

Clarification 6: The Recipient Employee in PROS

Clarification about permission for Personalized Recovery Oriented Services (PROS) providers to employ recipients of services.

Guidelines

Several points should be considered regarding the ethical, fiscal, and practical issues related to a Recipient Employee receiving PROS services in the same PROS program. These include, but are not limited to the following:

- An individual's status as an employee or as a recipient of service should not be affected by the other. For example, an individual's status as an employee should not be negatively affected if he/she is having difficulty attending services in the PROS program.
- Recipient employees, like all PROS employees, must operate within their level of competence and, where appropriate, within the Scope of Practice of any professional license which may be required for the particular job.
- Community Rehabilitation and Support (CRS), Intensive Rehabilitation (IR), or Clinic Treatment services may only be provided to the recipient employee during non-work hours.
- When the recipient employee of the PROS program is in need of onsite job supports, the individual should be able to access the same human resource supports available to all other employees.
- If the individual needs additional employment-related supports, these may be provided away from the program site during non-work hours and may be an ORS service.

Regulatory Requirements

The PROS regulations recognize and permit individuals who receive services at a PROS program to be employed at the same program. Under the PROS regulations 512.4a-f, recipient employee is defined as:

... an individual who is financially compensated by a provider for providing clinical or non-clinical PROS services in the same program where the individual also receives PROS services. [14. New York Codes, Rules and Regulations (NYCRR). §512.4.af]

The regulations further describe the role of recipient employees in the definition of clinical staff as follows:

Clinical staff means all staff members, including any recipient employees, who provide services directly to individuals admitted to PROS programs or their collaterals. [14.NYCRR.§.512.4.f]

and:

A PROS provider shall continuously employ an adequate number and appropriate mix of clinical staff consistent with the objectives of the program and the intended outcomes. Such staff may include persons who are also recipients of service from a PROS program, subject to the requirements of paragraph (10) of this subdivision. [14.NYCRR. §.512.7.d. 1]

The regulation further states:

A PROS provider may use recipient employees. In such circumstances, the following requirements shall apply:

- (i) Recipient employees shall be included in the PROS provider's staffing plan.*
- (ii) PROS participants may perform a variety of non-paid functions related to the operation of the program as part of the program's therapeutic environment when such functions are identified in the person's individualized recovery plan. Unpaid functions of PROS participants shall not be reflected in the PROS provider's staffing plan.*
- (iii) Recipient employees shall adhere to the same requirements, pursuant to this Part, which are applicable to other PROS employees.*
- (iv) Recipient employees shall receive training regarding the principles and requirements of confidentiality, ethics and boundaries, and work place harassment.*
- (v) Ongoing supervision of recipient employees shall address, as warranted, boundary issues, transition between roles, and potential conflicts of interest. [14.NYCRR. §.512.d. 9]*

PROS providers are bound by the reimbursement requirements in 14.NYCRR. §.512.11, "Medicaid Reimbursement", regarding the calculation of PROS services and PROS units when a recipient employee is involved in the delivery of a service. The regulations state:

If a recipient employee provides a medically necessary service to other participants in the PROS program, such service may be included in the calculation of PROS units for such participants, as applicable. However, such service may not be included in the calculation of PROS units for the recipient employee" [14.NYCRR. §.512.11.b.8.]