

# ODM Self-Direction Advisory Council Subcommittee: Co-Employer Model

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July 23, 2025



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# Today's Agenda

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Purpose

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Employer Authority Models

- Common Law
- Co-Employer

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Announcements and Resources

# Purpose of Today's Meeting



## Purpose:

Develop a shared understanding of the co-employer model and explore opportunities for potentially introducing it into the ODM self-direction model



## Today we will:

1. **Level Set:** Review the available employer authority models – common law and co-employer
2. **Zoom In:** Take a closer look at the co-employer model and discuss how roles and responsibilities differ between the individual receiving services and the agency
3. **Zoom Out:**
  - a. Compare how services are managed as part of the common law and co-employer models
  - b. Discuss your interest in, and opportunities for, bringing agencies into the ODM self-direction model, within the bounds of the [Centers for Medicare and Medicaid Services \(CMS\) Technical Guide](#)

# Employer Authority Models

There are two employer authority models for self-direction:

## Common Law Employer Authority

The individual is formally recognized as the employer of record under the IRS, and they appoint a financial management service (FMS) vendor as their agent to handle payroll. The FMS follows federal and state tax laws on behalf of the individual.

The individual must use the FMS contracted with the state.

**Current ODM Model**

## Co-Employer Authority

The individual shares the employment relationship with an agency provider, but the agency provider is considered the employer of record and is the one responsible for payroll and tax requirements.

Sometimes referred to as “agency with choice.”

**Model for Discussion Today**

# Roles and Responsibilities: Self-Direction Co-Employer Model

# Roles in the Co-Employer Model: Individual vs. Agency

## Role of the Individual

The individual (sometimes called the employer) receives services and shares responsibilities with the agency to manage support staff. The individual manages the daily activities of the staff.

## Role of the Agency

The agency acts as a co-employer in self-direction and shares responsibilities with the individual. The agency supports the individual in administrative, legal, and compliance functions.

# Responsibilities in the Co-Employer Model: Individual vs. Agency

## Individual Responsibilities

Acting as the co-employer of the staff they choose

Selecting and recruiting staff

Training staff

Supervising staff on a day-to-day basis

## Agency Responsibilities

Hiring staff chosen by individual

Conducting background checks

Approving and processing payroll

Ensuring compliance with regulatory and policy requirements

Providing other supports to the individual based on person-centered care plan, as needed





# What additional roles or responsibilities might be part of the co-employer model?

Type your answer in the chat or raise your hand using the features in Teams.



# When should an agency provide support, and when should an agency step back to allow the individual to manage their services?

Type your answer in the chat or raise your hand using the features in Teams.

# Announcements and Resources

# Schedule of Co-Employer Model Subcommittee Meetings

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Co-Employer Model Subcommittee meetings are held on a monthly basis:



**Register for upcoming 2025 Co-Employer Model Subcommittee meetings below. Please register for each individual meeting.**

- [Wednesday, August 20, 1:30 – 3:00 p.m.](#)
- [Wednesday, September 17, 1:30 – 3:00 p.m.](#)
- [Wednesday, October 15, 1:30 – 3:00 p.m.](#)
- [Wednesday, November 19, 1:30 – 3:00 p.m.](#)



Would you like to hold a subcommittee meeting in the month that the quarterly Self-Direction Advisory Council meetings occur (i.e., August, November, etc.)?

# Resources and Additional Information

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- Visit our website for additional information about ODM's self-direction program:
  - [ODM Self-Direction](#)
  - [ODM Self-Direction Workgroup](#)
- Visit the ODA website on PASSPORT Waiver participant direction [here](#)
- Visit the DODD website on participant directed waiver services for the Individual Options, Level One, and SELF Waivers [here](#)
- Review the [Ohio Self-Direction Summit, April 2023: Summary of Key Findings and Recommendations](#)
- Questions? Send an email to [SelfDirection@medicaid.ohio.gov](mailto:SelfDirection@medicaid.ohio.gov)