



540 Main Street, B1314
Roosevelt Island, NY 10044
718.233-3312
Fax: 718.233.3312
www.consumerdirectedservices.com

October 06, 2013

On September 16th the New York State Department of State accepted the Certificate of Incorporation submitted by **Consumer Directed Services, Inc.** under section 404 of the Not-for-Profit Law. A certificate that included the following statement:

To insure that the corporation remains focused on the empowerment of the people being served, as the service population grows, the corporation will expand the Board of Director Membership to insure that a majority of its seats are held by people with disabilities.

To assist Consumers with the problem of finding new Personal Care Assistants, [Consumer Directed Services](http://www.consumerdirectedservices.com) created a FREE Employment Information Bridge between Consumers and PCA Candidates.

- **[Consumers / Advocates](#)**

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

- **[Personal Care Assistant \(PCA\) Candidates](#)**

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

Previously distributed Newsletters (**from January 12, 2011 to present**) have been archived on the [Consumer Directed Services](#) home page. Finally, if you have any questions, comments, or recommendations about this service, or should you wish to remove your address from this list, please contact send an email to elitcher@consumerdirectedservices.com.

Best Regards, Ed Litcher

Notes

Consumers Wanted: For an Employment Information Bridge to work it requires traffic to flow in both directions. If you are in a Consumer Directed Personal Assistance Program, you will eventually need to find a new Home Care Worker. And up to now you may have relied upon Friends, Family, an Agency or you may have chosen to put your own advertisement on the Internet (See the list of Internet resources on the PCA Employment Agency page of this newsletter). Therefore, to help you find the PCA Candidate of your choice, I urge you, to do everything you ordinarily do, to consider an Internet resource and to try www.ConsumerDirectedServices.com. Finally, if you try Consumer Directed Services, please spread the word. Tell your friends and associates about this **FREE** service.

Consumers Searching

Should you require additional information

Please Contact the Consumer Directly.

Consumers please submit your information using the following link:

[Consumer / Advocate - Search for a PCA Candidate](#)

(gooney718@aol.com) on Thursday, October 3, 2013 at 02:05:29

Consumer: Alex Elegudin

Address1: 2652 Cropsey Ave

Address2: Brooklyn, NY

Phone: 7187576906

Email Authorization: Yes

Consumer Age: Between 21 and 30

Consumer Gender: Male

Payroll Method: Agency

Type of Candidates: Personal Care / Home Health

Candidate Experience: Young Adults,, Paraplegia,, Quadriplegia,

Preferred Candidate Gender: Male

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

Hours: 3

Days: 3

Description of Schedule: Saturday & Sunday morning. One night during week.

Pay Per Day: \$75
Comments: Looking for someone with flexible schedule.
Saturday & Sunday 9a-12p.
One night during week 10p-1a.

Alexandra McArthur on Wednesday, September 25, 2013 at 12:38:31

Consumer: Alexandra McArthur
Address1: 532 East 5th Street
Address2: Apt 1F
Phone: 919-215-6002
Consumer Age: Between 21 and 30
Consumer Gender: Female
Payroll Method: Self Pay
Type of Candidates: Personal Care / Home Health
Candidate Experience: Wheelchairs,
Preferred Candidate Gender: Female
Required Documentation: Proof of Identity,
Hours: 1-2
Days: 3-5
Start Time: 10:00pm
Description of Schedule: Shower assistance, getting changed and into bed

TOLLIVER, BETTY on Wednesday, September 25, 2013 at 12:35:03

Consumer: TOLLIVER, BETTY
Address1: 546 MAIN ST.
Address2: APT .III
Phone: 212 593 1882
Consumer Age: Between 51 and 70
Consumer Gender: Female
Payroll Method: Agency
Type of Candidates: Personal Care / Home Health
Candidate Experience: Seniors,, Paraplegia,, Wheelchairs,, Lifters,, Languages

Description of Languages: English only

Preferred Candidate Gender: Female

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

Recommendations

Hours: 12hr

Description of Schedule: P C A hours are flexible TALK WITH CONSUMER

Pay Per Hour: 10.00

Pay Per Day: 12 or 6

Comments: PERSON SHOULD BE REGISTERED WITH CONCEPTS OF INDEPENDENCE. THANK YOU

PCA Candidates

Consumer Directed Services is not an Agency and makes no representation (positive or negative) regarding the appropriateness of any PCA Candidate, or the terms and conditions of any employment relationship. All employment and payment decisions are the exclusive responsibility of the Consumer.

Dear Personal Care Assistant Candidate,

*I would like to thank you for your participation in Consumer Directed Services. If you submitted your **more than one year ago**, please complete and submit a new [Personal Assistant Enrollment Form](#). When the updated information is received, your new profile will be added to the next newsletter. Again thank you for your participation.*

happiness_forever_love@yahoo.com on Thursday, October 3, 2013 at 20:37:00

Personal Assistant Candidate: Theresa Masterson

Address1: 222 Macdougall St

Address2: #3

Address3: Brooklyn,N.Y.,11233

Phone: 3474447960

Best Time: 3474447960

Gender: Female

Type of Position: Personal Care / Home Health

Experience: Children,, Seniors,, Paraplegia,, Wheelchairs,, Lifters,, Languages

Description of Languages: england

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

Certificate/License: Driver's License,, Other,

Description of Other Certificate/License: nusre's aide
Hours per Week: 40
Days per Week: 3-5
Preferred Start Time: 7am
Days I Would Like to Work: monday to friday
I am willing to work a 24 Hour Sleep-In schedule: yes
Target Salary Per Hour: 10

kibreshag@gmail.com on Monday, September 30, 2013 at 01:07:54

Personal Assistant Candidate: Kibresha Gailliard
Address1: 89 Third Ave Albany Ny
Phone: 518 505 6028 or 518 720 2446
Best Time: afternoon
Gender: Female
Type of Position: Personal Care / Home Health
Worked with a CDPAP Consumer/Surrogate: No
Experience: Young Adults,, Seniors,, Paraplegia,, Quadriplegia,, Wheelchairs,, Lifters,, Mental Impairments / Alzheimer's Disease,, Special Diets,
Description of Special Diets: pureed food
Documentation Available: Social Security Number,, Proof of Identity,
Certificate/License: Personal Care,, Home Health Aid,
Hours per Week: 40
Days per Week: 5
Preferred Start Time: 10/1
Days I Would Like to Work: Monday-Friday
I am willing to work a 24 Hour Sleep-In schedule: depends on my babysitter
Target Salary Per Hour: \$9.50
Comments: I am a very hard worker and very ambitious. I am easy to get along with and work well with others, I have great people skills. I will get my job done .I do not give up.

damurrell13@aol.com on Sunday, September 29, 2013 at 13:51:40

Personal Assistant Candidate: Danielle A Murrell
Address1: 117-57 140th Street
Phone: 347-807-3664
Best Time: Anytime
Gender: Female
Type of Position: Personal Care / Home Health
Worked with a CDPAP Consumer/Surrogate: No
Enrolled with a CDPAP: No

Experience: Young Adults,
Documentation Available: Social Security Number,, Proof of Identity,
Certificate/License: Other,
Description of Other Certificate/License: Certified Medical Assistant
Hours per Week: 40
Days per Week: 6
Preferred Start Time: 8am
Days I Would Like to Work: Monday-Saturday
I am willing to work a 24 Hour Sleep-In schedule: Yes
Target Salary Per Hour: 15
Target Salary Per Day: 105
Target Salary Per Week: 630

Comments: Dear Sir/Madame,

My name is Danielle Murrell and I am a newly certified medical assistant. I am very skilled in phlebotomy, wound dressings, and patient care and am very passionate about what I do. In addition to clinical duties, I am also skilled in front office responsibilities such as filling, faxing, appointment scheduling, data entry, and chart maintenance. I work well individually and even better as part of a team. I am a pleasant, dedicated hard worker with great work ethic who enjoys helping out in any way I can. Given the opportunity, I would be a great asset to your company.

Ginhanslarose@yahoo.com on Saturday, September 28, 2013 at 18:10:45

Personal Assistant Candidate: Ginhans F Larose

Address1: 144-29 229th street 1 fl

Address2: Springfield Gardens, NY 11413

Phone: 516-244-3729

Gender: Female

Type of Position: Personal Care / Home Health

Description of Other Type of Position: CDPAP - CNA

Worked with a CDPAP Consumer/Surrogate: Yes

Consumer/Surrogate References Available: No

Years Employed with a Consumer/Surrogate: 2 months

Enrolled with a CDPAP: Yes

CDPAP Agency Name(s): All Metro Health Care

Experience: Children,, Seniors,, Paraplegia,, Amputation,, Wheelchairs,, Lifters,, Mental Impairments / Alzheimer's Disease,, Special Diets,, Languages

Description of Special Diets: Weight Management

Description of Languages: French and Creole

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

Certificate/License: Other,

Description of Other Certificate/License: Certified Nursing Assistant (CNA)

Hours per Week: 40+

Days per Week: 5

Preferred Start Time: 8 a.m

Days I Would Like to Work: Weekdays

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

Target Salary Per Hour: \$13

Comments: I am currently certified as a nursing assistant and i've had experience working at a nursing home.

Articles Related to the CDPAP

FLSA Final Rules Released

As you have likely seen by now, the final rules on the companionship exemption were issued by the Department of Labor (DOL) yesterday. CDPAANYS has examined the proposed rules on a preliminary basis. **Our initial sentiment is that, while the rules are not as bad as they could have possibly been, the potential damage to the program is still tremendous and DOL and the Obama administration, whether willfully or through their own ignorance, placed the ability of high need consumers to live independently outside of institutions in real jeopardy under the false premise of higher wages for workers.**

DOL demonstrates their continued misunderstanding of how the rules will effect people early in their proposed final rule. In the “Costs and Benefits” section on page 9 of the 385 page document, DOL states that, “The primary effect shown in the Table is the transfer of income from home care agencies (and payers because a portion of costs will likely be passed through via price increases) to direct care workers, due to more workers being protected under the FLSA; the Department projects an average annualized transfer of \$321.8 million in the medium-impact scenario (using a 7percent real discount rate). These income transfers result from the narrowing of the companionship services exemption, specifically: payment for time spent by direct care workers traveling between individuals receiving services (consumers) for the same employer, and payment of an overtime premium when hours worked exceed 40 hours per week.”

This shows that, despite the fact that advocates, and even proponents of the regulations, have maintained that overtime will not be paid and in fact the regulations will lead to less hours for workers, DOL is falsely labeling this as redistributive in a positive manner for workers. There are other gross mischaracterizations of the real-life impact, most notably in DOL’s contention that the payment of overtime will lead to a more stable workforce. What we know is that these rules will dramatically impact workers ability to retain workers, since they will not be able to

work enough hours at the rates offered by managed care plans and others, to allow them to earn enough money. We know that workers who currently put in 60 hours a week will lose one-third of the salary. This cannot lead to greater continuity of care.

CDPAANYS is currently working with our counsel to provide an in depth analysis of the rule and what it means for fiscal intermediaries moving forward. However, we want to provide you with some information immediately so you can begin to get a picture of what action DOL took.

Companionship - The final rule maintains the original requirement that an individual providing companionship services and therefore exempt from the regulation not spend more than 20% of his or her time performing services that do not qualify as “fellowship and protection.” “The provision of fellowship means to engage the person in social, physical, and mental activities, such as conversation, reading, games, crafts, or accompanying the person on walks, on errands, to appointments, or to social events. The provision of protection means to be present with the person in his or her home, or to accompany the person when outside of the home, to monitor the person’s safety and well-being.” Any medical services cannot be consider companionship. No third party employer may claim the companionship exemption.

Third-party employers/joint employers – The final rules made modifications to the section on joint employment. As of right now, we know that the rule does not fully exempt fiscal intermediaries; however, it is unclear the extent to which we are included. Further, it is unclear the manner in which FIs are included and what the interaction DOL has set up between consumers, who are not included, and FIs, who are, means.

In the case of joint employers, DOL said, “under the revised regulation, in joint employment situations the individual, member of the family or household employing the direct care worker or live-in domestic service worker will be able to claim an exemption provided that the employee meets the duties requirements for the companionship services exemption or the residence requirements for a “live-in” domestic service worker exemption. The third party employer will not be able to claim that exemption.” On initial review, this seems to be completely unworkable and establish a false expectation for the consumer that they will be able to continue to control the worker’s schedule indefinitely because they are not covered by the regulations. However, even on the off chance that a worker does fall into the companionship exemption (see above), the FI would still be liable for overtime pay, and therefore would have to implement some kind of cost control measures such as preventing consumers from utilizing workers for over 40 hours, even amongst several different workers.

There is a shimmer of hope in this section for FIs and consumers. DOL noted that it will use the “economic realities test” to establish the employment relationship between the consumer, the FI and the worker. In an instance where the consumer is seen to be substantially in charge

of all services, the consumer would be the “sole employer.” DOL laid out the criteria for the economic realities test as follows:

- whether an employer has the power to direct, control, or supervise the worker(s) or the work performed;
- whether an employer has the power to hire or fire, modify the employment conditions or determine the pay rates or the methods of wage payment for the worker(s);
- the degree of permanency and duration of the relationship;
- where the work is performed and whether the tasks performed require special skills;
- whether the work performed is an integral part of the overall business operation;
- whether an employer undertakes responsibilities in relation to the worker(s) which are commonly performed by employers;
- whose equipment is used; and
- who performs payroll and similar functions.

DOL goes on to note that the economic realities test “does not depend on ‘isolated factors but rather upon the circumstances of the whole activity.’ *Rutherford Food Corp. v. McComb*, 331 U.S. 722, 730 (1947).”

Therefore, the fact that under CDPA, a consumer would be in charge of recruiting, hiring, training, supervising, and terminating his or her own workers would work strongly in a FI's favor. The fact that the collection of taxes, payment of insurance and unemployment and other services are provided by the FI, as well as the fact that in general the FI dictates to the consumer what he or she is able to pay their workers, works against us.

DOL has stated in the rules that these guidelines will be decided on a case by case basis. We will continue to work with them to present our case and let them know why CDPA, when done properly, in NY needs to be considered not the employer.

The largest potential impacts of this determination do not relate to the exemption of the worker from overtime. Indeed, in most circumstances, even if the consumer is deemed the employer, overtime will likely apply as the consumer is likely to need more than 20% of the worker's time dedicated to something other than “companionship.” However, if a FI is not the employer under the rules, the overtime provisions would likely not apply across multiple consumers. So, for instance, if Mary Doe and Tom Davis both use Michael Smith as their worker, and both receive 40 hours of service a week from Michael, they could continue to do so if the consumer is deemed to be the sole employer. If the FI is deemed to be a joint employer under the rules, then the FI would have an obligation to either limit the hours Michael Smith worked across both consumers or pay 40 hours of overtime.

Another example of what would be impacted is the FIs' obligation to reimburse for travel time from one consumer's house to another. Using the example above, if Mary Doe utilized Michael Smith until 1:30 and then Michael drove directly to Tom Davis' house to begin a shift with him, the FI would need to reimburse Michael for his travel time. To be absolutely clear, DOL acknowledged, in response to CDPAANYS comments on this topic, that Medicaid and other public entities (which now included Medicaid managed care and managed long term care plans) are unlikely to reimburse for this; but, that it should be considered a cost of doing business. DOL showed a thorough lack of understanding about the intent of CDPAANYS comments here and we will follow up.

The final note for presentation immediately is that DOL recognized the complexity of implementing these regulations. They established an effective date of **January 1, 2015**. They noted that there are a number of issues in the regulations that still need to be clarified and worked through, particularly as it related to consumer direction. We will work with them through this process to continue the discussion that was begun and work for guidance documents and opinions that work to the benefit of FIs, consumers and workers, just as we have been doing to this point.

Our analysis of this topic is ongoing. This is a cursory review to give you an idea of the regulations. In addition to what we have written here, we maintain high levels of skepticism about DOL's claim that these rules do not violate the requirements under Olmstead. We will have more analysis in the upcoming days and weeks. If you have questions, please do not hesitate to contact me. For members, we will have a legal analysis on the member's portion of the website as soon as possible. We will also consider additional trainings and compliance sessions on this topic to continue members and consumers education on this critical topic.

<http://cdpaanys.org/?p=899>

NYSDOH Has Updated Flu Regulation FAQ

The NYS Department of Health has updated their FAQ regarding Title 10, Section 2.59 – “Regulation for Prevention of Influenza Transmission by Healthcare and Residential Facility and Agency Personnel” on flu mask regulations to specify that Consumer Directed Personal Assistants are exempt from these regulations.

<http://cdpaanys.org/?p=920>

DISABLED IN ACTION of Metropolitan New York
MEETING Sunday, OCTOBER 6, 2013 - 1:30-4:00 PM at Selis Manor, 1st Floor Auditorium
135 West 23rd Street (bet. 6th and 7th Ave)
No Board Meeting

TOPICS –

Anne Kelsey Esq. Disabilities Right Advocates Law Suits in NYC

General meeting starts at 1:30-4:00 pm! In the event of bad weather, visit

www.disabledinaction.org

or call

718-261-3737 to inquire about meeting cancellation.

Come and join DIA, a civil rights organization committed to ending discrimination against people with disabilities — all disabilities and fighting to eliminate the barriers that prevent us from enjoying full equality in American society.

We believe in the motto, "Nothing about us without us!"

Everyone is welcome. Refreshments will be served.

Please consider joining DIA or renewing your membership for 2013.

Dues are \$10-\$25 based on what you can afford.

Make check or money order

payable to DIA; write 2013 dues in the memo area. Be sure to write your full name and complete mailing address on a sheet of paper and enclose with your check or money order, or you can print out the form at the web site (found at the bottom left of the home page).

DIA is Disabled In Action of Metropolitan New York web site www.disabledinaction.org

If you're on Twitter, please follow these accounts:

Disabled In Action

http://www.twitter.com/DIA_NewYork

One-year membership spans the calendar year, January-December.

Mail payment to:

DIA

P.O. Box 30954 New York, NY 10011

-Or-

Todd Kreisler 250 E 60 Street, apt 2C, NY, NY 10022

For information, sign language interpreter or assistive listening device

call: TEL/FAX 718-261-3737 - www.disabledinaction.org

Please support our scent-free environment by abstaining from perfume and cologne!

DIA meeting dates for 2013:

November 17

December 08 (Party)

Local Independent Living Centers

- Bronx Independent Living Services, Inc. (BILS)
4419 Third Ave, #2C, Bronx, NY 10457
TEL [718 515-2800 x 116](tel:7185152800) / TTY [718 515-2803](tel:7185152803) / FAX [718 515-2844](tel:7185152844)
- Brooklyn Center for Independence of the Disabled (BCID)
27 Smith St, #200, Brooklyn, NY 11201
TEL [718 998-3000](tel:7189983000) / TTY [718 998-7406](tel:7189987406) / FAX [718 998-3743](tel:7189983743)
- Center for Independence of the Disabled in NY (CID-NY) (Manhattan)
841 Broadway, #301, New York, NY 10003
TEL [212 674-2300](tel:2126742300) V / TTY [212-674-5619](tel:2126745619) / FAX [212-254-5953](tel:2122545953)
- CID-NY/Queens
137-02A Northern Blvd, Flushing, NY 11354
Phone: [646-442-1520](tel:6464421520) / Sorenson VP [866-948-1064](tel:8669481064) / TTY [718-886-0427](tel:7188860427) / Fax 718-886-0428
- Harlem Independent Living Center (HILC) (Manhattan)
289 St. Nicholas Ave, #21 Lower Level, New York, NY 10027
TEL 212-222-7122 / Sorenson VP 646-755-3092 / Relay 866-326-5876 / FAX 212-222-7199
info@hilc.org
- Staten Island Center for Independent Living (SIILC)
470 Castleton Ave, Staten Island, NY 10301
TEL 718-720-9016 / TTY 718-720-9870 / FAX 718-720-9664
- Long Island Center for Independent Living (LICIL) (Nassau Co)
3601 Hempstead Turnpike, #208, Levittown, NY 11756
TEL 516-796-0144 / TEL (Español) 516-796-6176 / TTY 516-796-0135 / FAX 516-796-0529 licil@aol.com
- Self Initiated Living Options, Inc. (SILO) (Suffolk Co)
2111 Lakeland Ave, Ronkonkoma, NY 11779
TEL (31-880-7929 / TTY 631-654-8076 / FAX 631-946-6377
contact@siloinc.org
- Westchester Independent Living Center (WILC) (Westchester/White Plains)
200 Hamilton Ave, White Plains, NY 10601
TEL 914-682-3926 / TTY 914-682-0926 / Sorenson Video Phone 866-933 5390 / FAX 914-682-8518
- Westchester Disabled on the Move, Inc. (WDOM) Westchester/Yonkers)
984 No. Broadway, #L-10, Yonkers, NY 10701
TEL 914-968-4717 V & TTY / FAX 914-968-6137

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](#).

Blessed Healthcare Staffing Agency, Tissha Thomas

1 Belvedere Ave, Suite A, Farmingdale, NY 11735
tithomas@bhcsa.com
(631) 390-8646

Bronxwork Inc, Kedon Wilson

391 E 149th St, Bronx, NY 10455
kwilson@bronxworks.org
(718) 993-8880 ext. 237

Center For Family Life Employment, Maria Ferreira

443 39th St, Brooklyn, New York 11232
mferreira@cflsp.org
718-633-4823

El Barrio's Operation Fight, Gustavo Rosado

413 E 120th St # 403 New York, NY 10035-3602
ebobf413@aol.com
212-410-7900

Fifth Avenue Committee, Aaron Shiffman

621 DeGraw Street, Brooklyn, New York 11217
ashiffman@fifthave.org
718-237-2017

Goldenhearts Elderly Care Services, Geanette Browder

244 5th Avenue, suite G256 New York, NY 10001
contact@GoldenElderlyCare.org
Phone: (866) 531-4620

Kingsborough Comm. College, Marisa Joseph

2001 Oriental Blvd, Brooklyn, NY 11235
marisa.joseph@kbcc.cuny.edu
718-368-5563

Konedu Home Care, LLC, Carie Jones Smith

140 Captain Thomas Blvd West Haven, CT 06516
helpingfamilies@koneduhomecare.com
Phone: 800 418-3299

Mercy Center, Mary Ellen Gianino

377 East 145th Street, Bronx NY 10454-1006
meg@mercycenterbronx.org
(718) 993-2789

Reliable Homecare Solutions LLC

Contact: Reshmi Maharaj, Director
104-28 117 St, 2E, Richmond Hill New York 11419
917 378 5769
caresolutions09100@gmail.com

New York City College of Technology

NYC Technical College Placement Office
300 Jay St, Brooklyn, NY 11201
employmentsvc@citytech.cuny.edu
(718) 260-5050

Northern Manhattan Improvement Corp

Evan Hess
76 Wadsworth Ave, New York, NY 10033
evanhess@nmic.org
212-822-8300

Our Planet Management Institute, Lisa Ying

116 John Street, #200, New York, NY 10038
lisa@opmi.org, 212-269-4000

YWCA of NYC, Anne Alfred

50 Broadway, New York, NY 10004
aalfred@ywcanyc.org
718-723-6170

Able Newspaper

Cost \$5 for each 5 word line (or part) – 30days
Phone: 516-939-2253 www.ablenews.com

Craigslist, Cost \$25.00 (30 days)

<http://newyork.craigslist.org/>

Backpage - Basic Cost - Free (7 days)

Available Updates - Auto Repost + Sponsor Ad
(cost determined by number of weeks)

<http://newyork.backpage.com/MedicalHealthJobs/>

Classified Ads, Cost Free

<http://www.classifiedads.com/post.php>