

Individual and Family Directed Supports Agreement: Employer of Record

Member: _____ Record Number: _____

Purpose

The purpose of this Agreement is to define responsibilities of the Employer of Record (EOR) and Representative, if applicable, in the Individual and Family Directed Supports Option, Employer of Record Model, of the NC Innovations Waiver.

Parties to the Agreement

- _____,
the Employer of Record (a Member who participates in the NC Innovations Waiver, parent of a minor child who participates in the NC Innovations Waiver, or legal guardian of a Member in the NC Innovations Waiver)
- _____,
Representative, a person who willingly accepts responsibility for performing Employer of Record tasks that the Employer of Record is unable to perform
- Cardinal Innovations Healthcare, lead agency for the NC Innovations Waiver

Other Involved Entities, not a Party to this Agreement

- Community Navigator, a provider under contract with Cardinal Innovations Healthcare that assists the Member and/or family in directing services.
- Financial Support Agency, a provider under contract with Cardinal Innovations Healthcare to be an agent for and provide payroll services for the Employer of Record.

Overview

A person providing services employed by the Employer of Record is considered an employee of that Employer. The Employer of Record is responsible for making sure that employees and payroll taxes are paid. The Employer does this by authorizing the Financial Support Agency to pay employees and taxes. The Employer may designate a Representative to assist in performing these duties. The Employer of Record is required by the NC Innovations waiver to carry Worker's Compensation Insurance. Premiums are paid by the Financial Support Agency from the Individual and Family Directed Supports Budget. Employees are not licensed or bonded by the State of North Carolina or Cardinal Innovations Healthcare. The Employer of Record may opt to purchase additional liability insurance through the Individual and Family Directed Supports Budget. The Employer of Record is responsible for procuring the policy for any additional liability insurance and authorizing the Financial Support Agency to pay the premiums from the Individual and Family Directed Supports Budget.

Responsibility of the Employer of Record and/or Representative	Employer of Record	Representative	Both
Complete Individual and Family Directed Supports Training			
Involve the Member as outlined in the Individual Support Plan (ISP), and provide services as written in the ISP and defined in NC Innovations services definitions			
Ensure that the Member's health and safety are not at immediate risk			
Participate in the development of the ISP, make decisions about the best way to meet the needs of the Member, including the responsible use of the Individual and Family Directed Supports Budget			
Continue to receive Community Navigator Services until Cardinal Innovations determines the Employer of Record is proficient in the Employer of Record Model, as required by the NC Innovations waiver			
Complete hiring packages for employees including making sure employees provide the Financial Support Agency with a copy of their Social Security Card			
Acquire/maintain Worker's Compensation Insurance			
Decide special skills and training employees need; train or arrange for training of employees as required in the Employer Handbook			
Find and hire people to provide services; replace (fire) employees when necessary			
Request background checks including providing information to the Financial Support Agency needed to perform these checks and payroll functions prior to hiring applicant			
Communicate clearly and openly with the Care Coordinator, Financial Support Agency, Community Navigator, and employees			
Decide how much to pay the employee, benefits to offer the employee, job duties, and work schedule by requesting and using the Auto Calculator. My Community Navigator may request the Auto Calculator on my behalf			
Send a copy of the completed Auto Calculator to the Financial Support Agency if I do not use Community Navigator services			
Complete an Employee Support Agreement for each person hired and a Financial Support Services Agreement; update agreements as necessary			
Give direction and feedback to employees			

Authorize payment for employees for time worked; send timesheets to the Financial Support Agency per the payroll schedule			
Develop reliable back-up plans for coverage when employees are absent, and plan for potential emergency situations			
Approve billing of Innovations Services provided by the employee(s) and make sure service documentation is completed by employees			
Retain documentation for 11 years after the last date of service for adults and 12 years after the last date of service for minors after the minor reaches the age of 18. If Employer leaves the Individual and Family Directed Supports Option, the Employer must return all clinical documentation to the Cardinal Innovations Quality Management Department			

Responsibilities of Cardinal Innovations

- Provide/arrange for Care Coordination
- Assess Employers of Record for participation in the Option and the need for a Representative
- Ensure that the member continues to receive Community Navigator Services until Cardinal Innovations determines that the Employer of Record is proficient in the Employer of Record Model, as required by the NC Innovations waiver
- Facilitate the development of an Individual Support Plan
- Approve ISPs and ISP Updates; authorize the Individual and Family Directed Supports Budget and services
- Contract with Financial Supports and Community Navigator Agencies on behalf of Employers of Record and Representatives
- Ensure that the Care Coordinator, Community Navigator, and Financial Support Agencies have the skills and knowledge to assist Employers of Record and Representatives in directing services and supports
- Provide written materials about the Option through contacts with Community Navigator Agencies, including the NC Innovations Individual and Family Guide and the Cardinal Innovations Individual and Family Directed Supports Employer Handbook
- Monitor services that the Member receives
- Share information, experiences and best practices between all parties involved

Consequences for Non-Compliance with NC Innovations Policies and Procedures

As Employer of Record, or Representative, I understand that the Member may be removed from the Individual and Family Directed Supports Option if I mismanage the Individual Budget or do not follow its rules and regulations. I also understand that the Budget is the sum total of funds available for the Member’s plan year and must be used for authorized services that meet the Member’s needs. No additional funds are available. If an emergency arises, I can request additional funds under NC Innovations procedural guidelines. If I defraud Medicaid, I may be responsible for reimbursing Cardinal Innovations for unauthorized expenditures. I further understand that Cardinal Innovations may contact my employees and review my records to discuss and verify provision of services to the Member.

If I am removed from Individual and Family Directed Supports, I must notify my employees that the Financial Support Agency will no longer issue their paychecks, and that any further employee/employer arrangements between the employer/employee are not subject to NC Innovations funding regulations and protections.

I agree to uphold all terms of this Agreement. I further agree to hold harmless the State of North Carolina and Cardinal Innovations, their representatives and employees from the consequences of my choices as Employer of Record or Representative in Individual and Family Directed Supports. Should I desire to obtain advocacy services from an agency independent of Cardinal Innovations, I can contact Carolina Legal Assistance or another advocacy organization listed in my NC Innovations Individual and Family Guide.

Signature of Employer of Record

Date

Signature of Representative

Date

Signature of Care Coordinator

Date

cc: Employer of Record/Representative
Utilization Management Department
Cardinal Innovations Clinical Documents