

Personal Care Attendant (PCA) Program Reduction/Termination

Why did I lose PCA time?

One or both of the following may explain your reduction:

- a. You may have lost time if the assessor concluded that your condition improved or that you do tasks less frequently than you did before.
- b. You may have lost time because of new time limits for each task. (See the “Key to Reading Your Chart” included with your Senior and Disabilities Services [SDS] Notice).

Should I appeal my reduction/termination?

If you feel SDS is wrong about how much help you need or how often you need help, you may want to appeal. Keep in mind that you can only receive time for tasks that a PCA *physically helps you with*; task supervision is not covered.

What happens at the hearing?

The hearing is not in a courtroom and is informal. The State must prove that your condition has improved in order to justify reducing/terminating your hours. An Administrative Law Judge (ALJ) will listen to both sides. You should focus on explaining your current condition and needs. You can represent yourself or ask someone you feel comfortable with to help you.

How should I prepare for my hearing?

Step 1: Request a hearing within 30 days and identify tasks to focus on.

Look over the letter you received from SDS. Every box with an [X] marks a task you lost time for and gives a short explanation for the reduction.

Step 2: Understand your scores for the tasks you identified.

SDS uses a form called the Consumer Assessment Tool (CAT) which explains:

- a. The technical definition of each task and each performance level
- b. The assessor’s observations from watching you perform each task
- c. Your self-performance score for each task (based on the assessor’s observation). If you believe your scores are incorrect, use the Key for Reading your Chart to determine how much time you should receive.

Step 3: Settle?

Prior to the hearing you may be contacted by SDS’s representative, Xerox, and offered a settlement. If you settle the hearing will be cancelled. Make sure you have completed step 2 before settling so you know what your bottom line is before considering offers.

Step 4: Plan to make your argument and provide support by:

- a. Gathering letter(s) from your doctor(s) explaining how your medical condition(s) affect your ability to complete specific tasks
- b. Asking people such as your PCA to give testimony at the hearing.
- c. Preparing to explain how you complete tasks, including how much physical assistance you need from a PCA, and how many times a day each task is completed.

See other side for example →



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All laws are subject to change by legislation and by court decisions. The information is not intended to be legal advice. It is a Public Education resource. Readers should use this guide for information, and then ask questions about their own individual needs.

Example

Mary receives a letter from SDS stating that her PCA hours have been reduced by 157.5 minutes.

Step 1: Mary’s SDS letter has an [x] next to transfer non-mechanical. Mary’s time for this task has been terminated. The letter explains that in 2012 Mary needed extensive assistance transferring but that Mary is now independent. This is surprising to Mary because she still needs help getting out of bed. Mary decides to appeal and requests a hearing within 30 days.

Step 2:

- a. Mary Compares her CATs.
 - Mary’s 2012 CAT transfer self-performance score was 3 (extensive assistance).
 - Mary’s most recent CAT is pictured below. Her score is now a 0 (independent).

Transfers	Self Performance Score:	Support Score:
	0	0
b. Transfer (How person moves between surfaces – to/from bed, chair, wheelchair, standing position (Exclude to/from bath/toilet))		
Consumer report		
Client reports needs no assist for transfers		
Assessor observation (include type of assistance and assistive devices used, if applicable)		
Client explained she can move from her bed to her wheelchair on her own.		
Frequency:	Times per day 0	Days per week 0

- b. Mary determines what her score should be.
Mary believes her self-performance score should still be 3 (extensive assistance) because her transfer needs have not changed since 2012 and her needs match the CAT’s definition of extensive assistance.
- c. Mary determines how much time she should be getting and needs.
 - Mary looks at the “Key for Reading Your Chart” and sees that a score of 3 equates with 3.75 minutes per transfer.

Covered Activity	If your self-performance score is 2	If your self-performance score is 3	If your self-performance score is 4
Transfer	2.5	3.75	5

- Mary transfers 42 times a week (6 times a day x 7 days a week).
She determines that she should receive 157.5 minutes a week (42 x 3.75 min).

Step 3: A Xerox representative contacts Mary and offers her 30 minutes. Mary refuses the offer because she believes she should get something closer 157.7 minutes.

Step 4: Mary then sets to work preparing for her hearing.

- a. She asks her doctor for a letter explaining her condition and limitations.
- b. She asks her PCA to testify at the hearing about helping her transfer.
- c. Mary is often nervous speaking in public so she asks her daughter to help her at the hearing.

On the day of her hearing Mary shows up early with her daughter and PCA. Mary sits across the table from someone from Xerox (representing SDS). The ALJ gives both sides a chance to speak. The ALJ tells Mary she will make a decision after the hearing and both parties will receive a copy in the mail.