



Veteran Guidebook

Veteran Directed Care



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How can this guidebook help you?

This guidebook will help you navigate the Veteran Directed Care program available to you through a partnership program of the Denver Regional Council of Governments (known as DRCOG) and the Rocky Mountain Regional Veterans Affairs Medical Center. This guidebook will help you understand the services and supports available, provide detailed policy information and explain who is available to assist you throughout the program. Self-direction does not mean doing things all by yourself — people are available to support you along the way!

Please review and think carefully about the information in this guidebook. The choice and flexibility offered through the Veteran Directed Care program, also known as VDC, does come with responsibilities.

Important phone numbers

DRCOG Veteran Directed Care program manager

DRCOG Veteran Directed Care line

720-278-2351

vdc@drcog.org

Financial management service

Rocky Mountain Regional Veterans Affairs Medical Center

303-399-8020

Veterans Affairs Veteran Directed Care coordinators

Work injury hotline

Section 1: Program overview

What is the Veteran Directed Care program?

Veteran Directed Care offers a self-directed approach to home and community-based services. The program is designed to provide you with more choice and control over the services and supports you need to live successfully at home. VDC is funded by the Department of Veterans Affairs, commonly known as the VA, and supports eligible veterans of any age to live independently by providing a monthly budget for personal care and homemaker services. You can use this budget to hire, train and manage your own caregivers, including family and friends.

You or your authorized representative will be responsible for monitoring budgets, approving timesheets, selecting caregivers and working with a dedicated case manager who can support your goals for independence and successful participation. The VDC program is ideal for those who prefer not to use home health care agencies and already have a support network.

The VA health care system provides a few different options for receiving homemaker and personal care services. If the Veteran Directed Care program does not seem like a good fit, talk to your VA medical team about alternative home care options you may be eligible for.

Who is eligible for VDC?

The Rocky Mountain Regional VA Medical Center determines a veteran's eligibility for the program. You must be enrolled in the Veterans Health Administration and meet VA clinical eligibility criteria. You must also be willing and able to function as an employer to supervise, hire, terminate, train and monitor your attendants and the services provided. If you are unable to do this for any reason, you may designate an authorized representative to act on your behalf. Refer to [Section 2](#) for more details on authorized representatives.

What is self-direction?

Self-direction helps people of all ages, with all types of disabilities, maintain their independence at home by choosing the services and supports that work best for them. Self-direction is based on the belief that the individual receiving the services knows their needs best and is in the best position to plan and manage their own services.

VDC transforms the traditional service delivery system into a system that puts the veteran at the center.

- Administration for Community Living



- Be accountable for the appropriate use of your VDC budget.

You will be provided with the training and tools you need to be a successful employer. Helpful information can be found in the later sections of this guidebook.

Do you need an authorized representative?

If you are not comfortable with all the responsibilities associated with the VDC program, you can appoint an authorized representative, or AR, to manage them on your behalf. An AR's only role is to help you manage the services and tasks related to your participation in the VDC program. They will not have authority to manage any other aspects of your life. An AR may be your legal guardian, a family member, friend or any other person you trust to manage the program on your behalf. You may be required to appoint an AR as determined by the VA VDC coordinator, or if you have a court-appointed legal guardian.

An authorized representative:

- May not be hired as an attendant through VDC.
- Must act in your best interest.
- Must respect your preferences.
- Must maintain regular contact with you.
- Must be willing and able to meet and uphold all program requirements.
- Must be at least 18 years old.
- Must sign the Designation for Authorized Representative form.
- Must undergo a criminal background check.

Section 2: Roles and responsibilities

Role of the veteran or authorized representative

As a veteran participating in VDC, you are expected to:

- Work with your DRCOG case manager and financial management services provider.
- Develop a spending plan.
- Follow your spending plan carefully, as unauthorized services will not be allowed or reimbursed.
- Function as the employer of record.
- Obtain services and goods authorized through your spending plan.
- Hire and manage the attendants who will provide services, which may include terminating and replacing employees if necessary.
- Maintain records of VDC documents.
- Verify employee timesheets and ensure they are submitted for payroll in a timely manner.
- Participate in assessments required by the program.
- Manage your health and access medical help when needed.
- Communicate with your case manager if you need help.
- Follow program guidelines.

Role of the Veterans Affairs Veteran Directed Care coordinator

The Rocky Mountain Regional VA Medical Center has a designated VA VDC coordinator who ensures all VA standards for service and quality of care are met.

The VA VDC coordinator will:

- Determine eligibility for any veterans who would like to be a part of the program.
- Refer new clients to DRCOG to get started with the VDC program.
- Determine the budget for each enrolled veteran.
- Approve all initial spending plans and sign off on spending plan changes.
- Communicate with other VA providers about the health and safety of veterans participating in the VDC program.
- Assist in coordinating care for veterans in the program.
- Oversee quality assurance of the VDC program and periodically audit DRCOG.
- Assist DRCOG with billing and invoicing to the VA.

Role of the Denver Regional Council of Governments

The Denver Regional Council of Governments is a federally designated area agency on aging and has more than 50 years of experience working with older adults, adults with disabilities, and their families and caregivers in the Denver region. DRCOG provides services and supports to help older adults and adults with disabilities remain independent in the community, including information and referral services, case management, transportation, caregiver counseling, home-delivered meals and more throughout its network of funded providers.

The Rocky Mountain Regional VA Medical Center contracts with DRCOG to provide the

VDC program in Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin and Jefferson counties.

DRCOG's responsibilities include:

- Providing ongoing case management services to veterans enrolled in the VDC program.
- Contracting with and overseeing the financial management services agency, or FMS, and ensuring the quality of their services to veterans.
- Reviewing participants' monthly spending and ensuring it is in line with VA rules and regulations.

How does DRCOG bill the VA?

Veterans or ARs do not have direct access to their monthly budget, so they will not receive a monthly check. Instead, every month DRCOG will advance funds to the FMS to pay attendants for goods and services. DRCOG and the contracted FMS work together to submit electronic claims based on actual service spending. After processing, the VA reimburses DRCOG for services rendered.

How does DRCOG get paid?

Every month, the VA pays DRCOG a set administrative fee for each veteran enrolled in and receiving services through the program. The fee is set by the VA Central Office and depends on geographic location. The administrative fee is used to pay for:

- **Case management staff**, including staff salary, benefits and necessary trainings.
- **Accounting staff**, including staff who monitor budgets and spending within the VDC program and who are also responsible for submitting claims to the VA, tracking payments and reconciling bills.
- **Financial management services**, including the fee paid to the contracted FMS as the payroll agent for all veterans in the program.

- **Other overhead costs**, such as mileage to drive to home visits and postage for mailers.

Role of the case manager

You will be assigned a trained case manager employed by DRCOG to support you throughout your participation in the program.

Your case manager will help you:

- Understand the program.
- Develop your spending plan.
- Evaluate your spending plan and how well the program is working for you.
- Understand and complete required paperwork.
- Address concerns related to VDC services.
- Monitor the monthly budget and address any spending concerns that may arise.

If you decide to participate in the VDC program, you can expect monthly phone calls and quarterly visits from your case manager at a minimum. The case manager will also complete a reassessment after the first six months of services and annually after that.

During calls or home visits, please let your case manager know how you are doing, if you went to the hospital in the past month or if you need additional resources. Case managers are familiar with community services available to veterans and their families. Let them know how they can help you!

Role of the financial management service

All veterans enrolled in the program must work with a financial management service agency.

The FMS will:

- Assist you or your representative in completing the paperwork necessary for you to be an employer and for the FMS to serve as your agent with federal and state agencies.
- Function as your payroll agent and take care of all money-related issues, such as timesheets, payroll, taxes and other employer-related requirements.
- Process employee payroll and issue payment to attendants or service providers, either through checks or direct deposit.
- Issue W-2 forms to your employees for tax purposes and pay all payroll taxes for your employees on your behalf.
- Complete attendant and AR background checks.
- Send you a monthly budget report, detailing how much you have spent and how much you have left of your budget.
- Contact you and your case manager if you request something that is not approved in your spending plan.
- Ensure that you pay only for those expenses that you have funds in your budget to cover.
- Answer questions you and your attendants may have about payroll matters.

The contact information for the DRCOG-contracted FMS provider can be found in the [“Important phone numbers” section](#) at the beginning of this guidebook.



Section 3: Fiscal employer agent service model

What is a fiscal employer agent?

A fiscal employer agent provides financial management services by performing payroll and administrative functions for self-directing individuals. Just like a regular payroll provider, a fiscal employer agent makes sure workers are paid on time and that taxes are managed correctly. To protect participants from financial risk, a fiscal employer agent takes on full liability for each participant-employer's tax responsibilities related to participation in a self-direction program.

Your status with the IRS

The Internal Revenue Service has a special tax classification for self-directing individuals who hire workers and use a fiscal employer agent: "home care service recipients," a type of household employer. The Internal Revenue Manual, which instructs IRS agents in enforcing

tax regulations, has detailed instructions for home care service recipients. The manual directs IRS agents to manage participants' tax matters with the greatest possible sensitivity. The manual also makes clear that a fiscal employer agent is responsible for handling wages and taxes related to home care service recipients, and the fiscal employer agent should be the only point of contact about tax issues related to participants' program activity.

Exempt relationships

In the fiscal employer agent model, your contracted FMS will help establish you or your AR as the employer of record with the IRS and State of Colorado, including assigning a unique federal employer identification number to the person who has control over managing services, either you or your AR.

In IRS Publication 15, the IRS has designated select familial relationships as exempt from certain taxes. This only applies if you have an attendant who is the spouse, parent (including adoptive and stepparents) or child (aged 18 to 20) of the federal employer identification number holder. If one of the relationships is present, the attendant may be exempt



from Social Security and Medicare, federal unemployment, and state unemployment taxes. The FMS will help you determine the exemptions for which you and your attendants qualify.

Client and FMS liability

In the VDC program, you assume some liability because you perform employer-related functions. The FMS also assumes liability. You and the FMS work together to minimize risk.

FMS providers operate under Section 3504 of the Internal Revenue Code, which requires them to take on joint federal tax liability with every client they serve. The FMS provider is financially responsible for making sure each client's tax payments, filing and reporting are done correctly. IRS Revenue Procedure 2013-39 outlines required fiscal employer agent federal tax procedures and responsibilities. If an FMS provider makes a tax mistake, they are financially liable for the mistake. This protects VDC participants from personal financial risk.

In the fiscal employer agent model, you are considered a small employer under the Affordable Care Act, and therefore are not required to offer your attendants health insurance.

In the event of a tax problem related to participation in a self-direction model, the IRS holds the fiscal employer agent, not the participant, liable for any taxes and penalties due. The IRS has reported that upon establishment as a home care service recipient, the participant-employer's individual filing requirements and opportunity to get notices, liens and levies from the IRS are removed. Instead, those filing requirements and opportunities for notices, liens and levies are connected to the fiscal employer agent who has submitted IRS Form 2678 (Employer/Payer Appointment of Agent) on the participant-employer's behalf.

Section 4: Enrollment process

How do I begin?

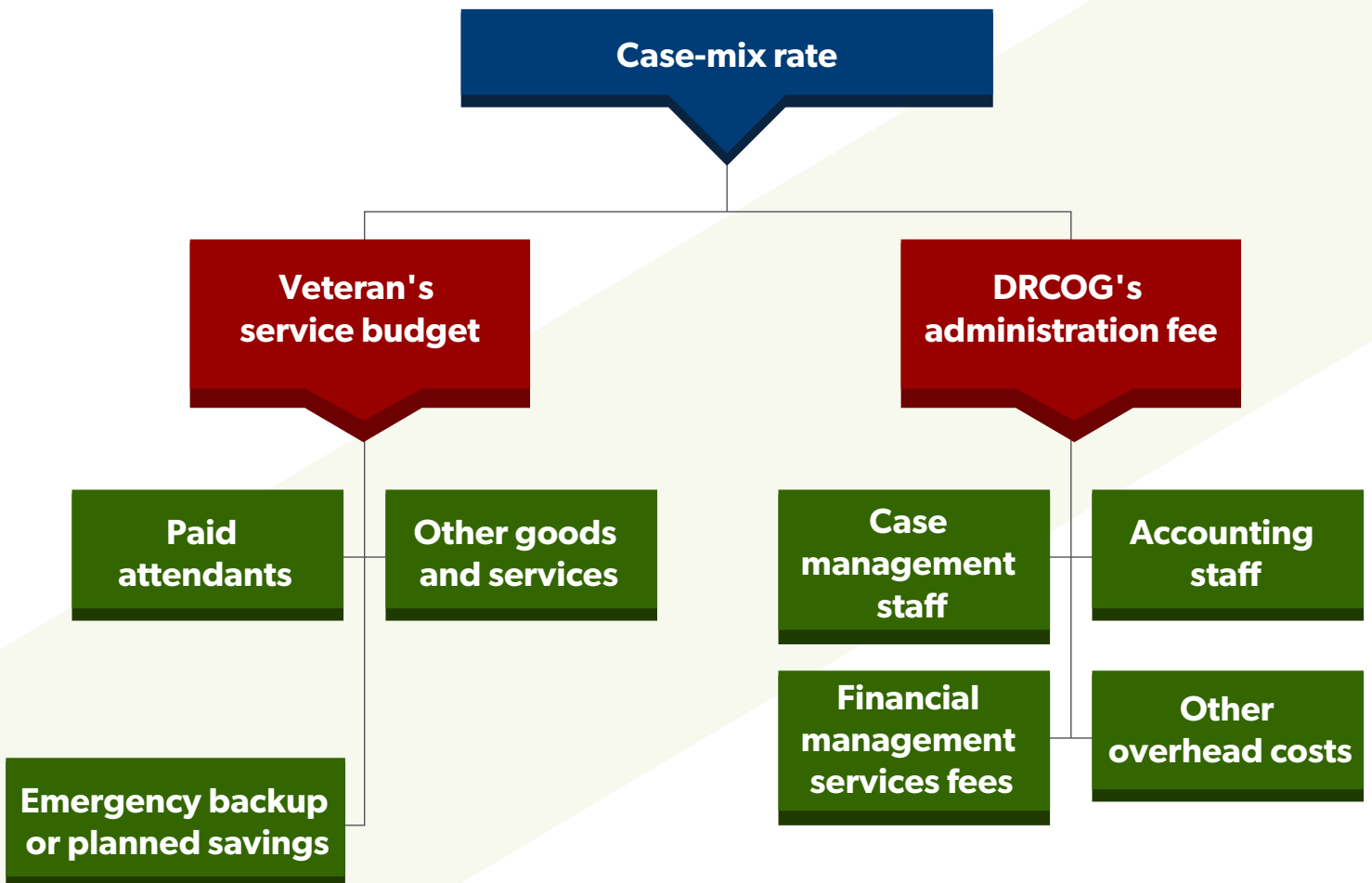
The Rocky Mountain Regional VA Medical Center determines eligibility to participate in the VDC program. If you are eligible, the VA VDC Coordinator will send a referral to the VDC case management team at DRCOG.

After receiving the referral, your case manager will contact you to set up a time to meet in person, typically in your home. Your case manager will explain the VDC program and the benefits and responsibilities of self-directing services.

Your case manager will also work with you to complete an assessment of your needs and goals. You may invite anyone you would like to be part of the planning process. Your case manager will also talk with you about designating an AR if you are uncomfortable with the responsibilities of independent self-direction.

How is my budget determined?

The VA VDC coordinator determines an individual budget for each veteran by conducting a standardized assessment using the Purchased Case-Mix and Budget Tool. After the coordinator completes the assessment, they will assign you a case-mix rate that includes both your spending plan costs and DRCOG's administrative costs. The components that make up your case-mix rate include:





There may be times when the VA needs additional documentation of your functional status. You may be asked to schedule an appointment at the VA to complete an assessment with a medical provider. If this happens, it is important to be open and honest with the VA medical provider about the assistance you need. The medical provider's evaluation could result in either an increase or decrease in your monthly VDC budget. The VA may also request any medical records from other private or community providers you are seeing. Contact the VA VDC coordinator if you have questions or concerns regarding your budget determination.

When do my VDC services begin?

Your case manager will meet with you to go over the details of the program, complete a functional assessment, finalize your budget and create your spending plan. Your case manager will submit the spending plan to the VA VDC coordinator for final approval. You and your attendants will then meet with the FMS to complete employment paperwork and to make sure all participants understand their roles and responsibilities.

Once these steps are completed, and an "OK to work" letter has been issued by the FMS, VDC services can begin. Typically, the enrollment process takes a month to complete; however, this depends on how quickly you can identify attendants and complete the required paperwork. If there are unforeseen delays, your VDC services could also be delayed.

Section 5: Spending plan

What is a spending plan?

Your spending plan describes the services and goods paid for through your VDC budget. It includes the projected cost, frequency and duration of your services, and the type of provider who furnishes each service. This plan will help the VA understand why you need the services and goods you chose and what the plan will cost. Your spending plan acts as your authorization for spending. If you submit any expenses that are not approved on the spending plan, they will not be authorized for payment, and you will be responsible for the expense.

You and your case manager will develop a spending plan outlining all the required information based on your individual VDC budget. After you have agreed upon a spending plan, your case manager will submit it to the VA VDC coordinator for final approval. Your spending plan must be approved before your VDC services can begin.

What if my plan is not approved?

If your spending plan is not approved, work with your case manager to figure out your options, including requesting reconsideration of the decision. You have the right to appeal the decision — contact your VA VDC coordinator to make an appeal.

How do I change my spending plan?

When you want to make changes to your spending plan, start by talking with your case manager. Any changes made to a spending plan must be approved by the VA VDC coordinator. Your case manager can help you make changes to your spending plan and submit it to the VA VDC coordinator for approval.

You must get approval to:

- Change an attendant's hourly rate or wages.
- Add new attendants.
- Add a new service or good.
- Increase the amount you spend on approved purchases.

You do not need to amend your spending plan if:

- You want to spend less than the amount you list for approved purchases.
- You have unplanned, unpaid extra help from family members or friends and will spend less than you planned that month for a service.
- You want to redistribute hours between your attendants while keeping the total number of hours and costs the same.

Section 6: Goods and services

What services and goods may I choose?

Each type of service or good must be approved by the VA VDC coordinator and be in your service plan budget. If you buy something on your own without prior approval from the VA VDC coordinator, you will not be reimbursed. The goods and services you purchase must:

- Be for you, the veteran.
- Meet the identified needs, goals and outcomes in your spending plan.
- Improve your ability to remain safely at home.
- Address your ability to complete activities of daily living and instrumental activities of daily living.
- Be the least costly alternative that meets your identified needs.
- Not be provided or paid for by the VA, Medicare, Medicaid, TRICARE or other agency, organization, program, service or insurance.
- Not be your responsibility as a homeowner to maintain, repair or replace.

If all the above criteria are met, you can purchase goods and services when they are needed to:

- Support your ability to remain in your home and access your community resources and network.
- Enhance your family involvement and inclusion in the community.
- Develop, maintain or improve your personal, social, physical or work-related skills.
- Decrease your need to purchase services through other professional health and community-based service providers.
- Increase your independence.
- Increase your safety in your home and community.

- Enhance your family's involvement by allowing your workers and caregivers, including family members and friends, to receive education and skills training needed to support you.

Examples of allowable services and goods

The following are examples of services and goods you may purchase if approved by the VA and included in your spending plan and budget:

Adult day care

This is daytime care designed to meet your needs through an individual plan of care that provides health, social and related support services in a place other than your home. The care can take place during any part of the day but does not encompass 24-hour care.

Caregiver education and training

These services include access to a resource library, informational services, support groups, seminars and focus groups, individual or group counseling, and education services for your workers and caregivers.

Chore maintenance

Chore maintenance allows a heavy-duty level of cleaning to turn your home into a healthy environment. This may include removing trash and debris, heavy cleaning (such as scrubbing floors, washing walls, washing outside windows), moving heavy furniture, yard cleanup, and walkway maintenance and repair.

Electronic monitoring

This service installs room monitors that can allow for remote monitoring to improve communication between you and your workers or caregivers. This may include motion monitors and other monitor services not otherwise covered by the VA or other insurance programs.

Homemaking and personal care

Homemaking services include but are not limited to laundry, sweeping and mopping floors, dusting, changing linens, cleaning the bathroom (including toilet, sinks, floors, tubs and showers), cleaning the kitchen (including loading and unloading the dishwasher, handwashing dishes, and washing countertops, sinks, floors and stovetops), preparing meals, and home management. Personal care services include assistance with activities of daily living, such as bathing, dressing, eating, moving around your home and providing reminders for medication.

Individually identified services necessary for independent living

These are services that are not traditionally covered by the VA or other resources but are deemed necessary for you to remain independent with your best quality of life.

In-home respite care

Respite care provides short-term breaks that relieve stress, restore energy and promote balance for your attendants and caregivers. With in-home respite care, you can remain in your own home and continue to receive care there when your attendants and caregivers take a needed break.

Safety services

These services may include a personal emergency response system or a combination key box for your door, which keeps a key available so emergency personnel can easily access your home. Safety services may also include a home safety evaluation by a professional to assess paths around furniture and other safety considerations and recommend any durable medical equipment that may create a safer environment for you.

Shopping or running errands

This is shopping that your attendant or caregiver performs, with or without you present. If your caregiver uses your private vehicle, no mileage is paid. If your caregiver uses their own private vehicle, mileage and travel may be reimbursed as agreed upon between you and your caregiver.

Transportation

This is specialized transportation required for you to go to socialization support or medical support activities with your designated caregiver; your caregiver may be reimbursed as agreed upon with you. Transportation assistance may also include an escort if you need one to use regular, rather than specialized, vehicular transportation.



Section 7: Attendants

Attendants are the caregivers you hire to provide homemaker and personal care services.

Who can I hire as an attendant?

You may hire family members, friends, neighbors or previous personal care providers as attendants. Anyone you have designated as your AR may not be hired as an attendant. An attendant must be at least 18 years old and must be capable of providing your care. An attendant must be approved by the case manager, the FMS and the VA, and complete all employment paperwork before they can be paid for providing care. The VA also requires that all attendants pass a criminal background check. For more information on this topic, please refer to [Section 10](#). Prospective attendants must complete the employment application and criminal background check forms and provide proof of age and legal work status.

Your attendants are considered your employees. They are not employees of the FMS or DRCOG. Once services begin, attendants are responsible for providing services and completing and submitting timesheets to you. You and your attendants are liable for any negligent or wrongful acts or omissions in which either party participates. DRCOG, the FMS and the VA are not liable for any actions of an attendant or the veteran participating in this program.

How much can I pay attendants?

Attendants must be paid at or above the current minimum wage. Additionally, the local VA VDC coordinator may dictate an hourly wage cap for attendants. Keep in mind both you and your employee have tax responsibilities. Your employer tax costs must be factored into your

spending plan. Reach out to your FMS if you have questions about how taxes are withheld and filed with the IRS.

Attendant paid sick leave

The Colorado Healthy Families and Workplaces Act applies to paid attendants working in self-directed programs like VDC. Attendants accrue one hour of paid leave per 30 hours worked, up to 48 hours per year. While paid leave balances roll over at the end of the year, an attendant's paid leave balance cannot exceed 48 hours. The accrued balance can be found on the attendant's pay stubs. For questions about paid leave, contact your FMS.

Paid sick leave frequently asked questions

How do caregivers claim paid leave?

You or your authorized representative manages attendant scheduling. When attendants want to claim paid leave, they should coordinate with you or your AR and submit leave time through the FMS timesheet.

Where can caregivers find their accrued leave balance?

Accrued balances can be found on pay stubs.

Will paid leave impact my VDC budget?

No, time paid out for leave will not impact your service budget. The VA uses budget amendments to address a cost beyond control related to paid leave.

What can paid leave be used for?

According to the Colorado Healthy Families and Workplaces Act, an employer must allow employees to use accrued paid leave for the following reasons:

- **Personal health:** If the employee has a mental or physical illness, injury, health condition, needs medical care or diagnosis, preventive care, or needs to

handle matters after the death of a family member.

- **Family care:** If the employee needs to care for a family member with a mental or physical illness, injury, health condition, or needs medical or preventive care
- **Domestic abuse, sexual assault or harassment:** If the employee or a family member has been a victim, leave can be used for medical attention, victim services, counseling, relocation or legal services.
- **Public health emergency:** If a public official orders the closure of the employee's workplace or their child's school or place of care.
- **Inclement weather or emergencies:** If the employee needs to care for a family member due to the unexpected closure of school or place of care, or if the employee needs to evacuate their residence due to unforeseen events.

Can paid leave be used while I am hospitalized?

No, attendants cannot be paid through VDC funds while you are hospitalized or in any inpatient setting.

How much notice do attendants need to provide to take paid leave?

An attendant should provide notification of the need for paid sick leave as soon as possible when the need is foreseeable. Documentation is not required for paid leave under the Colorado Healthy Families and Workplaces Act.

Colorado Family and Medical Leave Insurance

Attendants are eligible for Colorado Family and Medical Leave Insurance, also called FAMLI. Colorado Family and Medical Leave Insurance ensures Colorado workers have access to paid leave so workers do not have to choose between earning a paycheck and taking care of

their families. More information and instructions to file a claim can be found on the Colorado Department of Labor and Employment website.

What if an attendant is injured?

The FMS provider ensures worker's compensation insurance is in place in the event an attendant is injured on the job. Each FMS provider has a process for reporting a workplace injury.

Attendants are advised to take the following steps:

- If the injury is serious and life-threatening, call 911.
- If the injury needs medical treatment but is not life-threatening, the attendant should go to an urgent care clinic or doctor's office. If the attendant cannot get to a clinic or a doctor's office, they should go to the emergency room.
- Call the FMS injury hotline to report the injury or illness immediately. The attendant must call as soon as the injury or illness happens, even if it does not seem serious.
- The attendant should report the injury or illness to the veteran or AR before leaving work.

For the attendant's safety, they must also report injuries that occur away from the workplace to the injury hotline. This report is necessary to ensure that the injury will not become worse while the attendant is working. Refer to the ["Important phone numbers" section](#) at the beginning of this guidebook for the injury hotline information.

Other attendant benefits

In addition to paid sick leave and Colorado Family and Medical Leave Insurance, attendants may be eligible for other benefits. The FMS will provide details and guidance on all available options.

Section 8: Using your budget

How are attendants, goods and services paid?

All expenses approved through your spending plan are paid by the financial management service. The FMS will orient you or your AR on procedures for financial management, including how to pay bills, your responsibilities as an employer and how budget balances are reported.

Your attendants must complete timesheets every week to get paid. You will approve their timesheets and submit them to the FMS. The FMS will pay your attendants through direct deposit or a prepaid debit card. Payments to attendants occur every two weeks.

You have two options to pay for goods and services that you are approved to purchase.

Option 1: You pay for the good or service out of pocket, then submit the receipt or invoice to the FMS along with an expense form. The FMS will reimburse you for the cost based on what was approved in the spending plan.

Option 2: The vendor sends the receipt or invoice to the FMS along with an expense form. The FMS will reimburse the vendor for the cost based on what was approved in the spending plan. Setting a company up as a vendor requires extra steps and forms. Tell your case manager right away if you want to process vendor payments in this way.

To ensure timely processing, all vendor reimbursements should be submitted within 45 days of the good or service invoice date. Late submissions will be subject to the late time policy outlined on [page 25](#) of this guidebook.

How do I know what I've spent?

Each month the FMS will provide a spending report to you or your AR and your case manager. The spending report details all spending during the month, including all payments made to attendants. You or your AR and your case manager will review the spending report for appropriate spending within the budgeted amount.

What if I don't spend my entire monthly budget?

Work with your case manager to ensure that you are spending most of your budget each month. Sometimes you may not completely spend your monthly budget. You may accumulate unspent monthly budgeted amounts into a planned savings and emergency backup fund. Remaining funds may not be rolled over into next year's budget.

With prior VA VDC coordinator approval, the backup fund may be used to cover planned additional expenses or goods and services that can't be covered with one month's budget. You or your AR must show a medically justified reason for extra attendant hours or other services — for example, if a sudden change in health status requires additional help at home. Talk to your case manager about your options and the paperwork necessary to receive preapproval from the VA VDC coordinator to use your backup fund for additional attendant hours. The VA VDC coordinator has the authority to deny the use of the planned savings and emergency backup fund.

Policy on overspending

You and your AR are responsible for any unauthorized spending at the end of the authorization period. This may include paying attendants out of pocket for hours they worked that were not approved in the spending plan or by the VA.

This section outlines the VDC policy when you or your AR continually overspend the monthly budget. The rules in this policy are important to follow, since violating this policy may result in disenrollment from the VDC program. The policy has been reviewed and approved by the Rocky Mountain Regional VA Medical Center.

Overspending is defined as:

- Monthly spending exceeding 10% of your average monthly budget without preapproval by the VA VDC coordinator, as documented on the approved spending plan.

Overspending within a calendar year will be addressed as follows:

- **First overspend:** Your case manager will contact you or your AR to notify you of overspending and develop a plan to prevent future overspending.
- **Second overspend:** Your case manager will contact you or your AR to notify you of overspending and develop a plan to prevent future overspends. You will also be mailed a follow-up letter outlining the discussion.
- **Third overspend:** You will be required to designate an AR or change your AR if already established.
- **Fourth overspend:** You will receive a 30-day notice that you are being involuntarily disenrolled from the VDC program.

At each stage of the overspending protocol, the case manager will discuss with you or your AR a plan to reduce spending in the following months to prevent continued overages and avoid running out of funds at the end of your authorization period.



Section 9: Health and safety

As a veteran, you are in control of your services. It is important that you monitor your health and communicate your needs to your attendants. You must make sure you and your attendants know how to spot health problems and know what to do about them.

Planning your backup care

Planning for unexpected circumstances is essential when using self-directed services. A written plan may help you think about what to do when you need attendant care right away. This plan may be a simple call list of your backup attendants or a more complex decision tree that can help you problem-solve and find an attendant immediately. Consider these tips and issues when making your plan:

- If you live in a rural area, the emergency response number may be different than 911. Contact your local police department to find out the local emergency number.
- If your attendant does not arrive when scheduled, how long will you wait before calling the attendant or a backup attendant? Make sure all attendants know about your policy concerning lateness, cancellations and no-shows.
- If your first attempt to arrange for a backup attendant fails, try calling each one a second time and explaining that none of the others are available.
- Consider whether the situation might become dangerous and at what point you may need to call 911 or another emergency number. Remember, calling 911 is for emergencies and not for routine care.
- Is there information you want police officers, firefighters, paramedics or other emergency responders to know when they respond to your call? You can contact your local police department to

find out how to provide disability-related information to 911 responders or other emergency responders.

Backup plan form

A backup plan can help you tell attendants, paramedics and physicians how to provide care if an emergency occurs and you cannot direct them. Reach out to your case manager for a template. You can customize your plan to fit your specific needs.

Review the plan with current and new attendants, update it regularly, and make sure your attendants know where to find it. Your backup plan should include:

- Your personal contact information.
- Emergency contacts.
- Equipment needs, such as adaptive equipment you rely on for basic functioning in any setting, including a wheelchair, scooter, braces, communication device, service animal and more.
- Communication needs.
- Insurance information.
- Primary physician contact information.
- Preferred hospital and pharmacy.
- Medications and medication schedule.
- Specific diagnoses.
- Allergies.
- Emergency care plan.
- Phone list.

How do I handle an emergency?

Emergencies are unexpected but inevitable. Emergencies can be reduced by evaluating risk and understanding what you can do to prevent an emergency when possible. Your case manager may also help you prepare a risk mitigation plan to avoid negative situations. The VA recommends that you hire backup attendants who can help during emergencies. For true emergencies, call 911 or your local emergency number for immediate assistance.



Hospitalizations

Attendants cannot be paid through VDC funds while you are hospitalized or in any inpatient setting, such as a nursing home or assisted living, inpatient rehab, or short-term respite care.

If you are admitted to a hospital or inpatient care facility, please contact your case manager with the date and location of admission. To resume paid care through the VDC program, you must notify your case manager when you are discharged.

You may pay your attendants for any hours they worked on the day of a hospital admission and the day of discharge. For example, if your attendant worked two hours in the morning and you went to the hospital in the evening, you can still pay your attendant for the hours they worked before you went to the hospital.

Abuse, neglect and exploitation

Everyone has the right to be treated with respect. Your attendants, family members, AR and others involved in your care have no right to say or do anything that makes you feel bad about yourself or scares you. Everyone has the right to control what happens to their body. You are the one who says how things should be done and how your body should be touched. Multiple Colorado laws protect at-risk adults, including all adults ages 70 and older.

Examples of mistreatment of an at-risk adult

Caretaker neglect occurs when an adult's caretaker fails to make sure the adult has adequate food; clothing; shelter; psychological, physical or medical care; or supervision.

Exploitation is taking an adult's money or other assets against their will or without

their knowledge (stealing). It also can involve deceiving, harassing, intimidating or using undue influence to get the adult to do something against their will.

Self-neglect occurs when an adult cannot or does not care for themselves.

Physical abuse is hitting, slapping, pushing, kicking, burning, confining or restraining an adult.

Sexual abuse is sexual activity or touching without the adult's permission or understanding.

How to recognize potential abuse, neglect or exploitation

If you answer "yes" to any of the following questions, there may be potential for abuse, neglect or exploitation.

- Do you sense that your attendant is deliberately ignoring your instructions and requests?
- Does your attendant make mistakes and then blame you or other people?
- Does your attendant ask personal questions unrelated to your care, such as how you manage your finances?
- Does your attendant eat your food without asking?
- Does your attendant make unwanted comments about your appearance, weight, clothing, speech, eating habits or disability?
- Do you sometimes find less money in your wallet than you expected?
- Are there unfamiliar charges on your checking or credit card accounts?
- Is your attendant eager to access your car or credit card?
- Does your attendant want to work all your shifts?
- Does your attendant want to control your choices, such as what you wear and what you eat?
- Does your attendant place items you need out of your reach?

- Does your attendant try to isolate you from or restrict your contact with family and friends, or make unwanted comments about your family, friends or choice of activity?
- Does your attendant look around your home or through your personal belongings without your permission?
- Does your attendant use your computer without your permission?
- Are you uncomfortable asking your attendant to do routine tasks?
- Does your attendant take naps, watch TV or talk on the phone instead of providing your care?
- Are any of your medications missing?
- Has your attendant tried to gain access to or control of your medications?
- Connect with family members, friends and other people directing your care for support in addressing and preventing critical incidents.
- Seek help or advice if you suspect a situation may be harmful.
- Make a list or take photographs of personal belongings such as jewelry, antiques, silverware and other valuables.
- Count and record numbers of controlled medications after each attendant leaves.
- Do not leave cash or medication lying around.
- Use a password to restrict access to your computer.
- If you rent your home, consider purchasing renters insurance.
- Find a local self-defense class and talk with the instructor about the possibility of adapting the class to your disability, if necessary.
- Carefully screen potential employees. Require references and check them before hiring.

How to prevent abuse, neglect or exploitation

Here are some tips on how to prevent and stop abuse, neglect or exploitation:

- Do not allow your relationship with your attendant to become too personal.
- Do not allow your attendant to make choices for you, such as what to wear or what to eat.

With anyone — employee, friend, family member or stranger — you always have the right to say “no” or “stop” if they do anything wrong or uncomfortable.



Reporting abuse, neglect or exploitation

If any type of abuse is happening to you, report it immediately to someone who can help you.

This could be:

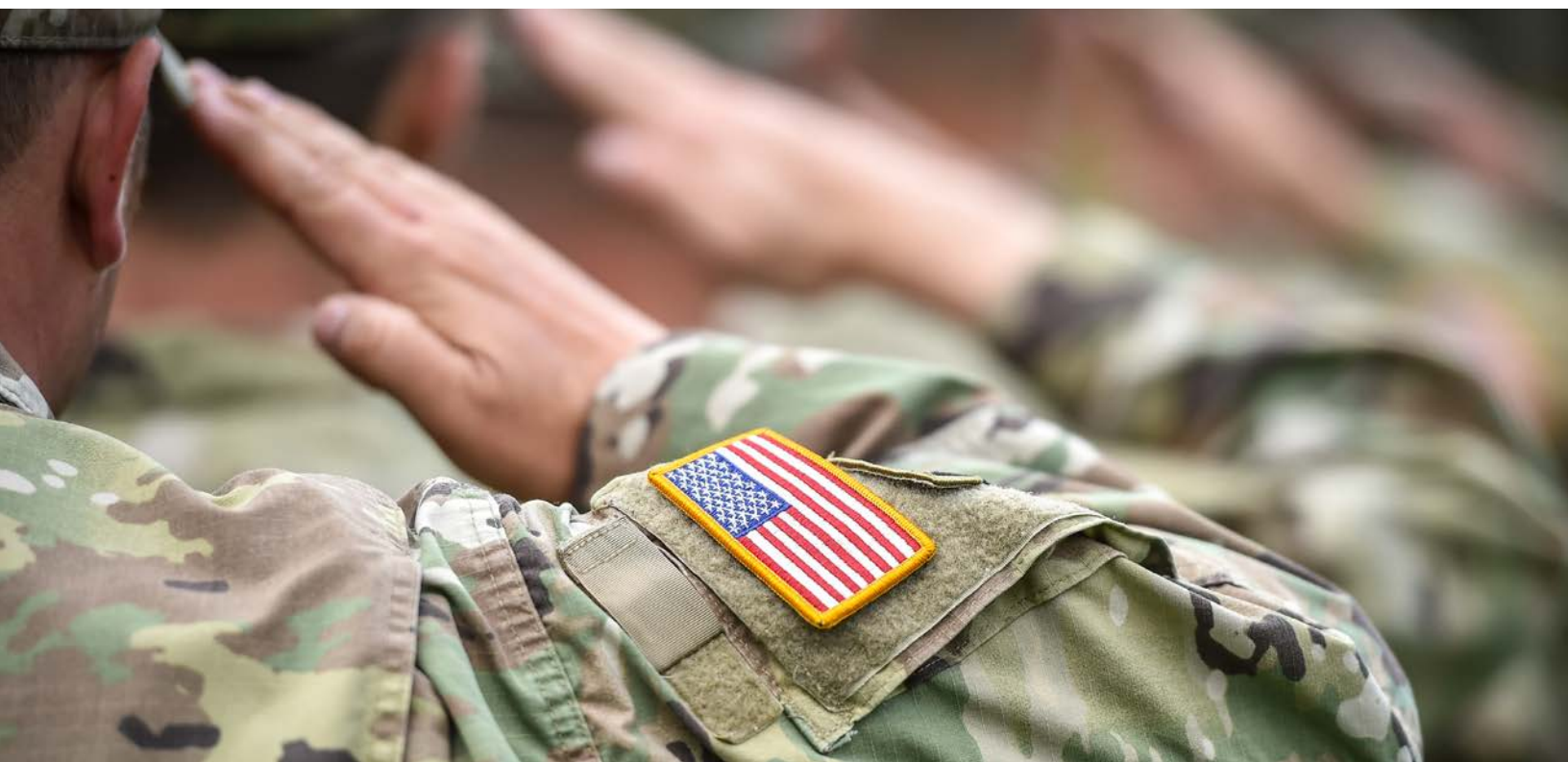
- Your local police department.
- Your county's Adult Protective Services department.
- Your AR.
- Your case manager.
- Your VA VDC coordinator.
- Your FMS.
- A friend or family member.

Your case manager can be a resource for you in addressing issues of abuse, neglect or exploitation. It is important that you report these incidents to your case manager, even if you have already dealt with the situation and no longer feel you are in danger. Reporting a critical incident will ensure you receive the support and follow-up necessary to keep you safe.

Mandatory reporting

In Colorado, certain professionals are required by law to report physical abuse, sexual abuse, caretaker neglect and exploitation of at-risk older adults and at-risk adults with intellectual and developmental disabilities. Your case manager is a mandatory reporter under this law. Your case manager will contact the police or county Adult Protective Services if:

- They suspect or observe abuse, caregiver neglect, exploitation or self-neglect.
- You disclose abuse, caregiver neglect, exploitation or self-neglect regarding yourself or another individual.
- Any other person discloses abuse, caregiver neglect, exploitation or self-neglect regarding you or another individual.





Section 10: Being an employer

Payroll questions

The FMS is responsible for processing payroll for your attendants. You and your attendant are responsible for ensuring employment paperwork is completed accurately and submitted prior to scheduling your attendant to work. You must receive notice from the FMS that the employee is cleared to begin working. If there is an issue or concern regarding payroll, contact the FMS.

Tax questions

The FMS is responsible for processing an attendant's taxes based on their W-4 form. The FMS issues your attendant's W-2 form to report wages earned. They are also responsible for filing taxes on your behalf as an employer of record. If you have issues or concerns about your attendant's taxes, contact the FMS.

Overtime

Federal and Colorado labor laws require attendants who work more than 12 hours in a single day or 40 hours in a single week to be compensated at a rate not less than one and a half times the regular rate of pay.

The Fair Labor Standards Act states that "live-in domestic service workers who reside in the employer's home permanently or for an extended period and are employed by an individual, family or household are exempt from overtime pay, although they must be paid at least the federal minimum wage for all hours worked." For example, if you employ your spouse as an attendant in the VDC program and you live together, your spouse is not eligible for overtime compensation.

Per VA guidelines, overtime should be avoided. If you think your attendant may have worked overtime, contact your case manager.

Late time policy

As an employer, you are responsible for approving timesheets promptly and ensuring your attendants submit their timesheets on time. The timesheet portal prevents time being entered more than 45 days after the date of service. You must contact your case manager for approval in submitting timesheets more than 45 days from the date of service. For this policy, "late time" is any attendant time submitted more than seven days after the due date.

Note: Your or your AR is responsible for notifying your case manager of any extenuating circumstances that may have caused late timesheet submission. Extenuating circumstances, such as hospitalization, will be taken into consideration by the DRCOG VDC program manager and case manager when evaluating late time submissions.

First episode

Criteria: You submit unapproved late time on two or more occasions.

Action: You or your AR will receive a warning letter or call from your case manager about the unapproved late time submissions.

Second episode

Criteria: After the first episode, you submit unapproved late time on two or more additional occasions.

Action: You or your AR will receive a warning letter *and* a call from your case manager about the unapproved late time submissions.

Third episode

Criteria: After the second episode, you submit unapproved late time on two or more additional occasions.

Action: You will be asked to designate an AR to continue participation in the program. If you already have an AR established, you will be asked to designate a new AR.

Temporary travel

It is important to communicate any travel or seasonal change of residence plans to your case manager and the FMS in advance to determine if VDC services can continue during this period. Before you travel, talk to your FMS and case manager about where you're going and how long you'll be away. The FMS will need to evaluate and implement any applicable labor, tax and workers' compensation and other required insurance rules. Please note:

- Your or your AR must continue to manage employer responsibilities while you are traveling.
- VDC care can only be provided within a state, territory or district (Washington, D.C.) of the United States.
- The period you are away cannot exceed 180 days.
- Your VDC case manager must continue to conduct monthly phone calls and face-to-face or virtual visits at least quarterly to monitor your well-being.

Recruiting

You may have family and friends who you already know want to work for you. If not, you can put the word out through your family, friends, religious community or other networks that you are looking for help. These informal channels are often the best way to locate attendants who are right for you.

If you can't find the help you need through these networks, you may want to place an advertisement in a newspaper, online or on a bulletin board. Check ads in each of these places to understand what they're like and how much they cost. The cost of an ad may be included in your plan and budget if approved. Make sure you include essential information in your ad like:

- What hours you want someone to work.
- A general description of what you want them to do.

- How to contact you or the person you have designated as your point of contact.
- Any qualifications you require the applicant to possess.

Be careful about the type of information you put in the ad. Do not include your address or that you live alone; all you need is a way for people to contact you. This could be a phone number, email address or regular mail. If you want people to contact you by mail, consider renting a post office box; although you will need to pay a rental fee, it will prevent you from having to list your home address in the ad. Whichever way you choose to be contacted, protect your privacy as much as possible.

Job description

A well-written job description will help you make sure your potential attendants are comfortable with all aspects of the job. Describe the type of assistance your attendants will provide. Try to be specific about the abilities your attendant should have, such as previous caregiver experience, physical strength for transfers to and from a wheelchair, cooking skills, a valid driver's license and more.

A good job description will:

- Help you identify your needs.
- Be used as the basis for your ads for attendants.
- Provide applicants with a list of your daily physical needs.
- Help you and applicants ask appropriate questions during the interview.
- Provide a checklist of duties and responsibilities for your attendants.
- Be used to evaluate attendants' work.
- Help solve disagreements between you and your attendants about their duties.

SAMPLE JOB DESCRIPTION

Personal Attendant

Duties: The person in this position will assist with activities of daily living. The employer is a 25-year-old man who has a physical disability, lives in his own apartment and uses a wheelchair. Specific activities include assistance with bathing, dressing, personal hygiene, toileting (including bowel and bladder care), eating, transferring to and from the wheelchair, taking medications and range-of-motion exercises. The position also involves meal preparation, housekeeping, shopping, laundry and other household chores. The position requires a valid Colorado driver's license, as the attendant will drive the employer's adapted van occasionally.

Education and experience: Nothing specific is required, though some experience providing attendant services in the home of a person with a disability is helpful.

Requirements:

- Be dependable and ready to work at the agreed-upon time.
 - If you need to be absent for any reason, please give a minimum of 48 hours' notice for the employer to make other arrangements.
 - If you are unable to be on time, call as soon as possible.
 - If you plan to arrive more than 30 minutes early, please phone ahead to find out if it is acceptable to do so.
- Be responsible.
- Be able to work independently. The employer wants to trust you to do your work unsupervised rather than needing to be with you every minute.
- Be observant, motivated, self-starting

and pay attention to details.

- Do not leave work unfinished or for someone else to do. Do what is your responsibility to do.
- At all times, your performance and conduct must be appropriate for state inspection.
- Although the employer may enjoy visiting with you, your job has priority over conversation.
- Sanitation and hygiene: Please wash your hands with soap before handling kitchen items and preparing food and after using the toilet, including when you assist the employer.

Salary range: \$20 to \$22 an hour depending upon experience.

Benefits: This position provides workers' compensation and paid leave but does not include health insurance.

Hours: Two hours a day in the early morning, typically 6 to 8 a.m., and some weekend hours.

Other requirements: The person selected must submit to a criminal background check before hire.

Interviewing

Telephone screening

A phone screen interview is a short call with a prospective attendant to determine whether they would be a good fit for the role. It can also help you screen out inappropriate candidates.

- Talk about the job duties and ask about things that might be hard for them, like lifting or personal care.
- Ask about their experience working with people who are older or who have disabilities.
- Thank them for their time and tell them you will call them back if you want to interview them in person.

Face-to-face interview

Think about where you want to do the interview. It's often a good idea to do the first interview in a public place, like a neighborhood coffee shop, rather than your home. If you need to do the interview in your home, it's a good idea to have someone else there. When you interview someone, consider doing the following:

- Take notes during the interview or have someone there to help you remember what is said.
- Introduce yourself and tell them about the job and what you will want them to do.
- Ask how they will get to work.
- Talk about when you need help.
- Ask them about their work experience and how they feel about providing you the care you need.
- Talk about VDC and how the FMS is responsible for paying attendants and ensuring that their payroll taxes and workers' compensation are handled.
- Talk about the hourly wage you can offer.
- Ask them why they want to work with you.
- Ask them why they think they would be good at working with you.
- Tell them you are required to do a criminal background check and ask for proof of citizenship and legal resident status.
- Ask them for references.
- Thank them and tell them you will call when you make your decision.





Checking references

If you wish to proceed with an applicant you have interviewed, you will need to check their references. Call the people listed as references and ask about the applicant. A few good questions:

- What are the applicant's strengths? What are their weaknesses?
- Would you recommend the applicant?
- Do they show up regularly and on time?
- Do they do the job required?
- Do they call when they will be late or may not be able to work?
- Do they bring personal problems to the job?
- If you had the opportunity, would you hire this individual again?
- Ask about the qualities you want in someone — for example, is the applicant honest? Do they respect other people?

Now that you have learned about the applicant, make the best decision you can about whether the applicant is right for you.

Hiring attendants

When you identify someone you want to hire as an attendant, call to let the individual know you want to hire them for the job and restate the hourly rate you can offer. The first step will be to complete a criminal background check. Refer to the criminal background check policy on the next page for more information.

After you complete the background check, you and the attendant must complete new hire paperwork before they can begin work. The FMS is responsible for processing the employment-related paperwork on your behalf. Your spending plan also must be updated to include the new attendant and approved by the VA VDC coordinator. The VA will not pay an attendant for hours worked until they are on the payroll and an updated spending plan has been approved. If you do start an employee prior to VA approval, you are responsible by law for

paying the attendant for hours worked. Once all employment documents are complete, you can set a start date for your attendant.

Dismissing an attendant

Most people do not like to dismiss or fire someone. However, sometimes attendants do not work out. If you find that your attendant is not meeting your needs, you may have to dismiss them. Communicating your expectations regularly and reviewing your employee's job performance on a set schedule can help you decide if you have grounds for dismissal.

Grounds for dismissing an attendant may include:

- Performance that is not within acceptable limits.
- Violation of the employment agreement.
- Frequent lateness or no-shows.
- Inability to work when you need them.
- Not following your instructions.
- Disregarding your preferences for care and assistance.
- Making you feel unsafe or uncomfortable.
- Arriving to work under the influence of drugs or alcohol.
- Theft.
- Any form of physical, sexual, verbal or emotional abuse.

Dismissing an attendant can be difficult. It is important to be respectful when terminating an attendant, but your safety comes first. You may terminate someone face-to-face, over the phone or have an authorized third party manage it. You should give the employee an idea of why you are dismissing them, but you do not have to go into detail. Colorado is an at-will employment state, and an explanation is not required by law.

If you have been giving feedback and doing regular evaluations, the attendant should not be surprised. Have a neighbor, friend, relative

or your case manager in the room with you and your attendant if you feel there may be a problem when you bring up the subject of dismissal. Have a backup attendant ready to provide care and contact your case manager right away.

Criminal background check policy

All attendants and ARs must pass a criminal background check prior to being hired or formally authorized. The FMS will perform the background check and communicate results to you or your AR and your case manager. If there are findings on a background check, the FMS will not move forward with enrollment of the attendant or AR until notified by the case manager.

The case manager will review the findings with you or your AR. If the findings are not barrier crimes, you or your AR will decide whether to move forward with hiring. However, the case manager will review potential risks, and you or your AR will be required to sign an Informed Risk Agreement and be advised to complete a risk mitigation plan.

Barrier crimes

If the convicted crime listed in the background check was of such a serious nature or circumstance that the perpetrator may pose a risk to your health, safety or well-being, the individual may not be hired as an attendant or authorized representative.

Such crimes include but are not limited to:

- Felony drug offenses.
- Felony fraud.
- Felony theft.
- Abduction or kidnapping.
- Hate crimes.
- Felony arson.
- Any violent felony.

- Neglect or abuse by a caregiver.
- Child or at-risk person abuse, neglect or exploitation.
- Crimes against a child or at-risk person that cause harm.
- Felony involving an act of domestic violence.
- Sexual offenses.
- Health care fraud.
- Purchase or sale of a child.
- Sexual exploitation against a child or at-risk person.
- Murder or homicide.

The list of barrier crimes follows guidance from the Administration for Community Living and Colorado state guidelines for self-direction programs.

Exceptions to barrier crimes

Exceptions to barrier crimes can be made on a limited basis and according to guidance from the Administration for Community Living and the state guidelines for self-direction programs. You or your AR must complete a risk mitigation plan and sign an Informed Risk Agreement before an exception can be made.

Contesting background check results

If the background check displays a finding of a conviction that the potential employee or AR does not agree with, they may contest the finding by presenting relevant documents, such as a certified copy of court records showing acquittal or clearance of the conviction record. The DRCOG VDC program manager and VA VDC coordinator will review contested findings and the supporting certified records to determine whether the employee or AR can move forward with enrollment.



Section 11: Disenrollment

What if I no longer want to participate?

You may voluntarily disenroll from the VDC program by informing your case manager you no longer want to participate. Your case manager will work with you and the VA to refer you to alternative care options.

Involuntary disenrollment

DRCOG and the VA will take all steps necessary to assist veterans in the VDC program. However, there may be times when a veteran must be disenrolled from the program. An involuntary disenrollment can occur in the following circumstances:

- You are no longer eligible for VDC.
- You are involved with fraudulent behavior related to your VDC services.
- You are admitted into a long-term care setting, such as a skilled nursing facility.
- You engage in any type of abuse.
- You can no longer direct your services or manage your spending plan and are unable to appoint an AR.
- You chronically overspend your monthly budget (refer to the [policy on overspending](#) for more).
- You cannot find attendants to hire for approved care and assistance related to your VDC eligibility.

In the event of an involuntary disenrollment, you or your AR will be provided with a 30-day advance notice.

A note about fraud

All participants in the VDC program must understand that fraudulent activities will not be tolerated. It is everyone's responsibility to guard against fraud. The following activities are examples of behaviors that would be considered fraudulent:

- Submitting time that an attendant did not work.
- Forging signatures on timesheets (both paper and electronic).
- Submitting time for services while you are admitted to a medical inpatient setting.
- Billing for services not approved by your case manager.
- Paying attendants for illegal or prohibited purposes.

Suspected fraud should be reported to your case manager or to the FMS. If it is determined that you participated in fraudulent activity, you will be immediately disenrolled from the VDC program. The VA may decide to take further action, resulting in more serious consequences.



Section 12: Participant rights

You have the right to:

- Be treated with respect.
- Make decisions regarding your own life, regardless of the nature of the decisions or the consequences to yourself.
- Receive services where you live.
- Involve family, caregivers or legal representatives in the decision-making process.
- Participate in the development of a spending plan to address your needs.
- Be informed about the full range of services and supports available to you.
- Receive assistance with the referral and application process for services available to you.
- Have your information kept private, as outlined under the DRCOG privacy practices you received when you enrolled.

Grievance procedure

If you have a concern about the services you have received through the VDC program, talk to your case manager first. If your concern is not resolved to your satisfaction and you wish to escalate the matter, please follow the steps outlined below.

Submitting a complaint

You can submit your complaint by calling, emailing or mailing a letter with your specific concerns.

Area Agency on Aging, Veteran Directed Care Program
1001 17th St., Suite 700
Denver, CO 80202
720-278-2351
vdc@drcog.org

What happens next

Once we receive your complaint, we will acknowledge it in writing within three business days. This acknowledgment will confirm that we have received your complaint and are beginning the review process.

Initial review by VDC program manager

The VDC program manager will conduct a review of your complaint. This review may include an investigation of the details, discussions with relevant parties and an assessment of the situation. You will receive a written response from the VDC program manager with findings and any proposed actions within 14 business days.

Escalation to higher-level manager (if necessary)

If the VDC program manager is unable to resolve the complaint to your satisfaction, you can request that the complaint be escalated to the VDC manager for a thorough review. A written response will be provided within 14 business days of your escalation request.

Final review by Area Agency on Aging director (if necessary)

If the complaint remains unresolved after the higher-level manager's review, you can request that the complaint be escalated to the director of the Area Agency on Aging. The director will conduct a final, comprehensive review, ensuring all aspects of the complaint have been fully considered. You will receive a final decision in writing regarding your complaint within 30 business days of your escalation request.

VA appeal

If you disagree with a VA benefit or claim decision related to your VDC services, you can choose to appeal to the VA directly by contacting a Veteran's Health Administration patient advocate at 720-723-6766.



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