

PCA CHOICE POLICIES INTRODUCTION

PURPOSE:

This handbook reflects the PCA Choice policies of Independent Lifestyles, Inc (ILICIL). The contents of this handbook are presented as a matter of information only. The management has the sole right to interpret the intent of its written policies. Any section that conflicts with Federal and State laws may be invalidated without affecting the rest of the policies. Nothing contained in this handbook, or any other materials or information distributed or statements made by ILICIL, written or oral, made either before or during an individual's employment, create a contract of employment between an employee and ILICIL. Employment is on an at-will basis. This means that employees are free to resign their employment at any time for any reason, and ILICIL retains that same right. This handbook is intended to:

1. Be a guide to the rights and duties of ILICIL PCA Choice Program.
2. Provide for efficient management of policies.
3. Ensure compliance with Federal and State employment laws.

DISTRIBUTION

An updated copy of this handbook shall be given to all ILICIL PCA Choice Consumers upon start of PCA Choice services. *A copy of the handbook is also located on ILICIL's website.* PCA Consumers are responsible to ensure they, along with each of their PCA's/ QP's, read and understands everything in this handbook. Any questions can be clarified by contacting the PCA Choice Program Coordinator at ILICIL. PCA Choice Consumers shall be provided with a copy of any revisions and will be responsible to communicate those changes to their PCA's and QP's.

AMENDMENT OF HANDBOOK

This handbook shall be reviewed at least every two years by the Management of ILICIL. Changes to this handbook shall be referred to the Executive Director for action. When changes are made PCA Choice Consumers, PCA's and QP's will be notified of the changes. Changes in the law and in government regulations or instructions affecting the provisions of this handbook shall be dealt with and shall become effective once changes are made unless legally mandated to occur immediately. ILICIL reserves the right to revise, change, or terminate policies at any time, with or without notice. All revisions of this handbook supersede any and all prior versions and all employees are subject to the new terms.

REVIEW

PCA Choice consumers will be provided with ILICIL's PCA Handbook and PCA's/QP's will have access to it and review it in the consumer home any time they are working. *A copy of the handbook is also located on ILICIL's website.* The PCA Choice consumer, PCA and QP is responsible to read, understand and agree to abide by all ILICIL handbook guidelines and the terms set forth therein and will sign confirming this understanding on an annual basis.

I have been given an opportunity to ask questions about the contents in this handbook. I have read, understand and agree to abide by all ILICIL policies and procedures and the terms set forth therein.

PRINTED NAME

(PCA or Consumer/Responsible Party)

SIGNATURE

(PCA or Consumer/Responsible Party)

DATE

Independent Lifestyles, Inc.
519 2nd St. N., St. Cloud, MN 56303
(320) 529-9000

Personal Care Assistance (PCA) Choice Program Handbook
Table of Contents
Rev 7/8/11

Introduction (*Rev 1/19/11*)

Policy 1: Equal Opportunity Employment and Freedom from Harassment (*Rev 1/21/10*)

Policy 2a: PCA/QP Hiring and Termination (*Rev 10/28/10*)

Policy 2b: PCA/QP Wages and Benefits (*Rev 10/28/10*)

Policy 3: Reporting and Investigating Consumer Abuse and Neglect (*Rev 12/30/10*)

Policy 4: Incident Response, Reporting and Investigation (*Rev 7/7/11*)

Policy 5: Emergency Action Plan and Fire Safety (*New 12/23/09*)

Policy 6: Grievances (*Rev 4/5/10*)

Policy 7: Private Pay (*Rev. 6/29/11*)

Policy 8: Employee Professionalism (*Rev 10/28/10*)

Policy 9: Drug-Free Workplace (*New 12/23/09*)

Policy 10: Workplace Accident and Injury Reduction (*New 12/23/09*)

Policy 11: Marketing and Consumer Eligibility Criteria (*Rev. 3/17/11*)

Policy 12: PCA Service Delivery (*Rev 3/25/11*)

Policy 13: Monitoring of PCA Service for Consumers Receiving Medica Services (*Rev 1/26/10*)

Policy 14: None

Policy 15: None

Policy 16: Code of Conduct, Ethics, and Integrity (*New 12/28/09*)

Policy 17: Right to Review Personnel Records (*New 12/23/09*)

Policy 18: Training (*Rev 10/28/10*)

Policy 19: Consumer Safety Program & Medical Error Reporting (*New 12/29/09*)

Policy 20: None

Policy 21: Corrective Action (*Rev 5/26/10*)

Policy 22: Workers Compensation and Return to Work (*New 11/16/10*)

Policy 23: Sanitary and Safety Practices (*Rev 4/5/10*)

Policy 24: None

Policy 25: None

Policy 26: None

Policy 27: Confidentiality Release of Records and Record Retention (*Rev 3/24/10*)

Policy 28: None

Policy 29: Whistleblower (*New 12/23/09*)

Policy 30: None

Policy 31: Fraud, Waste, and Abuse Awareness and Prevention (*New 12/23/09*)

Policy 32: Marketing (*New 8/17/10*)

ILICIL PCA CHOICE POLICY 1

EQUAL OPPORTUNITY EMPLOYMENT AND FREEDOM FROM HARASSMENT

PURPOSE:

The purpose of this policy is to outline equal employment practices relative to recruitment, hiring, assignment, advancement and compensation of personnel and to prohibit practices, which harass, disrupt or interfere with any employee.

POLICY:

ILICIL believes that equal opportunity for everyone is important for the continuing success of our organization. In accordance with federal and state laws, ILICIL will give equal opportunity and treatment to all qualified persons without regard to race, color, creed, ancestry, religion, national origin, public assistance status, age, sex, marital status, sexual orientation, disability, veteran status, pregnancy, childbirth and related medical conditions, status as parents or caregivers, information on genetic tests or history of disease in family members or any other protected class as established by law. Opportunity is provided to everyone based on qualifications and job requirements.

ILICIL strives to maintain a workplace that fosters mutual employee respect and promotes harmonious, productive working relationships. Discrimination, harassment and/or retaliation in any form are prohibited and will not be tolerated. Harassment is any unwanted attention or action prohibited by law by someone in the workplace that creates an intimidating, hostile or offensive work environment including sexual harassment.

PROCEDURE:

All employment policies, procedures and practices shall provide that all personnel be recruited, hired and assigned on the basis of their qualifications, experience and ability to perform the responsibilities and duties of the position. All compensation and advancement practices shall provide for equal opportunity without regard to race, color, creed, ancestry, religion, national origin, public assistance status, age, sex, marital status, sexual orientation, disability, pregnancy, childbirth and related medical conditions, status as parents or caregivers, information on genetic tests or history of disease in family members or any other protected class as established by law.

All employees have the right to work in an environment free from intimidation, harassment, and/or retaliation in any form because of their race, color, creed, ancestry, religion, national origin, public assistance status, age, sex, marital status, sexual orientation, disability, pregnancy, childbirth and related medical conditions, status as parents or caregivers, information on genetic tests or history of disease in family members or any other protected class as established by law.

ILICIL will not tolerate intimidation, coercion, or discrimination of any kind against staff who file any form of harassment complaints or any individual who testifies, assists, or participates in any manner in an investigation or hearing. All such acts against complainants or other participants should be reported immediately to the Executive Director or Board Chair (if the accused is the Executive Director). In those cases where retaliation can be established, strict disciplinary action will be taken. An employee shall report any complaints about harassment to their supervisor following the procedures in the policy for registering grievances. **(See Policy 6)**

ILICIL PCA CHOICE POLICY 2a

PCA/QP HIRING AND TERMINATION

PURPOSE:

The purpose of this policy is to identify and clarify ILICIL's PCA Choice hiring guidelines; including employee qualifications, recruiting, background studies, supervision, other employment, attendance and punctuality, and termination.

POLICY:

PCA QUALIFICATIONS AND CONDITIONS:

- Must not be a consumer of PCA services.
- Must not be the consumer's parent/stepparent (if under 18), paid legal guardian, provider owned/operated house, responsible party; or consumer's spouse.
- 18 years of age or older. May be 16-17 if employed by only one PCA provider agency AND supervised by QP every 60 days.
- Be supervised by the consumer or the QP.
- Must be physically able to do the job.
- Must be able to provide covered PCA services according to the consumer's PCA Care Plan and during the times needed throughout the day.
- Must be able to meet the needs of high risk/complex cases, medical and behavioral health services, as appropriate to the consumer's needs.
- Respond appropriately to consumer's needs and report changes in consumer condition to the QP or physician.
- Must be able to effectively communicate with consumer and ILICIL staff.
- Must meet all requirements listed in the written agreement for their role.
- Maintain daily written records including, but not limited to timesheets.
- Be limited to providing and being paid up to 275 hours per month, 48 hours per week and 16 hours per day maximum of PCA services, regardless of the number of consumers being served or the number of PCA agencies enrolled with.
- Complete training and orientation on the needs of the consumer within the first 7 days after services begin.
- Prior to any person starting employment ILICIL's Administrative Team must receive the following completed information:
 - a. Application for Employment (DHS – PCA Enrollment form) and have PCA # connected to ILICIL by DHS.
 - b. Must pass a background study
 - c. W-4 form
 - d. Employment eligibility form (I-9) – with copies of supporting documents
 - e. Proof of passing DHS PCA training and any other credentials required and demonstrate competency to provide services.
 - f. Signed PCA Choice written agreement.
 - g. Documentation of PCA Training form.
 - h. All other written documentation needed in intake packet.

*ILICIL has the right to postpone PCA/QP services if all requested paperwork is not received.

RECRUITMENT

It is the responsibility of the consumer or their responsible party to recruit PCA's. The consumer must ensure the PCA they are recruiting meets all the qualifications and conditions listed in this policy.

BACKGROUND STUDY

All employees must pass a background study through NETstudy facilitated by ILICIL to ensure there is no prior record that disqualifies them from being employed from working. ILICIL will verify that the staff is not on the OIG (Office of Inspector General) exclusion list. The employee may not begin working until notified by ILICIL of successful background study and PCA # connected to ILICIL by DHS. Any employee that begins to document work for a consumer without notification from ILICIL cannot hold ILICIL responsible for compensation of wages worked. If the employee becomes disqualified by MN DHS or no longer able to meet the background study requirement at any time, the employee is no longer eligible for employment with ILICIL.

PCA APPLICATION FOR EMPLOYMENT

The PCA must submit to ILICIL's Administrative Team a completed Application for Employment (DHS – PCA Enrollment form). This application will be submitted to DHS after ILICIL receives notice of their completed successful background study. The PCA is able to start employment after the enrollment form is faxed to DHS and a PCA number has been assigned to the PCA, which affiliates the PCA to ILICIL. Any misrepresentations, falsifications, or material omissions may result in exclusion from further consideration for employment or, if already hired, termination of employment.

AGENCY POLICIES ORIENTATION AND SIGNATURE ON FRAUD STATEMENTS

All employees will complete orientation about ILICIL policies and have signatures on both the PCA Choice Policy Introduction sheet and Fraud Statement within the first two weeks of employment. ILICIL has the right to postpone PCA/QP services if orientation is not completed on time and signatures are not received on these documents.

PCA SUPERVISION BY QUALIFIED PROFESSIONAL (QP)

The QP will assist the consumer as needed, with training, supervising, monitoring, evaluating and ensuring all PCA's can adequately and competently perform the tasks and PCA services documented in the consumer's PCA Care Plan.

The QP will assist consumer as needed in: 1) development and monitoring a PCA care plan based on the service plan and individualized needs of the consumer; 2) development and monitoring a monthly plan for the use of PCA services; 3) reviewing documentation of PCA services provided; 4) providing orientation and training and ensure competency for PCA in the individual needs of the consumer; 5) documenting all training, communication, evaluations, and needed actions to improve performance of the PCAs.

Through direct training, observation, return demonstrations, and/or consultation with the staff and the consumer, the QP must ensure and document that the PCA is: 1) capable of providing the required PCA services; 2) knowledgeable about the plan of PCA services before services are performed; 3) able to identify conditions that should be immediately brought to the attention of the QP.

The QP shall visit the consumer to assist with supervision and evaluation of PCAs at least every 180 days, except individual PCA's that are ages 16-17 years old, in which it will be every 60 days. After the first 180 days of a consumer's service, supervisory visits may alternate between unscheduled phone or Internet technology and in-person visits, unless the in person visits are needed according to the care plan. Communication with the consumer is a part of the evaluation process of the PCA staff. At each supervisory visit, the QP shall evaluate the PCA and complete a "PCA Choice program supervision sheet". The QP will assist the consumer in ensuring the PCA requirements in the written agreement and policies are met and/or followed by the PCA. The QP will assist the consumer as needed, in directing the consumer's PCA to report the following to ILICIL: vulnerable person issues/reports; grievances; timecard issues; any other issue that seems appropriate for ILICIL to handle vs. QP. If the QP is unsure of what to do in a situation, the QP will consult with ILICIL's PCA Choice Program Coordinator. The QP will monitor the use of hours to ensure the hours are not being overused in a 6 month period. The QP will oversee shared service to ensure appropriate usage.

QP DUTIES IN ADDITION TO PCA SUPERVISION

The QP shall complete the required documentation in ILICIL's consumer and employee files and the consumer's home, including the following documentation: 1) the PCA care plan based on the service plan and individualized needs of the consumer; 2) a month-to-month plan for use of PCA services; 3) changes in need of the consumer requiring a change to the level of service and the PCA care plan; 4) evaluation results of supervision visits and identified issues with PCA staff with actions taken; 5) all communication with the consumer and PCA staff; and 6) hands-on training or individualized training for the care of the consumer.

The services that are not eligible for payment as QP services include: 1) direct professional nursing tasks that could be assessed and authorized as skilled nursing tasks; 2) supervision of PCA completed by telephone; 3) agency administrative activities; 4) training other than the individualized training required to provide care of a consumer; 5) any other activity that is not described in the section and the PCA Supervision by QP section.

EVALUATION OF EMPLOYEE'S PERFORMANCE

Employees are encouraged to discuss their performance with their consumer on a regular basis to enhance their job performance. Employees will have an evaluation completed regarding their performance at least once a year to provide the employee the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. This evaluation will be completed and conducted by the Consumer, and with the assistance of the QP if requested.

OTHER EMPLOYMENT

While ILICIL does not prohibit employees from having a second job, it must not affect the employee's work hours, interfere or conflict with the employees regular duties, raise any ethics concerns, or necessitate long hours that may have an impact on the employee's working effectiveness. According to state law a PCA is only allowed to work and be paid up to 275 PCA hours total per month, and a maximum of 16 PCA hours per day, regardless of the number of consumers being served or the number of PCA agencies enrolled with. The PCA will need to reimburse ILICIL for any pay received in error due to going over the hours allotted.

ATTENDANCE AND PUNCTUALITY

ILICIL recognizes the need for employees to be absent from work due to illness or the need to take care of personal business during the normal workday. It is important to remember that excessive absenteeism, tardiness, and/or leaving early causes the burden of filling in for the absent employee to fall on other employees. It is a requirement of each job that an employee report to work punctually and work all scheduled work hours.

Employees who are not on approved leave of absence and are absent from work will be addressed through the normal corrective action process. Employees who have issues with attendance and punctuality will be subject to the corrective action process, up to and including possible termination.

An employee who is going to be absent, tardy, or leave early from work is responsible for notifying his/her supervisor (consumer) as soon as possible. It is the employee's responsibility to keep supervisor (consumer) informed on a daily basis during a short-term absence and to provide medical verification when asked. If the PCA does not report to work as scheduled and it puts the consumer's safety at risk, it will be reported as a vulnerable person and reported to C.E.P. An employee who has been absent two consecutive days without calling to speak with his/her supervisor (consumer) will be considered to have voluntarily resigned.

REASONS FOR INVOLUNTARY EMPLOYMENT TERMINATION

Minnesota is an Employment at Will State, therefore a PCA may be terminated at any time for any reason including but not limited to:

- Failure to fulfill and/or carry out one or more of the duties or responsibilities listed in the job description for that position
- Failure to work scheduled hours
- Tardiness
- Failure to meet all conditions of employment
- Drug and/or alcohol use
- Consumer abuse (physical, verbal, sexual, emotional, or financial/poverty)
- Gross negligence, including but not limited to any situations which did or may have resulted in endangering the health or safety of the consumers or staff
- Deliberate noncompliance with policies, procedures and directions from their supervisor demonstrated by not following policies or direction

- Any actions contraindicated by common sense or professional standards (ie: any actions that would violate certification, licensing, or what the average person would consider just common sense).

TERMINATION OF PCA/QP

Because of the Consumer controlled nature of the ILICIL program, PCAs and QPs may be dismissed for reasons of incompatibility, schedule conflicts, or other causes- or for no stated reason- by a consumer for whom the PCA or QP is working for, but **the PCA and QP is still an employee of ILICIL and are not automatically terminated from employment with ILICIL.** Unless a PCA or QP is formally dismissed for cause as described above, the PCA or QP must request that their name be put back on the roster of available PCAs or QPs if you want to work for another Consumer enrolled in the program or if the PCA or QP want to establish their eligibility for unemployment compensation. *Please note: PCA Choice Program Coordinator (PCPC) will document any/all interview offers and work assignments made to the PCA or QP via phone or in person. PCPC will also follow up with the consumer. All of these notes will be submitted to the Unemployment Hearing Judge in consideration of your case.*

Consumer must have detailed and adequate reason to warrant a dismissal of their PCA. If there is a case of misconduct, there must be thorough documentation regarding it. Before terminating an employee the Consumer must go through the following steps, as appropriate:

- Complete Documentation of PCA Training form
- Complete PCA Notice of Unsatisfactory Job Performance forms
- Complete PCA Evaluation Form(s)
- If a PCA is terminated, a PCA Termination Notice needs to be completed.

Any employee of ILICIL may resign by submitting a letter of resignation to his/her supervisor (consumer) and ILICIL at least ten working days (prefer 30 days) prior to the effective date of the resignation. The last day an employee worked is considered the date of termination. A "PCA Termination Notice" needs to be completed and given to ILICIL.

If an employee is terminated by ILICIL, the employee has the right to receive his/her final paycheck within 24 hours of termination.

ILICIL PCA CHOICE POLICY 2b

PCA/QP WAGES AND BENEFITS

PURPOSE:

The purpose of this policy is to clarify PCA wages and benefits, including authorization units, scheduled work hours (shift), timecards, benefits, FMLA, and injured service member leave.

POLICY:

AUTHORIZATION UNITS

PCA's/ QP's will not be paid for any units over the amount stated in the consumer's authorization from MN DHS. It is the Consumer's responsibility to make sure they are staying within the hours allowed and to contact the county to add more hours as appropriate. If there are not enough hours in the authorization to pay all of the PCA/QP hours turned in for payroll ILICIL staff will contact the Consumer/ Responsible Party to determine how they want the situation to be handled. If they are unable to resolve the issue, then PCA's/QP's will be paid based on earliest calendar date and time they worked, until hours are all used. The remaining hours will not be paid by ILICIL and will need to be paid by the consumer.

SCHEDULED WORK HOURS (SHIFT)

- PCA's are required to report to their scheduled shift on time and remain with the consumer until the shift is finished.
- Scheduled hours should correspond to the functional needs of the consumer (ie – if assistance with meals is approved, the PCA should be working during meal time hours).
- In no case is it appropriate that an individual PCA work more than 275 hours in a given month, 48 hours in a week or over 16 hours per day for one or more agencies. PCA's must ensure they stay within the allotted hours allowed to work. ILICIL may initially pay for PCA services, but then, if upon review it is found that an individual PCA worked more than 275 hours in a given month, 48 hours per week or 16 hours per day, ILICIL will take back payment for hours in excess.

TIMECARDS

- Falsely reporting hours not worked can result in prosecution for a felony.
- Consumers are responsible for monitoring accuracy of timecards, and verifying that the time paid is for services documented in their PCA Care Plan.
- Timecards must be approved and signed by Consumer.
- Timecards are required to be complete and accurate and turned into ILICIL by Wednesday at noon. Unless there is extenuating circumstances that can be provided in writing, timecards received late will result in the PCA being paid minimum wage for that timecard and may also have a delay of payment and disciplinary action, up to and/or including termination.
- Timecards must be completed in 15 minute increments.
- Timecards that are not complete and accurate may be returned to the PCA. Pay

- for the hours on that timecard will occur the pay period AFTER a corrected, complete and accurate timecard is received and pay will be at minimum wage.
- Timecards must never be completed or signed prior to work being performed.
 - PCA's who exceed maximum hours daily, weekly or monthly payment limit will be subject to disciplinary action, up to and including termination.
 - Overtime is not allowed.
 - The maximum number of hours allowed to pay a PCA is 48 hr/wk. Anything above 48 hr/wk will not be paid by ILICIL and must be paid by the consumer.
 - PCA's will document all earned time on a time card, which is to be submitted to ILICIL's PCA Choice Program Coordinator as directed.
 - The PCA Choice Program Coordinator will in turn submit the time card to the Administrative Assistant as soon as possible.
 - Pay days are every other Friday.
 - In the PCA Choice program the consumer is responsible to schedule their PCA and QP and therefore is responsible for paying additional costs above the wage for overtime in accordance with wage and hour law; in addition to any wages the consumer authorizes above what is authorized by MN DHS.
 - If an employee believes that they will need to go into overtime they must receive prior written authorization from their supervisor (consumer).
 - PCA's are responsible to monitor their hours and in no case are allowed to work more than 275 hours per month, 48 hours per week or 16 hours per day for one or more agencies.

ADMINISTRATIVE PAY CORRECTIONS

Independent Lifestyles takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Financial Manager so that corrections can be made promptly. If underpayments are identified, the employee's next regular paycheck will be adjusted to include the corrected amount and any back pay due the employee. Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee such as when a substantial amount is owed. In that case, Independent Lifestyles will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to the employee and Independent Lifestyles.

PERSONNEL DATA CHANGES

It is important that Independent Lifestyles have certain personal information about employees in their records. Employees need to inform Independent Lifestyles as soon as there is a change to their mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other possibly related information. Independent Lifestyles also needs to have information about who to contact in case of an emergency. To change an employee's personal information or if there are questions about what information is required, contact the supervisor.

BENEFITS

ILICIL carries workers' compensation, unemployment insurance, and liability insurance. To file a workers' compensation claim **see Policy 22**. Any employee needing to file workers' compensation claim must contact their supervisor within 24 hours of the incident (**see Policy 22**). At this time ILICIL does not have an employer-contributed medical or dental insurance plan to offer PCAs. PCA's who work more than 20 hours per week, averaged quarterly, are eligible to participate in a 403B tax deferred retirement investment. ILICIL does not contribute funds to the 403B for any participant. More detailed information on the 403B is available from ILICIL upon request.

FAMILY/ MEDICAL LEAVE ACT (FMLA)

* An employee must have worked at ILICIL for 12 months and worked at least 1,250 hours (slightly more than 24 hours per week) to qualify. Employees who have met this guideline can take up to 12 weeks of unpaid, job-protected leave during a 12 month period.

Family/ Medical Leave may be used for the following qualifying events:

- To care for the employee's newborn or newly placed adopted or foster child
- To care for the employee's parent, child or spouse with a "serious health condition"
- To care for the employee's own "serious health condition" (* see below)
- When a "qualifying exigency" arising out of the fact that an employee's spouse, parent, or child is on or has been called to active duty in the armed forces (An employer may require certification that the employee's family member is on active military duty). A "qualifying exigency" is defined as one involving:
 - * Short-notice deployment
 - * Military events and activities
 - * Child care and school activities
 - * Post deployment activities
 - * Additional activities in which the employer and employee agree to the leave.
 - * Financial and legal arrangements
 - * Nonmedical counseling
 - * Rest and recuperation

* A "serious health condition" is defined as a mental or physical condition that involves one of the following:

1. In-patient care in hospital, hospice, or residential care facility.
2. Continuing care by a health care provider when the employee has a period of incapacity for greater than three days and two or more treatments by a health care provider, within 30 days of the period of incapacity.
3. Incapacity due to pregnancy or pre-natal care.
4. Any period of incapacity or treatment for a chronic health condition which requires a) periodic visits for treatment by a health care provider, b) continues over an extended period of time and c) may cause episodic rather than continuing period of incapacity (i.e. asthma, diabetes, epilepsy).
5. Period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.

APPLYING FOR FAMILY OR MEDICAL LEAVE:

To apply for leave, an employee must immediately discuss the leave with the Supervisor (Consumer). Employees who take intermittent FMLA leave must follow the employer's call-in procedures for reporting an absence unless there are unusual circumstances. An

employee applying for leave will be asked to state in writing why the employee wants a leave, when the employee wants the leave to begin and when the employee wants the leave to end. A copy of this documentation must be given to ILICIL.

CRITERIA FOR GRANTING/ DENYING FAMILY OR MEDICAL LEAVE

1. The Supervisor (Consumer) will make a decision to grant or deny the request considering the following factors:
 - A. The availability of adequate coverage to assure that the employee's job responsibilities and duties are covered for the time requested.
 - B. The advantages and disadvantages of granting the requested leave.
 - C. Assurances that the employee will return to the position after the leave.Once a decision is made, the Supervisor (Consumer) will inform the employee what type and duration of leave, if any, has been approved and will also tell the employee what requirements, such as certification of a health condition, the employee must fulfill prior to approval of a leave. ILICIL is allowed to directly contact an employee's health care provider to seek clarification about information on an employee's FMLA certification form.

INJURED SERVICE MEMBER LEAVE

An employee is entitled to injured service member leave to care for his/ her spouse, son, daughter, parent, or next of kin of a "covered service member" who has a "serious injury or illness" incurred in the line of duty in the armed forces. The qualifying employee is entitled to a combined total of 26 weeks of leave (including traditional FMLA leave) in a 12-month period, as opposed to the usual 12 weeks, up to 5 years after the service member leaves the military. The same criteria and guidelines for FMLA apply to Injured Service Member Leave.

ILICIL PCA CHOICE POLICY 3

REPORTING AND INVESTIGATING CONSUMER MALTREATMENT

PURPOSE:

The purpose of this policy is to comply with Minnesota Statutes, Section 626.556 (Reporting of Maltreatment of Minors Act) and Minnesota Statutes, Section 626.557 (Reporting of Maltreatment of Vulnerable Adults Act), and identify specific actions to be taken by ILICIL if there is suspected or known maltreatment, abuse or financial exploitation of a vulnerable person.

POLICY:

Maltreatment of any consumer is strictly prohibited within ILICIL. All persons working at ILICIL are mandated by law to report suspected or known maltreatment in compliance with state and federal laws. A person who fails to report is subject to criminal prosecution and civil liability. All staff will report suspected or known maltreatment of a vulnerable person in compliance with state and federal laws, to the appropriate agencies and persons. If a PCA does not report to work as scheduled and it puts the consumers' safety at risk, it will be a Vulnerable Person report. ILICIL will conduct an internal investigation and fully cooperate with any investigation conducted by other agencies.

PROCEDURE:

Initial Reporting

If staff knows of, or suspects that a vulnerable person has been maltreated, staff must report it immediately (within 24 hours) internally. ILICIL's Report of Suspected Maltreatment form must be used. Reports may be made by consumers, staff, family, volunteers, and/or others on their own. All consumers of ILICIL are considered vulnerable persons.

Staff can report internally to the Programs Manager, Programs & Services Director or Executive Director. If one of the above-mentioned is involved in the alleged or suspected maltreatment, it must be reported to one of the others listed. When an internal report is received, the staff and the person the report was made to will together decide if the report must be forwarded to the Sherriff (if person is in immediate danger to do a welfare check) or the county Common Entry Point (CEP). A verbal report must be made to the Sherriff or County CEP by the staff who first received the maltreatment information within 24 hours of receiving the information. A written report must be sent within 72 hours, exclusive of weekends and holidays.

Common Entry Point (CEP): Staff must report to the Sherriff or CEP for the county the alleged or suspected maltreatment occurred.

Benton County-	Sherriff: (320) 968-7201;	CEP: (320) 968-5187
Isanti County-	Sherriff: (763) 689-2141;	CEP: (763) 689-1711
Kandiyohi County-	Sherriff: (320) 214-6700;	CEP: (320) 231-6232

Meeker County-	Sherriff: (320) 693-5400;	CEP: (320) 693-5300
Mille Lacs County-	Sherriff: (320) 983-8250;	CEP: (320) 983-8208
Morrison County-	Sherriff: (320) 632-9233;	CEP: (320) 632-2951
Sherburne County-	Sherriff: (763) 241-4240;	CEP: (763) 241-2600
Stearns County-	Sherriff: (320) 251-4240;	CEP: (320) 656-6000
Wright County-	Sherriff: (763) 682-1162;	CEP: (763) 682-7481

Staff will also notify the consumer's legal representative and case manager of report, unless there is reason to believe they are involved in the suspected maltreatment. The information to be disclosed is 1) the nature of the activity or occurrence reported, 2) the agency that receives the report, and 3) the phone number for DHS licensing department.

Notice of Action Taken on Internal Reports

If staff has reported internally, staff will be notified in writing within 2 working days whether ILICIL has reported the incident to the Sherriff or CEP. This notice will be provided in a manner that protects confidentiality of the reporter. If staff is not satisfied with the action taken by ILICIL on whether to report the incident, staff may report externally. ILICIL may not prohibit a mandated reporter from reporting externally and ILICIL is prohibited from retaliation against a mandated reporter who reports an incident in good faith.

Internal Review

An internal review of the report must be completed if ILICIL has reason to know that an internal or external report of alleged or suspected maltreatment has been made. This review will be completed by the person whom the report was made to internally.

The internal review must identify whether:

- a. related policies and procedures were followed;
- b. the policies and procedures were adequate;
- c. there is a need for additional staff training;
- d. the reported event is similar to past events with the person or the services involved; and
- e. there is a need for corrective action by the license holder to protect the health and safety of the person in care.

Based on the results of this review, ILICIL must develop, document, and implement a corrective action plan designated to correct current lapses and prevent future lapses in performance by individuals or ILICIL, if any.

The internal review must be documented and made available to the Commissioner of the Department of Human Services upon request. The documentation provided to the commissioner by ILICIL may consist of a completed checklist that verifies completion of each of the requirements of the review.

ILICIL shall ensure that each employee receives an orientation within 72 hours of first providing direct contact services to a consumer and annually thereafter. The training shall include the reporting requirements and definitions specified under MN Statutes, ILICIL's program abuse prevention plan and all related internal policies and procedures. ILICIL will document training received, monitor implementation by staff and ensure the policy is readily accessible to staff.

ILICIL PCA CHOICE POLICY 4

INCIDENT RESPONSE, REPORTING AND INVESTIGATION

PURPOSE:

The purpose of this policy is to outline the documentation and reporting procedures that are to be used when an incident occurs during work hours.

POLICY:

In order to protect the health, safety and well being of persons, ILICIL will respond to and report incidents and emergency situations.

FOR THE PURPOSE OF THIS POLICY, AN INCIDENT SHALL BE DEFINED AS:

1. serious injury as determined by section 245.91, subdivision 6;
2. a consumer's death;
3. medical emergencies, unexpected serious illnesses, or accidents;
4. consumer's unauthorized absence;
5. any fires or other events that require the relocation of services for more than 24 hours, or circumstances involving a law enforcement agency or fire department related to the health, safety, or supervision of a consumer;
6. physical aggression between consumers resulting in physical pain, injury, or persistent emotional distress;
7. any sexual activity between consumers involving force or coercion;
8. child or vulnerable adult maltreatment;
9. Medical errors;
10. all work-related employee injuries or illnesses during work hours.

These include incidents related to consumers, employees, the facility and personal property not associated with the facility.

* Incidents of alleged abuse will be documented on ILICIL's vulnerable person report form. To protect confidentiality, these reports will be kept in the administrative vulnerable person investigation file and if they are a consumer of ILICIL, in the consumer file. Reports must be made to staff's supervisor and will be reported to the county common entry point or sheriff's office in which the alleged abuse occurred. (see **Policy 3 for more details**).

PROCEDURE:

I. NOTIFICATION OF SUPERVISOR

In the event of an injury or illness staff will determine if the injury or illness is or is not of a serious and/or life threatening nature and respond accordingly. All incidents will be verbally reported to a supervisor by the involved responsible employee immediately and before the end of the workday in which the situation occurred.

- Emergency Procedures

- Examples of significant adverse changes in the Consumer's condition which may necessitate emergency contact and notifying 911 include:
 - Has trouble breathing or has stopped breathing
 - Has no pulse
 - Is bleeding severely
 - Is having chest, neck, jaw or arm pain
 - Is in a state of deteriorating unconsciousness or is unconscious
 - If a fracture or dislocation is suspected
 - If the person has been badly burned
 - If unable to move one or more limbs that they normally can move
 - Is having a seizure
 - Is suffering from hypothermia (below normal body temperature) or hyperthermia (well above normal body temperature)
 - Has been poisoned
 - Is having a diabetic emergency
 - Has suffered a stroke
 - Evidence of internal injuries
 - Head injury with loss of consciousness
 - Lacerations involving injuries to tendons or organs
 - Extensive 2nd or 3rd degree frostbite
 - Irreversible mobility or avulsion of teeth
 - Injuries to the eyeball
 - Ingestion of foreign substances and objects that are harmful
 - Near drowning
 - Heat exhaustion or sunstroke
 - All other injuries considered serious by physician
 - Suicide attempt
 - Complication of a previous injury
 - If there is any doubt as to seriousness of the situation
- How to use 911
 - Dial 911, state "this is an emergency", give the phone number you are calling from, give the address, describe the problem and how it happened (if known), otherwise just tell the facts and what has been observed, give your name, stay calm, reassure the consumer and family, follow the direction of the 911 dispatcher, hang up last.
 - If you don't know how to give CPR- tell the dispatcher at once.

II. DOCUMENTATION

A. All incidents will require an incident report form to be completed by the involved responsible employee before the end of the workday in which the situation occurred. When the incident involves more than one consumer, personally identifiable information about any other consumer must not be disclosed when making the report

to each consumer's legal representative or other licensed caregiver and case manager, unless ILICIL has the consent of a consumer or legal representative.

- B. The employee will assure information is written in ink, complete, legible and signed with employee's name and position.

III. SUPERVISORY FOLLOW UP

- A. Employee - should a verbal report include the possibility of an employee filing for a worker's compensation, the employee will contact the Programs & Services Director, who will call the worker's compensation insurer immediately and send in the required paperwork within seven calendar days. See policy 22 for more details.
- B. Consumer- if the incident involved a consumer, a report shall be made, unless the incident was reported by another license holder, within 24 hours of the occurrence, or within 24 hours of receipt of the information to ILICIL to the consumer's legal representative, other license caregivers (if any) and case manager, unless there is reason to believe that the legal representative or case manager was involved in the suspected maltreatment. When an incident involves more than one consumer, ILICIL will not disclose personally identifiable information about any other consumer when making a report to each consumer's legal representative, other licensed caregiver, if any, and care manager unless ILICIL has the consent of the consumer or the consumer's legal representative.
 - * The information ILICIL will disclose is: the nature of the activity or occurrence reported, the agency that received the report, and the telephone number of DHS Licensing.
 - * All deaths and serious injuries must be reported by telephone, fax or mail to the Office of Ombudsman for Mental Health and Developmental Disabilities and the DHS Licensing Division within 24 hours of its occurrence or within 24 hours of receipt of the information, unless it has been reported by another license holder. If mailed, a phone call must be made within 24 hours to both the Ombudsman and the DHS Licensing Division to meet mandatory reporting requirements.
 - * Office of Ombudsman for Mental Health and Developmental Disabilities
 - * Call: 1-800- 657-3506 or (651) 757-1800
 - * Fax: (651) 296-1021
 - * Mail: 121 7th Place E, Suite 420, Metro Square Building, St. Paul, MN 55101-2117
 - * DHS Licensing Division
 - * Call: (651) 296-3971
 - * Fax: (651) 297-1490
 - * Mail: PO Box 64242, St. Paul, MN 55164-0242
 - * The PCA Choice Program Coordinator and/or Programs & Services Director will review the incident and emergency reports. The review will include

identification of incident patterns and implementation of corrective action as necessary to reduce occurrences.

IV. RECORD RETENTION

ILICIL will keep documentation of all incidents received. This documentation will record the following for each incident submitted: date received; ILICIL staff who received the report of incident; type of incident, injured person's name and information, time and place of incident, description of incident, name and addresses of witnesses, persons notified and follow-up done.

**INDEPENDENT LIFESTYLES, INC.
A CENTER FOR INDEPENDENT LIVING**

REPORT OF ACCIDENT/INCIDENT

PERSON MAKING CLAIM: _____ **Date:** _____

ADDRESS _____ PHONE # _____

TIME & PLACE OF INCIDENT: DATE _____ TIME _____

ADDRESS _____

CITY _____ COUNTY _____ STATE _____

WERE THERE INJURIES? _____ DESCRIBE _____

WAS A DOCTOR SEEN? _____ DOCTOR'S NAME _____

ADDRESS _____ CITY _____ STATE _____

WAS THE PERSON HOSPITALIZED? _____ HOSPITAL _____

ADDRESS _____ CITY _____ STATE _____

- INCIDENT TYPE (Check one):
- | | |
|---|---------------------------------------|
| _____ Hospitalization | _____ Death |
| _____ Medical Emergency | _____ Fire |
| _____ Unexpected serious illness | _____ Accident (requiring physician) |
| _____ Physical aggression between consumers | _____ Law enforcement agency |
| _____ Medical Error | _____ Consumer's unauthorized absence |
| _____ Sexual activity between consumer (that causes physical pain, injury or in using force or coercion or persistent emotional distress) | |

DESCRIBE THE INCIDENT IN DETAIL (who/what/why/when/where/how):

Full name and address of every witness.

NAME ADDRESSES

_____	_____
_____	_____
_____	_____
_____	_____

PERSON INCIDENT WAS REPORTED TO: _____

Signature & Position of person making report

PERSONS NOTIFIED WITHIN 24 HOURS (IF APPLICABLE):

_____	_____	_____	_____
Case Manager	date & time	Consumers Legal Rep.	date & time
_____	_____	_____	_____
DHS Licensing	date & time	Ombudsman	date & time
_____	_____		
ILICIL Supervisor	date & time		

Follow up to report including persons sent a copy of this report, or any actions taken in regard to this report:

Independent Lifestyles, Inc. (ILICIL)

Incident Report Internal Review

An internal review of the report must be completed for every consumer incident and emergency report. This review will be completed by the supervisor and/or designated coordinator.

Review done by: _____ Date: _____

The internal review includes:

a. Identification of incident patterns- similar to past incidents ___ Yes ___ No

If yes, please describe:

b. There is a need for and Implementation of corrective action by ILICIL as necessary to reduce occurrences ___ Yes ___ No

If yes, please describe:

The internal review must be documented and made available to the Commissioner of the Department of Human Services upon request. The documentation provided to the commissioner by the license holder may consist of a completed checklist that verifies completion of each of the requirements of the review.

ILICIL PCA CHOICE POLICY 5

EMERGENCY ACTION PLAN, FIRE SAFETY, & RELOCATION OF SERVICES FOR MORE THAN 24 HOURS (Business Continuity Disaster Recovery Plan)

PURPOSE:

The purpose of this policy is to outline the procedure to be used when an emergency occurs.

POLICY:

Employees will have a safe and effective action plan to follow during a time of an emergency.

PROCEDURE:

Fire Procedures:

Each consumer should have a detailed fire plan written which is specific to his or her place of residence, and any fires or other events that require the relocation of services for more than 24 hours, or circumstances involving a law enforcement agency or fire department related to the health, safety, or supervision of the consumer. Each fire plan should include:

1. Detailed evacuation plans.
2. Phone numbers to call in the event of a fire i.e. 911, Fire Department.
3. Alternate place of residence.
4. Procedures to follow after a fire.

Severe Illness:

In the event of severe illness PCA will assist the consumer in obtaining medical care. Consumers will be instructed to:

1. Notify their PCA of the problem.
2. Arrange for or seek assistance in arranging for medical care, call 911.
3. Arrange for or seek assistance in arranging transportation for medical care.
4. If necessary, obtain or seek assistance in obtaining medications.
5. If employed, notify place of employment of the illness.
6. If necessary, notify parents or guardian of the illness.

Injury/Accident:

The consumer is encouraged to seek police and/or medical assistance necessary, call 911. PCA will help put the consumer in touch with needed social and medical services available within the community. Major accidents are to be reported to the QP or ILICIL PCA Choice Program Coordinator. An incident report is to be filed regarding the accident and the county worker notified.

Consumers will be encouraged to report a minor accident to their PCA's to facilitate checking out any medical or other concerns. Consumers will receive instruction in developing an awareness of accident prevention as well as distinguishing between minor accidents and major accidents requiring emergency services.

Persons and agencies to contact in the event of an accident include; PCA's, QP, PCA Choice Program Coordinator, Local Police Department, 911, Local Fire Department, Local Ambulance Service, and area Hospital.

Severe Weather:

PCA's will be aware of action to take for severe weather.

Cold Weather:

- a) Consumer and PCA's will be aware of the effects of severe cold weather and take precautions with consumers in dressing appropriately and advisable methods of travel when temperatures, winds and visibility are potentially dangerous.
- b) Consumers and PCA's will be encouraged to listen to weather forecasts.

Blizzards:

- a) Encourage consumers and PCA to use radio or television to keep informed of current weather conditions.
- b) Blizzard conditions are serious with high winds and poor visibility. During these conditions PCA's will advise consumers they should restrict outside activities with no travel recommended. Encourage maintenance of an adequate food supply if the possibility of being home bound occurs due to the weather conditions.
- c) If a consumer must travel during blizzard conditions PCA will advise them to make sure someone knows where they are going and anticipated time of arrival and return.
- d) If PCA is stranded in a car with consumer during a blizzard or winter storm they are not to leave the vehicle if there is no house or source of help in sight. Set hazard lights and if they run the

car to stay warm, stress keeping the window open a bit to prevent carbon monoxide poisoning. Instruct the PCA to check the exhaust pipe at regular intervals to make sure that there is no snow blocking the exhaust pipe.

Thunderstorms:

- a) Use radio or television for bulletins on weather conditions.
- b) If outside, seek shelter to protect from lightning strikes.

Power Outage:

- a) Use emergency supplies such as a flashlight or candles until power is restored.
- b) Phone emergency number of local power company to report power outage if power loss goes on for over an hour.
- c) If furnace or heat source goes out phone apartment maintenance staff or emergency number of the local gas company.

Tornado:

- a) Notification of a sighted tornado will be a constant wailing tone from the community weather alert siren.
- b) Consumers who reside in an apartment setting will be directed to go to the bathroom area or inner walls of their apartment away from windows, or to a shelter in the basement of the complex if available. Consumers who reside in a home will be directed to go to the northwest corner of the basement, or the bathroom area or inner walls of their home if they do not have a basement.
- c) Consumers will be advised to take a battery operated radio and flashlight with them.
- d) If the consumer is not at their place of residence when a tornado warning occurs, they will be instructed to seek shelter in a public building or if in the country to lie in a ditch or ground depression and remain there until the danger has passed.

Missing Person:

In the event of a missing consumer (a consumer not available for regularly scheduled shift) without prior notification, the PCA will first notify the QP or PCA Choice Program Coordinator. They will initiate a search of places the missing consumer is likely to be. If the consumer is not found after a thorough search, the local law enforcement agency will be notified. An explanation of the vulnerabilities of the consumer will be given to the police, i.e. non-verbal, seizure disorder, as well as a physical description. If the consumer is still not located, the consumer's closest relative and/or guardian, as well as the case manager of the local county social service agency will be notified.

Bomb Threat:

In the event of a bomb threat, consumers and staff are to follow the procedure of:

1. Calling 911; and
2. Evacuating the building/area.

Crime:

In the event of a crime, PCA will teach the consumer to seek and obtain police and/or medical assistance. Consumers will be instructed to:

1. Call 911.
2. Notify their QP.
3. If necessary, go to a local clinic or hospital emergency room.

**LAW ENFORCEMENT AGENCY AND/OR
FIRE DEPARTMENT CIRCUMSTANCES**
(MS, section 245B.07, subdivision 8, (1), (v))

I. Policy

To establish practices for dealing with situations involving law enforcement and fire department personnel that relate to the health, safety or supervision of a consumer.

II. Purpose

To ensure that all staff are trained on what actions to take in the event there has been contact with law enforcement or fire department authorities involving circumstances relating to the health, safety, or supervision of a consumer. If, for example, (an exception) a law enforcement officer comes to a licensed service to discuss an issue with an employee that is NOT related to a consumer, this incident would NOT need to be reported.

III. Procedure

Follow the procedures below when having contact with law enforcement or fire department:

- A. In the event that staff summon law enforcement officials or the fire department to the home (e.g., due to [possible] criminal activity, security/safety concerns, consumer behavior, fire, etc.) or to the site of an incident or emergency staff will explain, in detail, the reason for summoning law enforcement or the fire department upon their arrival. Answer all questions asked of you and follow any instructions provided. Document the event as soon as possible after the fact.
- B. If law enforcement officials arrive unannounced at the facility or to the site of an incident or emergency, staff will first ask for proper identification as warranted (i.e., non-uniformed official). Ask how you can be of assistance, be cooperative with the official, and answer all questions asked of you but do not offer any additional information beyond what is asked. Before they leave, ask the official for his/her business card. Document the event as soon as possible after the fact.
- C. If involved in a vehicle crash, provide all information requested of you and provide officials with the necessary insurance information. Also be sure to obtain insurance information from other drivers involved. Document the event as soon as possible after the fact.
- D. If you have contact with law enforcement or the fire department while in the community with consumers, follow the procedures described above depending on whom initiates the contact. Document the event as soon as possible after the fact.
- E. Law Enforcement Contact Resulting in Arrest:
 - 1. Consumer arrest: If any law enforcement contact results in an arrest of a consumer or if law enforcement or another entity or party otherwise notifies you that a consumer has been arrested you must immediately contact the Programs & Services Director or the program emergency contact. The law enforcement official must be immediately informed of the consumer's immediate health and safety needs, the consumer's diagnosis and status as a vulnerable adult, and any other vulnerability that may put the consumer at risk for harm as a result of the arrest.

2. On-duty Staff Arrest: If an on duty staff person is arrested immediately notify the Programs and Services Director or emergency contact, or other program designee to request additional staff coverage to ensure consumer health and safety and program needs are met.

IV. Notification

- A. Immediately contact the Policies and Services Director or designee as appropriate.
- B. The Programs & Services Director or designee must immediately notify the consumer's legal representative and county case manager if the consumer has been arrested to ensure the consumer's legal rights are protected and to take actions to obtain legal representation for the consumer as necessary.
- C. Within 24 hours report the incident to:
 1. the legal representative
 2. other licensed caregivers, if any;
 3. the county case manager.
- D. Within 24 hours notify DHS Licensing and the Ombudsman if any consumer serious injury or death occurred.
- E. The staff person who was in charge at the time of the event will complete the necessary incident reports.

**RELOCATION OF SERVICES FOR
MORE THAN 24 HOURS**
(MS, section 245B.07, subdivision 8, (1), (v))

I. Policy

To establish practices for dealing with situations involving relocation of services of more than 24 hours. The relocation of services for more than 24 hours may be due to many reasons, not limited to, fire, arson, tornado, roof collapsing, furnace malfunction (including carbon monoxide) that has caused mandatory evacuation of the premises by an inspector, flooding, mold after flooding, gas explosion within the block, other physical plant disaster.

II. Purpose

To ensure that all staff is trained on what actions to take in the event services need to be relocated.

III. Procedure

- A. Follow the applicable emergency policy and procedures for the given event.
 - 1. Evacuate to designated meeting space as needed according to policy procedures.
 - 2. Move consumers to temporary emergency shelter as needed and available.
 - 3. Contact appropriate authorities as needed.
 - 4. Contact designated Programs & Services Director or designee.

- B. Staff person in charge must ensure each consumer in their care at the time of the event is accounted for and is being supervised during the evacuation or move to temporary emergency shelter. If additional staff is needed to ensure consumer health and safety during this process, contact the Programs and Services Director or designee immediately.

- C. If time and conditions allow, staff will collect the facility or program emergency information file. This file will contain the following information:
 - 1. Names and phones numbers of emergency contacts for program management and the program nurse
 - 2. Individual consumer emergency contact information with the names and phone numbers of emergency contacts (legal representative, county case manager, family, physician or other health care provider), medical/diagnosis information, list of current medications.

- D. If time and conditions allow, staff will gather or pack essential items, such as medications, medication administration records, personal belongings, other pertinent documentation or consumer records as identified by the program.

- E. The Programs & Services Director or management personnel will:
 - 1. Contact and work with local authorities to secure the property.
 - 2. Contact and work with program staff, the county social service agency, and other caregivers to meet immediate health and safety needs of individual consumers.
 - 3. Make arrangements for alternative services as needed.
 - 4. Contact DHS and county licensing to request licensing requirement variances as needed to meet temporary program needs of consumers.
 - 5. Notify all employees of the relocation and to inform them of when and where to report to work or of any need to adjust work schedules during the relocation.

Options to consider when other services need to be relocated, such a **DTH “without walls”, a DTH community employment site, in-home family support), SILS, supported employment services** are:

- Community leisure activities
- Services at a neighbor’s house
- Contacting case managers for any assistance and ideas
- Discontinuation of services for a temporary period of time, as needed

IV. Notification and Reporting

The Programs and Services Director or designee will ensure that notification and reporting occurs.

- A. Within 24 hours report the incident to:
 1. the consumer’s legal representative,
 2. other licensed caregivers, if any;
 3. the county case manager.
- B. Within 24 hours report any consumer death or serious injury that occurred to DHS Licensing and the Ombudsman.
- C. The staff person who was in charge at the time of the event will complete the necessary incident reports.

ILICIL PCA CHOICE POLICY 6

GRIEVANCES

PURPOSE:

The purpose of this policy is to establish and communicate the avenues available for communicating concerns, the internal process used to register and investigate complaints, and the rights and responsibilities of the PCA consumer, PCA, QP and ILICIL with regard to the complaint process. This policy will include concerns and complaints by an applicant or employee regarding ILICIL's equal opportunity and affirmative action practices.

*For the purpose of this policy, the term "consumer" includes the consumer, a family member, and/or a representative of the consumer.

POLICY:

It is ILICIL's policy to openly discuss any issues, ideas or areas of concern that someone may have. We believe that this sharing of ideas and concerns is conducive to growth and is necessary to facilitate the concept of teamwork.

Should someone feel an issue or area of concern has occurred, it is expected that the issue(s) or area of concern will be addressed and discussed as soon as possible with the appropriate person(s) affected by the issue or area of concern and that it can be resolved between them. If it has not been resolved through informal discussion or meeting and that this issue or area of concern is critical to the well being of a consumer, PCA, QP or the organization, the issue or area of concern should be handled by following the procedures outlined in this policy. If the issue is something minor, bothersome, or irritating it is expected that the people involved will address those issues on their own using communication based on facts and specific details, not on emotional opinions.

It is ILICIL's policy to assess each complaint and attempt to reach a resolution internally in a fair and reasonable manner. Each complaint will be addressed within established time frames and all involved parties will be informed and updated of the status of the registered complaint.

Any person registering a complaint shall be free from any restraint, interference, coercion, discrimination, or reprisal.

PROCEDURE:

I. GRIEVANCES

PCA's and QP's are expected to communicate directly with their manager, the consumer.

Consumers are encouraged to address issues directly with their PCA/QP.

If this method does not resolve the problem, they may bring the issue to ILICIL's

PCA Choice Program Coordinator. If the PCA Choice Program Coordinator cannot resolve the issue, the issue may be brought to the Executive Director using the procedure below. All reports will be promptly investigated and appropriate corrective action will be taken if warranted. A "Grievance and Resolution Record" will be completed and the results will be communicated to the consumer.

- * A. The person(s) submit(s) a written grievance to the Executive Director, with as much fact and specific detail as possible.
- B. The Executive Director and person(s) meet within five (5) workdays of receipt of the written complaint to discuss the problem. Every effort will be made to resolve the issue at this step. If resolved, the Executive Director and people involved sign a written description of the resolution.
- C. If resolution does not occur at step B, the person(s) must submit a written grievance to the board of Directors within five (5) work days after the meeting with the Executive Director.
- **D. The Board of Directors or its designated committee will meet with the person(s) and the Executive Director within five (5) work days of receipt of the written grievance.
- **E. The Board of Directors will send a written notice of its decision within five (5) work days of its meeting to the person(s) and the Executive Director. The decision of the board of Directors will be final.

*If the complaint is against the Executive Director, and the aggrieved has discussed the issue with the Executive Director and has not resolved the issue to his/her satisfaction or does not feel comfortable discussing the issue with the Executive Director, the aggrieved may file the grievance directly with the Board of Directors.

**The time line may be waived based on the convenience to meet.

PCA consumer, PCA's and QP's have the right to make a complaint to the MN Department of Health Office of Health Facility Complaints 1-800-369-7994, or Office of Ombudsman for Long Term Care 1-800-730-6393.

ILICIL must inform Blue Plus/Medica of all Blue Plus/Medica consumers' complaints received. ILICIL shall promptly provide any necessary information to Blue Plus/Medica to assist in the resolution of a complaint. ILICIL and Blue Plus/Medica shall cooperate in the resolutions of all such complaints.

RECORD RETENTION:

ILICIL will keep documentation of all PCA consumer grievances received. This documentation will record the following for each grievance submitted: date received; ILICIL staff who received the grievance; type of grievance (what was reported), date(s) investigated; investigator; investigation results; date of resolution; resolution of grievance (including any quality improvement changes); and date resolution was communicated to consumer and how.

ILICIL shall send reports of all complaints from Blue Plus/Medica cases to Blue Plus/Medica in a written format on a quarterly basis. All such activities of ILICIL shall comply with all applicable state and federal statutes and regulations, Blue Plus/Medica rules and regulations and provider bulletins.

Independent Lifestyles, Inc. (ILICIL)
Grievances and Resolution Record

- **Independent Lifestyles, Inc. is committed to assessing each grievance and attempt to reach a resolution internally in a fair and reasonable manner.**

Date complaint received: _____

Intake person (who received complaint): _____

Description of grievance (what was reported): _____

Date(s) investigated: _____

Name of investigator: _____

Investigation results: _____

Date of resolution: _____

Resolution of grievance, including any quality improvement changes: _____

Date resolution communicated to consumer: _____

- **This form must be completed and given to the Programs & Services Director to keep in agency file.**

ILICIL PCA CHOICE POLICY 7

PRIVATE PAY

PURPOSE: The purpose of this policy is to clarify the process for a consumer who chooses to use private pay for their PCA Choice services.

POLICY:

A consumer who chooses to use private pay for PCA Choice services will be billed according to Independent Lifestyles private pay rates. A deposit equal to 1 pay period of PCA services, as determined by the Care Plan, will be due prior to starting services. Private Pay hours are only flexible within each pay period. An invoice will be sent to the consumer/ responsible party after PCA timecards are received. Payment is due within 10 business days of receiving the invoice. In the event of non-payment private pay consumers will not be entitled to the 30-day notice of ending services. If payment is not received within 10 days of receipt of the invoice, services will be immediately terminated and the deposit will be applied toward the unpaid balance. To reinstate services a new deposit will be necessary.

Before starting services, consumers must send Independent Lifestyles a summary of their past year of medical information from their primary doctor (not a specialist) so a PCA Care Plan can be completed with the consumer. The current medical information should include: the consumer's diagnosis, a list of any medication being taken, any specialized therapy being received, any adaptive equipment being used, recent surgeries (if any) and any other information that might be necessary to know.

Independent Lifestyles reserves the right to refuse Private Pay services.

ILICIL PCA CHOICE POLICY 8

EMPLOYEE PROFESSIONALISM

PURPOSE: To clarify ILICIL's expectations for employee professionalism.

POLICY:

Employees will present themselves in a professional and competent manner at all times, respecting the rights and welfare of and acting in the best interest of the consumer, their co-workers and the organization.

PROCEDURE:

- I. DRESS AND APPEARANCE:* Employees will wear apparel appropriate to the job description and the activity of the scheduled workday. An employee will appear well groomed and professionally presentable at all times.

- II. CONFIDENTIALITY:* All ILICIL staff will comply with HIPAA rules and regulations. All consumer information is confidential and should be handled as such. Information may be discussed with ILICIL team members for purposes of assuring the consumer's welfare and best interest. Information should not be discussed openly outside of ILICIL or in common areas of the office regarding a specific consumer. All Consumer information must be kept confidential and must not be accessible to other consumers or others not employed by ILICIL. All confidential information will be stored in compliance with HIPAA (computer passwords and locked to unauthorized users, locked cabinets, etc).

- III. CONDUCT:* Employees will promote a positive and supportive atmosphere toward consumers, co-workers, supervisors, families, the organization, and any other contacts he/she has as part of the job. Employees will promote the concept of teamwork and maintain reasonable flexibility in job function to best meet the needs of the consumers, department or program and the organization. They will uphold and support the policies, procedures and philosophy of the organization. Voicemail is set up reflecting the professionalism of the agency. All staff will use professional business phone etiquette whenever they are on the phone.

- IV. BEHAVIOR:* Employees will present responsible, mature and professional behavior at all times. The employee's behavior should be such that it provides a positive role model for consumers and co-workers. Disrespectful behavior may include, but is not limited to, the following:
 - jokes that demean another individual or group of individuals
 - name calling or nicknames that may be offensive
 - refusing to communicate or speak with another individual
 - offensive verbal, visual, or physical conduct
 - repeated negative comments about others either orally or in writing
 - threatening another individual
 - knowingly blaming other individuals for a mistake they did not make
 - gossiping about another individual
 - any type of "bullying" behavior

ILICIL PCA CHOICE POLICY 9

DRUG-FREE WORKPLACE

PURPOSE:

ILICIL is committed to providing a safe, healthy, and efficient working environment for all employees and those who do business with ILICIL, as well as protecting its reputation in the community.

POLICY:

- It is not permissible for employees, subcontractors and volunteers to consume or to be under the influence of a chemical or controlled substance in any manner that impairs or could impair the staff person's ability to provide care or services while on the job, or on ILICIL property (owned or leased) or in ILICIL vehicles, or while performing business.
- During off hours (own personal time) if staff is under the influence of alcohol or drugs and around consumers, they are expected to modify their behavior to follow these guidelines.
- The use of illegal drugs is strictly prohibited.
- While legal drugs are permissible, their use must not impair a staff's performance in any way.
- Employees are prohibited from possessing, distributing, selling, manufacturing, or being under the influence of any illegal drug while on the job or performing ILICIL business.
- Employees are prohibited from abusing inhalants or prescription drugs or possessing prescription drugs that have not been prescribed for the employee.
- Criminal conviction for the sale of narcotics, illegal drugs or controlled substances will result in corrective action up to and including termination.
- Any employee convicted of criminal drug use or activity must notify their supervisor no later than five (5) days after the conviction.

An employee who violates this policy will receive corrective action up to and including termination of employment. Should the supervisor feel that there is enough evidence to warrant chemical dependency intervention, this action may be a requirement of continued employment at ILICIL. No person will be penalized for seeking or accepting counseling or treatment for a substance abuse problem. Refusal to submit to a drug and/or alcohol screen is grounds for immediate termination or can be considered a "voluntary termination". All information relating to drug and/or alcohol screens will be kept strictly confidential.

ILICIL's substance-abuse program includes several components to support its efforts to remain drug-free, including:

- ILICIL policy of maintaining a drug-free workplace- and training on this policy
- A listing of chemical dependency counseling centers
- A listing of chemical dependency support groups
- An Employee Assistance Program (EAP)

ILICIL PCA CHOICE POLICY 10

WORKPLACE ACCIDENT AND INJURY REDUCTION

PURPOSE:

This policy was developed in response to the Workplace Accident and Injury Reduction Act, which was made law by the Minnesota legislature in 1990. The act is designed to reduce the occurrences of work-related accidents and employee injuries.

POLICY:

ILICIL recognizes the importance of safe and healthy working environments and conditions for all employees. On-the-job accidents and injuries can cause pain and suffering; they affect our ability to provide the continued quality of care and services that our consumers need and deserve.

Each ILICIL employee is responsible to ensure that the workplace is safe and healthy for both consumers and employees by: 1) using care and caution on the job, and 2) correcting or bringing to the Consumer/Responsible Party's attention any unsafe conditions at the earliest opportunity.

Whenever an unsafe situation cannot be immediately corrected, employees will work cooperatively in alerting co-workers and consumers, and will work together in keeping the hazard to a minimum. Employees are responsible to know, understand and implement all general safety and health rules of the organization; they are to participate in review of safety and health training.

PROGRAM:

I. GOAL

Our goal is to create safe and healthy work environments while eliminating work-related accidents; this will benefit the employees, the consumers, and the organization as a whole.

II. OBJECTIVES:

- A. To detect and correct unsafe circumstances, situations, activities and events through consistent awareness and regular inspections.
- B. To detect and correct unsafe individual actions, practices and procedures through training and supervision.

- C. To determine when and how policies and procedures need to be changed or revised through analysis and evaluation of all incident reports involving individual accidents/injuries and/or property losses in the workplace.
- D. To ensure control and awareness of unsafe acts and circumstances through formal reporting of every accident resulting in injury and every incident resulting in loss.
- E. To monitor long-term improvement in the workplace by recording and documenting actions taken to achieve the goals of the program.

GENERAL SAFETY RULES

1. Report all work related injuries and/or illnesses to your supervisor immediately, and report in writing as mandated by policy and procedure. (**See Policy 4 for more details**).
2. Know and understand all manufacturers' operating guidelines provided with each piece of equipment required to execute your duties and responsibilities in the workplace.
3. Know, understand and carry out all responsibilities and duties of your job description, including and especially those that encompass preventative practices to ensure the safety and health of employees and consumers in the facility.
4. Store all materials, equipment and property safe within facility. All toxic and/or hazardous substance containers must be labeled with the appropriate hazard warning. Toxic and/or hazardous materials will be stored in a secured area when not in use. Toxic and/or hazardous materials will be disposed of as directed by MN Department of Health and handled as per guidelines provided by OSHA.
5. Use protective measures and clothing as provided/prescribed when carrying out responsibilities and duties in which exposure to health and safety risks are inherent in those responsibilities and duties. This includes, but is not limited to, protective measures and precautions associated with particular health hazards identified in specific work sites.
6. All dangerous items will be stored safely when not in use.
7. When special training is required by the supervisor in the lifting, positioning or transfer of persons, equipment and/or materials in the workplace, these responsibilities and duties will not be undertaken until after such training has been completed.

8. Never use materials, supplies or equipment for purposes other than those intended by the manufacturer.
9. Learn the location and proper use of all fire exits, alarm boxes and first aid supplies/equipment in the workplace.
10. Do not attempt to carry out responsibilities and duties not in your job description without permission from your supervisor and necessary training.
11. Keep all traffic areas, access and egress routes in the workplace clear of obstructions and hazards such as ice, snow, equipment, etc.
12. If you see someone working carelessly and inconsistently with safe and healthful practices, advise that person to correct her or his procedures and report your observations to your supervisor.

Corrective action will be taken if violations of these safety rules or unsafe acts are noted. All documentation of violations of workplace safety and health rules will be submitted to and maintained in the permanent personnel file.

**WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM
ADDENDUM**

FOR SITE: _____

SITE SPECIFIC HAZARDS AND SAFETY RULES:

HAZARD:

PLAN OF CONTROL:

SITE SPECIFIC SAFETY RULES:

ILICIL PCA CHOICE POLICY 11

CONSUMER ELIGIBILITY CRITERIA

PURPOSE: The purpose of this policy is to clarify ILICIL's consumer eligibility criteria for PCA services and the process for referral to other sources if not eligible.

POLICY:

CONSUMER ELIGIBILITY CRITERIA

In order for a person to qualify for PCA Choice services, he/she must meet the following eligibility criteria:

1. Must be eligible for or receiving medical assistance (MA) or Minnesota Care expanded benefits (for pregnant women or children under age 21) or be eligible for the Alternative Care programs for qualifying services or private pay.
2. Must have an assessment stating PCA services are needed and service plan completed stating PCA services will be provided through ILICIL.
3. Be able to make decisions about their own cares or have a person as their responsible party who can make decisions about their care for them.
4. Person or their responsible party must have the skills to handle all of the responsibility and details of managing the PCA's – including hiring, training, scheduling, disciplining, and terminating them.
5. Must pay for all services not covered by insurance (spenddown, private pay, etc) within 10 days of receiving an invoice from Independent Lifestyles.
6. Live in the State of Minnesota. Preferred in central MN, however, some exceptions may be made on an individual case by case basis.
7. Consumer would need to have PCA's who are able to provide services during the hours they need, including during an unexpected crisis and emergency situation.
8. The consumer and the QP are responsible to indicate in the PCA Care Plan what to do in a crisis or emergency situation and be able to follow those plans.
9. A referral for services can be made by anyone acting in the person's best interest.

A person is eligible regardless of their race, color, creed, ancestry, religion, national origin, public assistance status, age, sex, marital status, sexual orientation, disability, pregnancy, childbirth and related medical conditions or status as parents or caregivers or any other protected class as established by law.

If a person is not able to meet the above eligibility criteria and/or has health service needs that ILICIL cannot provide, ILICIL will start the referral process with making referrals to other appropriate agencies within the potential contracting agency network (i.e. Medicare consumers would be referred to other agencies within the Medicare network, Blue Plus consumers would be referred to other agencies within the Blue Plus network, Medica consumers would be referred to other agencies within the Medica network).

ILICIL PCA CHOICE POLICY 12

PCA SERVICE DELIVERY

PURPOSE: This policy is to clarify the internal controls and procedures regarding PCA service delivery, quality assurance and remediation action. ILICIL will ensure the process of PCA services flow as smoothly as possible through admission, receiving services and discharge/termination of services, and that services are handled in a professional and timely manner.

POLICY:

Admissions

- Referral of PCA Choice services will be directed to ILICIL's PCA Choice Program Coordinator. Referral can be made by anyone acting in the best interest of the consumer.
- The consumer must have an assessment done and a service plan documenting their PCA needs. ILICIL must be provided with a copy of the Service Plan.
- The consumer must meet eligibility criteria (**See Policy A-11**).
- ILICIL staff will verify consumer information and eligibility on DHS MN-ITS EVS.
- The consumer must want to and agree to utilize ILICIL's PCA Choice services.
- ILICIL needs to be informed of the number of units available for PCA services to the consumer.
- If consumer is changing from another PCA agency, it will be contacted to notify it of changes to ILICIL.
- The consumer, PCA's must complete and turn in required paperwork (access on www.Independentlifestyles.org) before services may begin.
- PCA's cannot provide services until after a background study has been approved by DHS, the PCA number is attached to ILICIL through DHS and the required DHS training has been successfully completed. The county worker or MSHO worker will be contacted to coordinate services (appropriate paperwork will be faxed to DHS and MSHO staff).
- An intake meeting with ILICIL's QP, consumer and PCA's will be held to finish required paperwork and begin services.
- A file will be created and kept at ILICIL for consumer and each PCA and QP.

Continuity of Consumer Care and Quality Assurance

- Philosophy- Independent Lifestyles, Inc. (ILICIL) believes that ALL people have the right to live as independently as possible and the right to live as they choose. ILICIL believes in consumer control and consumer choice.
- MA coverage- Consumer is responsible to renew MA coverage and any other activity that maintains eligibility in a timely manner. If ILICIL is informed there

- is a stop in MA eligibility, ILICIL will immediately notify consumer that PCA Choice services will discontinue until coverage is reinstated. ILICIL will bill the consumer for any PCA wages ILICIL paid but did not get reimbursed from DHS.
- Payment- consumers must pay for all services not covered by insurance (spenddown, private pay, etc) within 10 days of receiving an invoice from Independent Lifestyles. Any unpaid debt after 10 days will result in suspension of ongoing services to that consumer, regardless of the consumer's program eligibility.
 - Written Agreements- Consumers, PCA's and QP's are responsible to review and follow the requirements outlined in the Written Agreement for PCA Choice Provider and Consumer.
 - Due to ongoing changes in PCA Choice program, paperwork is revised and needs to be reviewed and/or completed by consumers and PCA's in a timely manner. If a consumer does not return their paperwork within 30 days of request PCA Choice services will be halted until their paperwork is received. If the PCA does not return their paperwork within 30 days of request the individual PCA(s) will be temporarily suspended until their paperwork is received.
 - PCA Care Plan- Consumers must have a PCA Care Plan written with their QP regarding their need within the first week after start of services with a PCA agency. A copy needs to be in the home and given to ILICIL.
 - The PCA Care Plan is developed from the Service Plan from the county. It indicates the services to be provided by the PCA. It needs to be updated if/when recipient needs change and annually.
 - Any activity not listed on the Consumer's PCA Care Plan cannot be paid.
 - Referrals- if a consumer needs a referral for needed Health Services that are not available through ILICIL, ILICIL will make referrals to other agencies within the contracting agency network (i.e. Blue Plus consumers would be referred to other agencies within the Blue Plus network, etc).
 - Coordination of services- ILICIL will establish cooperative working agreements with other health care providers and community resources to assure coordination, integration and continuity of Consumer care, referral to other needed Health Services, and follow-up.
 - Handling of Consumers' Finances and Property- A PCA may assist consumer with household budgeting, including paying bills and purchasing household goods as indicated in the PCA Care Plan, but may not otherwise manage a consumers' property. Receipts or documentation of all transactions and purchases paid with the consumers' funds must be recorded and maintained. A PCA may not borrow or in any way convert a consumers' property to their possession except by payment at the fair market value of the property.
 - Consumer Satisfaction- ILICIL will access consumer satisfaction with the services consumers are receiving from ILICIL. Although this is an ongoing process, once a year each consumer is asked to complete a Consumer Satisfaction Survey.
 - Best Practices- ILICIL follows best practices to the extent possible for billing, audit and financial management controls.

- Safety- Consumer and PCA's are responsible to ensure safety measures are taken by PCA at ALL times. In case of an accident, Consumer and/or PCA must report to ILICIL immediately. A form will then be completed and signed.

- Covered PCA Service

ADL's, which are defined as:

- grooming (including assistance with basic hair care, oral care, shaving, applying cosmetics and deodorant, and care of eyeglasses and hearing aid. Nail care is included, except for recipients who are diabetic or have poor circulation),
- dressing (including assistance with choosing, application and changing of clothing and application of special appliances, wraps or clothing),
- bathing (including assistance with basic personal hygiene and skin care),
- transferring (including assistance with transferring person from one seating or reclining area to another),
- mobility (including assistance with ambulation, including the use of a wheelchair. Mobility does not include providing transportation for a person),
- positioning (including assistance with positioning or turning a person for necessary care and comfort),
- eating (including assistance with hand washing and application of orthotics required for eating, transfers and feeding), and
- toileting (including assistance with helping person with bowel or bladder elimination and care including transfers, mobility, positioning, feminine hygiene, use of toileting equipment or supplies, cleansing the perineal area, inspection of the skin, and adjusting clothing).

Health Related Procedures and Tasks are defined as "procedures and tasks that can be delegated or assigned by a licensed health care professional under state law to be performed by a PCA". This includes

- range of motion and passive exercise to maintain a person's strength and muscle functioning,
- assistance with self-administered medications including reminders to take medications, bringing medications to the person and assistance with opening medications under the direction of the consumer or their responsible party,
- interventions for seizure disorders, including monitoring and observations,
- other activities considered within the scope of personal care services and meeting the definition of health-related procedures and tasks.
 - A PCA may provide health-related procedures and tasks associated with the complex health-related needs of a person if the procedures and tasks meet with definition of health-related procedures and tasks and the PCA is trained by a QP and demonstrates competency to safely complete the procedures and tasks. Delegation of the tasks and training must be documented in the PCA care plan and personal and PCA files.

Observation and redirection of behaviors. Level 1 Behavior is defined as “physical aggression towards self, others, or destruction of property that requires the immediate response of another person”.

- Effective Jan. 1, 2010, a PCA may observe and redirect the person for episodes where there is a need for redirection due to behaviors. Training of the PCA must occur based on the needs of the person, the PCA Care Plan, and other support services provided.

Instrumental Activities of Daily Living (IADL) is defined as “meal planning and preparation, basic assistance with paying bills, shopping for food, clothing and other essential items, performing household tasks integral to the PCA services, communication by telephone and other medial, and traveling, including to medical appointments and to participate in the community.

- Children under the age of 18 are not eligible for IADL services, unless otherwise noted in County Assessment/ Service Plan.
- Non-Covered PCA Services
 - Services without an assessment and service plan completed by the county and Prior Authorization from commissioner or commissioner’s designee
 - Services not specified in Service Plan
 - Household, chore or homemaker services not as an integral part of PCA services
 - Services provided by unauthorized individuals
 - Services in the PCA’s Home, unless the Consumer lives with the PCA
 - Transportation of consumers
 - Generic parenting, skills training, teaching
 - Mentoring
 - Educational training or support
 - Vocational or recreational skills training
 - Respite care
 - Providing or supporting ILS
 - Daycare, babysitting, or homework
 - Set up or administration of Consumer medication
 - Services provided by the recipient’s spouse, paid legal guardian, parent, or stepparent (for a consumer under the age of 18), provider owned/operated housing, or responsible party
 - Use of restraints (instead use positive interventions)
 - IADL’s for consumers under the age of 18, except when immediate attention is needed for health or hygiene reasons integral to the PCA services and the need is listed in the service plan by the assessor
 - Services in place of other staffing options in a residential or child care setting
 - Sterile procedures
 - Injections of fluids and medications into veins, muscles, or skin
 - Assessments for PCA Services by PCA provider agencies or independently enrolled RN’s
- Home Care Bill of Rights- a written copy of the Home Care Bill of Rights is given to the consumer or the consumer’s responsible party at the time services

- begins and is reviewed annually. A copy is kept in the home. The PCA/QP is responsible to read and ensure all the rights listed are followed.
- Advance Health Care Directive- ILICIL has provided the Consumer information from MN Department of Health regarding Advanced Health Care Directives. This is to inform consumers about their rights under state law to make decisions concerning their medical care, including the right to accept or refuse medical or surgical treatment and the right to execute an Advanced Health Care Directive. ILICIL will not condition the provision of care, or otherwise discriminate against the consumer, based on whether or not the consumer has an Advanced Health Care Directive. ILICIL will comply with the state law governing Advanced Health Care Directives. - Request by Consumer for Discontinuation of Life Sustaining Treatment
 - MN Rule 4668.0170 states that if a consumer, family member or other caregiver requests that life sustaining treatment be discontinued, that upon being informed the PCA
 - a) shall take no action to discontinue treatment; and
 - b) shall promptly inform ILICIL (320-529-9000 or 1-888-529-0743).
 - ILICIL shall inform the consumer that the request will be made known to the physician who ordered the consumer's treatment and inform the physician of the consumer's request.
 - Staff and Consumers are required to comply with all of the PCA Choice program policies, especially in regards to the following policies as it pertains to quality assurance:
 - Policy 2a: PCA/QP Hiring and Termination
 - Policy 4: Incident Response, Reporting and Investigation
 - Policy 8: Employee Professionalism
 - Policy 13: Monitoring of PCA Services for Consumers Receiving Medical Services
 - Policy 16: Code of Conduct, Ethics and Integrity
 - Policy 18: Training
 - Policy 19: Consumer Safety Program and Medical Error Reports
 - Policy 20: Violence in the Workplace
 - Policy 23: Sanitary and Safety Practices

Remediation Action

- Staff and Consumers are encouraged to solve any issues they may have about services, the way services are provided or staff, the individual is encouraged to follow ILICIL's standard grievance procedures, which are outlined in Policy 6: Grievances.
- Staff and Consumers are required to comply with all of the PCA Choice program policies, especially in regards to the following policies as it pertains to remediation action:
 - Policy 2a: PCA/QP Hiring and Termination
 - Policy 3: Reporting and Investigating Consumer Abuse and Neglect
 - Policy 6: Grievances

- Policy 21: Corrective Action
- Policy 31: Fraud, Waste, and Abuse Awareness and Prevention

Discharge/termination

- If ILICIL determines it is unable to continue providing services to a non-private pay consumer, ILICIL will notify the consumer, the consumer's responsible party and the commissioner at least 30 days prior to terminating services to the consumer; however, it may be sooner if it is due to potential consumer harm, fraudulent or illegal conduct. If the consumer is private pay services may immediately be suspended.
- ILICIL will provide consumer with a copy of the Home Care Bill of Rights at least 30 days prior to terminating services to a consumer.
- Independent Lifestyles, Inc. does not have the capacity to bill dual insurance providers. If a consumer becomes eligible for dual insurance, they will receive a 30-day written notice to discontinue services. If a consumer is dual-eligible with Medicare as the payer for appropriate services, supplies, and equipment ILICIL will refer the consumer to Medicare providers. ILICIL will document Medicare referrals given, to avoid being terminated from participation on the MA program.
- DHS may deny, revoke or suspend authorization to use PCA Choice if it is determined that:
 - The use of this option jeopardizes recipients health and safety
 - The parties fail to comply with the written agreement
 - Abusive or fraudulent billing has occurred
 - The recipient is placed on the MN Restricted Recipient Program (MRRP)
- ILICIL will assist the commissioner and lead agency in supporting the consumer in transitioning to another home care provider of the consumer's choice.
- Appropriate paperwork will be faxed to DHS and/or MSHO staff to discontinue services through ILICIL.
- Consumer and PCA files will be closed at ILICIL.

ILICIL PCA CHOICE POLICY 13

MONITORING OF PCA SERVICES FOR CONSUMERS RECEIVING MEDICA SERVICES

PURPOSE:

Independent Lifestyles, Inc. (ILICIL) is committed to providing the best services possible for our consumers. One way in which we plan to achieve this goal is to monitor our PCA Choice program.

POLICY:

ILICIL will ensure that services billed are in fact performed by the PCAs to the best of their knowledge. In order to do this, ILICIL has a monitoring process in place to ensure PCA's:

- Report to work at designated time
- Stay at work for the entire scheduled time
- Complete time cards truthfully and accurately
- Perform the services they report

ILICIL plans to monitor this by doing the following (which will be documented in the consumer file):

- Make one unannounced phone call a week to assure the PCA reported to work as scheduled.
- If the PCA is not on site as expected, ILICIL's process for responding to an unexpected absence will be followed and corrective action/ progressive discipline will be started immediately, as appropriate (i.e. if PCA not reporting to work as scheduled and it puts consumer safety at risk, it will be reported as Vulnerable Person and reported to the Common Entry Point).
- If the consumer does not answer the phone for the weekly call required by Medica, ILICIL's process for responding to the consumers' failure to comply with all rules and regulations of the PCA Choice Program will be followed and corrective action/progressive discipline will be started immediately with possible cancellation or termination of participation in the PCA Choice Program with ILICIL.
- Notify consumers and PCA's that they are able to confidentially report possible violations to Deb Lane-Olson – PCA Choice Program Coordinator at ILICIL (320) 529-9000.
- Conduct annual satisfaction survey of consumers or their responsible parties.

ILICIL PCA CHOICE POLICY 16

CODE OF CONDUCT, ETHICS AND INTEGRITY

PURPOSE:

ILICIL governance, as a non-profit institution, is a public trust. As such, ILICIL and its representatives must act with integrity, cultural sensitivity, and in accordance with appropriate laws and ethical principles in order to maintain the public confidence with which ILICIL has been entrusted. ILICIL is accountable for stewardship of its property, conducting its programs and serving the public with accuracy, honesty, and sensitivity. Since staff, volunteers, and Board members are never wholly separable from their institution, any ILICIL related action by an individual may reflect on ILICIL or be attributed to it.

POLICY:

Fiduciary and legal responsibility: ILICIL will act responsibly in its financial decisions so as to protect the financial support necessary to maintain ILICIL's mission. ILICIL, its staff, its policies, and its practices will conform to and comply with all applicable federal, state and local laws and all applicable international treaties. Fee for service activities undertaken by ILICIL will not violate or compromise the integrity of ILICIL's Mission, the ability of ILICIL or its staff to maintain professional standards, or ILICIL's not-for-profit status. Fraudulent billing will be grounds for corrective action, up to and including termination of employment.

ILICIL personnel will recognize that when outside activity or employment is related to their regular duties for ILICIL there is the potential that they are perceived as representing ILICIL in these activities. ILICIL personnel will not use their position for personal gain at the expense of ILICIL or appear to compromise the integrity of ILICIL.

Conflict of interest: All ILICIL employees and Board members shall disclose all known, perceived, potential or actual conflicts of interest.

Personal data: ILICIL abides by the highest ethical and legal standards when dealing with personal data. Personal data is gathered, maintained, and used only for the purpose of furthering the mission of ILICIL. ILICIL ensures that it complies with all State and Federal Laws pertaining to the gathering and use of personal data.

Dishonesty clause: ILICIL expects all employees to conduct themselves in an honorable fashion. Honesty is an important company attribute. Therefore, any misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like will not be tolerated. The same honesty standard applies to any company investigation. Any violations will result in corrective action, up to and including termination.

Duty to report: Employees have a duty to inform their Supervisor or Executive Director

of any unethical behavior to ensure that appropriate action is taken to rectify the situation; this includes any ethical violation by another employee. All reporting and investigations must be done in a confidential manner to protect the integrity of the agency as a whole. ILICIL will not retaliate against or harass individuals who report or investigate unethical behaviors.

PROCEDURE:

As an ILICIL employee I will conduct myself in ways to uphold the standards, including but not limited to the following:

- I will maintain a professional relationship and be respectful of all people.
 - I will respect and promote the consumers right of choice and self-determination.
 - I will assist consumers in identifying, clarifying and reaching their goals.
 - I will not put my personal opinions ahead of the goals of consumers.
 - I will model appropriate behavior for consumers.
 - I will report any mistreatment, neglect, abuse, or financial exploitation of consumers.
 - I will respect consumer's right to privacy and not share confidential information.
 - I will not co-sign loans for consumers, staff or family members.
 - I will not have blurred boundaries regarding friendship versus professional relationship while providing PCA Choice services.
 - I will not sexually harass consumers.
 - I will not enable negative or unhealthy behaviors of consumers.
 - I will not verbally, emotionally, or physically abuse consumers.
 - I will not promise or keep 'secrets' with the consumers or ILICIL staff that should be disclosed to professional staff and/or supervisors within the agency.
 - I will strive to collaborate with other staff and outside agencies about consumers when given written permission by the consumer.
 - I will strive to eliminate attitudinal barriers, including stereotyping and discrimination toward consumers and will promote a positive and supportive attitude toward ILICIL consumers, co-workers, supervisors, management and Board of Directors.
 - I will respect the rights, views and confidences of my co-workers and treat them with fairness and courtesy, will not exploit the trust of my co-workers or the public to make false statements about consumers, co-workers or ILICIL.
 - I will use proper channels for expressing concerns about consumers, co-workers and ILICIL.
 - I will refrain from misuse, theft or destruction of company time and/or property or another employee's property.
 - I will not possess weapons on ILICIL's premises, or any time when conducting ILICIL business.
-
- I will refrain from altering, deleting, and/or destroying any documents or records without proper authorization.

- I will maintain accurate records necessary for rendering services to consumers as required by law, regulations, agency procedures, and will not falsify any documents related to ILICIL operations.
- I will work to advance ILICIL in its goals, community standing and success.
- I will be honest and trustworthy in all my professional relationships. I will not take advantage of these relationships to exploit or further my personal or professional interests and will not participate with any form of dishonest, fraud or deception.
- I will not conduct myself in a manner that is detrimental to the professionalism of the program or has the appearance of a conflict of interest.

Failure to follow ILICIL Employee Code of Conduct, Ethics and Integrity will result in disciplinary action, possible termination of employment and possible legal consequences.

In the PCA program there may be family members and/or friends who are PCA providers. With this in mind there are certain boundary issues that arise from personal relationships. Always error on the side of being cautious. Time may only be counted for activities documented in the care plan. Friends and family may do all kinds of things for one another, but while “on the clock” they are the consumer’s employee and must meet all employee requirements.

ILICIL PCA CHOICE POLICY 17

RIGHT TO REVIEW PERSONNEL RECORDS

PURPOSE:

The purpose of this policy is to inform employees of their right to review personnel records, in compliance with Minnesota Personnel Records law.

POLICY:

Employees have the right to review their personnel record once every six months as an active employee and once each year after termination of employment for so long as the employment records are maintained.

PROCEDURE:

In order to review a personnel record, the individual must provide written notice to his/her supervisor. ILICIL will provide employees with his/her personnel record within seven days of receiving the request. The personnel record (or an accurate copy thereof) will be made available for review during normal hours of operation at the ILICIL St. Cloud office or other reasonably nearby location, but need not be made available during working hours. ILICIL may require that the review be made in the presence of an ILICIL designee. After the review, an employee can make a written request for a free copy of the personnel record.

If an individual disputes specific information contained in the personnel record, the individual and ILICIL may agree to remove or revise the disputed information. If an agreement is not reached, the individual may submit a written statement specifically identifying the disputed information and explaining the individual's position. The position statement will be included along with the disputed information in the individual's personnel record for as long as that information is maintained. A copy of the position statement will be provided to any person who receives a copy of the disputed information from ILICIL after the position statement is submitted.

If ILICIL does not comply with the above requirements, Minnesota law allows employees to bring a civil action to compel compliance, and employees may also be entitled to actual damages and cost. If the individual is retaliated against for asserting the rights described above, the individual may also be entitled to recover back pay, reinstatement, or other make-whole, equitable relief plus reasonable attorney's fees.

In addition, the Minnesota Department of Labor and Industry is responsible for enforcement of employees right to review his/her personnel records. ILICIL may receive a fine for violation of employee rights, and may also be responsible for the department's cost and attorneys' fees in collecting the fine. Active employee personnel files retain required data and seven years worth pertinent information. Inactive files are kept for seven years after termination.

ILICIL PCA CHOICE POLICY 18

TRAINING

PURPOSE:

The purpose of this policy is to indicate training that is required for staff working in ILICIL's PCA Choice Program. This includes, but is not limited to: all owners, all PCA agency managing employees, designated billing person, QPs and PCAs.

POLICY:

- Staff must complete DHS training required:
 - Steps for Success- required for all owners and managing employees
 - Must complete all days in Steps for Success series by owner prior to enrollment/ownership and managing employees within 6 months of hire
 - PCA Billing Lab- required for designated billing person
 - Must complete before submitting claims for PCA services
 - Qualified Professional (QP) Training- required for all QPs
 - Must complete MN DHS training within 6 months of hire unless has a training certificate from within past 3 years
 - PCA online training- required for all PCAs
 - Must complete prior to providing services to consumers
 - First Responder Training- not required for PCA's according to MN Statute 256B/0659 subd. 11.
- Staff will receive orientation regarding ILICIL's PCA Choice policies. They will have access to the handbook (from consumer and available on ILICIL's website) and must read, understand and agree to comply with the policies and expectations of the program within the first 30 days of employment.
- Staff must read, understand, and agree to comply with the Written Agreement for PCA Choice Provider and Consumer before providing services.
- Consumers, with assistance of their QP as necessary, are responsible for providing PCA's adequate training and orientation on consumers needs based on the PCA Care Plan within the first 7 days after services begin. PCA's must be able to demonstrate competency to provide services according to the consumers PCA Care Plan.
- ILICIL's QP will provide training for the PCA responsible for working with a consumer who is ventilator dependent. QP supervision by a nurse must be completed and documented on the file in the PCA's employment record and the consumer's health record.
- Consumer and PCA must complete the 'Documentation of PCA Training' form.
- Staff must complete any other training that may be required by law.
- If the consumer chooses to use a QP other than the one provided by ILICIL, the consumer and/or QP will need to pay for the training.
- Staff must demonstrate competency to provide services according to job duties.
- Proof of credentials required must be submitted to ILICIL.
- Copies of all documentation of completed training(s) and/or credentials must be given to ILICIL. PCAs and QPs must give copies to the PCA Choice Program Coordinator; all others must give copies to the Programs & Services Director.

ILICIL PCA CHOICE POLICY 19

CONSUMER SAFETY PROGRAM AND MEDICAL ERROR REPORTS

PURPOSE:

To ensure consumer safety through a systematic procedure for reporting a medication error and the mechanism for review to allow appropriate follow-up and implementation of change to prevent future medication errors.

POLICY:

Definition of Medication Error

A medication error is any preventable event that may cause or lead to inappropriate medication use or consumer harm while the medication is in the control of the PCA/QP or consumer. Such events may be related to professional practice, health care products, procedures, and systems, including: dispensing; distribution; administration; education; monitoring and use.

TYPES OF MEDICATION ERRORS:

Dispensing Error – types of preparation and dispensing errors include: wrong quantity, medication, dose and expired medication.

Administration Error – Types of administration errors include: Wrong dose, time, medication, route, rate, omission, and unauthorized dose given.

Equipment Environmental Factors – types of equipment environmental problems include: pump problems, equipment availability, and packaging/design problem.

Contributing Factors – Types of contributing factors include: fatigue, calculation error, knowledge deficit, performance deficit, workload, lack of communication between staff, and missing critical information.

Other – Any system breakdown that is not captured with one of the above predefined breakdown point should be classified as “other” and described.

Medication Error Exceptions:

Omission Error

The failure to administer an ordered dose to a consumer before the next scheduled dose, if any. Exclusions would be (1) a consumer’s refusal to take the medication or (2) a decision not to administer the dose because of recognized contraindications. If an explanation for the omission is apparent that reason should be documented in the appropriate records.

Wrong Time Error

Administration of medication within 60 minutes from its scheduled administration time excluding doses that deviate due to logistical administration.

Wrong dosage form error

Administration to the consumer of a drug product in a different dosage form than ordered by the prescriber. Excluded would be accepted protocols that were authorized by the pharmacist to dispense alternate dosage forms for consumers with special needs (e.g., liquid formulations for consumers with naso-gastric tubes or those who have difficulty swallowing), as allowed by state regulation.

MEDICATION ERROR REVIEW

Upon discovery of an unusual incident regarding a medication, the PCA/QP should notify the consumer's physician. The PCA/QP will report the incident immediately to ILICIL by submitting an Accident/Incident Report. If the consumer has sustained serious illness/injury as a result of the incident, the physician and county case worker must be notified. The medication error report includes:

1. Consumer demographics (name, location)
2. Notation as to who was notified of the incident (i.e. physician, county case worker)
3. Type of System Breakdown (dispensing, administration, equipment/environmental, contributing factor or other)
4. Name and title of person reporting and how to contact them
5. Accurate description of incident
6. Immediate corrective action taken; follow-up with personnel involved in the incident.
7. Based on the findings of the medication error, further actions and recommendation will be determined.

RECORD RETENTION

ILICIL will keep documentation of all Accident/Incident Reports received. ILICIL will provide Medica with documentation of Medical Error reporting incidents regarding Medica consumers upon request.

ILICIL PCA CHOICE POLICY 21

EMPLOYEE MISCONDUCT

PURPOSE:

The purpose of this policy is to outline the guidelines of the Corrective Action Process ILICIL will take when necessary and appropriate due to employee misconduct.

POLICY:

When it becomes necessary to address a PCA Choice participant's action in the workplace, general guidelines of acceptable business conduct will govern. Depending upon the nature, frequency, severity, degree of deviation from expectations, length of time involved and the seriousness of a participant's actions, corrective action may fall into any step of the corrective action process. The process should ensure that participants are informed of exactly what behavior needs to be corrected, inform participants of the measures they must take to correct unacceptable behavior, and give participants adequate opportunity to correct the situation. ILICIL reserves the right to depart from this policy of corrective action and immediately discharge any participant in its sole discretion. All employees are employed at will and they, the consumer, or ILICIL may terminate the working relationship at any time, with or without cause, without following any specific procedure.

PROCEDURE:

Types of misconduct

Misconduct can be classified as minor or gross and include many situations. Examples of misconduct include, **but are not limited to:**

- * violating policies, procedures and rules
- * excessive personal phone or computer usage
- * insubordination (not following directives from supervisor)
- * dishonesty/ fraud/ falsifying documents
- * poor performance
- * bad attitude/ behaviors
- * tardiness or absences
- * carelessness

Corrective action process

Record of Conversation: the PCA Choice Program Coordinator or the immediate supervisor of the employee will contact the participant and inform him/her of the specific behavior that is unacceptable. The behavior will be clearly identified and a time by which the situation must be rectified is set. A written record of this conversation will be placed in the appropriate consumer or employee's personnel file.

Written Notice: The same procedure as the Record of Conversation will be followed, except the participant is asked to sign the written record indicating he/she has read the document. The participant may wish to write his/her comments on the notice or attach comments to that document.

Final Written Notice: The same procedure as the Written Notice will be followed. The final written notice must specify that the consequences of failure to remedy the behavior will be cancellation of the written agreement to participate in the PCA Choice Program with ILICIL or termination of employment.

In conjunction with issuing a participant a Final Written Notice, a supervisor may grant a participant a one-day paid Decision-Making Leave of Absence in order to impress upon the employee the seriousness of his/her situation. A Decision-Making Leave of Absence must be documented in the Final Written Notice. Employees will be permitted only one Decision-Making Leave of Absence during their employment with ILICIL. Employees must return to work with a written plan for changing their behavior. The written warning should state that the employee will not be permitted to return to work without a written plan that has been reviewed with his/her supervisor and approved. If the employee fails to produce a written plan, termination will seriously be considered.

Termination: A participant who does not correct his/her behavior after a Final Written Notice will be cancelled or terminated. A consumer receiving a termination will be given a 30 day notice. On rare occasions, an employee may be terminated for a single occurrence of behavior or violation of policy without having been previously warned. Such action may be justified because the offense is so severe as to make a warning unnecessary. In these rare cases, the supervisor may suspend the employee pending a complete investigation of the situation before terminating the employee. Any termination of this nature must be reviewed with the Executive Director prior to the termination taking place.

In cases where the supervisor feels an employee should be terminated immediately, the supervisor will:

1. Advise the employee that he/she is suspended,
2. Request the employee to immediately leave the premises,
3. Inform the Administrative Team of the circumstances with a recommendation for termination and obtain authorization to proceed with decision, and
4. Meet with the employee to advise him/her about employment status.

Suspension may take place at any time during the Corrective Action Process. A supervisor, may with the approval of the Administrative Team, place an individual on suspension without pay for no longer than five working days. An employee may be placed on suspension when he/she commits a serious act, but not so severe as to warrant immediate termination.

ILICIL PCA CHOICE POLICY 22

WORKERS' COMPENSATION AND RETURN-TO-WORK

PURPOSE:

This policy is to clarify ILICIL's workers' compensation and return-to-work plans.

POLICY:

Injuries occurring in the course of employment are paid for by workers' compensation insurance. Workers' compensation insurance pays for medical costs, without a deductible provision, and is paid for exclusively by ILICIL. There are well-defined provisions that must be met to ensure that employees qualify for workers' compensation benefits.

Any work-related injury or illness must be immediately reported verbally and in writing to the employee's supervisor. The supervisor will report it to ILICIL's workers' compensation claims coordinator, ILICIL's Programs & Services Director, within 24 hours. At that time the OSHA Form 301 Injury and Illness Incident Report will be completed. The workers' compensation insurer will investigate all reported claims. Where facts cannot be verified, the claim will be denied. Any claim for an injury or illness caused by an employee's willful misconduct, alcohol or drug usage, or that occurs during the employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by ILICIL, will not be compensable. Worker's compensation fraud is a felony, punishable by fines and/or jail time. The organization will prosecute any individual found to be claiming a work-related illness or injury fraudulently.

The employee's supervisor will help arrange for medical treatment following an injury. An approved physician must treat the injured employee. Any treatment other than that approved by ILICIL will not be compensable.

There are two types of workers' compensation benefits paid to an employee with a work-related injury or illness. These are medical and wage replacement benefits.

Medical benefits include the following:

- Physicians fees (or health care provider fees)- the approved physician (or health care provider) who provides treatment is paid through the workers' compensation insurer
- Hospital fees- paid in full
- Pharmacy costs- paid in full if prescribed by an approved physician
- Special costs- any other medical costs will be paid in full according to state law.

Wage replacement benefits are paid during the time employees are temporarily disabled because of a work-related injury or illness. Employees receive a percentage of their

wages as set by state law. The workers' compensation laws provide for a waiting period before injured employees become eligible for wage replacement benefits. Employees will be covered for the period of disability to the limit allowed under the state workers' compensation law. The workers' compensation insurer will pay the employee. The check will be mailed to the employee's home address.

If an employee is not working due to workers' compensation and if they qualify for Family Medical Leave, it will be used concurrently.

ILICIL supports the practice of bringing injured employees back to work, as soon as they are medically able, to a position in ILICIL compatible with any physical restrictions they may have. ILICIL believes this practice serves the best interest of ILICIL's employees and organization.

The prompt return of injured employees to positions within their medical restrictions will minimize the impact of work-related injuries. Coming back to work early helps employees remain functional as they recover while providing ILICIL with the valuable use of employees' talents. It also helps control workers' compensation costs.

Current positions may be modified to fit the medical limitations of injured employees by modifying workstations, altering specific tasks or working reduced hours. If this is not possible, temporary transitional jobs may be made available. Some examples of transitional jobs may include doing existing jobs with different physical requirements, alternated job tasks or modified jobs to accommodate physical limitations.

Employees who decline temporary modified duty in order to return to work from a leave of absence due to a workers' compensation injury will be considered to have resigned and will be terminated. If employees are eligible for family and medical leave because of the employees' personal health condition, they will have their workers' compensation benefits terminated if they refuse temporary modified duty for which the employee is qualified, as they are no longer eligible for workers' compensation benefits.

Any employee who fails to return to work after being released by an approved physician will be considered to have resigned and will be terminated.

ILICIL PCA CHOICE POLICY 23

SANITARY AND SAFETY PRACTICES

PURPOSE:

The purpose of this policy is to comply with the Occupational Safety and Health Administration (OSHA) in regards to their blood borne pathogens standards. Staff members and volunteers who work with consumers may have exposure to bodily fluids. It is ILICIL's intent to ensure the safety and health of consumer, employee, and volunteer by minimizing the transmission of communicable disease, to prevent infection whenever possible, to help insure optimum health through identification of communicable diseases, proper infection control and sanitary practices, and investigate infections and communicable diseases according to current nationally recognized infection control practices or guidelines established by the US Centers for Disease Control and Prevention, as well as applicable regulations of other federal or state agencies.

POLICY:

ILICIL is committed to the prevention of disease transmission. It is ILICIL policy that all staff and volunteers who may encounter body fluids as part of their job will be trained in identification and prevention of communicable diseases, infection control and be provided with updates and ongoing education. Policies and procedures for hand washing, glove use, cleaning, etc will be part of new employee orientation for new employees who may encounter body fluids as part of their job. All persons receiving services, appropriate to their skill development, will receive training in identification of communicable diseases and basic hygiene, including hand washing as an integral part of their daily activities. The basis for prevention and control of infections and communicable disease is frequent and thorough hand washing in conjunction with universal precautions. Universal Precautions refers to a concept of blood borne disease control which requires that all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other blood borne pathogens.

PROCEDURE:

- 1) Vaccination
 1. All staff persons whose work may place them in contact with the individual's body fluids will be given information about Hepatitis B vaccination.
- 2) Training/ Education re: identification and prevention of communicable diseases
 1. All staff will be provided with updates and ongoing education in identification and prevention of communicable diseases and infection control and follow up measures to take.
- 3) Hand washing:
 1. Hands are washed
 - i) When visibly contaminated

- ii) Before and after consumer contact
 - iii) After removal of gloves and other protective equipment
 - iv) Before and after all activities that entail hand contact with mucous membranes or a break in the skin
2. Hand washing steps
- i) Wet hands thoroughly and apply a small amount of soap
 - ii) Keep fingers pointed down to avoid contaminating the arm
 - v) Vigorously rub hands together for at least 15 seconds
 - vi) Wash carefully between fingers and at least one inch above the wrist
 - vii) Rinse thoroughly with water in a downward motion
 - viii) Dry hands thoroughly with a paper towel and discard the towel.
- 4) Universal Precautions/Standard Precautions
- 1. Gloves are worn when:
 - i) Touching blood or body fluids, mucous membranes or non-intact skin
 - ii) Handling items or surfaces soiled with body fluids
 - iii) Staff or employee has cuts, scratches, or other breaks in the skin that are not covered.
 - iv) Cleaning up spills that may contain body fluids
 - v) There is potential for direct contact with blood or body fluids
 - 2. Change gloves and wash hands thoroughly after each contact with an individual's blood and/or body fluids.
 - 3. Wear a gown or apron when clothing could become soiled with body fluids.
 - 4. Wear a mask and eye protection if splashing is possible.
 - 5. Wear shoes that cover the entire foot in areas where there may be blood or body fluids.
 - 6. Wash hands immediately after removal of personal protection equipment.

In areas where sinks are unavailable, antimicrobial products that do not require water for use need to be available.

PCA Choice consumers need to provide personal protective equipment for employee or volunteers who may have actual or potential exposure to blood or other potentially infectious materials within their job duties.

- 5) Hard Surface Exposure to Blood and Body Fluid
- 1. Wear gloves and remove excess fluids with paper towels and place in a wastebasket.
 - 2. Promptly clean with a disinfectant solution.
 - 3. Dispose of gloves in a wastebasket.
 - 4. Wash hands thoroughly when done.
- 6) Contaminated Laundry
- 1. Wear gloves when handling unwashed contaminated laundry.
 - 2. Wash hands thoroughly when done.
- 7) Prevention of Infections
- 1. Cover your mouth and nose when coughing and/or sneezing.
 - 2. Keep frequently touched common surfaces clean (i.e. phone, door knobs, keyboards) and minimize the use of other's items (ie pens, phones, etc.)

3. Wash your hands or use hand sanitizer after coughing and/or sneezing.
 4. If staff has draining lesions or wounds they must be evaluated by their physician before working with individuals.
 5. Staff who comes to work sick may be sent home.
 6. Stay at home if you are sick with flu-like symptoms.
 7. Staff with communicable bacterial infections may return to work after having received antibiotics for 24 hours or per physician's orders.
 8. Staff with flu-like illnesses may return to work after 24 hours of having a temperature below 102° without the aid of aspirin.
 9. Try not to meet with your consumer if they are sick with flu-like symptoms. If you need to meet, use proper infection control and sanitary practices.
 10. Minimize contact with other persons who might have a communicable disease.
 11. Maintain a healthy lifestyle; attention to rest, diet, exercise, and relationships help maintain physical and emotional health.
- 8) Emergency Contact and Back-Up Plans
1. If staff is unable to provide services during their scheduled hours as assigned, staff will immediately contact the consumer and inform them of their inability to work.
 2. Staff and/or consumer will review and utilize the consumer back-up plan that is documented in the Consumer's PCA Care Plan.
 3. Staff and/or consumer will contact the emergency contact person if necessary, to ensure the consumer's needs are met.

Hepatitis B and You!

(All information was gathered from Hepatitis B Foundation)

Hepatitis B is the most common serious liver infection in the world. It is caused by the Hepatitis B virus that attacks the liver. The virus is transmitted through blood and infected bodily fluids. This can occur through direct blood-to-blood contact, unprotected sex, use of unsterile needles, and from an infected woman to her newborn during the delivery process.

The good news is that there is a simple blood test to find out if you have been infected. There is also a safe and effective vaccine to protect you and your loved ones against Hepatitis B. Finally, there are promising new treatments available for those who have developed chronic Hepatitis B infections.

General Information Q & A:

What is Hepatitis B?

Hepatitis B is the world's most common liver infection. It is caused by the Hepatitis B virus (HBV), which attacks and injures the liver. It is transmitted and from an infected mother to her newborn baby during delivery. Most infected adults are able to get rid of Hepatitis B virus without any problems. However, some adults and most infected babies and children are unable to get rid of the virus and will develop chronic infections.

How many people are affected by Hepatitis B?

Worldwide 2 billion people (1 out of 3 people) have been infected with Hepatitis B. 400 Million people have become chronically infected (which means they are unable to get rid of the virus). An estimated 1 million people die each year from Hepatitis B and its complications.

In the United States, over 12 million people have been infected (1 out of 20 people). Almost 100,000 new people are infected with Hepatitis B each year. An estimated 5,000 Americans die each year from Hepatitis B and its complications.

Why is Hepatitis B so dangerous?

Hepatitis B is dangerous because it is a "silent infection" that can infect people without them knowing it. Most people who are infected with Hepatitis B are unaware of their infection and can unknowingly pass the virus to others. For those who become chronically infected, there is an increased risk of developing serious liver disease later in life. The virus can quietly and continuously attack the liver over many years without being detected.

What is acute Hepatitis B?

A Hepatitis B infection is considered to be "acute" from the time of exposure until 6 months afterward. This is the typical amount of time it takes for a healthy adult to successfully clear a Hepatitis B infection and develop the protective antibodies. During the acute infection, a person is contagious and able to pass the virus on to others.

90% of healthy adults are able to "recover" by getting rid of the virus, which is confirmed by a blood test. Once a person has recovered, they are no longer contagious and are immune to future Hepatitis B infections.

What is Chronic Hepatitis B?

A person is diagnosed with chronic Hepatitis B if they test positive for the Hepatitis B virus longer than 6 months. A chronic Hepatitis B infection may stay with a person for a lifetime. About 10% of adults who contract Hepatitis B will develop chronic Hepatitis B.

Is there a cure for Hepatitis B?

For an "acute" infection, there is generally no treatment other than rest and supportive measures to manage any symptoms.

For "chronic" Hepatitis B, there are several approved drugs in the US.

If you choose to become vaccinated for Hepatitis B, please contact your physician to make an appointment.

ILICIL PCA CHOICE POLICY 27

CONFIDENTIALITY, RELEASE OF RECORDS, AND RECORD RETENTION

PURPOSE:

The purpose of this policy is to clarify confidentiality, release of records and record retention of information at Independent Lifestyles, Inc.

POLICY:

It is Independent Lifestyles, Inc.'s intent to ensure that staff protects confidential information to their highest regards, and follow guidelines when releasing records and record retention.

PROCEDURE:

Confidentiality:

All Independent Lifestyles, Inc. staff will comply with MN Data Practices Act, Chapter 13, and HIPAA rules and regulations. All consumer information is confidential and should be handled as such. Information may be discussed with Independent Lifestyles, Inc. team members for purposes of assuring the consumer's welfare and best interest. Information should not be discussed openly outside of Independent Lifestyles, Inc. or in common areas of the office regarding specific consumer(s). All Consumer information must be kept confidential and must not be accessible to other consumers or others not employed by Independent Lifestyles, Inc.

Information in regards to consumers must not be disclosed regarding any personal, financial, medical, or other information except:

- a. as may be required by law;
- b. to staff or contractors -only information necessary to provide services to the consumer;
- c. to persons authorized by the consumer to receive the information; and
- d. representatives of the commissioner authorized to survey or investigate home care providers.

All other Independent Lifestyles, Inc. confidential information will be kept confidential in accordance with applicable state and federal guidelines. Upon employment with Independent Lifestyles, Inc. staff will review and sign the "Confidentiality Policy for Independent Lifestyles, Inc." form, which is retained in their employee file, and will complete HIPAA training.

Release of Records:

Independent Lifestyles, Inc. may not release consumer records without an appropriate current release of information signed by the consumer (or legal representative). ILICIL also agrees to allow consumers case manager, any state or federal regulatory or governmental agency, or accrediting firm access to consumer records to inspect, evaluate, and audit any pertinent documents needed. The consumer (or legal representative) must provide a written request for copies of records from the consumer submitted to Independent Lifestyles, Inc. If a consumer makes a verbal request for records, staff should give/send the consumer a letter informing them that the request must be in writing stating specifically the information they want and what our fees are. In accordance with MN Department of Human Services regulations, Independent Lifestyles, Inc. will charge \$.50 per page plus \$10 fee to handle the information. This fee must be pre-paid and received by Independent Lifestyles, Inc. before any copies will be made. Once the written request is received with pre-payment Independent Lifestyles, Inc. will get them the copies within two business days.

Record Retention and Destruction:

Independent Lifestyles, Inc. consumer records will be retained for at least 7 years following the termination of services from the program except PCA Choice consumers whose services were funded by Medica or Blue Plus instead of straight MA in which they will be retained for 10 years. All other records will be retained for the length of time required by state and federal guidelines. Records will be stored in accordance with applicable state and federal guidelines. Records being destroyed will be shredded in accordance with state and federal guidelines.

ILICIL PCA CHOICE POLICY 29

WHISTLEBLOWER

PURPOSE:

ILICIL requires employees and Board of Director members to observe high standards of ethical, moral, legal, business and personal conduct of their duties and responsibilities, and all employees and Board of Directors members to comply with all applicable laws and regulatory requirements. In line with this commitment, and ILICIL's commitment to open communication, this policy aims to provide an avenue to encourage employees to raise questions, suggestions, concerns and complaints re: ILICIL and reassurance that they will be protected from reprisals or victimization for whistleblowing.

This whistleblowing policy is intended to cover protections and encourage persons to raise serious concerns regarding ILICIL prior to seeing resolution outside of ILICIL, such as concerns regarding:

- incorrect financial reporting;
- unlawful activity;
- activities that are not in line with ILICIL policies; or
- activities which otherwise amount to serious improper conduct.

NO RETALIATION

ILICIL will not retaliate against an employee or Board of Director member who, in good faith, reports a violation of a law or regulation requirement on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.

SAFEGUARDS:

Harassment or Victimization – Harassment or victimization for reporting concerns under this policy will not be tolerated. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Confidentiality - Every effort will be made to treat the complainant's identity with appropriate regard to confidentiality.

Anonymous Allegations – This policy encourages employees to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be explored appropriately, but consideration will be given to:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Bad Faith Allegations – Allegations in bad faith will result in disciplinary action.

Procedure: 1. Process for Raising a Concern

Reporting - The whistleblowing procedure is intended to be used for serious and sensitive issues. Such concerns, including those relating to financial reporting, unethical or illegal conduct may be reported directly to Supervisor or Executive Director. Employment-related concerns should continue to be reported through your normal channels such as your supervisor or to the Executive Director or the Board of Directors chair, if applicable.

Timing – The earlier a concern is expressed, the easier it is to take action.

Evidence – Although the employee is not expected to prove the truth of an allegation, the employee should be able to demonstrate to the person contacted that the report is being made in good faith. The report should be factual rather than speculative and contain as much specific information as possible to allow for proper assessment and urgency of investigative procedures.

Procedure: 2. How the Report of Concern Will be Handled

The action taken by ILICIL in response to a report of concern under this policy will depend on the nature of the concern. The Executive Director and Board of Directors chair shall receive information on each report of concern and follow-up information on actions taken. Reports will be promptly investigated and appropriate corrective action will be taken if warranted.

Initial Inquiries – Initial inquiries will be made to determine whether an investigation is appropriate, and the form that it should take. Some concerns may be resolved without the need for investigation.

Further Information – The amount of contact between the complainant and the person or persons investigating the concern will depend on the nature of the issue and the clarity of information provided. Further information may be sought from or provided to the person reporting the concern.

ILICIL PCA CHOICE POLICY 31

FRAUD, WASTE AND ABUSE AWARENESS & PREVENTION

PURPOSE:

ILICIL is committed to preventing health care fraud, waste, and abuse. Under the Deficit Reduction Act of 2005, ILICIL is required by law to establish certain policies and inform employees about the federal False Claims Act and similar state laws, an employee's right to be protected as a whistleblower, and the prevention of fraud, waste, and abuse in state and federal health care programs. This document sets forth our policies and contains information required by law under the Deficit Reduction Act.

Contractors, subcontractors, agents, and other persons who, on behalf of ILICIL, furnish or otherwise authorize the furnishing of Medicaid health care items or services, perform billing or coding functions, or are involved in monitoring of health care provided by ILICIL are required to adopt these policies to continue to do business with the agencies. No employee of ILICIL has the authority to direct, participate in, approve, or tolerate any violation of any of the laws described in this Policy.

POLICY:

Federal Civil False Claims Act (FCA)

The federal civil False Claims Act (31 USC sections 37929, 3730, 3731, 3732, 3733) prohibits any individual or company from knowingly submitting false or fraudulent claims, causing such claims to be submitted, making a false record or statement in order to secure payment from the federal government for such a claim, or conspiring to get such a claim allowed or paid. Under the statute, the terms "knowing" and "knowingly" mean that a person (1) has actual knowledge of the information, (2) acts in deliberate ignorance of the truth or falsity of the information, or (3) acts in reckless disregard of the truth or falsity of the information. Thus, specific intent to defraud is not required for a violation of the law to exist. Examples of the types of activity prohibited by the FCA include billing for services that were not actually rendered and up coding, the practice of billing for a more highly reimbursed service or product than the one provided. Under the Act, civil action must be brought within six years of a violation, or, if brought by the government, within three years of the date when material facts are known or should have been known to the government, but in no event more than ten years after the date on which the violation was committed.

Penalties

Individuals or companies found to have violated the statute are liable for a civil penalty for each claim of not less than \$5,500 and not more than \$11,000, plus up to three times the amount of damages sustained by the federal government.

***Qui tam* and Whistleblower Protection Provisions**

The FCA authorizes the Attorney General to bring actions alleging violations of the statute for false or fraudulent claims submitted by individuals or companies that do business with, or are reimbursed by, the United States. The statute also authorizes private citizens to file a lawsuit in the name of the United States in a lawsuit commonly known as a *qui tam* action, but the US Supreme Court has held that the statute does not authorize individuals to sue states in a federal *qui tam* action. A *qui tam* lawsuit brought under the FCA by a private citizen commences upon the filing of a civil complaint in federal court, under seal, and service of a disclosure of material evidence on the Attorney General. The government has sixty days to investigate the allegations in the complaint and decide whether it will join the action, in which case the complaint is unsealed, and the Department of Justice or a United States Attorney's Office takes the lead role in prosecuting the claim. If the government decides not to join, the whistleblower may pursue the action alone, but the government may still join at a later date if it demonstrates good cause for doing so. As an incentive to bring these cases, the Act provides that whistleblowers who file a *qui tam* action may receive a reward of 15-30% of the monies recovered for the government plus attorney's fees and costs. This award may be reduced if, for example, the court finds the whistleblower planned and initiated the violation. The FCA also provides that alleged whistleblowers who prosecute clearly frivolous *qui tam* claims can be held liable to a defendant for its attorneys' fees and costs.

Whistleblowers are also offered certain protections against retaliation for bringing an action under the Act. Employees who are discharged, demoted, harassed, or otherwise confront discrimination as a consequence of the whistleblowing activity are entitled to all relief necessary to make the employee whole. Such relief may include reinstatement, double back pay, and compensation for any special damages including litigation costs and reasonable attorneys' fees.

Fraud Civil Remedies Act

The Fraud Civil Remedies Act of 1986 is a statute that establishes an administrative remedy against any person who presents or causes to be presented a claim or written statement that the person knows or has reason to know is false, fictitious, or fraudulent due to an assertion or omission to certain federal agencies, including the Department of Health and Human Services. The term "knows or has reason to know" is defined in the Act as a person who has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required. The term "claim" includes any request or demand for property or money, e.g., grants, loans, insurance or benefits, when the United States Government provides or will reimburse any portion of the money. The authority, i.e., federal department, may investigate and with the Attorney General's approval commence proceedings if the claim is less than one hundred and fifty thousand dollars. A hearing must begin within six years from the submission of the claim. The Act allows for civil monetary sanctions to be imposed in administrative

hearings, including penalties of five thousand five hundred dollars per claim and an assessment, in lieu of damages, of not more than twice the amount of the original claim.

PROCEDURE:

DETECTING, REPORTING AND PREVENTING FRAUD, WASTE AND ABUSE

ILICIL is responsible for the proactive prevention of fraud and abuse through education and training of its staff. Similarly, ILICIL staff have a responsibility to report concerns about actual or potential wrongdoing and are not permitted to overlook such actual or potential wrongdoing.

Reporting of Compliance Concerns

Any employee, contractor, subcontractor, or agent, who knows or reasonably believes that ILICIL or any member of its staff may be involved in any activity prohibited by the FCA, or other fraud and abuse laws, is required to immediately report such belief to the Executive Director.

Theft of public funds, no matter what the amount, is a felony.

Examples of a possible improper claim include:

- Making false statements regarding a claim for payment,
- Falsifying information in the medical record,
- Double-billing for items or services, or
- Billing for services or items not performed or never furnished.

Non-Retaliation

ILICIL will not tolerate any intimidating or retaliatory act against an individual who, in good faith, makes a report of practices reasonably believed to be a violation of this Policy.

Compliance Monitoring

ILICIL has established internal systems and controls to monitor its coding and billing practices on an ongoing basis to ensure compliance with the FCA and applicable State laws.

ILICIL PCA CHOICE POLICY 32

MARKETING

PURPOSE: The purpose of this policy is to clarify ILICIL's marketing of PCA Choice services.

POLICY:

MARKETING

ILICIL markets the PCA Choice program through several different means, including but not limited to printed information (including brochures and flyers), on websites, television and radio. ILICIL does not engage in any agency-initiated direct contact or marketing in person, by phone, or other electronic means to potential recipients (consumers), guardians, and family members. Incentives will not be given to people who bring new referrals to ILICIL's PCA Choice program.

ILICIL documents PCA Choice program marketing and advertising materials, and marketing activities and costs.