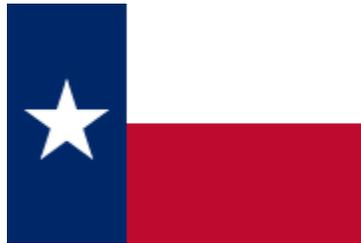


Independent Living in Texas



Personal Care Attendants: A Guide for Consumers

A VERY SPECIAL
THANK YOU

TO:

REACH, Inc. - Centers for Independent Living
San Antonio Independent Living Services (SAILS)
Valley Association for Independent Living (VAIL)
The Texas Network of Centers for Independent Living
Helping Restore Ability
The Coalition of Texans with Disabilities (CTD)
The Texas State Independent Living Council (SILC)
The Independent Living Community

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DEFINITIONS

Abuse —The negligent or willful infliction of injury, unreasonable confinement, intimidation, financial exploitation, or cruel punishment with resulting physical or emotional harm or pain; or sexual abuse, including any involuntary or nonconsensual sexual conduct that would constitute the offenses of indecent exposure or assault, committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.

Center for Independent Living —A private nonprofit agency for individuals with significant disabilities (regardless of age or income) that is not residential; is consumer-controlled; is community-based; takes a cross-disability approach; is designed and operated within a local community by individuals with disabilities; and provides an array of independent living services, including, at a minimum, independent living core services as they are defined in 29 United States Code (U.S.C.) §705(17).

Consumer – An individual who has applied for or is receiving the independent living services that are referred to under the Independent Living Services Standards – Part A

Consumer Control —The term “consumer control” means, with respect to a center for independent living, that the center vests power and authority in individuals with disabilities, in terms of the management, staffing, decision-making, operation, and provisions of services, of the center.

Consumer Directed Services —Consumer Directed Services allows people who receive services from the Texas Health and Human Services Commission (HHSC) to hire and manage the people who provide their services.

Financial Management Services Agency —The FMSA will help plan the budget for your services, handle payroll and make payments to your employees. Your FMSA is your employer agent, which is the Internal Revenue Service (IRS) name for a FMSA. The FMSA will not have access to any of your personal IRS or tax information

Personal Care Attendant – Personal care attendants enable the elderly, people with disabilities, and other individuals with chronic or temporary conditions to remain in their homes by assisting them with daily activities (e.g., bathing, dressing, meal preparation, and grocery shopping).

Person-Centered Planning —a process by which an individual, with assistance, identifies and documents their preferences, strengths, capacities, and needs in order to develop short-term objectives and action steps to ensure personal outcomes are achieved within the most integrated setting by using identified supports and services.

ABBREVIATIONS

CDS.....	Consumer Directed Services
CMPAS.....	Consumer Managed Personal Attendant Services
CIL.....	Center for Independent Living
DR.....	Designated Representative
EVV.....	Electronic Visit Verification
FMSA.....	Financial Management Services Agency
HHSC.....	Texas Department of Health and Human Services
PCA.....	Personal Care Attendant
SRO.....	Service Responsibility Option

LAWS AND REGULATIONS

Overview

According to a report by the U.S. Department of Health and Human Services, Office of the Inspector General, “personal care services are provided to eligible beneficiaries through Medicaid State plan and waiver programs through three delivery models: agency direction, consumer direction, and the use of independent providers. States are required to develop qualifications or requirements for attendants to ensure quality of care.”

Texas Regulations

In the State of Texas, Consumer Directed Services (CDS) allows people who receive services from the Texas Health and Human Services Commission (HHSC) to hire and manage the people who provide their services (more information on pg.... about the CDS program).

The program is the result of [Senate Bill 1586](#), 76th Texas Legislature, which allows a voucher payment option that empowers people to make personal decisions related to the delivery of personal assistance and respite services within their current home and community-based program. You can find the rules for the CDS option in the [Texas Administrative Code, Chapter 41](#).

Who is eligible to enroll in CDS?

Anyone who receives services from Texas Health and Human Services can enroll in CDS. The following programs offer CDS:

- Consumer Managed Personal Assistance (CMPAS)
- Community Attendant Services (CAS)
- Community Living Support Services (CLASS)
- Deaf Blind Multiple Disabilities (DBMD)
- Family Care (FC)
- Home and Community-based Services (HCS)
- Medically Dependent Children Program (MDCP)
- Primary Home Care (PHC)
- Texas Home Living (TxHmL)

OVERVIEW

If you have a disability, chances are good you might need assistance with living independently in some areas. As baby boomers age, the bulk of our population will be in this same dilemma also! Needing help is hard. Asking and accepting it are not in our nature and something that you must deal with. If you are uncomfortable having an attendant, how could it possibly work out for long? So, to begin the process of finding an attendant, look at how comfortable you are with needing them. As though that weren't enough – look at how comfortable you are with being the boss of someone you are dependent on? Having an attendant is not being given charity. It doesn't mean you are not a strong in-control individual. So, without a chip on your shoulder, and no pity party thoughts. Let's look at what you have a self-responsibility to do.

LIST OF SERVICES

What's Right for Me?

There are two ways to obtain attendant care – hire yourself or go through an agency. You may want to consider the following factors:

1. **Personal preference.** Do you like to make most of your own decisions, or do you want an agency to make most decisions about your services?
2. **Time and effort.** Are you willing to do more work in exchange for more control over your services?
3. **Capabilities.** Are you (or someone you trust) physically and mentally able to handle the responsibilities that come with more control over your services?
4. **Control.** Do you like to control your own day-to-day routines, or do you prefer to let someone else take charge?
5. **Support.** What support consultation services may be available in your CDS and SRO options to help you meet employer responsibilities?

Agency Option

Choosing the agency option allows you to entrust responsibility to an agency for your program services. Your provider agency handles all aspects of attendant care.

If you choose the agency option, your provider agency will:

- Select, schedule and manage your attendants and substitutes, with input from you about your needs.
- Set wages and benefits for your attendants.
- Manage time sheets, payroll and employment records.

If you decide to go through an agency, look in the yellow pages under health management or nursing. Call the agencies and ask some questions. You might want to go this route because they have a pool of prescreened applicants. They can have back

up help when needed. They take care of the paperwork, insurance, taxes. You can change attendants quickly. So if you want to consider this option, ask these questions of them:

- How much do they pay the staff?
- What kind of training do they give?
- Do you get to set the schedule for care?
- Can you meet the aide first and if so, what if you don't like them?
- Will they take care of you when the aide calls in sick?
- How many clients do you have in service?
- Is there a minimum number of hours required?
- Will the aide have health insurance?
- What happens if the aide gets injured on the job?
- Are they bonded?
- Do they do background checks?
- How long has the company been in business?
- How long have you been working with clients in this program?

Self-Managed

The self-managed option gives you more control of your care. You have the task, a very time consuming one, of being an employer. So be prepared to put your routine on hold and spend some time with this job. You will be advertising, phone interviewing, in-person interviewing, background checks, reference checks, payroll, taxes, scheduling, determining duties, training and managing a new hire. Hopefully not firing but that is a possibility and one you must be able to handle.

Family members are not employees so be prepared to deal with strangers- even consider taking a human resource class or reading books on the subject. Often when receiving help you feel powerless, but hiring and keeping attendants is about how you handle control. Yours!

What is the CDS option?

Consumer Directed Services (CDS) allows people who receive services from the Texas Health and Human Services Commission (HHSC) to hire and manage the people who provide their services. Choosing the CDS employer option allows you more control over your program services if you're able and willing to take more responsibility for coordinating the services.

If you choose CDS, you or your designated representative will:

- Recruit, hire and train your employees and backup employees (including family, friends or neighbors).
- Set wages and benefits for your employees based on a service budget created with the help of your service planning team.
- Set schedules and submit timesheets for your employees.
- Select a CDS agency to:
 - train you to hire and manage employees,
 - process your timesheets and payroll,
 - process receipts and invoices, and
 - act as your agent to pay federal and state employment taxes.

But you will not be alone in all this. One of your first decisions will be to pick a Financial Management Services Agency (FMSA). This agency will act as your bookkeeper and banker, taking care of payroll and the government forms on behalf of the CDS employer. The agency works with you on your budget, but does not control it. Your FMSA works for you. You decide how the money in your service plan is spent on salary and benefits for your employee(s) within the guidelines established by the CDS option rules. Neither your financial eligibility for services nor your personal income tax liability will be changed by participation in the CDS option.

As the employer, your role will be to:

- Choose an FMSA and participate in a CDS orientation.
- Write and put in place a service backup plan for each critical service as identified by the Service Planning Team.
- Obtain permission for a criminal history and registry check from potential employees and request that your FMSA conduct criminal history checks and other required registry checks for people you may hire or use for services.
- Find, hire, train, manage, and fire employees and other service providers.
- Set wages and benefits for employees within funds allocated for services delivered through the CDS option.
- Train your employees when they first start working for you on your specific needs-the tasks to be accomplished, how you would like them conducted.
- Ensure employees get any additional required training.
- Document the initial training you provide your employees and any on-going training and send this information to your FMSA.
- Make sure any professionals you hire, if your program allows, have a current valid license.
- Keep track of how funds for each service are spent on wages and benefits for employees.
- Decide how well your employees do their job.
- Send completed time sheets, service delivery invoices or receipts for payment for employer-related expenses to your FMSA.
- Keep records of service delivery, including service logs, and personnel files.
- Resolve employee and service provider concerns and complaints.
- Complete and put in place a plan to correct problems, if asked.

For personal testimony on what it's like to go through the CDS option, please visit:

<http://www.txdisabilities.org/news-events/cds-guest-blog-a-different-way-to-receive-home-based-services>

For more info on the CDS option, follow this link:

<https://www.dads.state.tx.us/services/cds/employer/chapter1.html>

PLANNING

Assessing needs and preferences

Many people with disabilities require assistance with tasks to live independently in their communities. Finding the right personal attendant is an important task as this person will have a significant impact on your life.

To begin the planning process, write a profile of your lifestyle. This can include where you live, if you go to school or work, if you do volunteer work, your hobbies and interests, and personal preferences, such as if you want an attendant who doesn't smoke. Determine what tasks you need performed, how often, and on which days of the week you need them done. This will help you to prepare a job description and work schedule.

Areas to consider:

- ✓ personal care
- ✓ money management
- ✓ transportation
- ✓ companionship
- ✓ supervision
- ✓ recreation
- ✓ school
- ✓ community involvement
- ✓ committee or board membership or meetings
- ✓ volunteer jobs

Scheduling

You will next need to consider when you need assistance and for how long. How many hours do you need help each and when? Mornings? Afternoons? Evenings? Before you start asking about to find an attendant, be prepared to say what it is you are asking for. Take a moment to complete the **Sample Attendant Duties** form on Page ___ in the Appendix. This is a form that lists everything you need done by an attendant from sun up to sunset. Whether it's bathing or transferring, childcare, driving or cooking – put it all down and decide what needs to be done on which day and at what time. Be as specific as possible.

Why is scheduling so important? By not having a schedule of tasks and a timeline for when each task should be done, one consumer went through attendant after attendant; they all complained she was bossy since she kept requesting them to do things. The attendants' expectations of free time and hers did not match. A job description is not enough - spell out a contract!

Characteristics of attendant

Think about the characteristics of a PCA that would make you the most comfortable.

Some characteristics to consider:

- ✓ Language
- ✓ Reading and communication skills
- ✓ Knowledge of first aid/CPR
- ✓ Patience
- ✓ Allergies to fragrances or other products
- ✓ Physical Strength
- ✓ Tidiness
- ✓ Punctuality
- ✓ Smoker or nonsmoker

RECRUITMENT

If you choose the route of hiring your own attendant – here’s how. Begin by creating a flyer with your phone number, general duty description summary and location. Just the part of town, not your actual address.

Here’s an example of what to include:

- Your first name (it is recommended that you not use your last name).
- Job title and a short description of the job.
- Phone number
- Hours (Is the job hourly or live-in?).
- Qualifications required - must show a current license (if you are looking for a professional). Must have experience with people with disabilities or particular condition.
- Wages and benefits offered.
- General location (e.g., southwest Houston).

Advertising

Once you’ve created the flyer, place it everywhere you can in your neighborhood.

Some places to consider:

- Online resources
- Newspaper Classifieds
- Local Newsletters (disability groups, churches, etc)
- Colleges and Universities
- Trade Schools
- Word of Mouth (family, friends, neighbors)
- Local Agencies (such as Centers for Independent Living)
- Bulletin Boards in High-traffic Areas (grocery stores, banks, apartment buildings, restaurants, community centers, churches and laundromats)
- Local Employment Offices/Rehabilitation Agencies
- Texas Workforce Commission (TWC) and the Texas Health and Human Services Commission (HHSC)

After placing the flyer, be prepared to get phone calls asking questions. Have your questions ready! Print up a list of questions for you to conduct a phone interview.

Additional Resources

You can also advertise and recruit attendants on the Aging and Disability Resource Center (ADRC) website: <https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/aging-disability-resource-center-adrc>

You can also check the Area Agency on Aging (AAA) website for more resources: <https://hhs.texas.gov/doing-business-hhs/provider-portals/long-term-care-providers/area-agencies-aging-aaa>

Phone Interview

If you decide to do an interview by phone, give a brief description of the duties of the position, number of hours the job requires, and the hourly pay and any benefits you will provide. Talk about the services needed and ask about the applicant's experience with providing home health services. Ask about the applicant's experience in working with people who have disabilities. If the applicant is interested, ask your questions, and record answers. Here are some examples of questions you can ask:

1. Will you give me your name, address, and phone where you can be reached?
2. What days/hours are you available to work? Are there days you cannot work?
3. Have you ever assisted or worked for a person with disabilities before? If yes, tell me a little about the kinds of tasks you performed.
4. Do you have reliable transportation?
5. Are you at least 18 years of age?
6. Do you have a valid Social Security number?
7. Do you smoke?
8. Are you allergic to pets? (if you have a pet in your home)
9. Are there tasks you do not want to perform? (e.g., bathing, toileting, and dressing)
10. Do you have any experience in transferring and positioning? Do you have any physical limitations that would prevent you from transferring and positioning?
11. Can you cook and would you mind doing housework?

In-Person Interview

So assuming you have found some prospects that made it through the phone interview, now you begin the in-person interview. In this phase you decide if you are going to meet at a coffee shop or at your home. For safety, have someone else at your home during that time! Hiring attendants means having safety

procedures in place for yourself at all times! Ask them to bring references with them to the meeting. Have an application form ready and a police check form and the reference form ready. Think about the questions you want to ask and the tone you want to set. Remember to be in charge of the interview! This job is not charity, it's professional and you are to be taken seriously, not patronized or discounted. Pay attention to how they interact with you in the interview. Make copies of these forms and have a file set up on each candidate. Keep the info in case the person you pick doesn't work out or you need an emergency back up. Let them know if you decide you would like to have them on your emergency back up list. Keep names of family, friends and neighbors on that list also!

Online Interview

Another way to interview an applicant is by conducting an online interview. Rather than travelling to a designated location, the interviewer and applicant can do the entire interview using video. You simply need a webcam (most laptops come with these built in) and some type of conferencing software like Skype or Google Hangouts. It is helpful to practice using the software before conducting the actual interview. Doing an online interview might be helpful in eliminating some of the stresses, such as travel and safety concerns, of doing an in-person interview.

Reference Checks

Before you decide who to hire, check the work and personal references. Some people present themselves very well in an interview, but you always want to find out how they can do the job.

Questions for checking references:

- Are they eligible for re-hire?
- What type of employment and role did they have in their previous position?
- What are the applicant's strengths?
- What are the applicant's weaknesses?
- Would the reference recommend the applicant to work with you?
- Would you hire this person to be your PCA?

Criminal Background Check

If you decide to hire an attendant through CDS, they will run a background check on your attendant. However, should you decide to run a background check in between the annual background check screening you can do so through the Texas Department of Public Safety criminal history conviction website, the Nurse Aide Registry, the Employee Misconduct Registry, and the state and federal Office of Inspector General List of Excluded Individuals/Entities.

You can find more information at the following link:

<https://hhs.texas.gov/laws-regulations/forms/1000-1999/form-1725-criminal-conviction-history-registry-checks>

The criminal history check is run by the FMSA using the secure site and will provide arrest information as well as convictions, which will allow CDS employers to make a more informed decision about hiring a particular applicant. This covers criminal history in Texas only.

TRAINING

The hiring is half over now! You have a new trainee in your midst. If they are not right for the job, this is where it might show up! This training period is a tentative employment period. Both parties need to understand that this is a step to seeing if employment is going to work out. In the ideal situation, you have your current attendant demonstrate how you want to be physically handled. If you do not have a current attendant, have a friend show them how using a doll. If you can show them, even better. Have someone there when they first try out these new tasks, in case they cannot do it or leave you in a bad situation. Do not attempt to show them how to do everything all at once.

The training may take several days. If they cannot handle it, do not delay in moving on to another applicant! If it goes well, then it's time to fill out the tax forms and state them as your employee. It is very important to be consistent and firm in how you want to be treated, as the boss. They may have different ways of doing things that you can be open to, but the final say is yours, not theirs. Learn to speak to your attendant in a way that is not belittling or loud. Make sure to keep time sheets and have your attendant sign in and out every day. Here are some other things to remember while training your attendant:

- The training required will depend on the difficulty of the job and the worker's experience.
- Show respect and sincerity. Do not however, let them make the decisions or listen to others around you instead of you.
- Be clear and direct about your expectations.
- Focus on things that mean the most to you. If you want or need something done in a specific way, explain to your employee why it is important that it be done that way.
- Explain a task, and then show your employee how to do it.
- More challenging tasks, such as transferring you, may take some coaching for the employee to learn to do it safely and comfortably.
- You may have to tell the employee more than once how to do something. It may be helpful to have a family member or friend who has been helping you to demonstrate a procedure for the new employee.
- If you will need a current employee to assist in training a new employee, call your FMSA, as the training costs will need to be added to your budget.
- Talk to the employee as he or she is performing the task and don't be afraid to tell the employee when he or she is doing something
- incorrectly. Conversely, be sure to tell the employee when he or she is performing a task correctly, and thank him or her.
- You may have to provide "refresher" training later.

Important Tips While Training Your PCA

- ✓ **Demonstrate** how you need something done. For instance, one consumer did not have a trained attendant demonstrate to a new attendant, nor did she use a doll to demonstrate, nor did she have new attendant demonstrate on a doll how she would help with transfer. So the new attendant injured the woman transferring her from the wheelchair to the shower - by dropping her on the floor and dragging her.
- ✓ **Spell out times for every task!** One consumer would be routinely transferred to the toilet and left to wait for hours to be transferred off. The attendant kept him on her television schedule for when to assist.
- ✓ **Specify expectations** during the hiring process. Asking an attendant for cooking assistance does not mean expecting them to come up with the menu or be able to cook what you would like. By not specifying expectations during hiring process, one consumer had nothing but spaghetti. Every meal, every day. Her attendant would fix a huge pot of it on Sundays and warm it up all week.

COMMUNICATION

Maintaining an attendant is a job. We will look at some of the common problems people have with attendants, including safety concerns, conflict resolution, termination, and abuse.



Safety Tips

- Make sure your attendant does not have access to your passwords for your computer or phone
- Do not leave money or valuable items out in plain view
- You might want to consider setting up a camera in the home, but make sure your attendant signs an agreement allowing themselves to be on camera
- Avoid following/adding your attendant as friend on social media sites like Facebook
- Make sure to keep all medications locked away
- Do not let your PCA have access or use your credit or debit cards

Conflict Resolution

As with any job, there will be some areas of conflict between you and your employee. Sometimes conflict is due to poor job performance. If you suspect the training your employee has received did not address procedures and techniques that you need the employee to use, re-train your employee on the aspects of the job that are causing difficulty.

Make sure you do not tolerate any lack of respect: tardiness, doing things their way on their schedule, not showing up or calling, loaning or giving them money, allowing them to bring over friends, drink your beer, watch tv instead of work, etc. If they get upset with you over this – you have the wrong attendant anyhow. If you need to reprimand an attendant, do so when you are not in a vulnerable situation. Make sure you are dressed, seated and in control. If you want, you may draw up a contract and have them sign it on the job duties, schedule and procedures. This can allow you to more easily say “I expect things to be done this way, as we agreed on, if not – then I will have to let you go”. Get the employee to agree to a time frame. If the employee continues to violate that time frame, let him or her go.

Terminating an Employee

If all else fails, then you must take the responsibility of firing or dismissing the employee. Letting someone go may not be easy, but it is sometimes necessary. If you do have to fire an attendant, please follow the suggestions below:

1. Do it in person, or do it over the phone if you feel more comfortable with this approach. Depending on the circumstances (abuse, neglect or exploitation), the employee may need to be dismissed over the phone. You may want to have someone else with you when you terminate an employee.
2. If you do it in person, make sure that someone else is in the house with you.
3. Make sure you have already changed the locks and double check that no checks, credit cards or money are missing. Never leave these items in their reach no matter how much you trust them. This protects you, and them if you are burglarized.
4. It is your choice as to whether or not you give the traditional two-week notice.
5. Do not drag it out — be direct, and come straight to the point.
6. Some suggested methods of communicating the termination are: “I am sorry, but I do not feel you are appropriate for this job,” or “You are not fulfilling your job obligations,” or “I won’t be needing your services anymore.”
7. Be sure to have the employee sign his or her current time sheet before leaving. Send the time sheet to the FMSA with termination information. When the employer terminates an employee, the FMSA must process the final paycheck within a certain number of days.
8. If the employee has any of your belongings — a house key, credit cards, ATM card, etc. — they must be returned to you. Be sure to collect the items before the final paycheck is delivered.
9. Watch what you say to others about the situation, especially to other employees. It is best to maintain confidentiality related to employee issues.
10. Analyze what went wrong to avoid similar situations with other employees.
11. Initiate your backup plan while you are looking for a new attendant.

RECOGNIZING ABUSE

You will have many wonderful attendants! However, there are some potentially unsafe situations that you may find yourself in when the opportunity for an abusive person to harm/control you may be an issue. Abuse of people with disabilities is more common than among the non-disabled. The abuse being perpetrated by attendant is very likely. This is never the fault of the person with the disability. It is the vulnerability they face of being an "easy" target for an already abusive person. You may be perceived by an abuser to be weak, alone, unimportant, and unbelievable. They may feel that you have no one else to help you so you must "accept" the abuse. If you keep silent, you become more isolated and more vulnerable. This lesson is on reaching out and how to prevent abuse.

What is Abuse?

Abuse is not simply being beaten or raped. There are many forms of abuse besides physical violence. Usually, abuse starts in other forms before it reaches physical in an attendant/care giving situation. If you are dependent for daily care you may be shamed, deprived of food or medicine, left in soiled or wet clothing, not given the care you need or forced to do sexual favors in exchange. You might be disallowed to leave the house often and meet other people. You might be left alone in a room for extended amounts of time or abandoned.

Emotional Abuse

Emotional abuse may cause you to feel insulted, threatened, frightened, isolated or abandoned. Treated as though you are worthless or everyone would be better off if you were dead. Made fun of for doing things differently or slowly. This makes it hard for you to stay strong. You may feel as though you have lost a role in society and a sense of purpose and contribution. Being called names and insulted causes you to feel sad, stupid, depressed. If you are made fun of in front of others, you may withdraw and go out less often and believe you are not able to do anything that's worthwhile.

Neglect

Sometimes people with disabilities are abandoned or refused care. A family may be ashamed of you or feel they cannot care for you. Maybe they can't accept the changes in your body. This may cause you to move in with other relatives who do not have the time or money to help you. You might be treated as a burden and blamed for the family's problems. Especially if you have children too.

If you are isolated and kept alone in a room, you feel excluded from society and ashamed. Maybe your attendant keeps you a secret from others because they are

ashamed to be associated with you. Sometimes caregivers deny a person with a disability the opportunity to go out to religious activities, classes or community events. Neglect is when your needs are ignored or you are told to wait until it's convenient for them. Maybe you are ready to get out of the bath and their response is for you to wait till their TV show is over. Neglect could be denied food or feed roughly. Medicine or toileting needs ignored. This can make you hurt physically and afraid.

Physical Abuse

Physical abuse is being pushed, slapped, pinched, hit or having your children abused because you cannot protect them. It can take the form of your equipment being broken, items being moved out of reach or in your way. Being forced to be naked in front of others. All forms of abuse do one thing – you feel even more powerless. Powerlessness can be changed by how you perceive yourself. The best thing you can do is get involved with others. Tell more than one person about the abuse. If you are not believed, you might feel ashamed or afraid the abuser will find out. Tell someone who will listen! Join support groups. Stay in the company of others when you are in a vulnerable position. Tell a social worker, call the police, whatever you can do – do it. Accepting it makes you dependent and powerless. You are neither just because you have an attendant.

Financial Abuse

According to the National Committee for the Prevention of Elder Abuse, financial abuse can take many forms. These include Elder financial abuse spans a broad spectrum of conduct, including:

- Taking money or property
- Forging a person's signature
- Getting a person to sign a deed, will, or power of attorney through deception, coercion, or undue influence
- Using the older person's property or possessions without permission
- Promising lifelong care in exchange for money or property and not following through on the promise
- Confidence crimes ("cons") are the use of deception to gain victims' confidence
- Scams are fraudulent or deceptive acts
- Fraud is the use of deception, trickery, false pretense, or dishonest acts or statements for financial gain

Self-Defense

First rule – do not be so trusting of a new attendant that you leave yourself wide open for abuse. Learn how you can defend yourself!
The first step: Begin by preventing people from helping you when you don't need it. This shows your strength and ability to think for yourself and make decisions.

People perceive people with disabilities as not being competent to do those two things. You will be setting them straight from their first encounter with you that you are not a helpless individual. Know that the person may not be trying to harm you, just kind, but you can be polite, firm and assertive in not being afraid to tell them to stop. Use a clear loud voice so that others too can hear and perceive you as strong. The goal isn't rudeness; it's strength, confidence and pride that you are conveying. If someone moves your wheelchair or takes your arm to guide you – say – Stop, I don't like that" "I don't want you pushing me, having your hand on me or _____" Whatever it is they are doing. It will be clear that you are not someone to try and take advantage of! Abusers choose people that are easy to hurt or scare. You have just given a would be abuser the message that you are not a victim. Acting in this manner is just as important as knowing physically what to do.

If someone continues and does not listen to you, or you feel they are an abuser – do whatever you can to get away. Do something that is disgusting to repulse the persons, i.e., drool, or spit. Hurt the soft parts of their body like the eyes, nose, and testicles. Hit or scratch or kick. Be sitting first if you have balance problems. Roll your wheelchair into them hard and fast. Scream, throw something into their eyes. Use your cane or crutch to jab. Practice. Don't wait till you need to do something to think about what to do. Practice with friends. Use a punching bag.

Exercise

1. Think of how you can protect yourself from an abusive person in your home in the form of prevention
2. Think of how you can physically protect yourself
3. Think of who you would tell if you were abused to stop it from occurring again.

This is a lot of food for thought but being aware of the problems in advance only helps ensure that you will be able to successfully manage good attendants and maintain your independence. Do not rely on others to do this for you. Reach out to others and support your equality and happiness!

Report abuse

Dial 1-800-252-5400 or visit www.txabusehotline.org

You can also call The SAFE Alliance 24 hour SAFEline
Call: [512.267.SAFE \(7233\)](tel:512.267.SAFE.7233) | Text: 737.888.7233
For information on their Disability Services, contact them at disabilityservices@safaustin.org

Attendant Duties

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7 a.m.							
8							
9							
10							
11							
12							
1							
2							
3							
4							
5							

Sample Advertisements

Personal attendant - Needed to assist male with quadriplegia with personal care, shopping, and light housekeeping. Part-time 4 days/week. Flexible schedule available. Driver's license preferred. This is an ideal position for a college student. Prime location near Rice University. \$8.00/hr. Call (212) 111-111 evenings for more information.

Personal attendant - Female, nonsmoker, needed to live-in with person with disabilities to assist with personal care, housekeeping. Free rent, hours and days negotiable, salary included. At least 6 months experience preferred Call (555) 555-1212 to leave a message.

Attendant Application

Date:

Full Name:

Address:

Phone:

Social Security:

Driver's License

Date of Birth:

EDUCATION

High School:

College:

Other:

EMPLOYMENT

Where:

Phone:

Dates of employment:

Title:

Duties:

Reason for Leaving:

What is your experience with attending to people with disabilities?:

Why are you interested in this position?:

When are you available to work?:

Have you ever been convicted of a felony, if so please explain:

Are you able/willing to do the duties of this job as listed /explained on Attendant Duties form?

Please list 2 references including phone numbers and relationship to you.

Attendant Reference Form

Date:

Name of Attendant Applicant:

Reference Name:

Phone:

Relationship to Applicant:

How long have you know applicant?

In what capacity?

Would you say they are reliable?

Honest/trustworthy?

Dependable?

Would they make a good attendant for a person with a disability?

Do you see any reason why they could not perform the required duties of the job?

Do you have any reasons why they should not be chosen for this job?

Other comments:

List of Centers for Independent Living

Name of Center	Address	Phone Number	Counties Served (Core Services)	Counties Served (Independent Living Services)
ABLE Center for Independent Living	4803 Plaza Blvd. Suite 401 Odessa, Texas	(432)- 580-3439	Andrews, Crane, Ector, Martin, Midland, Upton, Ward	Andrews, Crane, Ector, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, Winkler
Austin Resource Center for Independent Living, Austin	825 East Rundberg Lane, Suite E6, Austin, TX 78753	(512) 832-6349	Bastrop, Lee, Travis	Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lampasas, Lee, Llano, Milam, San Saba, Travis, Williamson
Austin Resource Center for Independent Living, San Marcos	618 South Guadalupe, Suite 103, San Marcos, TX 78666	(512)-396-5790	Blanco, Caldwell, Comal*, Hays	See ARCIL
Brazos Valley Center for Independent Living	1869 Briarcrest Drive, Bryan, TX 77802	(979) 776-5505	Robertson, Madison, Burleson, Washington, Brazos	Brazos, Burleson, Grimes, Madison, Robertson, Walker, Washington
Coalition for Barrier Free Living/ Fort Bend Center for Independent Living	12946 Dairy Ashford Road, Suite 110, Sugarland, TX 77478	(281) 980-2219	Austin, Colorado, Fort Bend, Waller, Wharton	See HCIL
Coalition for Barrier Free Living/Brazoria County Center for Independent Living, Angleton	1104 D East Mulberry, Angleton, TX 77515	(979) 849-7060	Brazoria, Matagorda	See HCIL
Coalition for Barrier Free Living/Houston Center for Independent Living	6201 Bonhomme Road, Suite 150 South, Houston, TX 77036	(713) 974-4621	Harris	Austin, Brazoria, Chambers, Colorado, Fort Bend, Harris, Liberty, Matagorda, Montgomery, Waller, Wharton

PERSONAL CARE ATTENDANT GUIDE

Coastal Bend Center for Independent Living	1537 Seventh Street, Corpus Christi, TX 78404	(361) 883-8461	Aransas, Bee, Brooks, Duval*, Jim Wells, Kennedy, Kleberg, Live Oak, McMullen, Nueces, Refugio, San Patricio	Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, McMullan, Nueces, Refugio, San Patricio
Crockett Resource Center for Independent Living	1020 East Loop 304, Crockett, TX 75835	(936) 544-2811	Freestone, Houston, Leon, Panola*, Polk, Rusk*, Sabine, San Augustine, Shelby, Trinity, Tyler	Anderson , Angelina, Freestone, Henderson, Houston, Leon, Nacogdoches, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler
Disability in Action (formerly LIFE/RUN Not Without Us!)	317 N. Willis St. Abilene, Texas 79603	(325) 672-5460	Callahan, Eastland, Jones, Shackelford, Stephens, Taylor	Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Eastland, Erath, Fisher, Haskell, Jack, Jones, Knox, Mitchell, Nolan, Palo Pinto, Scurry, Shackelford, Somervell, Stephens, Stonewall, Taylor, Throckmorton, Wichita, Wilbarger, Young
East Texas Center for Independent Living	4713 Troup Highway, Tyler, TX 75703	(903) 581-7542	Camp, Cherokee*, Gregg, Harrison, Henderson, Marion, Panola*, Rains, Rusk*, Smith*, Upshur, Van Zandt, Wood	Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt, Wood
Heart of Central Texas Independent Living	222 East Central or P.O. Box 636, Belton, TX 76513	(254) 933-7487	Bell*, Coryell, Hill, McLennan	Bell, Bosque, Collin, Cooke, Coryell, Dallas, Denton, Ellis, Falls, Grayson, Hamilton, Hill, Hood, Johnson, Limestone, McLennan, Mills, Montague, Navarro, Parker, Rockwall, Tarrant, Wise
LIFE, Inc. - Disability Connections	2809 Southwest Blvd., San Angelo TX 76904	(325) 227-6624	Coke, Concho, Irion, Menard, Runnels, Schleicher, Sterling, Tom Green	See LIFE, Inc.
LIFE, Inc. - LIFE/RUN	8240 Boston Avenue, Lubbock, TX 79423	(806) 795-5433	Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Terry	Bailey, Borden, Cochran, Coke, Concho, Cottle, Crockett, Crosby, Dawson, Dickens, Floyd, Foard, Gaines, Garza, Hale, Hardeman, Hockley, Irion, Kent, Kimble, King, Lamb, Lubbock, Lynn, Mason, McCullen, Menard, Motley, Reagan, Runnels, Schleicher, Sterling, Sutton, Terry, Tom Green, Yoakum

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Mounting Horizons Center for Independent Living	4700 Broadway #C102, Galveston, Texas 77551	409-356-4809	Galveston	Galveston
Palestine Resource Center for Independent Living	421 Avenue A, Palestine, TX 75801	(903) 729-7505	Anderson, Angelina, Cherokee*, Nacogdoches, Smith*	See CRCIL
Panhandle Independent Living Center	417 West 10th Ave., Amarillo, TX 79101	(806) 374-1400	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchison, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler
REACH- Rehabilitation, Education and Advocacy for Citizens With Handicaps (Disabilities), Dallas	8625 King George Drive, Suite 210, Dallas, TX 75235	(214) 630-4796	Dallas	N/A
REACH- Rehabilitation, Education and Advocacy for Citizens With Handicaps (Disabilities), Denton	404 South Elm, Suite 202, Denton, TX 76201	(940) 383-1062	Denton	N/A
REACH- Rehabilitation, Education and Advocacy for Citizens With Handicaps (Disabilities), Ft. Worth	1000 Macon Street, Suite 200, Fort Worth, TX 76102	(817) 870-9082	Tarrant	N/A

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REACH- Rehabilitation, Education and Advocacy for Citizens With Handicaps (Disabilities), Plano	720 East Park Blvd., Suite 104, Plano, TX 75074	(972) 398-1111	Collin	N/A
RISE Center for Independent Living	755 South 11th Street, Suite 101, Beaumont, TX 77701	(409) 832-2599	Jefferson, Hardin, Orange	Hardin, Jasper, Jefferson, Newton, Orange
San Antonio Independent Living Services	1028 South Alamo, San Antonio, TX 78210	(210) 281-1878	Atascosa, Benders, Bexar, Calhoun, Comal*, DeWitt, Dimmitt, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Jackson, Karnes, Kendall, Kerr, Kinney, La Salle, Lavaca, Maverick, Medina, Real, Uvalde, Val Verde, Victoria, Wilson, Zavala	Atascosa, Bandera, Bexar, Calhoun, Comal, DeWitt, Dimmitt, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Jackson, Karnes, Kendall, Kerr, Kinney, La Salle, Lavaca, Maverick, Medina, Real, Uvalde, Val Verde, Victoria, Wilson, Zavala
Valley Association for Independent Living- South Texas	1419 Corpus Christi Street, Laredo, TX 78040	(956) 523-1411	Duval, Jim Hogg, Webb, Zapata	See VAIL
Valley Association for Independent Living-Rio Grande Valley	3016 North McColl, Suite B, McAllen, TX 78501	(956) 668-8245	Cameron, Hidalgo, Starr, Willacy	Cameron, Hidalgo, Jim Hogg, Starr, Webb, Willacy, Zapata
Volar Center for Independent Living	1220 Golden Key Circle, Suite C, El Paso, TX 79925	(915) 591-0800	El Paso	Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio
Williamson County Center for Independent Living Services	525 Round Rock West, Suite A120, Round Rock, TX 78681	(512)-828-4624	Bell*, Burnet, Milam, Williamson	See ARCIL

SOURCES:

<http://www.ncwd-youth.info/sites/default/files/pas-toolkit-052610-print-final.pdf>

<https://hhs.texas.gov/services/disability/consumer-directed-services/employer-resources>

<https://hhs.texas.gov/services/disability/consumer-directed-services>

<https://www.dads.state.tx.us/services/cds/employer/>

<http://www.ncwd-youth.info/sites/default/files/pas-toolkit-052610-print-final.pdf>

<https://hhs.texas.gov/laws-regulations/handbooks/independent-living-services-standards-providers/chapter-2-definitions>

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title29/pdf/USCODE-2011-title29-chap16-other-sec705.pdf>

<https://oig.hhs.gov/oei/reports/oei-07-05-00250.pdf>

http://www.ilru.org/sites/default/files/resources/personal_assistance_srvcs/Utah_PAS_Guide.doc

<https://www.dds.ca.gov/Publications/docs/PASGuide.pdf>

<http://www.txdisabilities.org/news-events/cds-guest-blog-independent-living>