

# Employer of Record (EOR) An Important Job in the Waiver Participant's Life

Supports Waiver 2020

Welcome to a training on the Employer of Record Job

## Objectives

Whether the Employer of Record (EOR) is the participant, or someone designated by the participant, this training will help the EOR :

1. Learn how the role of the EOR empowers the participant and can affect their quality of life.
2. Get ideas about handling harder tasks involved with being an EOR.
3. To identify a toolkit of resources and supports to help in doing a good job.



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The Objectives for this training are :

1. To learn how the role of the EOR empowers the participant and can affect their quality of life
2. To get ideas about handling the harder tasks involved with being an EOR
3. To identify a toolkit of resources and supports to help in doing a good job

A quick note on what this training does not cover. The training does not cover how to use the online systems required for this job nor how to obtain some of the required paperwork. If you have not already taken the required FMA sponsored training, you will learn about the forms and online platform there. Please be sure to sign up for the FMA- sponsored training before you get started.

## EOR Roles and Responsibilities

Congratulations Participant EORs:

- You have decided to direct your own services.
- You will make your voice and your choices heard in hiring and managing employees and vendors to provide your waiver services.



The Employer of Record for participant directed services ( also know as self-direction) is an exciting position to hold.

Congratulations if you are a participant EOR.

As a participant you join others who have decided to direct their own services,  
AND

You will make your voice and choices heard . You will hire and manage you own employees or vendors to provide the waiver services in your plan.

## EOR Roles and Responsibilities

Congratulations designated EORs

- You have an exciting opportunity.
- You will assure the participant's voice and choices are heard in hiring and managing employees and vendors to provide the waiver services identified in the person's plan.



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If you are here because you are a designated EOR, you have taken on an exciting opportunity.

Congratulations to designated EORs.

You will assure the participant in waiver services has a voice and choices are heard when hiring and managing employees and vendors.

## Self Direction

Participants, or their representatives,

- Make decisions to manage their services;
- Take control and responsibility over who provides the services like hiring, and supervising, employees.

All in a person-centered planning process!



To start, let's hear a little about what self direction is:

In self direction, participants:

1. Make decisions to manage their services.
2. Take control and responsibility over who provides the services. The way this happens is by directly hiring and supervising the own selected employees or vendors of the service

Don't worry about having to do this all alone. There are tools and resources available. And everything happens in a person-centered planning process. An EOR does not have to develop the whole service plan. Service planning is facilitated through a person-centered process led by the CSC with the participant.

## Employer Authority

The EOR makes the decisions about hiring employees or vendors to provide the services that are approved in the participant's plan.



The EOR has what is called Employer Authority.

This means the EOR makes decisions about hiring employees or vendors who will provide the services that are approved in the participant's plan.

The plan in the Supports Waiver is called the Individual Service Plan; in the Mi Via Waiver, the Services and Supports Plan.

## Advantages of Choice & Control

- People want choice and control
- Family members want to be involved in self-direction and make these decisions
- Employees from the participants natural community makes a lot of sense
- It's about the participant's life !



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### Advantages of Choice and Control

Hiring and managing employees and vendors provides choice and control that in agency-based service delivery model would have been left to the provider agency's hiring and personnel policies.

For people who like the participant or self-directed service delivery model, advantages of choice and control are:

1. People want choice and control.
- 2, Family members want to be involved in self-direction and help make these decisions
3. Employees from the participants natural community makes a lot of sense.
4. All decisions about hiring are about the participant's life !

## Some Terms to Know

- **Employees** are the people that provide the hands-on services.
- **Vendors** may be stores or agencies that provide goods such as assistive technology or may also be agencies that employ people to provide the services you want.



Two key words we use a lot when talking about self direction are employee and vendor.

Employee refers to the people directly hired to provided hands on waiver services.

Vendors refer to stores or agencies that provide goods such as assistive technology or may also be agencies that employ people to provide the services you want.

As an example of the difference, you may want to directly hire employees for hourly respite or personal care services but hire a vendor agency to provide a service like CCS Group.



## Some Terms to Know

- “Employer”/EOR is the person who has legal control—over their own services or is exercising that control on behalf of someone else.
- The “employer” is a role with real control and ability to select and supervise who provides the services



Another key term is the Employer or Employer of Record. This is you. The EOR is the person who has legal control over their own services or is exercising that control on behalf of the participant. Designated EORs should be a legal authorized representative for the participant. This is to be sure and designated EOR has interest in the person they are representing.

The “employer” is a role with real control and ability to select and supervise who provides the services.

## Employer Authority

### The EOR IS

- Member of the Circle of Support
- Employer who performs administrative tasks with supports provided by the state
- Someone who must ensure voice and choice of participant is honored
- Someone who follows the person-centered plan

### The EOR IS NOT

- Substitute decision maker
- Paid
- Someone who chooses the services the person receives
- Someone who develops the goals in the plan



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A little more about the EOR and Employer Authority

To fully understand it helps to compare what an EOR is to what the EOR is not.

The EOR is:

Member of the Circle of Support- A participant has what is called a Circle of Support which are the key supports in the persons life that help at the level necessary and desired by the person.

The EOR performs administrative tasks with supports provided by the state. The supports are largely provided by the Fiscal Management Agent or the FMA . We will say more about the FMA in later slides.

The EOR is someone who must ensure voice and choice of participant is honored. When the EOR is the participant themselves this might not be so hard. When the EOR is a designated EOR, the participant must still be included in choices and decisions.

The EOR must follow the person-centered plan. There is an important difference between creating a plan through hiring decisions and what is the job of the EOR which is to follow a plan that has been developed with the participant.

Now, let's talk about What the EOR is NOT:

The EOR is not a Substitute decision maker. The EOR must include the participant in decisions.

Despite the significance of the job the EOR is not Paid themselves so must really believe in the benefit of what they are doing to support the participant.

The EOR is not someone who chooses the services the person receives – These choices are made during the person-centered planning process. The EOR follows the plan.

The EOR is not someone who develops the goals in the plan unless the EOR is the participant themselves.

## Big Job/Important Job

The EOR has a lot to do including:

- Hiring
- Supervising
- Firing
- Paperwork
- Monitoring that employees and vendors meet qualifications, follow approved budget and service standards



With self-direction, the EOR gets real and expansive control.

As a participant EOR , you live the life you want.

As a designated EOR, you help the participant live the life they want.

The EOR:

Hires

Supervises

May have to fire

Does paperwork

Monitors that the employees are following the service requirements. Monitoring employees includes checking whether employees completed all required training BEFORE starting work; checking that employees follow the plan and the scope of service in the standards.

The EOR reviews the budget and spending at least monthly with the CSC or independently to ensure that payments requested have been made and that overspending has not occurred.

## Hiring and Supervising

- ✓ Interviewing employees
- ✓ Checking references
- ✓ Not hiring an employee unless the participant is comfortable
- ✓ Being sure employees receive training as required
- ✓ Completing paperwork on time so employees get paid
- ✓ Looking for more training opportunities when needed
- ✓ Listening and support
- ✓ Providing feedback early before problems get too big



Having good employees who provide quality services affects the person's quality of life. A lot goes into finding and keeping a good employee.

Some of the activities that are part of employing good staff are :

- ✓ Interviewing employees- Before offering a job or a potential employee accepting an interview will help with expectations and to avoid any surprises.
- ✓ Checking references- Try to know who you are hiring as much as possible. As with any job references are key to hiring.
- ✓ Not hiring an employee unless the participant is comfortable – Providing direct care can be very personal experience. Personal care can sometimes involve very private support. The participant should be comfortable with the people being hired to enter into their lives.
- ✓ Being sure employees receive training as required. Training requirements are in the service standards and there is a training website to register for the trainings.
- ✓ Completing paperwork on time so employees get paid.

✓ Looking for more training opportunities-Check the internet there is a lot out there, and DDS trainings are available to registered employees even if the training is not required. Another example is the NM Caregiver Coalition for resources. They are a local coalition dedicated to improving the quality of life for direct caregivers . Their membership fees are minimal, and they offer training and resources.

✓ Listening and support-A happy employee is a good employee. Employees need someone to talk to about how they are doing.

✓ Providing feedback early before problems get too big . All employees will need some constructive feedback at some point. Compliments as well as suggestions for improvement are part of standard management practices.

## Friends and Family Members

- Hiring friends and family members can assure great care and dedication
- Hiring friends and family members can make supervision tricky
- Consider what it might be like to fire a friend or family member
- Use the service standards and state regulations to guide you so anyone hired knows expectations ahead of time

Decisions are always about the participant's needs and preferences first!



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One of the key advantages of self direction is that for some services and circumstances friends and family members may be hired.

Hiring friends and family members can assure great care and dedication.

On the other hand, hiring friends and family members can make supervision tricky .

It may be helpful to think about this ahead of time. Consider what it might be like to give constructive criticism to a friend or family member or if unfortunately things do not work out and you have to fire a friend or family member.

What can help is using the service standards and state regulations to guide you, so anyone hired knows expectations ahead of time.



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- As EOR you will need to keep records

**Paperwork** • A system of supports is available through the state's Fiscal Management Agent (FMA)

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The EOR does have to do paperwork.

As EOR you will need to keep records.

The Fiscal Management Agent (FMA) supports the paperwork process.

Details about what to keep, what to submit and how long are in your EOR guide.

A system of supports is available through the state's Fiscal Management Agent (FMA).



## Fiscal Management Agent

The FMA has an online system and provides training, forms and instructions to complete the following :

- The EOR sets up a unique Employer Identification Number (EIN).
- Employees and vendors have the qualifications, criminal background checks, and are not on the Employee Abuse Registry.
- Payroll is processed including cutting checks, withholding, filing and payment of applicable Federal, State and local employment-related taxes and insurances.
- Vendors are paid and the necessary paperwork is processed.
- Tracking payment and balances of participant funds



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The FMA is under contract by the state Human Services Department and supports the EOR by:


- Setting up a unique Employer Identification Number (EIN) for the EOR.
- Making sure Employees and vendors have the qualifications, criminal background checks, and are not on the Employee Abuse Registry.
- Processing payroll including cutting checks, withholding, filing and payment of applicable Federal, State and local employment-related taxes and insurances.
- Paying vendors and the processing necessary paperwork.
- Tracking payment and balances of participant funds.

This may sound like a lot or like it is complicated if you do not have prior experience being an employer. The FMA is here to help so you are not alone with these administrative details.

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**“I’m not so sure about this employer thing.”**

- “Who is going to tell me when I’m doing something wrong?”  
If the paperwork you submit to the FMA is incorrect it will be returned to you to resubmit.
- “What happens if an employee gets injured while working for me?”  
If an employee that works for you is injured while working you will need to call and report it as an injury.



**DO YOUR BEST!**

**You can void errors**

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If you are saying to yourself – “I am not so sure about this employer thing.”

“Who is going to tell me when I’m doing something wrong?”

or

“What happens if an employee gets injured while working for me?”

If you are saying these things to yourself, it is normal. You do have an important responsibility.

There is not always one answer to every possible problem, but there are some standby answers, information and support to draw on.



Listen to the participant, follow service standards and follow the approved plan and rely on the FMA and your CSC.

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Listen to the participant, follow service standards, follow the approved plan and rely on the FMA.

Among Service standards, the approved person-centered plan, and interactions with the FMA we hope you will be able to find answers to the questions or challenges that come up related to EOR responsibilities.

## Your Resources

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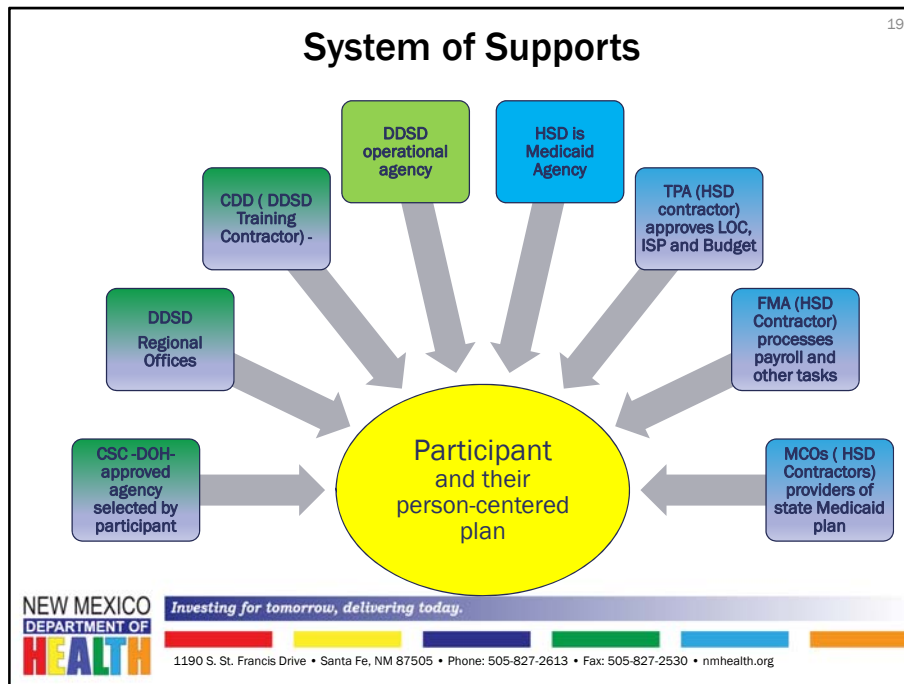
- You will learn as you go
- You don't have to memorize everything at once
- There are many resources available to help.
- Collect resources as your toolkit for success



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There is a lot to learn. You do not have to have it all down at once. You will learn as you go.

As you go you can develop a toolbox of resources to help.



This graphic is a little more detail about the system of supports available. The participant and their ISP/SSP are always at the center noted here in yellow.

DDSD, sponsoring this training, is the operating agency for the SW and is above on the left side in green.

HSD is the administrative agency for the waiver and the state’s Medicaid agency and is above to the right in blue.

On the left side of this graphic, you will see the supports managed by DDSD.

1. CDD is Center for Development and Disability part of a University Center for Excellence in Developmental Disability. DDSD holds a contract with them to mount trainings and track training “transcripts”. The CDD will send email alerts to EORs indicating whether direct hire employees and EORs have completed all their training requirements. Knowing that you have hired someone with minimum training is an important task of the EOR. The CDD helps with this.
2. DDSD has an office in five regions of the state. Technical assistance and support is available from the Regional Offices. Just call or email.
3. You Community Support Coordinator (CSC) is a “go to” for understanding the waiver and monitors ISP implementation for the participant .

On the HSD side to the right:

1. The TPA will approve annual LOC necessary to be sure individual continues to be eligible for waiver services. Be sure the participant renews eligibility every year.
2. The Fiscal Management Agent helps with administrative tasks of the EOR like cutting the checks. They have a training on use of their online system, and the EOR guide gives more information.
3. The MCOs provide general Medicaid services to the participant. Know that the waiver does not replace general Medicaid but is in addition to it.

## Your Tools

- Mounted with this training are resources you can download now or any time
- Use the DOH – DDS Training Hub  
<https://ddsctrain.cdd.unm.edu/>
- Use the DOH – DDS website. The Self-Directed Waivers operated at DDS have webpages with lots of information

Mi Via

<https://www.nmhealth.org/about/dds/pgsv/sdw/>

Supports Waiver

<https://www.nmhealth.org/about/dds/pgsv/csw/>



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Some more details about tools for your toolbox

This slide deck is available for you to download and keep in your toolbox for future reference.

## Your Tools

Documents on the DDSD webpages for EOR are :

- EOR Guide
- Provider Selection Guide



The documents listed here are available of the DOH- DDSD website. These documents are specific to EOR

-The EOR Guide with more detailed information and resources.

-The Provider Selection Guide to help with interview questions when considering vendor agencies.



## Your Tools

- HSD- Consolidated Customer Service Center (CCSC).
- **Call** 1-800-283-4465 or
- **Email** [NM.Customers@state.nm.us](mailto:NM.Customers@state.nm.us)



HSD is the state Medicaid agency and provides support for many programs. They have launched a Consolidated Customer Service Center to help with all types of customer questions. EORs are customers related to self directed waiver programs.

The main number has a menu of options to direct your call to the right customer service representative

## Next Steps

- Use your EOR Guide for the specific waiver you are participating in
- Use the Service Standards for the specific waiver you are participating in
- Complete FMA sponsored Training



Use your EOR Guide for the specific waiver you are participating in.  
Use the Service Standards for the specific waiver you are participating in  
Complete FMA sponsored Training

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**Thank You !**

**When you choose self direction, you choose who performs your approved services and when you need them.**

**You are empowered.**

**You are directing your own life.**

When you choose self direction, you choose who performs your approved services and when you need them.

You are empowered.

You are directing your own life.

As we started, we end with the idea that this is an exciting opportunity to impact quality of life of waiver participants.

Thank you.