
POLICIES & PROCEDURES

'Ability Care Partners' (herein referred to as "ACP") Policies and Procedures are intended for the 'consumer' and the 'employee' (herein referred to as "PCA or "QP") to be abided by at all times as stated in the PCA Employment Agreement and PCA Consumer Service Agreement on file with ACP. If the consumer or employee does not wish to abide by any changes to this document, they may terminate their services or employment by notifying ACP.

1. SERVICE ORIENTATION

Personal Care Attendant services allow consumers with disabilities to live independently in their own home and maintain overall well-being at a greatly reduced cost compared to formal/institutionalized care facilities. Regardless of your PCA or healthcare experience, it is vital that you understand the PCA program and job functions outlined by DHS guidelines and MN Statute (section 256B.0659). These guidelines are to be standard and consistent with all PCA employers.

1.1. PCA Service Terminology & Descriptions

- **PCA Choice Agency** - *Ability Care Partners (ACP)* is a PCA Choice Agency. PCA Choice is designed by the state to be a consumer-directed PCA service model where the recipient of care takes on added responsibility such as hiring/firing, training, scheduling and supervising their PCA staff. Traditional PCA Providers are commonly referred to as a Personal Care Provider Organization (PCPO) where the consumer relies on the PCPO to assign and manage the direct care staff.
- **Consumer** - The person with disabilities who is the recipient of personal care services.
- **Responsible Party (RP)** - For consumers who are not fully capable of directing their own care and/or making informed decisions, they can elect to have a RP to assist them with directing their cares, making informed decisions and providing co-supervision to the PCAs. When applicable, the PCA and PCA Choice Agency will be required to communicate with the RP, and vice versa.
- **Personal Care Assistant (PCA)** - The person hired to provide hands-on, direct care services to the consumer.
- **Qualified Professional (QP)** - The QP is a Registered Nurse (RN), Licensed Social Worker (LSW) or Mental Health Professional employed by ACP who conducts in-person visits with the consumer as required by law.
- **Public Health Nurse (PHN)** - A Nurse assigned by the County that conducts the annual PCA service assessment to determine the necessity of PCA services for the consumer.
- **Care Plan** - Documentation that outlines cares needed, emergency staffing plan and monthly hours plan. The Care Plan is to be developed/maintained by the QP and consumer at each required in-person visit and must reflect the cares determined in the PHN's care assessment. A copy of the Care Plan must be kept on file with the PCA Choice Agency and must be available at all times to the PCA in the consumer's home.
- **Health Care Directive** - A written document that informs others of your wishes about your health care. It allows you to name a person ("agent") to make health care decisions for you in the event you are unable to decide. It also allows you to name an agent if you want someone else to make health care decisions for you at all times. You must be at least 18 years old to make a Health Care Directive.
- **Minnesota Department of Human Services (DHS)** - DHS regulates the PCA program, conducts audits and has full authority to approve or deny PCA services.
- **Service Agreement (SA)** - DHS reviews the PHN care assessment recommendations and issues a SA outlining the dates of service and amount of units (15 minutes) approved for the consumer. Services cannot be provided by ACP without an approved SA. PHN recommended units are subject to change by DHS, the PHN does NOT have final say for the number of units a consumer receives. Consumer's may appeal the DHS decision in writing (directions for appeal are on the consumer copy of the SA).
- **Flexible Use** - All SA's are divided into two 6-month periods. If the consumer does not use the approved total hours in the first 6-month period, those accumulated hours do not carry over into the second 6-months. If the consumer goes over the total number of hours in the first 6 months, they are required to wait until the next 6-month period begins to resume using their PCA services.
- **Medical Assistance (MA)** - State & Federal Medicaid funds pay for PCA services to the consumer
- **Surveillance Integrity Review Service (SIRS)** - A division of DHS that investigates complaints regarding suspected fraud, misuse and abuse of PCA services by the PCA Choice Agency, consumer and/or PCA.

- **Vulnerable Adult Act** - Any person that receives PCA services is considered a Vulnerable Adult, due to their increased risk of vulnerability to abuse, neglect and exploitation. Any suspected, alleged or confirmed violations must be reported immediately to *ACP* staff.
- **Maltreatment of Minors** - Any person under the age of 18 is considered a minor and requires a parent or guardian to make informed decisions for them. Minors are also a protected classification under law. Any suspected, alleged or confirmed violations must be reported immediately to *ACP* staff.
- **Mandated Reporters** - Any person who is employed to provide direct care services to the consumer is required by law to report violations of the Vulnerable Adult Act or Maltreatment of Minors. Anyone found to have violated a consumer's rights or have withheld information related to a violation of a consumer's rights may be punished by fines and prosecution.
- **Common Entry Point (CEP)** - Each County in MN has a CEP to answer calls for suspected or confirmed violations of the Vulnerable Adult Act and/or Maltreatment of Minors Act. Reports can be made anonymously. *ACP* asks all PCAs to notify the agency of your concerns prior to reporting to the CEP (See page 14 for a list of CEP's phone numbers).

1.2. PCA Employee Eligibility & Minimum Requirements - To be employed by *ACP* as a PCA, you must:

- Be at least 18 years of age.
- Effectively communicate with the consumer (or RP), QP and *ACP* management.
- Be able to provide PCA services according to the consumer's PCA Care Plan.
- Respond appropriately to the consumer's needs and report changes in the consumer's condition to them and the QP.
- Maintain daily written records including, but not limited to, timesheets.
- Complete training and orientation on the needs of the consumer within the first seven days after services begin.
- Be supervised by the consumer (or RP) and the QP.
- **PCA's CANNOT be the:** Paid guardian, parent or step-parent of a minor child, consumer of PCA services, RP, or spouse of the consumer.

1.3. PCA Job Duties - The PCA may provide the following services and supports to the consumer, as needed, to assist in:

1.3.1. Activities of Daily Living -

- **Dressing** - Including choosing, applying, and changing of clothing and special appliances or wraps.
- **Grooming** - Hair care, oral care, shaving, applying cosmetics and deodorant, care of glasses and hearing aids. *Nail care is included, except for recipients who are diabetic or have poor circulation.*
- **Bathing** - Basic personal hygiene and skin care.
- **Eating** - Including application of orthotics required for eating, transfers, hand washing and feeding.
- **Transfers** - Assistance with transferring from one seating or reclining area to another.
- **Mobility** - Assistance with ambulation, including use of a wheelchair.
- **Positioning** - Assistance with positioning or turning a recipient for necessary care and comfort.
- **Toileting** - Bowel or bladder elimination and care (includes transfers, mobility, positioning, feminine hygiene, use of toileting equipment/supplies, cleansing the perineal area, inspection of the skin, and adjusting clothing).

1.3.2. Instrumental Activities of Daily Living (IADL) - Includes meal planning/preparation; assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the PCA services; communication (telephone/computer); and traveling (medical appointments, participating in community). PCAs are not to provide IADL supports to minors and must not document such supports on a timesheet.

1.3.3. Observation and Redirection of Behaviors - PCAs may observe and redirect the consumer for episodes where there is a need for redirection due to behaviors.

1.3.4. Health-Related Procedures and Tasks - A PCA may provide health-related procedures and tasks associated with the complex health-related needs of a consumer if the procedures and tasks meet the definition outlined under this section; and the PCA is trained by the RN Qualified Professional; and the PCA demonstrates competency to safely complete the procedures and tasks. Delegation of health-related procedures and tasks and all training must be documented in the Care Plan and the consumer's and PCA's files.

Examples of Health-related Procedures and Tasks:

- Range of Motion (ROM) and passive exercise to maintain a recipient's strength and muscle function.
- Assistance with self-administered medication.
- Interventions for seizure disorders, including monitoring and observation.
- Other activities considered within the scope of the PCA service and meeting the definition of health-related procedures and tasks under this section.

1.3.5. Tracheotomy Suctioning & Ventilator Support - For a PCA to provide the Health-related Procedures and Tasks of tracheotomy suctioning and services to consumer's on ventilator support there must be:

- Delegation and training by a RN, Certified or Licensed Respiratory Therapist, or a Physician.
- Utilization of clean rather than sterile procedure.
- Training about the procedures, tasks and equipment, including ventilator operation and maintenance.
- Individualized training regarding the needs of the consumer.
- Supervision by a Qualified Professional who is a RN.

1.3.6. Non-Covered PCA Services - Services that are not to be billed for on a timesheet. If a consumer asks you to provide these services, you must notify *ACP*. If it is not in the Care Plan, it should not be billed on the timesheet.

- Sterile procedures.
- Injections of fluids and medications into veins, muscles, or skin.
- Home maintenance or chore services.
- Homemaker services not an integral part of assessed PCA services.
- Application of restraints or implementation of procedures under MN Statute (Section 245.825).
- Instrumental Activities of Daily Living for children under the age of 18.
- Services that are the responsibility of a residential or program under the SA and administrative rules.
- Services solely as a child care or babysitting service.

1.4. QP Employee Eligibility & Job Duties - To be employed by *ACP* as a QP, you must:

- Be at least 18 years of age.
- Be eligible by current MN Statutes to serve as a QP (Registered Nurse, Licensed Social Worker or Mental Health Professional). For consumers with complex health related functions listed on the Care Plan, the QP must be a RN.
- Enroll as a QP and complete required DHS Steps-For-Success Training for QPs.
- Conduct an in-home visit with the consumer (and RP when applicable) at least every 180 days.
- Develop and update the consumer's Care Plan that corresponds with the county PHN assessment.
- Evaluate whether site and service outcomes are being met with the consumer (or RP).
- Assist with specialized training for PCA workers as needed.
- Enter into a written agreement with the consumer and *ACP* to provide QP services.
- Complete a written PCA evaluation and document any actions taken to correct any deficiencies in the work of a PCA.

1.5. Consumer (or RP) Responsibilities - Consumers, or their Responsible Party (when applicable), must:

- Maintain eligibility for PCA services and the Medical Assistance program. If the consumer has any period of ineligibility they must immediately notify *ACP* and any PCA staff that they cannot work until eligibility is restored.
- Keep *ACP* updated with their current personal information (legal name, residence address, mailing address, phone numbers, marital status, medical insurance information, caseworker contact information, etc.)
- Adhere to all terms and conditions set forth in the *ACP* PCA Choice Service Agreement.
- Provide *ACP* and PCA staff with a copy of any Health Care Directive.
- Follow all *ACP* company policies and procedures.

1.6. Employee Orientation to Agency Policies - As a PCA Choice Agency we do not provide in-person employee orientation. The employee is required to read these policies and procedures prior to their first shift. The consumer (or RP) will provide the Employee with: Care Orientation (including access to the Care Plan), Household Orientation and Scheduling Information. If the Employee has questions about job responsibilities, paperwork, or the company policies and procedures they need to ask the consumer (or RP), QP or contact *ACP*.

2. HIRING

As a PCA Choice provider, *ACP* consumers are responsible for recruiting their own PCA applicants and deciding who they want to hire through *ACP* as a PCA employee. The consumer ultimately determines who they feel comfortable with hiring to be their PCA. The consumer and applicant must adhere to the company hiring policies outlined in this section.

- 2.1. **Equal Employment Opportunity** - *ACP* is committed to providing equal employment opportunities to all individuals without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, or any other characteristic protected by law. *ACP* does not discriminate on the basis of gender in compensation or benefits for women and men who work in the same establishment and perform jobs that require equal skill, effort, and responsibility and which are performed under similar conditions. *ACP* will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. An employee with a disability for which reasonable accommodation is needed should contact *ACP* to discuss possible solutions. Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of *ACP*. Employees can raise legitimate concerns and make good faith reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including dismissal.
- 2.2. **Affirmative Action** - *ACP* will not discriminate against or harass any employee or applicant for employment because of race, gender, creed, color, religion, national origin, age, public assistance status, marital status, sexual orientation, veteran status, physical or mental disabilities, or any other category protected by law.
- 2.3. **Americans with Disabilities Act and Reasonable Accommodation** - *ACP* will comply with the Americans with Disabilities Act (ADA) requiring reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an employee or job applicant unless the accommodation creates or involves undue hardship to the consumer or the company. Questions, concerns, and requests for accommodation should be made to the company management.
- 2.4. **Immigration Law Compliance** - *ACP* only hires citizens of the U.S., or non-citizens who are authorized to work in the U.S under the Immigration Reform and Control Act of 1986. As a condition of employment, all new and past employees must show valid proof that they are eligible to work in the United States.
- 2.5. **At Will Employment - Minnesota is an "At-Will Employment" law state.** *ACP* does not offer tenured or guaranteed employment. Unless *ACP* has otherwise expressly agreed in writing, all employment with *ACP* and the consumer is "at-will" and can be ended by any of the parties, at any time, with or without reason.
- 2.6. **Employment Application** - To be employed by *ACP*, the individual must fully complete an Employment Application with legible and accurate information. A copy of the applicant's resume may be attached to list prior work experience and education information.
- 2.7. **Completion of DHS Individualized Personal Care Assistant Training** - *ACP* requires all PCA applicants to have already passed the Individualized Personal Care Assistant Training offered through the Minnesota Dept. of Human Services. ***Applicants must print their training completion certificate and include it with their application.*** (View Section 6.1 for details on how to complete the free online training.)
- 2.8. **Background Study Policy** - Minnesota state law requires that all direct care and manager/supervisor employees who have direct contact with a consumer in their home or in the community must pass a criminal background study with each agency they are employed with. This background study will be processed by *ACP* (at no cost to the employee) through the Minnesota Department of Human Services prior to the start of employment. ***If any employee fails now or later fails to meet this requirement, they will be immediately terminated.***
 - A. **Employees cannot work prior to receiving a completed background study notice stating the PCA or QP is not disqualified or has had a disqualification set aside. ACP will notify the Consumer (or RP) when the employee is eligible to begin working.**
 - B. **Employees cannot work if their name appears on the OIG exclusion list. No exceptions.**
 - C. ***ACP* requires Employees to maintain a clear study result at all times. Any Employee Criminal Background Study may be updated or processed anytime, for any or no reason. If an Employee is later disqualified by DHS, or appears on the OIG exclusion list, their employment with *ACP* will be immediately terminated** on the date the disqualification is effective or the date of appearance on the OIG list. In the event of future disqualification from DHS, *ACP* will only process pay for dates worked up to the date of disqualification. *ACP* will not accept any timesheets for any period of time in which a background status or a set-aside request is pending.
 - D. ***ACP* reserves the right to declare any employee who has a disqualification set-aside "not fit for the agency" and decline to honor the set-aside from DHS resulting in termination or denial of employment to the individual.**
 - E. For more information regarding the MN-DHS background study process (requirements, disqualifications, disclosures, appeals, etc.) please visit: <http://www.revisor.leg.state.mn.us/stats/245C/>

- 2.9. **MHCP Individual PCA Provider Enrollment Policy** - After passing the Background Study, to be a PCA in Minnesota you must enroll with Minnesota Health Care Programs (DHS) as an Individual PCA Provider. *ACP* will process your Individual PCA Provider Enrollment paperwork that will assign you a PCA ID # (aka. UMPI # or MHCP ID #). PCAs are allowed to work while their PCA ID # is processing (after being notified by the consumer their background study has passed).
- If you have enrolled as a PCA in the past, your ID # will remain the same and will be activated as currently working with *ACP*. *ACP* typically receives new PCA ID #'s from DHS within 2-3 weeks. *ACP* does not guarantee when PCA ID #'s will be received, as there may be delays at DHS.
 - If a PCA does not know their PCA ID #, they can receive it by calling or emailing *ACP*.
 - **PCAs MUST keep *ACP* notified when their personal information has changed and complete the required Individual PCA Information Change Form (DHS-5716).** Failure to keep your personal information updated may result in suspension or termination.
- 2.10. **Individual PCA Relationship Disclosure** - All PCAs must complete DHS form "**Individual PCA Relationship Acknowledgement**" which asks if they will be working for a relative (parent, grandparent, sibling, adult child, or adult grandchild). In-laws, step-children, step-siblings and non-related legal guardians are not considered "relatives" according to DHS policy. Relatives are determined by blood or through legal adoption process. The PCA Relation to the Consumer MUST be indicated on the PCA Timesheet.
- 2.11. **Start of Employment** - *ACP* will notify the consumer when an applicant has been accepted as an employee of *ACP* and the date the employee may report to work. Any timesheets with shifts listed with dates prior to the start of employment will not be paid. There are no exceptions to this policy. The consumer cannot require the PCA to work prior to the official start of employment. *ACP* will also send a letter to the employee that lists their official start of employment for their records.
- 2.12. **PCA Performance Evaluations** - All PCA's performance will be evaluated by the consumer with their QP at least every 6 months. The evaluation will be in writing and recommend any necessary improvement. All PCA Performance Evaluations are stored in the employee file by *ACP*.

3. EMPLOYEE CONDUCT & DISCIPLINARY ACTIONS

- 3.1. **Misconduct** - Employees are obligated to maintain a professional relationship and follow policies and proper standards of conduct at all times. *ACP* views the following conduct as inappropriate (including but not limited to):
- Falsifying or omitting important information in your employment application.
 - Mistreatment of consumers (verbal, physical, emotional, sexual or financial/property).
 - Violations of the Privacy Policy, Harassment Policy, Consumer Bill of Rights, or the Vulnerable Adult Act.
 - Failure or unwillingness to fulfill the duties or responsibilities listed in the job description.
 - Failure to work scheduled hours, including "No Call-No Show" for scheduled hours.
 - Continued tardiness or inexcusable absences.
 - Stealing agency property, co-worker property, or consumer property.
 - Borrowing money from or offering to sell products/services to consumers and/or their families.
 - Carrying firearms or other dangerous weapons while providing services for the consumer.
 - Abuse, damage, or destruction of consumer property.
 - Fighting or provoking a fight while on duty or while representing the agency.
 - Abusive or threatening language to *ACP* staff, supervisors, or consumers.
 - Possession, consumption or being under the influence of alcohol or illegal substances when reporting to work or while working.
 - Insubordination.
 - Gross negligence, including any situations which did or may have endangered the health or safety of a consumer.
 - Unsafe practices.
 - Immoral conduct, dishonesty, stealing, outside criminal activities.
 - Falsifying a timesheet.
 - Violation of *ACP* policies and procedures, DHS policy, and ethical standards.

- 3.2. **Substance Abuse** - ACP strictly prohibits the use or possession of alcohol or illegal drugs while on the job. When employees are working (or are reporting to work), they are prohibited from possession, consumption, or being under the influence of alcohol, illegal drugs, controlled substances or unauthorized drugs. This includes unauthorized use of legal drugs or abuse of prescription drugs. Prescription drug use must be pursuant to a doctor's written orders and the doctor must have advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties. Consumers must feel safe with their care staff! Employees who report to work displaying signs of being under the influence of a substance can be placed under warning of the suspicion and dismissed from their shift (without pay) at the discretion of the consumer (or RP). Any violations of the Substance Abuse Policy must be reported in writing to ACP and the employee will be subject to disciplinary actions or termination. Employees are subject to and must be able to pass a drug test issued by the company or an authorized testing provider at any time without prior notice or cause.
- 3.3. **Attendance** - Employees are expected to be at work and ready for work at the assigned starting time. Failure to inform the consumer (or RP) prior to the assigned starting time is considered job abandonment and may be interpreted as a voluntary resignation; which may result in termination.
- 3.4. **Dress Code** - Employees are expected to dress in a manner appropriate to the health care environment. This includes personal hygiene and appropriate jewelry, hairstyle, and make-up. Flat non-skid shoes or tennis shoes with shoelaces are required.
- 3.5. **Smoking** - PCAs are not allowed to smoke in the consumer's home or in their immediate environment.
- 3.6. **Personal Property** - ACP does not assume responsibility for any personal property located at the consumer's home or on company property. PCAs are to use their own discretion when choosing to bring personal property into the workplace and do so at their own risk. Additionally, employees may not bring or display any property into the consumer's home that may be viewed as inappropriate or offensive to others. ACP is also not responsible for exchange of personal items (i.e. books, clothing, keys, videos, etc.). between employee, consumer or consumer family members.
- 3.7. **Visitors** - No personal visitors of the PCA are allowed in the consumer's home (i.e. family members, friends, pets).
- 3.8. **Phone Usage** - While on the job, employees are permitted to carry a personal cell phone ONLY if placed on silent/vibrate mode and used for emergency purposes, or during an authorized break. No texting or messaging while "on the clock". Employee's are not allowed to make or receive personal calls on the consumer's phone(s).
- 3.9. **Caring for Others** - PCAs are not responsible for other individuals or children at the home of the consumer. The employee shall not be asked at any time while working to baby-sit, or otherwise watch over any individual other than the recipient of services. ACP only allows 1:1 care ratio of PCA to consumer.
- 3.10. **Disciplinary Actions** - Inappropriate conduct by an employee is dealt with through Disciplinary Actions which may include a verbal warning, written warning, suspension and termination. The Consumer must report the issue and any suggested disciplinary action to the company. ACP will determine the appropriate disciplinary action to be imposed and record it on the employee's company file. The company does not guarantee that one form of action will necessarily precede another.

4. EMPLOYEE TERMINATION & RESIGNATION

- 4.1. **Termination** - ACP does not offer tenured or guaranteed employment. Employment with ACP is "at will" and can be ended by any of the parties, at any time, with or without reason but neither party may breach contracts. ACP cannot violate state or federal laws, and generally cannot rightfully terminate employees who refuse to do something that is contrary to public policy and sound morality, such as breaking the law. In the case of violation of company policies, an employee may be immediately terminated without notice. Any Employee Performance Evaluations that are conducted are meant to assess the employee's performance, and where needed, recommend necessary improvement. Nothing in this policy arrogates the employment "at will" doctrine or creates any contracted relationship, either implied or directed. Termination decisions will be based on assessment of all relevant factors.
- 4.2. **Resignation** - Employees resigning from their position are asked to give a minimum written 2 week notice to the consumer (emails are acceptable). The consumer and PCA must then complete and submit the PCA Resignation/Termination Notice to ACP. Before submitting resignation, PCAs must have properly submitted all final timesheets and paperwork. If a 2 week notice is not given, the employee may not be considered for re-employment with ACP in the future.

5. WAGES & BENEFITS

5.1. Wages - *ACP* offers a fair and competitive wage structure that meets or exceeds the Legislative requirement that at least 72.5% of the current reimbursement rate must be allocated to PCAs total compensation. *DHS Policy states: Effective August 1, 2010, "wages and benefits" means wages and salaries, the employer's share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation, mileage reimbursement, health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance and contributions to employee retirement accounts. This provides clarification on what is included in the minimum of 72.5% of the revenue generated by the MA rate for PCA services that must be used for employee PCA wages and benefits, as required in Minnesota Statute 256B.0659, Subd. 20. (Ch 352, Art 2, Sec 2).*

5.1.1. PCA Starting Wage Structure (Effective August 1, 2010) - For individuals with:

- No prior work experience in health care - \$8.25 / hour.
- Prior health care work experience and/or documented training - \$11.00 / hour.
- Any PCA's who want to be eligible to work Over-time (with written authorization from *ACP*) - \$8.50 / hour.

5.1.2. OP Starting Wage Structure (Effective August 1, 2010) - For individuals who are a:

- Licensed Social Worker = \$15.00 to \$28.00 / hour.
- Registered Nurse = \$17.50 to \$35.00 / hour.

5.1.3. Competitive Wage Match - *ACP* reserves the right to offer a competitive wage match or competitive wage increase to any PCA. *ACP* may request proof in the form of an original pay stub issued by the competing PCA agency.

5.1.4. Wage Changes & Raises - *ACP* determines the rate of pay for all PCAs, in accordance with DHS policy regarding reimbursement rates. Any wage reductions or raises are based on the result of reimbursement rate changes issued by the Minnesota State legislature.

5.2. Employee Benefits - *ACP* does not pay for health/dental insurance, vacation time, sick time, paid time off or any other employee benefits. If required by the government, *ACP* will allow eligible employees to use pre-tax dollars to be applied for employee paid health plan benefits.

5.3. Mileage Reimbursement - *ACP* does not pay for driving to or from work and does not offer mileage reimbursement. Employees may claim mileage expenses on their personal income tax filing, if eligible under tax law, and they record accurate mileage logs.

5.4. Expense Reimbursement - *ACP* does not reimburse employees for job related expenses (ie. gloves, back-braces, transfer belts) without prior written explanation of need and administrative approval.

6. TRAINING

6.1. DHS Individualized Personal Care Assistant Training Requirement - All PCAs are required to complete Individualized Personal Care Assistant Training offered through the MN DHS before enrolling as a PCA (effective 10/01/2010). *ACP* requires all PCAs hired prior to 10/01/2010 to complete the training by 12/01/2010 and send proof of completion as outlined below, or the PCA will be suspended (timesheets will be rejected due to ineligibility) until the training is passed.

The required training is offered free of charge online at <http://registrations.dhs.state.mn.us>

From an internet enabled computer, PCAs may access the training materials and test by registering with their personal email address. PCAs must pass the test with at least an 80% score (testing may be taken repeatedly until a passing score is achieved). If the PCA does not have access to a computer, please check with a local public library or workforce center for free computer lab access.

The training covers (but is not limited to): Basic First Aid, Vulnerable Adult/Child Maltreatment, OSHA Universal Precautions, Basic Roles and Responsibilities, Lifting/Transfers, Emergency Preparedness, Positive Behavioral Practices, Fraud Issues and Timesheets.

Upon completion of the online training the PCA must print the completion certificate and fax or mail a copy of it to *ACP*. If the PCA previously completed the training with another PCA provider you must send *ACP* a copy of the completion certificate.

- 6.2. Emergency Information & Procedures** - The consumer (or RP) is responsible for informing employees of any medical/fire/weather emergency or accident procedures for their working environment. *ACP* has created a sample Emergency Information Form that may be used by the consumer to share with their PCAs. It is also strongly recommended that the consumer request and maintain emergency contact and medical emergency information for their PCA staff members. In the event of an emergency, calling 9-1-1 is the safest solution if there is any question with regard to any emergency situation.
- 6.3. Review of Health Care Directives** - If the consumer has a Health Care Directive, a copy of it will be located in the Care Plan Folder and remain available at all times. As a part of the PCAs orientation and training with the Consumer (or RP), the Health Care Directive must be thoroughly reviewed to fully understand the consumers wishes with regard to their health care.
- 6.4. Medication Administration** - PCAs may only assist with *self-administered medication defined as "medication taken orally, by injection or insertion, or applied topically without the need for assistance"*. PCAs may remind and bring medication to the consumer, and assist with opening medication under the direction of the consumer or RP.
- 6.5. Sterile Procedures** - PCAs are not authorized to provide any sterile procedures or inject fluids (into veins, muscles or skin).
- 6.6. Infection Control & Universal Health Care Precautions** - All employees and consumers need to follow Universal Health Care Precautions to prevent themselves from being exposed to potentially infectious blood or body fluids. Standard Precautions apply to blood, all body fluids, secretions and excretions (except sweat); non-intact skin; and mucous membranes. PCA employees are not allowed to perform sterile procedures.
- 6.6.1. Hand Washing** - Hands must be washed before and after contact with the consumer. Wash hands under a steady stream of warm water with soap for at least 1 minute. Appropriate antibacterial solutions may be used except when hands are visibly soiled, after restroom use, or prior to eating.
- 6.6.2. Gloves** - Single-use, non-sterile gloves must be worn before: direct contact with blood, body fluids, mucous membranes or non-intact skin; handling soiled items; handling or cleaning equipment potentially contaminated with blood or body fluids. When gloves are removed, thorough hand washing is required. Gloves do not take the place of hand washing. Examples of cares requiring gloves include: *Suctioning and drainage (ie. Foley catheter bags, gomcos, and hemovacs); catheter care; enema administration; dressing changes; cleaning consumer rooms or bathrooms, emptying trash or changing linens.*
- 6.6.3. Gowns or Aprons** - Fluid resistant, non-sterile gowns or aprons should be worn to protect against soiling of clothing during activities that may generate sprays or splatters of blood, body fluids, secretions or excretions.
- 6.6.4. Eye & Face Protection** - Goggles or protective eyewear and masks protect the eyes, nose, mouth and mucous membranes. Apply appropriate protection prior to performing activities that may result in exposure to sprays or splatters of blood, body fluids, secretions or excretions.
- 6.6.5. Proper Handling & Cleaning Methods** -
- Avoid contamination of clothing to other surfaces and environments.
 - Dispose of contaminated supplies (other than needles) by double bagging.
 - Clean and disinfect non-disposable equipment before reuse with the consumer. Areas and equipment contaminated with blood should be cleaned immediately with 1:10 bleach solution. Equipment can also be cleaned and soaked in a fresh solution of 70% isopropyl alcohol for ten minutes.
 - Discard single-use disposable items properly by bagging.
 - Soiled linens should be handled as little as possible and with minimum agitation to prevent gross microbial contamination of the air and of persons handling the linens.
 - Disinfectant-detergent formulations registered by the EPA can be used for cleaning environmental surfaces, but the actual physical removal of microorganisms by scrubbing is necessary.
- 6.6.6. Needles** - ACP employees are not permitted to handle or dispose of needles. If a consumer utilizes needles for medical purposes, they or their licensed nursing agency are responsible for the proper handling and disposal of needles.
- 6.6.7. Exudative Lesions or Weeping Dermatitis** - Employees with these conditions should refrain from all direct care and from handling care equipment until the condition resolves.
- 6.6.8. Blood or Body Fluid Exposure** - Any PCA or consumer who may have been exposed to blood or body fluid during care procedures must seek immediate medical attention, including lab testing for communicable diseases, and report the incident to *ACP* within 24-hours.

- 6.7. **Employee Illness** - Any employee who is ill must notify the consumer (or RP) prior to reporting to work. If the employee and consumer (or RP) agree that the employee can report to work, extra health precautions shall be taken to ensure consumer safety. Examples of extra health precautions include: covering coughs and sneezes, frequent hand washing, and additional use of gloves and face masks.
- 6.8. **Timesheet Training** - It is the employee's responsibility to complete their own timesheets according to *ACP* Timesheet Completion Policies. If the employee does not understand how to complete and submit a timesheet, he/she should ask the consumer (or RP) for assistance and instructions.
- 6.9. **Training with Consumer** - As a PCA Choice Agency, *ACP* does not provide training directly to PCAs. The consumer (or RP) will provide in-person training specific to their care needs listed in the consumer PCA Care Plan within the first 7 days of employment. Upon request, the Qualified Professional may come out to the consumer's home to assist with individualized training for specific items in the Care Plan.
- 6.10. **Ventilator & Tracheotomy Training** - For consumers with a Tracheotomy or Ventilator who need their PCA to provide assistance with suctioning, specific documented training must be conducted by a Registered Nurse, Certified or Licensed Respiratory Therapist or a Physician. The consumer's QP (RN) must document the completed training tasks. The PCA may only perform non-sterile health-related procedures and tasks specific to the person's need for a ventilator or tracheotomy. **Sterile procedures and tasks specific to the need for a ventilator or tracheotomy are NOT covered and may not be performed by any PCA.**
- 6.11. **Demonstration of Competence** - During training with the consumer, all PCAs must demonstrate competence to handle the cares specified in the consumer PCA Care Plan. If the PCA does not display the competence necessary at the discretion of the consumer (or RP) and/or the QP, the PCA will be terminated.
- 6.12. **Training Policy Updates** - Training policies may be subject to revision at anytime. Any updates to the training policies will be issued to the consumer to be distributed to their PCA staff and notices will be posted on the *ACP* web site.
- 6.13. **PCA Service Fraud** - **Fraud is defined as "An intentional act of deception, misrepresentation or concealment to gain something of value"**. Examples of fraud include (*but are not limited to*): Forging timesheet signatures, submitting timesheets for non-covered PCA services, submitting timesheets with service dates/times/services listed that were not actually provided. These types of fraud charges are considered a felony offense and may prevent you from being eligible to receive state and federal benefits (subsidized housing, child care, and food assistance programs). Consumers who are convicted of MA Fraud are subject to removal from PCA Choice services and being placed on a restricted care program. *ACP* will submit any evidence of suspected fraudulent timesheets to the SIRS.

7. HARASSMENT

All company employees, consumers (and consumers family members) are to be treated with respect and dignity. Harassment in any form in the work environment will not be tolerated under any circumstances.

- *"Harassment is defined to include verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive work environment including but not limited to slurs or other verbal or physical conduct relating to his/her national origin, surname, skin color, gender, sexual orientation, disability or age."*
- *"Sexual Harassment is defined to include unwelcome sexual advances that are verbal, non-verbal or physical, including but not limited to the following: sexually offensive language, sexual propositions or comments; sexually suggestive objects, books, pictures, movies; inappropriate physical contact or overly familiar touching."*

- 7.1. **Harassment Reporting Procedures** - If administrative staff, employees, consumer or consumer family members feel that they have been or are subject to harassment, it is their responsibility to immediately notify *ACP* to file a formal complaint. There will be no retaliation against an individual as a result of bringing forward such a complaint. Any complaints that are reported will be held in confidence and will be disclosed only as appropriate as determined by *ACP*. An investigation into the complaint will begin within 48 hours of receiving the complaint in writing and will be conducted thoroughly in a timely manner by *ACP* administrative staff or a contracted intermediary.
- 7.2. **Harassment Disciplinary Actions** - Company employees found by *ACP* to have violated the Harassment Policy shall be subject to appropriate corrective action, including possible immediate termination. Consumer or consumer family members who have violated the Harassment Policy shall be subject to possible immediate termination of services and/or civil charges.

8. DATA PRIVACY & HIPAA COMPLIANCE

- 8.1. **Consumer & Company Data Privacy Policy** - *ACP* operates with a strict Consumer & Company Data Privacy Policy to protect the rights of our consumers and the company. By accepting employment with *ACP*, you have obligated yourself to refrain from discussing any medical or personal information (seen or heard, directly or indirectly) regarding the consumer as it is completely confidential and not to be discussed openly outside of the company for any reason (not even with your family) unless expressly authorized in writing to do so. Company information including business practices or secrets, customer lists, policies and procedures should not be discussed with any person outside of the company. Information about the consumer or *ACP* is not to be given to media. Any employee that violates this Consumer & Company Data Privacy policy is subject to appropriate corrective action, which may include termination, and may involve the employee in legal proceedings.
- 8.2. **HIPAA Policy** - *ACP* operates in accordance with federal HIPAA policy. In 1996, Congress passed the Health Insurance Portability and Accountability Act (HIPAA). Its purpose was to create a national standard to protect the confidentiality of a patient's medical records and personal health information while at the same time allowing access to personal health information necessary to provide care and for other purposes such as protecting public health.

What PCA Consumer information is protected under HIPAA?

- Information put into medical record by doctors, nurses and other health care providers including PCAs.
- Conversations between medical staff and PCAs about the consumer's care and treatment.
- Information in a health insurer's medical system.
- Billing information.
- All information included in the Care Plan.

Patients have a right to:

- Know when and why their health information was shared.
- Make reasonable requests about the method and place for contact by health care providers.
- Request that their health provider or insurer not share their health information with certain companies or organizations.

For more information regarding HIPAA, please visit: <http://www.cms.hhs.gov/HIPAAGenInfo/>

- 8.3. **Employee Data Privacy** - All employees' personal information such as payroll or other compensation records, or government required reporting is recorded for business purposes only. Any personal information will be handled in such a manner as to assure accuracy, relevancy, and confidentiality. A written release from the employee is required to release personal information to the consumer (or RP) or anyone else. An employee may examine their personnel records in accordance with state law and agency practices. Any questions regarding Data Privacy policies and procedures should be directed to the company. **No employee shall communicate with members of the media without first contacting ACP.**
- 8.4. **Tennessee Notice** - When *ACP* requests private information about an employee, Consumer, or RP, they have the right to be told: (1) The intended use and purpose of the information requested. (2) Whether or not they can legally refuse to furnish the information. (3) What may happen if they provide or refuse to give the information. (4) Who will be able to access the information (besides the person providing the information).

9. PCA TIMESHEETS

- 9.1. **Timesheet Procedures** - All timesheets are very important documents that **MUST**:
- **Be clearly legible (written in blue or black ink).**
 - **Be completed DAILY with shift dates and each TIME IN / TIME OUT** that was actually worked.
Reminder: For overnight shifts, Midnight means a new day has started and must begin the start of a new "Time In" entry. If a PCA works 10:00pm to 2:00am, that is two shifts and should be entered as 10:00pm-11:59pm and 12:00am-2:00am.
 - **Be initialed daily (no checkmarks) for the cares provided (as reflected in the Care Plan).**
 - **Be 100% completed, without errors and not have overlaps with other PCAs (or consumers).**
 - **Indicate any PCA Relation to the Consumer.**
 - **Have a line drawn through any dates not worked.**
 - **Indicate any dates the consumer was hospitalized or admitted to an in-patient care facility.**
 - **NOT have more than 48 total hours for each week (without written approval from ACP Administration).**
 - **Include the PCA's ID # (UMPI) on the timesheet (it will be rejected for payroll without this).**
 - **Include the consumer's full legal name and MHCP ID # or Birth date (it will be rejected for payroll without this).**
 - **Be signed and dated by the consumer/RP and PCA with their full legal name. DO NOT SIGN IN ADVANCE.**

- 9.2. **Acknowledgements & Fraud Statement** - By signing the timesheet, the PCA and consumer (or RP) are each legally confirming that the dates/times/services listed for that pay period were provided. *On the timesheet there is a Fraud Statement, by signing the timesheet the employee acknowledges they fully understand and agree to the statement.*
- 9.3. **Submitting Timesheets** - Timesheets must be mailed, emailed or faxed and received by the deadline specified on the timesheet. *ACP does not have any control over the timeline for when timesheets are received via any method. Late, incomplete, unsigned or illegible timesheets will result in delay in pay until the following pay period. All defective timesheets will be returned for correction.* Continuous errors in paperwork may result in termination of employment and/or services. Timesheets that are submitted more than 30 days after the pay period end date will not be accepted and will not be paid.

10. PAYROLL

- 10.1. **Working Hours & Overtime** - PCAs may work up to 48-hours per week (12:00am Sunday through 11:59pm Saturday). Any hours worked over 48 in a week is considered overtime by law. *ACP does NOT permit overtime for PCAs (unless otherwise expressed in writing from ACP Administration). Relatives of the Consumer (as defined by DHS) are not allowed to work overtime under any circumstances.* No consumer (or RP) has the authority to expand the PCA's hours beyond the 48-hour per week limit. *ACP and the consumer do not legally guarantee any schedule or amount of hours. ACP is not required to reassign employees to other consumers once they have stopped working for a particular consumer. The employee is required to communicate with the consumer (or RP) for scheduling.*
- 10.2. **Monthly PCA Hour Limits** - PCAs cannot work more than 275 hours per month. If you work for multiple consumers/agencies your combined totals cannot exceed this limit. PCAs are required to:
- Monitor and record their number of hours worked (monthly combined totals with all consumers/agencies).
 - Notify their consumer(s) and ACP regarding total hours worked each week with all consumers/agencies.
 - Sign a PCA Agency Disclosure & Release for each PCA agency they actively work for or are hired with in the future and notify ACP immediately of changes in their working status as a PCA.
 - *Return any wages received for hours worked that exceeded the limits mentioned above, as the hours are not authorized and thus are ineligible to accept wages for.*
- 10.3. **Collection of Ineligible PCA Wage & Over-Payments** - ACP reserves the right to collect (take-back) wages of any PCA due to ineligibility, erroneous payment or overpayment. *PCA's must return wages when:*
- Billed claims were denied by DHS due to being over 275 hours per month.
 - Billed claims were denied by DHS due to: consumer being ineligible for MA, out of authorized hours, hospitalization, in-patient status, or other DHS policy violations such as PCA ineligibility or disqualifications.
 - The employee provided and submitted timesheets for non-covered cares (cares not in the consumers Care Plan).
 - Convicted of fraudulent activity.
 - Payroll error or over-payment (regardless of who is at fault for the error).
- Collection Methods & Terms** - ACP will notify the PCA of the ineligible service hours or over-payment amount to be collected. The first method of collection is withholding from the PCAs next payroll payment. If the next payroll amount is insufficient to cover the outstanding balance due, ACP will continue to withhold from the next payroll(s). If the PCAs employment is interrupted or discontinued, an invoice will be mailed to them with repayment instructions. Any non-repayment over 60 days past due will accrue interest charges (the maximum allowed by law) and may result in suspension, termination, civil lawsuit and reporting to a collections agency.
- 10.4. **Exemption of Unemployment Benefits for PCA's of Immediate Family** - As of July 1st, 2010, PCAs are no longer eligible for unemployment insurance when working as a PCA for an immediate family member (MN Statutes Ch. 347, art 2, sec 2). As a result, PCAs will not be eligible to receive unemployment benefits for any wages earned as an employee of Ability Care Partners while providing services to an immediate family member, as defined in the above statute. PCAs are responsible to notify ACP if they are going to be a PCA for an immediate family member.
- 10.5. **Employee Personal Information Changes** – Employees are responsible for promptly notifying ACP in writing of any change in their legal name, address, telephone number, email address, citizenship or work authorization status, tax withholding allowances, emergency contact information, or other necessary information. Accurate and correct information is vital for service delivery, employment insurance records and other company files.

- 10.6. Employment Verification Requests** - After 30 days of employment, an employee may request up to 3 employment verifications, per year, free of charge. An administrative fee of \$25 will be reduced from an employee check for any requests thereafter. Employment verifications take 3-5 business days to be processed.
- 10.7. Payroll Schedule** - Payroll will be processed according to our Payroll Schedule/Calendar via direct deposit or payroll check delivered by the U.S. Postal Service. Checks are NOT available for pick up at the company's office address (payroll is handled off-site by our payroll processor). ACP makes no guarantee with regard to the estimated delivery date of ANY payroll check. Using direct deposit is highly recommended to all employees to prevent any potential delay in pay due to mail delivery delays or lost/stolen mail.
- 10.8. Lost or Stolen Checks** - If your payroll check gets lost or stolen you must report it to the ACP office and file a written report. Any lost or stolen payroll check will result in a \$25.00 stop payment fee to be withheld from the employee's paycheck. Standard Replacement Payroll Checks are issued on the next calendar payroll date after filing a written report.
- 10.9. Expedited Replacement Payroll Checks** - Expedited Replacement Payroll Checks may be available to employees (upon request) once they have filed a written report. An Expedited Replacement Check fee of \$40.00 (includes stop payment fee) will be deducted from the new check. After the written report requirements have been met, an Expedited Payroll Check will take a minimum of 3 business days to be processed and then mailed. ACP reserves the right to deny any request for an Expedited Replacement Payroll Check. This option is for emergencies and may only be done one time in a calendar month.
- 10.10. Employment References** - ACP will provide dates of employment and positions held only.

11. COMPANY MARKETING PRACTICES

ACP does not engage in any agency-initiated direct contact or marketing in-person, by phone, mail, or electronic messaging to potential consumers (and their guardians or family members). ACP will not **initiate recruitment of specific individuals from referral sources** (such as MDs, medical facility staff, social workers, etc.) As required by DHS, ACP will maintain records on file of any advertising materials, activities and costs.

- 11.1. Marketing Activities** - ACP will market services only through: printed information (brochures/flyers), advertisements in news media or on web sites; company web site; and mass marketing or educational efforts aimed at the public where people contact ACP to learn about PCA services. *Examples of Mass Marketing include: ads on tables/booths, ads in magazines/newspapers/bulletins, banners, billboards, brochures, postcards, stickers, buttons, TV, radio, mass mailings to non-specified individuals, and mailings to individuals who specifically have expressed interest in services.*
- 11.2. Prohibition of Incentives** - ACP will not provide financial incentives to staff, physicians and governing body members for any consumer care related activities. ACP will not offer an incentive or bonus to potential or current consumers to choose or remain with the agency for PCA services.

12. GRIEVANCE REPORTING

A Grievance is defined as "*a dispute or disagreement relating to the interpretation or application of the policy or procedures*". A grievance may be held between the: consumer and the employee; employee and the company; or consumer and the company. All persons involved should review company policies and procedures, and consider personal mistakes or errors in judgment. In the event of a grievance, follow the steps below in order:

- Calmly discuss the issue with the affected person(s) in a non-accusing manner and provide all parties the opportunity to discuss or share their point of view. If the issue is not resolved to the satisfaction of all parties in this step, proceed with a written grievance.
 - Submit written documentation of the grievance that is signed and dated, describes the issue in detail to the ACP Program Coordinator .
- 12.1. Investigation Assignment** - After receiving the written grievance, the ACP Program Coordinator or their designee will handle any investigation and may escalate the grievance to the company president (at their discretion).
- 12.2. Investigation Process** - The investigation process includes (but is not limited to):
- Written statements from involved parties that are signed and dated. Statements may be mailed, emailed or faxed to ACP.
 - Review of documentation and statements for violations of company or DHS policies and procedures, and state and federal laws.
 - Phone or in-person meetings with involved parties to discuss the issue and possible resolution.

- 12.3. Investigation Timelines** - An investigator will review the grievance and respond to the written grievance within 10 calendar days. An investigation process may take up to 30 calendar days. A formal grievance resolution to a completed investigation may take up to 60 calendar days.
- 12.4. Grievance Resolution** - The company president will provide notice of the resolution in writing to any involved parties. A grievance is considered resolved when the individual who filed the grievance is satisfied with the actions taken on their behalf. There may be situations where the company has taken appropriate and reasonable actions on the individual's behalf in order to resolve the grievance and the individual (or their representative) remains unsatisfied with the company's actions. In these situations the company may consider the grievance closed for the purposes of these requirements. The company must maintain documentation of its efforts and demonstrate compliance with state requirements. In its written response, the company is not required to include statements that could be used in a legal action against the company, but the company must provide adequate information to address each item stated in this requirement. The company is not required to provide an exhaustive explanation of every action taken to investigate the grievance, resolve the grievance or other actions taken by the company.

If any party is not satisfied with the resolution they may contact the following governmental agencies for assistance:

Office for Civil Rights

U.S. Department of Health and Human Services

Phone: (312) 886-2359 Fax: (312) 886-1807

Minnesota Department of Health

Office of Health Facility Complaints

Phone: (651) 201-4201 Fax: (651) 281-9796

Minnesota Ombudsman for Long-Term Care

Phone: (651) 431-2555 Fax: (651) 431-7452

Minnesota Department of Labor and Industry Labor Standards

Phone: (651) 284-5070 Fax: (651) 284-5740

Minnesota Department of Human Rights

Phone: (651) 296-5663 Fax: (651) 296-9042

- 12.5. Grievance & Resolution Records** - ACP's Quality Associate will maintain a record of all grievances and resolutions that include:

- Date received and name of intake person who received complaint.
- Description of grievance.
- Dates investigated and name of investigator.
- Investigation results.
- Date of resolution.
- Resolution of grievance, including any quality improvement changes.
- Date resolution communicated to involved parties.

13. TRANSPORTING CONSUMERS

When outlined in the consumer's Care Plan, PCAs may transport in the consumer's vehicle or accompany the consumer on a transport service (public or private). Consumers cannot be transported in the PCA's vehicle. It is the consumer's responsibility to secure liability insurance on their own vehicle that covers the PCA as a driver or passenger, and must demonstrate proof of this to the PCA at any time. The consumer (or RP) also must confirm that the PCA has a current Driver's License and determine if they are comfortable with them driving. ACP only reviews Driver's Licenses for form I-9 verification and does not conduct a comprehensive driving record check for anyone. It is in the best interest for both parties, that the PCAs and consumers possess at least \$100,000-\$300,000 liability insurance coverage to be fully covered in the event of an auto accident. Remember that state law requires all persons in the vehicle must wear seatbelts.

14. NON-WORK RELATED INJURIES

Employees must first notify the consumer (or RP), and subsequently notify ACP of any injuries sustained outside of work in advance of their next shift. If the employee is uncertain whether they can safely perform the duties of their job, ACP may require them to see a doctor at the employee's expense before returning to work. If the employee was seen by a doctor, they must provide a written note from the doctor that outlines the type of injury and any work restrictions. If the employee is physically unable to perform the essential care duties for the consumer, they must refrain from working until cleared by their doctor for return to work.

15. WORK INJURIES & ACCIDENTS

All *ACP* employees (except independent contractors) are covered under the company worker's compensation insurance policy. For more information about our company's worker's compensation provider (name and phone number) or any other related questions, please contact *ACP* or visit our web site.

- 15.1. Reporting Injuries & Accidents** - *ACP* requires that all employees report any job related accidents or injuries to their direct supervisor (the consumer or RP) and the *ACP* Program Coordinator immediately. Employees are required to:
- **Submit a detailed written First Report of Injury within 24 hours of the accident and/or injury.**
 - Obtain a work status note at every doctor appointment and provide these notes to *ACP* immediately after each visit.
 - Keep *ACP* apprised of your work status.
 - Follow the treating doctor's medical treatment plan.
 - Stay within your medical restrictions at all times, including while at home and during leisure activities.
 - Notify *ACP* as soon as you have been released to return to any kind of work.
- 15.2. Failure to Report** - Failure to report an injury, regardless of how minor, could result in difficulty with the employee's claim. Fraud, exaggeration or prolonging of claim, or claiming benefits to which you are not entitled is unlawful and subject to punishment by law.
- 15.3. Return To Work Program** – *ACP* may offer short-term Transitional Work Assignments (TWA) to employees unable to perform their usual jobs due to temporary work restrictions resulting from on-the-job injuries, based on their ability as determined by the treating doctor. *ACP* will develop and begin each TWA, with input from the employee, as soon as medically authorized. The TWA may be a short-term position that is not with the PCA's current consumer. *ACP* will assure the employee understands the temporary medical restrictions and see that they are not exceeded. Participation in the Return to Work Program is not optional. Declining to participate may result in reduction of workers compensation temporary disability benefits, in accordance with Minnesota law.

16. REPORTING CONSUMER ABUSE OR NEGLECT

Abuse or neglect of a consumer of any age will not be tolerated. In compliance with the Minnesota law, all employees who provide direct contact services to a consumer are considered Mandated Reporters. Mandated Reporters are obligated to report abuse or neglect (including suspected abuse or neglect) of the consumer vulnerable adult or minor child to the appropriate county's Common Entry Point. Each County in MN has a CEP to answer the call for suspected or confirmed violations of the Vulnerable Adult Act and/or Maltreatment of Minors Act. Reports can be made anonymously. *ACP* asks all PCAs to notify the agency of your concerns prior to reporting to the CEP.

County Common Entry Point Phone Numbers:

Anoka: 763-422-7168
Dakota: 651-554-6000
Ramsey: 651-266-4012
Washington: 651-430-6484
Wabasha: 651-565-3351

Carver: 952-361-1600
Hennepin: 612-348-8526
Scott: 952-445-7751
Wright: 763-682-7400