

PSW-IC Transition Process Frequently Asked Questions

General

Question: What is the difference between becoming a Provider Organization and a PSW Specialist?

Answer: In general, the Provider Organization route is more suited for those (Independent Contractors who are wanting to expand their offerings to multiple clients and are looking to hire staff or combine as one entity with other existing ICs. There is a higher financial barrier to becoming a Provider Organization, such as increased insurance requirements and audit requirements. This is reflected in the higher rate that is paid to Provider Organizations.

The PSW Specialist route is more appropriate for those ICs who are choosing to remain single person entities and work with a smaller group of people. As stated above, PSW Specialists will be able to maintain their rates.

Question: The "letter of designation" form mentioned in the Power Point presentation doesn't yet appear at the web address given.

Answer: The letter has been mailed out and will be available on the website along with the presentation. Emails to ODDS.Questions@state.or.us are also appropriate

Question: Currently, I'm qualified to provide Discovery under the same enrollment/Seniors and People with Disabilities Provider ID as for my PSW-IC practice. When I become a PSW Specialist, (even if only while waiting for my PO enrollment application to be processed), I will be re-enrolled under a new SPD Provider ID, as a Domestic Employee But Discovery is not a bargained service and, therefore, may still be provided by ICs (and to my knowledge is not provided by DEs).

Answer: Correct, and until we have a new Provider Enrollment Application and Agreement they will continue to provide Discovery with the same IC provider number with an active specialty for Discovery but the PSW-IC specialty will end. The existing provider number will remain active after March 31, 2016 for all Discovery services but a new PSW Specialty provider number will be required for PSW services.

Question: Can PSWs type up their own Letter of Designation and send it to ODDS or do they need to complete the form being sent to them?

Answer: Yes, they can complete the letter themselves and send an email to ODDS.Questions@state.or.us. If a PSW verbally informs a CDDP or Brokerage then the CDDP/Brokerage will email the same email address with a copy to the PSW.

Question: If the personal letters are allowed, and we receive one, should I inform this email address of the provider?

Answer: Yes, just send the information to ODDS.Questions@state.or.us.

Question: The designation letter states that I need to complete a new PEAA form, and additional paperwork must be completed. How do I go about doing that?

Answer: You will need to work with your local CDDP or Brokerage on this.

QUESTION: Will this transition effect new Behavioral Specialists?

ANSWER: No. They are completely separate from this transition.

QUESTION: Will the requirements for submitting Progress Notes with Time sheets stay the same with the transition?

ANSWER: CDDP/Brokerages individually set those requirements so that is a question for those you work with.

PSW Specialist

Question: Will Personal Support Worker Specialists (PSWs) maintain their current rate, even when that rate is higher than what PSWs are receiving in the Collective Bargaining Agreement If not, what would their rate be?

Answer: Personal Support Workers will maintain their current rate. Brokerages and Community Development Disability Programs will need to confirm the rate the PSW Specialist was making before the transition and hand enter this as the PSW's hourly wage.

Question: I am already a PSW-DE, do I need to do anything else?

Answer: No, if you have a PSW-DE number then this is sufficient. It is important to ensure all the Service Agreement and POC in coincides with your work as a PSW-DE and that no plans are authorized under your PSW-IC number.

Question: Can a provider have both a PSW-IC and a PSW-DE (or Medicaid Agency & PSW-IC) provider number at the same time?

Answer: Yes, through March 31m 2016 at which time the PSW-IC # will be disabled for all except discovery.

Question: If a PSW-IC was making a wage above the baseline PSW wage of \$13.75, and this wage is going to carry over as a PSW specialist, how will this rate get entered into eXPRS?

Answer: The CDDP/Brokerage will need to hand enter the PSW Specialist wage when they build the Plan of Care.

Question: What is the difference between being a PSW Specialist and an Independent Contractor? Why are we being asked to do new paperwork and get new numbers?

Answer: There should be little difference between being PSW Specialist and an Independent Contractor (IC) in working with the people you serve. You will still be able to deliver the same services. However, PSWs and ICs have different tax classifications and a different employee/employer relationship. It is for that reason that we have to have new paper work completed with TNT Fiscal Intermediary Services Inc. It is also the reason why we have to issue a new Medicaid provider number

Question: As a PSW-DE will I still be able to work with consumers in a group setting?

Answer: Yes.

Question: As an employee why did you put consumer sets own hours? That is usually a mutual decision between ourselves and client.

Answer: This is the difference between an IC and an employee. As the employee, the consumer is able to direct the care more independently. A consumer/employer is able to schedule the number of hours

they choose to hire you for. While there is much discussion between you and the consumer/employer, it is ultimately the consumer/employer who makes the decision on the schedule and hours you work.

QUESTION: Can PSW Specialists work with the same clients as PSW's?

ANSWER: Yes. Reminder, there is a lot of paper work involved in becoming an PSW Agency so work with your local CDDP or Brokerage.

QUESTION: Will Legacy rates get a cost of living increase?

ANSWER: That is part of the Collective Bargaining Cost of Living.

QUESTION: Will transitioning from PSW-IC to a PSW Specialist have any effect on union dues and participation?

ANSWER: You will need to ask that question of your union.

QUESTION: Is it possible to stay a PSW-IC right up to 03/31/16 and only then transition to a PSW Specialist?

ANSWER: Ask your Personal Agent or Service Coordinator.

QUESTION: Will PSW Specialist be required to carry liability insurance?

ANSWER: No. You will be required to carry auto insurance if you drive your clients anywhere. Carrying any additional insurance is entirely up to you.

Question: I presume that next year we will get both a Form-1099 (for payments received until our paperwork is processed for transitioning out of IC status) and a Form W-2. Is this correct?

Answer: Yes.

Question: Will the state be paying social security and Medicare taxes for us? (As an IC, we paid these ourselves through mandatory self-employment tax; it's my understanding that as employees, this payment will be shared - Workers and employers pay for Social Security. Workers pay 6.2 percent of their earnings up to a cap, which is \$118,500 a year in 2015. (The cap on taxable earnings usually rises each year with average wages.) Employers pay a matching amount for a combined contribution of 12.4 percent of earnings.) Could you please provide clarification on this?

Answer: Yes the state pays the employer's share of taxes. There are certain restrictions to that based on IRS rules if there is a familial relationship.

Question: The TNTFI forms require a provider number.

Answer: This field may be left blank according to TNT

Question: Are those who must submit new PEAA's or CHCs to submit them to ODDS, along with their letters of designation, by the same 12/31 deadline? Or to a local office, and if so by what date?

Answer: This is outlined in the PowerPoint presentation on our website. Send any PEAA/CHC to the CDDP/Brokerage no later than Feb. 2, 2016. Remember all TNT information is also needed by this date. This deadline is to ensure that you will be enrolled by the March 31, 2016 deadline.

Question: The letter of designation says that PSW-ICs transitioning to PSW Specialists must complete a new PEAA form (without qualification). The presentation posted on 11/16 says we only submit a new PEAA if our current PEAA expires before 7/1/16. The former came last. Which is correct?

Answer: Please contact your brokerage/CDDP to confirm if your PEAA/CHC needs to be renewed prior to July 2016. The one possible reason that a new PEAA/CHC may be needed is if your name and SS# are

not included on the previous PEAA. If the PEAA only includes a business name/EIN then we will not be able to enroll you as a PSW Specialist.

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Question: Can an employee opt out of union dues?

Answer: Yes.

Question: What taxes are taken out? Deductions etc.?

Answer: Normal payroll taxes based on how you complete your TNTFI forms and based on if you have a familial relationship with the consumer you are working for.

Agency

Question: The “PSW – IC Transition to New Provider Types by March, 2016 “ Power Point presentation (<http://www.oregon.gov/dhs/DD/providers-partners/Documents/PSW-IC%20Transition%20to%20New%20Provider%20Type.pdf>) on the Developmental Disabilities Provider and Partner Resources page doesn't mention OAR 411-340 (http://www.dhs.state.or.us/policy/spd/rules/411_340.pdf). Does OAR 411-323 (http://www.dhs.state.or.us/policy/spd/rules/411_323.pdf) now supplant OAR 411-340 for provider organizations, or are support services Provider Organizations (including employment services) now required to maintain compliance with both?

Answer: Yes. If you apply on or after January 1, 2016, you will need to become a Medicaid Agency and then receive an endorsement to be a provider organization under OAR 411-340. If you apply before January 1, 2016, then you do not need to be certified under OAR 411-323 at this time. This is a change that is occurring January 1, 2016 and will impact all existing providers in the next few years.

Question: The presentation instructs PO applicants to submit an I-9 form. The I-9 forms are for employees and therefore make sense for PSW Specialists, but a W-9 form would be required for POs as sole proprietors or legal persons. The presentation, therefore, seems to be in error on this point.

Answer: This is part of the required documentation in the application for a provider organization.

Question: Could I retain my current SPD Provider ID even after my Provider Organization enrollment (if I were to go that route), in order to maintain my Discovery practice separately from my provider organization?

Answer: Yes.

Question: Same question as above for ODDS-funded job placement services.

Answer: If you are providing job-funded placement services, the SC/PA must submit an exception request to ODDS and you must be approved to deliver this service.

Question: Portland Metro PSW-ICs have been told by a Brokerage that we must have our PO license application in by 12/31/15. But the timeline to get into business is about seven months: 90 days for licensing, plus 90 days for ODDS enrollment, plus two weeks brokerage enrollment/billing setup, plus two to three weeks or more for initial preparation of materials. There's no way we can avoid becoming PSW Specialists to meet the 4/1/16 deadline. So, can we apply for PO licensure at any later time?

Answer: You may apply for a Provider Organization licensure at any time. The 12/31/15 deadline refers to the choice letter.

Question: The requirement under OAR 411-340 to submit certificates of insurance with the enrollment application requires PO startups to bear 3.5 months of insurance expense, while not yet able to earn any revenue. Under OAR 411-323, that lag is increased to around seven months, because certificates of insurance must be submitted with the license application. This burden is significant enough to prevent or delay some POs from starting up. Are you able to lower this barrier?

Answer: The insurance requirement is due at the time of the Provider Enrollment Agreement submission. You are not required to have insurance at the time of the PO application. That being said, the insurance requirement is not being changed, because the cost is factored into the rate.

Question: What are the specific requirements for the twice a year audits and intervening audit reviews? Mid-sized organizations spend five figures on audits, which is an indication that the audit requirement (new to POs) may impose a cost even greater than insurance. This may make forming POs unaffordable for PSW-ICs who would otherwise take this path. The community can perhaps cultivate a recommended group of CPAs, but a clearer idea of your requirements would help us shop for a level of service that is adequate without being prohibitively expensive.

Answer: The specific requirements apply. This cost is factored into provider organization rates for job coaching and should be with any new rates we do for any service. That's part of why the rate is higher because overhead is higher.

Question: At what point in the process are business plans required? They aren't mentioned in OAR 411-323, only on the ODDS website.

Answer: This is in OAR 411-323-0030(3) (c) in which the requirement is in identifying a scope of work for the program.

Question: Can we become a Specialist first and then if we want, become an Agency later? Does an agency option exist after March 31, 2016?

Answer: Absolutely. You may apply for an Agency certification and endorsement at any time.

Question: As an agency you stated that they set the hours for consumers. I'm confused by this.

Answer: A consumer has the right to hire a PSW which then becomes their employee. If the consumer chooses to hire an agency, they hire the agency to deliver specific care and the agency does the coordination of staff, training, directing care. This is a fine line as often there is a lot of coordination between the consumer and whomever is caring for their support needs.

QUESTION: Is the application for Provider Organization 14 pages long?

ANSWER: Yes.

QUESTION: How do we receive certification prior to applying to become a Provider Organization?

ANSWER: There is a link to that information in the Power Point.

QUESTION: What is the expected duration of getting certified?

ANSWER:-At least 180 days, probably more.

QUESTION: Can one spouse become a Provider Organization and hire the other spouse who will become a PSW Specialist?

ANSWER: Yes.

Question: What is the range of rates provider organizations can charge?

Answer: The rate for attendant care provided by an agency is \$27.28 as outlined in the expenditure guidelines. This is a non-negotiable rate.

<http://www.dhs.state.or.us/spd/tools/dd/cm/ss%20exp%20guide%20v3.pdf>