

LRS CHAPTER 4, TECHNICAL ASSISTANCE & GUIDANCE MANUAL



Part
412.10

Name
*Personal Assistance Services**

Effective Date
*November 16, 2020**

Authorization

Federal Register, Volume 81, Department of Education, 34 CFR 361, Part VI, State Vocational Rehabilitation Services Program, §361.48, §361.50, §361.52, §361.53 and §361.54.

I. DEFINITION

*A Personal Assistance Services (PAS), formerly known as Personal Care Attendant Services, are a range of services provided to assist an individual with a disability to perform activities of daily living, on or off the job, that are necessary to participate in planned vocational rehabilitation services and achieve a competitive integrated employment goal.**

II. PURPOSE

*PAS services are provided to assist an individual with a disability to perform daily living activities that the individual would typically perform if the individual did not have a disability.** Such services shall be designed to increase the individual's control in life and ability to participate in activities specified on a Plan.

*PAS services should be necessary to achieve an agreed upon employment goal.** It is a support service not a primary service, and must only be provided when the consumer is receiving other primary services.

*LRS may provide support for additional PAS services needed above and beyond those normally required by the consumer in order to participate in planned vocational rehabilitation services. The Counselor and consumer determine the number of PAS hours needed.**

III. *PURCHASING GUIDELINES FOR PERSONAL ASSISTANCE SERVICES (PAS)

- A. Personal Assistance Services are not conditioned upon the consumer's ability to participate in the costs of such services. However, the Counselor can only provide costs for those additional PAS services that the consumer will require while the consumer is participating in a plan of vocational rehabilitation services.**
- B. The Counselor must apply all Agency policy/procedure relative to use of comparable services and similar benefits. (Refer to Chapter 4, Part 410, & Chapter 7, Part 115)
- C. Relatives of vocational rehabilitation clients will not be approved as a paid service provider unless such individuals are professionally and occupationally engaged in the delivery of such services by offering their services to the general public on a regular and consistent basis.
- D. The Counselor must convey the following to the consumer:
1. *The consumer is hiring an individual to provide Personal Assistance Services, and the consumer is responsible for paying the individual.**
In other words, the consumer is the employer.
 2. As the employer, the consumer is paying wages to the employee (the attendant).
 3. Counselor should include the following on the IPE and review with the consumer:

As the employer, the consumer must:
 - a. Withhold and pay social security and Medicare taxes; and
 - b. *Pay unemployment taxes on wages paid to the PAS;** and
 - c. Generally, withhold income taxes; and
 - d. *Maintain written documentation of payments made to the PAS in the hard copy case record.** Documentation must include:
 - (1) *PAS's name, social security number, address, and phone number**
 - (2) Hours worked
 - (3) Amount paid
 - (4) *PAS's signature**
 - (5) Consumer's (employer's) signature

- e. *Provide LRS with verification of payments made to the PAS (as listed in [d] above).**
 - 4. *LRS will reimburse the consumer for the PAS's hourly wage of up to \$14.00 per hour, plus 9.33% (for social security, Medicare, and unemployment taxes).**
 - a. The 9.33% is added to cover the consumer's (employer's) match for social security, Medicare and unemployment taxes.
 - b. The Counselor must obtain the Regional Manager's approval for any exceptions above these rates.
 - 5. *PAS services may also be provided through an approved vendor.**
- E. The Counselor must complete the IPE/Plan. Submit to the District Supervisor for approval unless Counselor is on Independent Status. Upon approval the RCA/Counselor will enter the Authorization(s). See Chapter 4, Part 411.1 for further instructions on Secondary Approval requirements.

If the total of all items/services on any IPE/ Plan is equal to or greater than \$25,000, it shall be considered "high cost." In these instances, all Counselors must have the IPE/Plan approved by both the District Supervisor and the Regional Manager.