

March 09, 2012

Consumer Directed Services offers this FREE Newsletter and the FREE Service to Consumers to assist Consumers with the problem of finding new Personal Care Assistants.

**Consumers / Advocates** To receive a Newsletter, a Consumer or Advocate need only send me an email to [elitcher@consumerdirectedservices.com](mailto:elitcher@consumerdirectedservices.com) and include the text **Newsletter Request**. To search for a New Personal Assistant go to the [Consumer Directed Services](http://www.ConsumerDirectedServices.com) website and complete the form at the following link [Consumer / Advocate - Search for a PCA Candidate or Request a Newsletter](#). When your information is received it will be distributed to all of the Candidates and the other email Database Resources.

**Personal Care Assistant (PCA) Candidates** To include your information in the Newsletter and Database, go to the [Consumer Directed Services](http://www.ConsumerDirectedServices.com) website and complete the form at the following link: [Look for a PCA Job \(FREE\) - New York City Metro](#).

**Archives** Also, to insure that this Newsletter will be available to as many Consumers / Advocates as possible, previously distributed Newsletters (**from January 12, 2011 to present**) have been archived on the [Consumer Directed Services](http://www.ConsumerDirectedServices.com) home page.

**349 Personal Assistant Candidates have been enrolled in the Consumer Directed Services database, as of the above date.** Finally, if you have any questions, comments, or recommendations about this service, or should you choose to remove your address from this list, please contact me at the above email address. Best Regards, Ed Litcher

### Notes

The Center for Disability Rights (CDR), The Consumer Directed Personal Assistance Association of New York State (CDPAANYS) and the New York Association of Independent Living (NYAIL) present information about the Consumer Directed Personal Assistance Program (CDPAP) [www.youtube.com/watch?v=qPFJzVgWMus](http://www.youtube.com/watch?v=qPFJzVgWMus)

- ***As a result of the following proposal:***

**Notice of Proposed Rulemaking to Amend the Companionship and Live-In Worker Regulations under the Fair Labor Standards Act.** While Congress expanded protections to “domestic service” workers in 1974, these Amendments also created a limited exemption from both the minimum wage and overtime pay requirements of the Act for casual babysitters and companions for the aged and infirm, and created an exemption from the overtime pay requirement only for live-in domestic workers.

Although the regulations governing exemptions have been substantially unchanged since they were promulgated in 1975, the in-home care industry has undergone a dramatic transformation. There has been a growing demand for long-term in-home care, and as a result the in-home care services industry has grown substantially. However, the earnings of in-home care employees remain among the lowest in the service industry, impeding efforts to improve both jobs and care. Moreover, the workers that are employed by in-home care staffing agencies are not the workers that Congress envisioned when it enacted the companionship exemption (i.e., neighbors performing elder sitting), but instead are professional caregivers entitled to FLSA protections. In view of these changes, the Department believes it is appropriate to reconsider whether the scope of the regulations are now too broad and not in harmony with Congressional intent.

<http://www.dol.gov/whd/flsa/companionNPRM.htm>

- **A number of groups have circulated documents encouraging the readers to oppose the implementation of the rule modifications.**

**Tell the US Department of Labor to work with the Disability Community!** Urge DOL to postpone proposed rules until it has worked with disability and labor advocates to develop an approach that can enhance workers' wages and benefits without eroding the availability of long term services and supports. The Department of Labor (DOL) has proposed changes in federal labor rules that, although well-intentioned, will have a negative impact on people with disabilities and most seriously impact people who have the most significant disabilities who rely on Medicaid home and community based services to be independent. Labor advocates have urged people to support these rules which are intended to assure that attendants get paid minimum wage and are paid time-and-a-half for overtime work. The disability community recognizes the invaluable role that attendants play in supporting the independence of people with disabilities and has advocated for increased funding for attendant services to improve wages, however the way DOL is implementing this rule change will have a serious negative impact on people with disabilities.

<http://capwiz.com/rochestercdr/issues/alert/?alertid=61019226>

**[We call for a revision to the Labor's proposed overtime rules because we support disability and workers' rights](#)** Posted on March 9, 2012 By [Bruce Darling](#) Have you been following this issue over the companionship exemption to overtime requirements? If not, read about out it RIGHT NOW on the ADAPT website: <http://www.adapt.org/main/dol>. This issue is extremely complicated and nuanced, and I have been asked a couple really good questions that I think should be answered more publicly. By writing this, I am not meaning to limit conversation, but to broaden it. I think we are all better served by these kinds of discussions. They allow us to truly refine our national disability 'voice' <http://www.cdrnys.org/wordpress/?p=855>

**PROTECT THE CONSUMER DIRECTED PROGRAM – MAKE 1 CALL RIGHT NOW!** Tomorrow, an important Congressional Committee will hold a hearing on the Department of Labor regulations that would dramatically impact a consumer's ability to hire and schedule personal assistants on their own. New York Congressman Timothy Bishop is the only member of this committee from New York State. We need to make sure that Congressman Bishop hears from EVERYONE across the State (consumers, assistants, advocates) why the Department of Labor's proposal will have dramatic impact on CDPAP and the ability of consumers to operate the program independently - as it was designed. Are you a consumer who would have to hire new PAs? Are you a PA who could no longer afford to work as one? Are you an FI who would be forced to decide between making decisions for your consumers or go out of business? Call Congressman Bishop TODAY at [\(202\) 225-3826](tel:2022253826) and tell him that you are concerned about the Department of Labor's proposal's impact on people who rely on

consumer direction - particularly seniors and people with disabilities. Tell him how these rules would impact you! Groups and consumers throughout New York who care about CDPAP and the future of consumer direction have been writing the Department of Labor and warning them of the dangers that these regulations would pose to consumers and personal assistants in the program. We have told the Department that personal assistants would make LESS money, not more, if these regulations were to be enacted. We have told them that fiscal intermediaries would either cap PA hours or go out of business. We have told them that, by the Department's own admission, more consumers will go to institutions. But so far we have not been heard. It is urgent that we utilize the hearing to have our voice heard. Make that call NOW! <https://mail.google.com/mail/?tab=wm#inbox/135e93bba1a5ea22>

- **As indicated above**, this proposal is a severe threat to many home care service recipients including many members of the CDPAP community.
- But the reader should remember that the proposal is neither new nor even completely unreasonable. In 2004 I responded to a similar threat by describing the strategy used by the City of New York in 1980 to avoid the overtime issue. The letter [New York City Home Care Program - Non-Profit Agency - Overtime Exemption](#) outlined the exemption that is available to any New York State Not-for-Profit agency, should if they choose to submit the [New York State Department of Labor - Statement of Non-Profitmaking Institution](#).
- The help to clarify the issue, this proposal focuses on the “companionship” exemption, which is the only (and according to the Dept. of Labor “too broad and not in harmony with Congressional intent”) overtime exemption available to proprietary agencies.
- This proposal should have no effect on any of the original New York City Non-Profit Home Care Vendor Agencies, because each of them completed the above statement before they began providing services, and many other Not-for-Profit home care providers throughout the State who chose to submit this statement.
- The potential negative consumer and program outcomes described above are very real and probably inevitable. But the reader should remember that these outcomes will not be the direct result of this proposal. Although the proposal may speed the anticipated results, the direct cause of the anticipated outcomes will be the proposed Managed Care – Block Grant funding system. Once the Block Grant system is in place, and the home care funds are capped, some consumers will ultimately be forced to remain in institutions longer than necessary, services will be slashed whenever the district approaches their planned funding cap and some programs may be forced out of business because of an inadequate funding stream.
- Therefore, although it is important to minimize the effect of the proposed Dept. of Labor changes, the community should not lose sight of the real problem.

## PCA Candidates

To add a Personal Care Assistant (PCA) Candidate, please complete and submit the [PCA Candidate Enrollment Form](#). As soon as your information is received it will be added to the next Newsletter. To consider the employment of a PCA Candidate, please contact the Candidate directly.

**[Sgriffin651@gmail.com](mailto:Sgriffin651@gmail.com) on Friday, March 9, 2012 at 08:06:01**

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Personal Assistant Candidate: Sherrill Griffin

Address1: 842 Deer Park Road

Phone: [347-376-2219](tel:347-376-2219) Best Time: Anytime

Type of Position: Personal Care / Home Health

Experience: Children,, Teens,, Young Adults,, Seniors,, Amputation,, Ventilators,, Wheelchairs,, Lifters,, Mental Impairments / Alzheimer's Disease,, Visual / Auditory Impairments,

Description of Special Diets:

Documentation Available: Social Security Number,, Proof of Identity,

Hours per Week: 35 Days per Week: 5

Preferred Start Time: Varies

Days I Would Like to Work: Monday - Friday

I am willing to work a 24 Hour Sleep-In schedule: No

Target Salary Per Hour: 12.75

Comments: I started out by caring for my great grandmother I love helping people I have experience with the hoier left feeding tubes oxygen machines I have experience also with ALS and all mental clients also with MS etc.

**[jennifercourtney78@yahoo.com](mailto:jennifercourtney78@yahoo.com) on Friday, March 2, 2012 at 10:04:48**

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Personal Assistant Candidate: Jennifer Courtney

Address1: 26 Janet Lane Glen Cove NY

Phone: [5166692229](tel:5166692229) Best Time: anytime

Gender: Female

Type of Position: Personal Care / Home Health

Documentation Available: Social Security Number,, Proof of Identity,

Hours per Week: 40 Days per Week: 5

Preferred Start Time: April 1

Days I Would Like to Work: MON TUES WED THURS FRI AND EVERY OTHER WEEKEND I am willing to work a 24 Hour Sleep-In schedule: NOT REALLY BUT IF NEEDED

Target Salary Per Hour: 14.00

Comments: I AM A 45 YEAR OLD SINGLE MOM I BEEN DOING THIS KIND OF JOB SINCE I HAVE BEEN 19 YEAR OLD I AM CERTIFIED IN MY CPR AND FRIST AID I JUST LOVE HELPING PEOPLE.... I JUST GOT THE HELPING HANDS

*Reminder: Consumer Directed Services makes no representation (positive or negative) regarding the appropriateness of any PCA Candidate the Consumer may consider. Therefore, a Consumer's consideration of any of the PCA Candidates listed above or any of the Candidates referred by a PCA Employment Service does not in any way reduce or modify the Consumer's exclusive responsibility to manage the PCA evaluation and employment process.*

## Articles Related to the CDPAP

**New Yorkers – Prevent the Elimination of Spousal/Parental Refusal** Monday, March 5, 2012 The Governor wants to eliminate Spousal and Parental Refusal. Join us in telling the Governor and Legislature to Protect Our Families! Seniors and families with disabilities use Spousal or Parental Refusal to access vital Medicaid funded health services for loved ones to maintain their well being in the community without resorting to institutionalization, extreme impoverishment, divorce, or termination of parental rights. "Spousal Refusal" allows seniors and adults with disabilities who are in the community to separate their income and resources from their spouses who have to be institutionalized because of chronic health needs that cannot be provided for at home. People who want to get necessary health services in their homes so that they can stay there should also be able to have their use spousal refusal so they don't have to institutionalize or divorce their spouse. <http://www.yadempowers.org/yh-news/new-yorkers-prevent-the-elimination-of-spousalparental-refusal/>

**HHS releases Alzheimer's plan**; opportunities, risks for SNFs, HHAs February 28, 2012 by: [Roy Edroso](#) HHS offers a draft of a [plan](#) to "overcome" Alzheimer's, with concern and money. There are aspects that are of special concern for SNF and home health providers. The plan establishes an HHS Advisory Council on Alzheimer's Research, Care, and Services and "requires the Secretary of HHS, in collaboration with the Advisory Council, to create and maintain a national plan to overcome Alzheimer's disease (AD)." A sense of urgency is added by reference to recent research showing an Alzheimer's boom: "The prevalence of people with AD doubles for every 5-year interval beyond age 65," the plan says. Mentioned also are the costs of treatment, a big motivator in the age of national health care and cost containment. \$26 million is promised for "education," "outreach," "support," and "data collection and analysis." Also promised: "investment of \$50 million in new Alzheimer's disease research funding in fiscal year 2012 and \$80 million in new Alzheimer's disease research funding in fiscal year 2013," much of which will probably be used to fund research, pledged in the plan for every imaginable aspect of Alzheimer's. Of special interest to home health and SNF people will be these bits:

"Action 2.E.2: Evaluate the effectiveness of the Independence at Home Demonstration... CMMI will conduct subgroup analyses to examine whether health and functional status outcomes are improved among people with AD in this demonstration." So this [demo](#), which we believe will [create new opportunities](#) for HHAs and SNFs, is probably going to get more attention.

<http://daily.decisionhealth.com/Articles/Detail.aspx?id=511611>

## PCA Employment Agencies

If your Personal Care Assistant (PCA) Employment Service assists Self-Pay and CDPAP Consumers in the NYC Metro Area, you can have your agency information added to the following list by completing the [Employment Service Enrollment Form](#).

Fifth Avenue Committee  
Aaron Shiffman  
621 DeGraw Street, Brooklyn, New York 11217  
[ashiffman@fifthave.org](mailto:ashiffman@fifthave.org)  
718-237-2017

Northern Manhattan Improvement Corp  
Alba Silva  
76 Wadsworth Ave, New York, NY 10033  
[albasilva@nimic.org](mailto:albasilva@nimic.org)  
212-822-8300

Queens Community House  
Ana Lopez-Betancourt  
108-25 62nd Drive, Forest Hills, NY 11375  
[abetancourt@queenscommunityhouse.org](mailto:abetancourt@queenscommunityhouse.org)  
718-898-7461 x 19

YWCA of NYC  
Anne Alfred  
50 Broadway, New York, NY 10004  
[aalfred@ywcanyc.org](mailto:aalfred@ywcanyc.org)  
718-723-6170

Center For Family Life Employment  
Denise Serrato  
443 39th St, Brooklyn, New York 11232  
[dserrato@cflsp.org](mailto:dserrato@cflsp.org)  
718-633-4823

Eugenio María de Hostos Community College  
Greg Ventura  
500 Grand Concourse, Bronx, New York 10451  
[gventura@hostos.cuny.edu](mailto:gventura@hostos.cuny.edu)  
(718) 518-4444

El Barrio's Operation Fight  
Gustavo Rosado  
413 E 120th St # 403 New York, NY 10035-3602  
[ebobf413@aol.com](mailto:ebobf413@aol.com)  
212-410-7900

Bronxwork Inc Kedon Wilson  
391 E 149th St, Bronx, NY 10455  
[kwilson@bronxworks.org](mailto:kwilson@bronxworks.org)  
(718) 993-8880 ext. 237

Brooklyn Bureau of Community Service  
Leslie Klein  
285 Schermerhorn St, Brooklyn, NY 11217  
[lklein@bbcs.org](mailto:lklein@bbcs.org)  
718-310-5600

Our Planet Management Institute  
Lisa Ying  
116 John Street, #200, New York, NY 10038  
[lisa@opmi.org](mailto:lisa@opmi.org)  
212-269-4000

Kingsborough Community College  
Marisa Joseph  
2001 Oriental Blvd, Brooklyn, NY 11235  
[marisa.joseph@kbcc.cuny.edu](mailto:marisa.joseph@kbcc.cuny.edu)  
718-368-5563

Mercy Center  
Mary Ellen Gianino  
377 East 145th Street, Bronx NY 10454-1006  
[meg@mercycenterbronx.org](mailto:meg@mercycenterbronx.org)  
(718) 993-2789

New York City College of Technology  
NYC Technical College Placement Office  
300 Jay St, Brooklyn, NY 11201  
[employmentsvc@citytech.cuny.edu](mailto:employmentsvc@citytech.cuny.edu)  
(718) 260-5050

Blessed Healthcare Staffing Agency  
Tisha Thomas  
1 Belvedere Ave, Suite A, Farmingdale, NY 11735  
[tithomas@bhcsa.com](mailto:tithomas@bhcsa.com)  
(631) 390-8646

Konedu Home Care, LLC  
Carie Jones Smith  
140 Captain Thomas Blvd  
West Haven, CT 06516  
[helpingfamilies@koneduhomecare.com](mailto:helpingfamilies@koneduhomecare.com)  
Phone: [800 418-3299](tel:8004183299)  
Fax: [888 281-6525](tel:8882816525)  
Fee: No Employer Fee