

PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER

Home and Community Based Waiver

How do I sign up for Participant Directed Services (PDS)?

You may sign up to take part in Participant Directed Services by talking to your service advisor. You can also learn more about PDS in the *Participant Directed Services (PDS) Participant Manual* which can be found on the Department of Aging and Independent Living website, <http://chfs.ky.gov/dail/> or can be provided to you by your service advisor upon request.

What if I want to hire my family member?

Several services within the HCB waiver may allow immediate family members, guardians, or legally responsible individuals to be paid to provide you services. To be an employee, they must meet qualifications based upon the HCB Waiver Section 6 (8) of 907 KAR 7:010. The criteria are:

- *The individual has the unique abilities necessary to meet the needs of the participant;*
- *The individual has obtained education, job experience, volunteerism, or training beyond the direct care of the participant;*
- *The services being provided are not natural supports; (Natural supports means a non-paid person, persons, primary caregiver, or community resource who can provide or has historically provided assistance to the participant or due to the familial relationship would be expected to provide assistance.)*
- *The individual enables the participant to be integrated in the community; and*
- *The nearest provider is more than thirty (30) miles from the participant's residence; or*
 1. *A qualified provider cannot provide the necessary services according to the person-centered service plan; or*
 2. *A qualified provider cannot accommodate the participant's schedule.*

If a participant wishes to have one of these individuals as an employee, the individual must complete a PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE

INDIVIDUAL AS A PAID SERVICE PROVIDER. This form requires individuals who meet the above categories to answer questions regarding what service they will be providing and what unique abilities they possess to provide the service and why what is provided is different than what would be expected as a natural support. This form should be viewed like an application for employment. Each question should be answered with as much specific detail as possible.

When can I send in a PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER?

Participants can submit a PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER up to 30 days prior to their Level of Care (LOC).

How do I fill out the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER?

The PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER is an application that informs the reviewer about the unique skills your immediate member, legal guardian, or legally responsible individual offers as a potential employee. It is important that the applicant provide as much detail in the application as possible.

Assistance in filling out the application may be requested from your service advisor. All HCB service advisors have been directed to assist applicants in filling out the form but they cannot complete the form on behalf of anyone. In addition, the DAIL has created Helpful Hints on completing the form that can be provided to you by your service advisor. *Participant Directed Services (PDS) Participant Manual* handbook includes a PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER. Leaving blanks or writing “none” or “not applicable” may negatively affect the determination.

How do I submit the completed PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER?

Your service advisor will submit the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER to the Department for Aging and Independent Living (DAIL) via email, fax, or mail. The Service Advisor will be asked to submit the most recent assessment and plan of care as well.

Who reviews the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER?

The Department for Aging and Independent Living reviews the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER.

If during the review process, it is determined the application is incomplete, the reviewer may call the applicant or the service advisor to discuss the application and determine if there is additional information the applicant may provide.

An approval or denial letter will be sent via mail to the participant's known address and via email to the service advisor for processing.

What are my options if the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER is denied?

The applicant has 30 days from the date of the letter to respond with one or more of the following:

- Request a reconsideration of the original application; or
- Request a reconsideration by submitting an amended or new PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER; and/or
- File an appeal for a hearing.

Directions on how to file an appeal or request reconsideration are included in the letter of denial. If the applicant is a current employee, he/she may continue to be employed for ninety (90) days from the date of the letter during the reconsideration and/or hearing.

It is important to note, the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER denial is **not a denial of the service**. Denial of the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER means the employee does not meet the qualifications to provide the service as defined in the regulation. The participant can choose to hire another employee to provide the service at any time in the process.

What happens if I request an appeal or reconsideration?

The employee, if a current employee, may continue to be employed for ninety (90) days from the date of the letter during the reconsideration and/or hearing process.

What happens if I lose the appeal and reconsideration?

If denied a reconsideration, the employee may continue to be employed for ninety (90) days from the date of the letter during the appeal process, if chosen. The denied employee will not be required to meet the new HCB PDS employee requirements i.e. background checks, trainings, or screenings during the transition process.

If the denial is upheld during an appeal, the employee may continue to be employed for an additional thirty (30) days of the ruling. If at the end of the transition period, new employees have not been obtained, the service advisor shall ensure the health, safety and welfare of the participant by assisting in transitioning to traditional services.

What happens if I win the appeal or reconsideration?

If a reconsideration or Final Order is issued in favor of the participant and there are no other issues pending on this matter, the PDS employee will then have 30 days to meet all PDS employee requirements.

**This form and the information provided herein is intended to help you understand the PDS REQUEST FORM FOR IMMEDIATE FAMILY MEMBER, GUARDIAN, OR LEGALLY RESPONSIBLE INDIVIDUAL AS A PAID SERVICE PROVIDER process set forth in 907 KAR 7:010 and related regulations. In the event of any conflict between the information provided herein and the pertinent regulation, the regulation governs.*