their employer is refusing to pay, they can file a **Non-Payment of Wage and Workplace Complaint Form** with the Attorney General. If the request is urgent, or the PCA needs assistance filling out the form, s/he should call the Fair Labor Hotline at (617) 727-3465

**Inform the PCA** – Before processing a complaint, the Attorney General's Office must receive full and complete information from the PCA; otherwise the form will be rejected as incomplete.

In addition, the PCA should also attach the following information with their form:

- Copies of pay stubs;
- Any additional information clarifying their claim.

**It's important for the PCAs to be aware** that the e-forms can be accessed online at <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/file-a-wage-complaint.html> .

**Facilitator Tip:**

If the PCA doesn't have access to a computer, s/he could access one at their local library.



## Resolving Disputes

**Ask the PCA(s)** to turn to page 12 in their handbook. The ~~Personal Reference List~~**Personal Reference List** found on page 25 comprises the names and organizations that are available to the PCA to help resolve conflicts.

**Encourage the PCA** to insert the telephone numbers for their consumer, Surrogate (if applicable), PCM, and FI. Note: the numbers can be found in PCM and FI List on page 18 of this manual.

Note: Offer to make this list available during the break or at the end of the Orientation. Do Not use valuable classroom time looking up the individual PCM and FI telephone numbers.

The telephone numbers for the Union, Attorney General's Office, Unemployment, and Workers Compensation have been included for the PCA.

## Personal Reference List

Contact	Phone	Reference
<b>Consumer</b> 1. 2. 3.	Tel:	All questions about personal care Initial questions about payroll related issues To request a schedule change Concerns about other PCAs
<b>Surrogate</b> 1. 2. 3	Tel:	In accordance to the surrogates individually defined role, as appropriate: All questions about personal care Initial questions about payroll related issues To request a schedule change Concerns about other PCAs
<b>Fiscal Intermediary (FI)</b> 1. 2. 3	Tel:	Unanswered questions by consumer regarding payroll and reported work time To request replacement W-2 tax information
<b>Personal Care Management Agency (PCM)</b> 1. 2. 3	Tel:	If the PCA is a victim of abuse or harassment by the consumer Suspicion of fraud
<b>1199 SEIU</b>	Tel: (617) 474-7140	Unresolved issues or concerns related to your job
<b>Attorney General's Office</b>	Tel: (617) 727-3465	If the PCA wants to file a non-payment complaint with the Massachusetts Attorney General
<b>Unemployment Office</b>	(877) 626-6800 or (617) 626-6560	If the PCA qualifies for unemployment insurance
<b>Worker's Compensation</b>	Tel: (617) 488-6500	If the PCA is injured on the job

It may be difficult for the PCA to determine who to contact in situations of uncertainty. **Ask the PCAs to turn to page 13 of their handbook.**

**Review the following scenarios.** Note: in the PCA Handbook, space is provided for note taking during this activity.

**Scenario 1:** Your pay does not arrive in your account when expected (you have direct deposit). What should you do?

**Discussion Tips:** Below are bulleted points to assist with the discussion. These points are not in the PCA handbook

- You are supposed to be paid within six days of the end of the pay period
- Check with your consumer or surrogate to confirm that your timesheet was submitted. If it was submitted, then
- Ask your consumer to call his Fiscal Intermediary to check the status. If s/he does not/cannot call the FI, then you should call yourself. If this is not successful, then
- Ask your consumer to call his Personal Care Management agency. If he does not/cannot call the PCM, then you should call yourself. If this is not successful, then
- Call the union directly. If this is not successful contact
- The Attorney General's Office and file a "Non-Payment of Wage and Workplace Complaint Form"

**Scenario 2:** The consumer (who has a surrogate) calls and asks you to come in two hours early for your shift. You then get a call from his surrogate telling you to come in at the regular time. When you arrive at the regular time, your consumer yells at you for not coming in early as he had requested. When you explain that his surrogate said not to come in early the consumer says: "Scheduling is up to me. You're fired!" What should you do?

**Discussion Tips:** Remember, even if a consumer has a surrogate, that does NOT mean that the surrogate makes all the decisions. The Service Agreement lists the individual responsible for certain situations; however PCAs do not typically see the Service Agreement.

- Take a deep breath! Calming down (pulling back), refraining from responding emotionally when stressed, anxious, nervous, or afraid.
- Calmly repeat back to the consumer, in slightly different language (paraphrasing) what was said to you to be sure that you heard correctly. This will also let your employer know that you are listening.
- Apologize for the misunderstanding, and clearly tell your employer that you are confused about what tasks are their responsibility is and which tasks are the

surrogates. Ask to meet with both of them (preferably at the same time) to clarify who does what.

- If they refuse to meet, or if the meeting does not resolve the problem, contact the consumers PCM. They may be able to help the consumer and the surrogate clarify their roles as detailed in the “Service Agreement”.
- Once this is clarified, you may or may not be asked to return to work. As an Employee-at-will<sup>3</sup> there is not much you can do in that situation.
- However, you may be able to apply for Unemployment Assistance. Information on unemployment benefits can be found in both the PCA Handbook and the “Protecting Your Rights” handout.

**Scenario 3:** The consumer has asked you to do a task that you feel is unrelated to PCA work. What should you do?

**Discussion Tips:**

- Consider that there is a great deal of ADLs and IADLs that PCAs can legitimately be expected to do as part of their work in order to assist the consumer to live independently. The PCA should refer to the refusal points made on page 5 of their handbook before completing a questionable task
- If you believe you are being asked to perform tasks unrelated to PCA work, speak with your employer about your concern. If that does not help, and if she has a surrogate, ask to speak with the surrogate.
- If the concern remains unresolved and you may, with your consumer, contact the PCM agency.
- Remember, PCAs are “employees at will” which means that they can be dismissed by an employer for any reason

**The PCA Just Received a LOT of Information – it’s time for a 10 minute Break**

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<sup>3</sup> Employee can be fired for any reason and without warning

## Recognizing and Reporting Fraud, Abuse, and Neglect

35 minutes

<b>Goal:</b> PCAs will be informed of the laws, regulations, and procedures for recognizing and reporting fraud, abuse, and neglect		
<b>Objectives:</b> By the end of the session the learner will be able to: <ol style="list-style-type: none"><li>1. Explain laws that protect against fraud, abuse, and neglect;</li><li>2. List the potential signs of fraud, abuse and neglect;</li><li>3. Describe the process for reporting fraud, abuse, and neglect</li></ol>		
10 min	Understanding and Recognizing Medicaid fraud	Role models, group discussion
5 min	Reporting fraud	Interactive presentation,
5 minutes	Understanding abuse and neglect	Interactive presentation
10 min	Recognizing abuse and neglect	Group discussion, activity
5 min	Reporting abuse and neglect	Interactive presentation, group discussion

### Resources:

Flip chart

Markers

Flash cards and tape

### Materials:

Handout

**Advanced Preparation for group facilitation option 1 activity** (Recognizing Abuse and Neglect see page 36):

Prepare a flash card for each type of abuse or neglect. The flash cards should not be labeled; rather they should only contain the bulleted list. The goal of the activity is the PCA should be able to study the “signs” and determine which type of abuse or neglect is listed on the card.

## Understanding Medicaid Fraud

**Fraud** is a "deception deliberately practiced in order to secure unfair or unlawful gain." In other words, it's knowingly submitting a false claim (often a timesheet) to MassHealth in order to gain something of value, usually money or property.

Let the PCAs know that they should be on the alert for signs of fraud by others and that they should also avoid doing anything fraudulent themselves.



Image courtesy of [www.nj.gov](http://www.nj.gov)

## 10 minutes

This activity will demonstrate some of the ways Fraud might occur.

Role Modeling Fraudulent Behavior - **Ask the participants** to turn to page 15 in their handbook.

In the group facilitation, **identify two volunteers**; one will read (play) the role of Sasha, the other will read (play) the role of Ben.

- **Consumer taught:** The consumer should play the role of the consumer (Ben). The PCA should play the role of the PCA (Sasha).

**Setting the stage** – Explain to the PCAs that this scenario has six areas of fraud, they should listen closely and try to identify the six areas.



Image courtesy of [www.fbi.gov](http://www.fbi.gov)

**Read aloud the following italicized introduction:**

*Sasha has been working for Ben for over a year, providing 20 hours of PCA services a week. She works four days a week Wednesday – Saturday from 7 am to 12 pm each day. Two months ago Sasha told Ben that she would be going on vacation for four days. She will be leaving on Monday and coming home on Friday, so she will be back at work the following day, Saturday. Ben told Sasha he would schedule a substitute PCA to fill in for her while she is away. Sasha leaves for vacation in three days. In the meantime, Ben’s doctor has scheduled a surgery for Ben during the time Sasha is on vacation. Ben will be admitted to the hospital on Monday (the same day that Sasha leaves for vacation); he expects to be home by from the hospital on Thursday. Sasha is not aware Ben will be in the hospital.*

**Ben (consumer):** “Sasha, I need to find someone to fill in for you while you’re on vacation, do you know of anyone who might be available?”

**Sasha (PCA):** “How about your wife? I know she can’t be your PCA, but it’s only a few days so it’s not a big deal.”

**Ben:** “OK, you’re right, technically she can’t be my PCA, but no one needs to know. I will talk to her about it. Also, before you go, I need you to sign your timesheets. I left them over there on the table.”

**Sasha:** “No problem. Did you want me to fill them in for 20 hours each and sign them both?”

**Ben:** “Sure. When the checks come I will keep the second one, for the week my wife is covering for you.”

**Sasha:** “OK, that’s fine, except I will be coming to work on Saturday, so how will I get paid for that day?”

**Ben:** “After I deposit your check, I will pay you for the day. The only thing is on Saturday you won’t need to come here, you should plan on being *on call*; I will call you if I need you.”

**Sasha:** “OK, so long as I get paid for the time I’m on call.”

**Ben:** “Of course! Have fun and I will see you when you get back.”

**Review the scenario, then discuss the progression of the situation** as a group; can the PCAs identify the six areas of Fraud? (Allow the PCAs a few minutes of discussion and thought processing, as they try and identify the six areas of fraud).

**Facilitator Tip:**

1. Wife cannot be a PCA for her husband
2. Consumer cannot bill for PCA services while in the hospital
3. PCA can only be reimbursed for hours she has worked
4. PCA cannot sign timesheets in advance
5. PCA can’t be “on call”
6. Consumer can’t deposit or cash PCA’s check

**Large Group Discussion:** Once all six areas of fraud are identified, ask the PCAs, what are the consequences for Sasha and Ben?



**Explain to the PCAs:** Medicaid Fraud is a serious crime and punishable by law. Sasha and the consumer, Ben will be charged with the crime and could face fines and imprisonment. Sometimes, fraudulent behavior can happen unknowingly; other times it doesn't seem like it's a big enough issue to worry about. It doesn't matter the severity, there is no level of fraud that is too little; all types of fraud are against the law.



Image courtesy of [Fraud.goodfellow.af.mil](http://Fraud.goodfellow.af.mil)

### **Discuss with the PCA how Fraud is reported:**

If a PCA or consumer suspect fraud is occurring, they should report it. Sometimes, a person might also feel that s/he is wrong for "turning someone in"; however, it's important to remember, in the MassHealth PCA Program, the PCA works for the consumer, but MassHealth (Medicaid) is paying the PCA. Therefore, Medicaid rules and laws must be followed at all times.

**Other ways fraud is reported:** Sometimes the Massachusetts state authorities receive anonymous calls from family members, friends, neighbors, or coworkers. Anyone can report fraud at any time.

### **Fraud is a serious issue and is punishable by law.**

Massachusetts offers several ways to report fraud. The two most common ways fraud is reported:

1. MassHealth Fraud Hotline; and
2. The MA Bureau of Special Investigations (BSI).

Page 34 offers ways for the PCA to report fraud.

Have the PCA turn to page 16 of their handbook. **Review the information, How to Report MassHealth Fraud** with the PCAs

Note: more information can be found in the 1199 SEIU PCA Handbook

## How to Report MassHealth PCA Fraud

5 minutes

1. MassHealth - 24-hour fraud hotline to report fraud, waste, or abuse relating to MassHealth

### **MassHealth Fraud Hotline: (877) 437-2830**

Hotline hours are Monday through Friday, 9 am to 5 pm, to speak to a person. At all other times, you can leave a voicemail.

Anyone can use the hotline to report MassHealth member fraud, identification theft, or any other concern about misuse of MassHealth benefits and services.

2. Bureau of Special Investigations Reporting Fraud to State Auditor's Office

### **BSI Fraud and Waste Hotline: (617) 727-6771**

*Public Assistance Fraud Reporting Form: Complainant Information (Optional)*

Is available online: [www.mass.gov/auditor](http://www.mass.gov/auditor)

Please follow the link on right side "Report Fraud and Waste"

(All information reported will be kept confidential and will remain anonymous for the purpose of the referral)

## Understanding Abuse and Neglect

**5 minutes**

Cautionary Note: Some PCAs may be a victim of abuse and/or neglect. The facilitator or consumer should be sensitive to the PCA's comfort level during the discussion and activity time.

**Ask the PCAs:** *What do you think of when you hear the word "abuse"? What do you of when you hear the word "neglect"?*

*After a few responses* explain to the PCA that abuse can take many forms: physical, emotional, verbal, sexual, and financial. Neglect is another type of behavior that can harm people. Abuse and neglect cuts across all racial, ethnic, socioeconomic, geographic, and relationship boundaries.

**Explain to the PCA** – There are at least three ways abuse can occur in the PCA Program

1. Abuse of the consumer by the PCA
2. Abuse of the consumer by family or friends, or
3. Abuse of the PCA by consumer, surrogate, or family

**Let the PCAs know that they should be alert to signs of abuse and neglect by others and should avoid all actions that would be seen by others as abuse or neglect.**

Note: more information can be found in the 1199 SEIU PCA Handbook

## Recognizing Abuse and Neglect

10 minutes

**Group Activity** - This activity is meant to help the PCA to recognize the typical signs of abuse and neglect.

➤ **Consumer taught option:** consumer should have five sheets of paper, titled with each type of abuse and neglect.

➤ **Group facilitation:** the facilitator should prepare five flip charts, one for each type of abuse and neglect, as indicated below:

Physical Abuse	Emotional Abuse	Sexual Abuse	Financial Abuse	Neglect
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Explain that “signs of abuse or neglect can include the way a consumer looks or the way that he or she says or does something”.

➤ **Consumer taught option:** Brainstorm with your PCA the Typical Signs of Abuse and Neglect using the lists beginning on page 37.

➤ **Group facilitation:** Depending on the time, the group facilitator can do either of the following:

**Option 1:** Have PCAs form pairs. Then, randomly distribute the prepared cards (see Advanced Preparation) for “signs of abuse and neglect”. Instruct participants to discuss the signs with their partners. The PCA(s) should decide which type of abuse or neglect the signs indicate and tape the cards to the proper page. It is likely that the PCA(s) will want to put more than one card on the same page. Use this “confusion” as a way to discuss how often abuse has multiple impacts on a person (e.g., emotional abuse often is part of sexual abuse).

**Option 2:** Follow the consumer taught brainstorm activity above

## Typical Signs of Abuse and Neglect

The goal of the activity is to allow the PCA to study the “signs” (examples) and determine which type of abuse or neglect is listed on the card.

1. Physical Abuse: Hurting someone’s body on purpose, attacking, trapping, or punishing them.

### Flash Card Examples:

- **Hitting, slapping, punching, beating, pinching**
- **Hitting with an object**
- **Shoving, pushing, tripping**
- **Scratching, biting, spitting**
- **Burning, scalding**

2. Emotional Abuse: Threatening to hurt, trap, or punish someone or their loved ones. Includes insulting them or making fun of them with words, yelling, or scolding them.

### Flash Card Examples:

- **Yelling, screaming**
- **Threatening to punish**
- **Saying mean things or making fun of someone**
- **Leaving someone stuck in a place with no way to get out**
- **Giving them the “cold shoulder,” ignoring them, or refusing to talk to them**
- **Being silent, ignoring questions**

3. Sexual Abuse: Forced sexual activity or touching that is not wanted by the other person.

**Flash Card Examples:**

- **Assault, rape by someone the person knows**
- **Unwanted touching of “private parts**
- **Demands for sexual contact**
- **PCA (or anyone) having sex with consumer who is unable to say no**

4. Neglect: Not doing something for someone, and it results in them being hurt

**Flash Card Examples:**

- **Not giving food or water on purpose**
- **Not taking someone to the toilet when you know they need to go**
- **Ignoring calls for assistance**
- **Repeatedly forgetting to help someone with an ADL**
- **Repeatedly not following safety rules**

5. Financial Abuse: Using the consumer's money or things for your own benefit without permission.

**Flash Card Examples:**

- **Taking money**
- **Stealing**
- **Using a person's things without permission**
- **Not returning proper change after shopping**
- **Using credit cards or debit cards**
- **Tricking someone into giving you something you're not entitled to**
- **Stealing a person's identity**
- **Taking someone's social security number or Medicaid cards**

**Summary**

**Discussion:** When each card has been placed on the flip chart or paper, discuss with the PCAs the type of abuse or neglect and the signs (examples) that were associated with the abuse or neglect.



## **Discuss with the PCA how Abuse and Neglect is reported**

**5 minutes**

### **Why Reporting is Important**

*Anyone can report abuse.* If you, or someone you know, is being abused or in danger of being abused, you should report it. Some people are required by law to report abuse, but anyone who believes someone is suffering or has died as a result of abuse can and should report the abuse.

### **What could happen if the abuse, neglect, or abuse isn't reported?**

- It could get worse:
  - a. The consumer could be hurt badly.
  - b. The consumer could die.
- The person abusing, neglecting, or exploiting could do it to other consumers.
- For those individuals who are mandated, reporters; if the abuse or neglect is discovered later, the mandated reporter who didn't report it could be accused of wrongdoing and fined up to \$1,000<sup>4</sup>

### **When to Report**

- A "reasonable cause to believe" of abuse or neglect is enough to file a report; proof is not needed
- If there is no abuse, but the report was made in good faith, the person who reported it will not be punished.

Ask the PCA to turn to page 17 of their handbook. Review the information Reporting Abuse and Neglect.

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Employee can be fired for any reason and without warning  
re-mandated-reporters.html" <http://www.mass.gov/dppc/abuse-report/who-are-mandated-reporters.html>

## How to Report Abuse and Neglect

If you suspect abuse or neglect because of something you see or are told, you should report it.

The Disabled Persons Protection Commission<sup>5</sup> (DPPC) investigates cases of suspected abuse/neglect of people with disabilities aged 18 through 59. The DPPC will also refer complaints made on behalf of people younger than 18 or older than 59 to the proper agencies for investigation. The DPPC can be contacted 24 hours a day at:

**DPPC Emergency Hotline: (617) 426-9009**

Or

The Executive Office of Elder Affairs<sup>6</sup> has established 22 designated Protective Services (PS) agencies throughout the Commonwealth to respond to reports of elder abuse. The goal of protective services is to remedy or alleviate the abusive situation and to prevent the reoccurrence of abuse.

**Elder Abuse Hotline  
1-800-922-2275 (V/TDD)**

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<sup>5</sup> <http://www.mass.gov/dppc/docs/brochure-mandated-reporting.pdf>

<sup>6</sup> <http://www.massresources.org/elder-protective-services.html>

## Workers' Rights

**40 minutes** (including 1199 SEIU presentation)

**Goal:** PCAs will be informed of their employee rights and learn what resources are available to them if their rights are not protected

**Objectives:** By the end of the session the learner will be able to:

1. List their rights as an employee
2. Define the laws that protect employees
3. Explain how to respond if their rights are not protected
4. Describe the role of the PCA Union

10 min	Understanding the rights of the PCA	Group activity
15 min	How are worker rights protected? Where, when and how to report concerns.	Interactive presentation, role play
15 min	1199 SEIU and the PCA	Presentation, group discussion

**Resources:**

Flip chart

Markers

**Materials:**

Handout: Protecting Your Rights

1199 SEIU Resources

## Understanding PCA's Rights in the PCA Program

10 minutes

Ask the PCAs what they think of when they hear, “worker rights”.

➤ **Consumer taught option:** write your PCA's response on a piece of paper.

➤ **Group facilitation:** list the PCAs responses on a flip chart.

**Now, compare the PCA responses to the list below.**

The list below outlines some of the worker rights the PCA should be aware of:

### **A. Massachusetts Laws**

- Minimum wage<sup>7</sup>: the current wage for MA PCAs is \$\_\_\_\_\_ per hour
- Freedom from discrimination
- Freedom from sexual harassment
- Protection
  - Safe and healthy workplace
  - From retaliation e.g. when seeking to protect your rights
  - Overtime pay (all overtime hours must be approved in order to be paid the overtime rate)

*Note: The PCA worker has a right to be paid timely and that means within six days of the close of the payroll period. In the MassHealth PCA Program the 2-week payroll period closes at the end of the day on Saturday, so the PCA must be paid by the following Friday.*

### **B. Collective Bargaining<sup>8</sup>**

Terms mandated through collective bargaining and updated annually.

- Fair wages (refer to the Operational Procedures of the PCA Program)
  - Holiday pay (must be authorized; does not mean the PCA gets paid when taking the holiday off)
  - Paid time off (more information is available through the 1199 SEIU resources)
- Access to training (available through the Training and Upgrading Fund at no cost to the PCA)

### **C. PCA Program Regulations**

- Workers' Compensation Insurance
- Unemployment Insurance

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<sup>7</sup> Through collective bargaining, the 1199 SEIU agrees to fair and just wages for MA PCAs. This is updated annually through collective bargaining; the PCA should be aware of the changing rates.

<sup>8</sup> Per the current (2014) contract

## Protecting Worker Rights

15 minutes

**Explain to the PCAs** that Massachusetts has laws that protect the worker's rights<sup>9</sup>. The Attorney General's Fair Labor Division Office enforces many of the laws regulating the workplace.

**Ask the PCAs to turn to page 18 in their handbook**, which presents three Worker Rights Scenarios, beginning on page 45 of this guide, to help the PCA understand when his/her rights might be infringed upon. Facilitator tips provide helpful suggestions to answer any questions that might arise.

### **Facilitator Tip:**

During this activity, it is important to monitor the time and the mood of the PCAs. Some individuals may have personal experiences similar to the scenario; therefore, s/he may be sensitive to the example. Keep the PCAs focused on the task of determining what resources and laws protect them and their rights.

➤ **Consumer taught option:** In the consumer taught option, the consumer and PCA should read each scenario and discuss what steps the PCA should take to protect his/her rights

➤ **Group facilitation:** In a group format divide the class into three small groups. Provide each group with a case study. Allow the groups five minutes to read and discuss the scenario.

**Wrap up:** Review each scenario and discuss the responses to the questions below.

### **Discussion Question**

- What law protects the PCA's Right?
- What steps should the PCA take if they encounter these or similar situations?

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<sup>9</sup> <http://www.mass.gov/ago/docs/workplace/wage/wagehourbrochure-final.pdf>

## Worker Rights Scenarios

### Scenario 1

*John is 63 years old and is prescribed oxygen for impaired lung function due to multiple sclerosis (MS). He depends on Kim, his PCA to keep his house clean and dust free. Every six months Kim climbs onto a step ladder, removes the drapes from his windows, washes them in hot water, dries them, and hangs them back up.*

*Today, is the six-month mark, so Kim climbs onto the step ladder; however, when she is coming down, she misses a step, falls and twists her ankle. She is able to get up and drive herself to the emergency room.*

*Kim tells John that the medical tests reveal that she has torn her ACL and will be unable to return to work for at least six months. The case worker at the hospital explained to Kim that the injury happened at work, so she is entitled to workers' compensation. Kim was unaware that she had workers' compensation insurance and when she asks John about this, he mentions that she isn't covered because she was injured because she was clumsy not because of her job. What should Kim do?*

**Facilitator Tips:** The discussion should include:

- Kim is eligible for workers' compensation and should contact the Atlantic Charter Insurance Company (information can be found in the "Protecting Your Rights" chart below).
- Consumers are supposed to post this information where it is visually accessible to the PCA.
- John's information (and attitude) were clearly not helpful in this situation. Kim may want to contact John's PCM who will help him understand this important workers' right.
- If Kim returns to work, she may want to investigate tools/equipment that will make the work safer for her.

## Scenario 2

*Jose is 26 and uses a motorized wheelchair. He depends on his PCAs for nearly all of his ADLs and IADLs. He hired Doris three months ago. This is Doris' first PCA job. Jose has begun calling her "honey" and introduced her to his family as his "girlfriend". He also has begun scheduling Doris almost exclusively for those shifts when the PCA is responsible for bathing him. Doris is feeling uncomfortable about all of this. What should Doris do?*

**Facilitator Tips:** The discussion should include:

- Jose's comments and requests are interpreted by Doris as "unwelcome" and this is sexual harassment.
- Doris should discuss her discomfort directly with Jose. She may choose to have a trusted person with her during the conversation.
- Doris should clearly state what behaviors and comments make her uncomfortable and why.
- If Jose's unwelcome sexual advances continue, Doris should:
  - call the consumer's PCM agency and the union office
  - consider resigning
  - call the local police

### Scenario 3

*Donna is 32 years old and has been working for Sharon, her consumer, for 2 years. Sharon is 78 years old, has chronic neuropathy, dementia, and limited vision resulting from diabetes. She was approved for 20 PCA hours a week. Donna works six days a week for three hours a day and another two hours on Sundays. On Sunday, Donna arrives at Sharon's house at 8:30 am. She helps Sharon to get ready for church, then using her own car, drives Sharon across town to her place of worship. In addition to driving Sharon to and from church on Sunday, Donna also drives her to her weekly appointments. In some situations, Donna must also pay highway tolls and parking.*

*All in all, Donna drives about 48 miles per week; however, her car is old and is not good on gas. Typically she gets about 12 miles per gallon, which means that Donna uses about 4 gallons of gas per week. Donna recently shared with Sharon her concern for the rising gas prices and how much it is costing her in gas, but Sharon told her it was part of the job and the gas money is included in her pay. What should Donna do?*

**Facilitator Tips:** The discussion should include:

- There are no laws or regulations to support reimbursement of transportation costs for the PCA. The consumer is advised that the PCA should not be paying for gas – this is often in the PCM materials.
- Since the conversation between Donna and Sharon did not resolve the problem, the PCA may want to call the PCM to see if a skills trainer would meet with Sharon to help her better understand the unfairness of the situation.
- The PCA should discuss the possibility of continuing to work for the consumer but have the consumer make other arrangements for transportation.
- If the issue has not been resolved, the PCA may need to decide whether or not she can continue working for Sharon.



## Resource List

Ask the PCAs to turn to page 20 of their handbook and review this list

If you suspect or you were	Contact	Method
Sexually harassed	Police, PCM, Union Office	In person or phone
Abused (sexual, physical, mental, verbal etc.)	Police, PCM, Union Office	In person or phone
Discriminated against	MCAD, ADA, MERA, EEOC	MCAD Office; <a href="http://www.mass.gov/mcad">www.mass.gov/mcad</a>
Did not receive compensation for all the hours worked	1 <sup>st</sup> : PCA employer 2 <sup>nd</sup> the FI 3 <sup>rd</sup> : the PCM 4 <sup>th</sup> : the Attorney General's office	In person or phone
Denied Paid-Time-Off	Fiscal Intermediary	In person or phone.
Denied Pay for Jury Duty	Fiscal Intermediary	In person or phone.
Injured on the job	Atlantic Charter Insurance Company	(617) 488-6500
Unemployed	Department of Unemployment Assistance's TeleClaim Center	(877) 626-6800
Unresolved conflict with consumer or surrogate	Domestic Workers' Mediation program,	(617) 783-8001 ext. 113
Accused of abuse or neglect	The 1199 SEIU Union for free or reduced legal services rates for members	In person or phone
Forced to work in unsafe/unhealthy conditions	PCA Union Office or OSHA	(617) 474-7140
Retaliated against for demanding your rights	MA Attorney General's Office	(617) 727-3465 <a href="http://www.mass.gov/ago">www.mass.gov/ago</a>
Asked to drive consumer in his/her vehicle	Confirm the consumer has adequate insurance, covering the PCA as a driver	Ask consumer to contact their insurance agent
Asked to use PCA vehicle to transport the consumer or do errands on their behalf	Confirm you have adequate insurance on your vehicle to cover work-related driving	Your insurance agent
Suspect Medicaid Fraud	MassHealth Fraud Hotline or Bureau of Special Investigations	(877) 437-2830 (617) 727-6771
Suspect that the consumer has been abused or neglected	Disabled Persons' Protection Commission or Elder Abuse Hotline	(800) 426-9009 (800) 922-2775
Looking for PCA training	Homecare Training Benefit	(877) 409-8283

## **1199 SEIU and the PCAs**

**15 minutes**

Union representative introduction:

We have just explored the operations of the PCA program, the history of the Independent Living Philosophy, the roles of the PCA. Most importantly, we have seen and heard how important consumer control is in the PCA program. The final phase of the PCA Orientation is important information offered by the 1199 SEIU. [Name of Union rep] is here to tell you how your Union can best support you in your job and ensure your voice is heard, while protecting the right of the consumer to control their own life

Note: If a Union representative is unavailable, then the facilitator will present the material provided by the Union.

**The following bullet points beginning on page 52 should be highlighted:**

## Union Orientation

15 minutes

**Goal:** PCAs will understand the role of the Union, specific Union wins, and how to become more involved in the Union.

**Objectives:** By the end of the module the learner will be able to:

- Describe the important role the Union plays in negotiating for higher wages and benefits
- Explain how the PCA program is funded
- Explain the types of trainings offered through the Homecare Training Benefit
- Describe how to join the Union as a member

1 minute      Hand out Union applications

9 minutes     Review the power point presentation

5 minutes     Allow time to fill out the membership applications and hand out other materials

**Resources/Materials needed for this module:**

- Laptop computer, screen
- Union PowerPoint presentation
- PCA Handbooks
- Listing of Homecare Training Benefit trainings
- Union Membership Applications

**Advanced Preparation:**

Be sure laptop and PowerPoint work ahead of time!

**Consumer taught option:** Use the printed out presentation and run through it with the PCA.

Then go through the Union application with the PCA so they can fill it out during the orientation and use the postage paid envelope to send it in.

**Group facilitation:**

Hand out the applications before starting the presentation. Do the power point presentation and allow for at least 5 minutes at the end for PCAs to fill out the applications. Collect the applications and turn them into TUF.

Hand out Union applications

- We are now going to talk about the PCA Union and how you can get involved to strengthen PCA jobs and the PCA program.

Turn on power point and read each point:

- **What is a union?**

- ✓ A union is all PCAs working together as a group to negotiate and win improvements for ourselves and the consumer employers we care for.
- **Who is in our Union? 1199 SEIU includes:**
  - ✓ Nearly 400,000 healthcare workers in MA, NY, NJ, MD, DC, FL
  - ✓ Nearly 50,000 healthcare workers including 32,000 PCAs in MA
  - ✓ Overall, SEIU includes: 2.4 million members across the country.
- **How do PCAs win improvements?**
  - ✓ Bargaining with the PCA Workforce Council
  - ✓ Participating in Politics
  - ✓ Organizing New Workers to Build a Stronger Union
- **What have PCAs won with the PCA Union?**
  - ✓ Higher Wages – 23% increases
  - ✓ Homecare trainings
  - ✓ Access to Paid Time off Benefit
  - ✓ PCA Orientation
  - ✓ A Unified Voice to Protect and Improve the PCA Program
- **Training Opportunities:**
  - ✓ Adult First Aid/CPR
  - ✓ Alzheimer's and Dementia
  - ✓ Blood borne Pathogens
  - ✓ Body Mechanics and Transferring
  - ✓ Communications and Boundary Setting
  - ✓ English for Speakers of Other Languages
  - ✓ Medication Safety
  - ✓ Nutrition and Diabetes
  - ✓ Topics in Computers
  - ✓ Certified Nurse Assistant Programs
  - ✓ Tuition Vouchers for College Classes
  - ✓ All paid for by the Homecare Training Benefit 1-877-409-8283
- **Protecting Homecare is the Union's First Priority**
  - ✓ 1199SEIU has worked hard as a Union with other advocates to stop budget cuts that would have cut consumer services and PCA jobs
  - ✓ 1199SEIU continues to fight for better funding for the PCA program
  - ✓ The PCA program is funded by Mass Health and the state of Massachusetts
  - ✓ Our Governor and State Legislators are decision makers in our pay and benefits and in whether consumer employers receive adequate hours.

- ✓ As a Union, 1199SEIU PCAs are involved in politics to protect the program and our jobs.
- **Union Members also have Access to the Following Member-only Benefits:**
  - ✓ Discounts on cell service, computers and electronics, rental cars
  - ✓ Prescription and dental discounts
  - ✓ Legal and mortgage services
  - ✓ Free life insurance, debit card services, tax preparation and scholarships
- **The first step to improving our jobs and lifting homecare workers out of poverty is to become a union members.**
- **What is PAC (Political Action Committee)?**
  - ✓ PCAs' political voice in the decisions that affect us as Personal Care Attendants
  - ✓ An investment in our Union's efforts to protect the PCA program
  - ✓ A monthly contribution to help support candidates who share our values
  - ✓ PAC has helped us win: funding for PCA services, higher wages, homecare training benefit, recognition and respect
- **To become a member: fill out the member application and check off your PAC contribution and either turn it in to the facilitator or if it is a consumer run orientation, send it in with postage paid envelope.**
- **Call the union office at 1-877-409-7227 for more information or to get involved.**

## Glossary of Key Terms & Acronyms

<b>Term</b>	<b>Definition</b>
Activity Sheet	Another term for timesheet
Abuse	An act that causes harm to another. Abuse can take many forms, including physical, emotional, sexual and financial.
Activities of Daily Living ( <b>ADLs</b> )	Tasks that a PCA performs that are in direct contact with the PCA-employer.
Centers for Independent Living ( <b>CILs</b> ) or Independent Living Centers ( <b>ILCs</b> )	Non-profit organizations run by a majority of people with disabilities. Many provide PCA-related services.
Consumer Control	The PCA consumer (or their surrogate) is the person who hires, directs, and trains PCAs.
Disabled Persons Protection Commission ( <b>DPPC</b> )	The state agency primarily responsible for investigating complaints about abuse or neglect of people with disabilities between 19 and 65 years old.
Employee at will	A worker who can be fired for any reason (or for no reason at all) by their employer.
Fiscal Intermediary ( <b>FI</b> )	Organization responsible for the PCAs payroll. An FI receives the timesheets, process payment, take out taxes and perform other payroll functions.
Homecare Training Benefit	A legislatively approved training fund to offer classes to PCAs interested in job training opportunities such as first aid, basic computer skills and universal healthcare precautions. This program is offered through the MA 1199 SEIU Training and Upgrading Fund (TUF)
Medicaid Fraud	A deception deliberately practiced in order to secure unfair or unlawful gain. In other words it's knowingly submitting a false claim (often a timesheet) to MassHealth in order to gain something of value, usually money or property.
Independent Living	The ability to live as one wishes by having the resources one needs and the ability to make decisions about how those resources are used.
Instrumental Activities of daily Living ( <b>IADLs</b> )	Tasks that a PCA performs that do not involve direct contact with a PCA-employer.
MassHealth	This is the name of the Medicaid program in Massachusetts. Masshealth pays for PCA services.
Neglect	Not doing something for someone, and it results in them being hurt
Personal Care Attendant/Assistant ( <b>PCA</b> )	Individual hired by the PCA consumer to assist the PCA consumer to live independently at home and in the community. According to Massachusetts law, the following people cannot assume the role of PCA for the employer: the

	employer's spouse, the parent of a minor child including adoptive, guardian, or foster parent, the surrogate, or legally responsible relative of the PCA consumer. A PCA is considered an "Employee at will".
PCA Employer Evaluation	Evaluation conducted by the PCM registered nurse and occupational therapist to determine the number of PCA service hours the consumer will be granted per year.
PCA Surrogate	A person who supports the PCA consumer in the management of their PCA program. Not all PCA consumers need a surrogate, and surrogates duties vary depending on the needs of the PCA consumer.
Personal Care Management Agency ( <b>PCM</b> )	The PCM agency is responsible for assisting consumers in accessing PCA services. They provide intake, assessment, and skills training, and are responsible for annual evaluations. PCMs do not have anything to do with PCA payment issues.
PCA Quality Home Care Workforce Council	The Council was created to make it easier for individuals with disabilities to find and hire PCAs under the MassHealth Personal Care Attendant program.
Service Agreement	A contract between the PCM and the consumer describing the responsibilities of the PCA consumer as the employer, the surrogate (if necessary), the fiscal intermediary, and the personal care management agency as they relate to the management of the member's PCA
Training and Upgrading Fund ( <b>TUF</b> )	Program established to provide trainings for PCAs through the MA Homecare Training Benefit.
1199 SEIU	This is the Union that represents PCAs in Massachusetts

