



TPS MEDICAL HOLDINGS, LLC

Caregiver Compliance & Integrity Handbook

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Why Compliance Matters

Indiana Medicaid, including Medicaid Waiver programs, is a **publicly funded benefit**. Because the program relies on taxpayer dollars, the State of Indiana has strict rules to prevent **fraud, waste, abuse, neglect, and exploitation**. Caregivers are considered *mandated reporters* and must follow all compliance requirements.

Abuse, neglect, and exploitation reporting requirements are mandated for all providers under Indiana regulations.

Failure to comply can result in:

- Termination of employment
 - Repayment of funds
 - Permanent disqualification from Medicaid programs
 - Removal of aide licensure (HHA or CNA)
 - Criminal charges under Indiana Code (i.e. neglect or exploitation of a vulnerable adult)
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Fraud, Waste & Abuse (FWA) in Indiana Medicaid

- **Fraud:** Any intentional deception or misrepresentation made with the knowledge that it could result in unauthorized benefits or payments.
 - Examples:
 - Claiming hours you did not work
 - Creating documentation that is false or misleading
 - Charting for services when you were not with the client
 - Charting for services when the client is in an institutional/facility setting
 - **Waste:** Using resources carelessly, such as excessive or unnecessary services.
 - **Abuse:** Actions that result in unnecessary cost or violate program rules, whether intentional or not.
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Penalties for Fraud, Waste and Abuse Violations

Violations can result in:

- Medicaid recoupment
- Loss of employment
- Ban from Medicaid provider work
- Civil penalties
- Misdemeanor or felony criminal charges depending on the violation

Timekeeping Integrity/ EVV Compliance

Submitting inaccurate time or allowing someone else to do it for you is a serious violation.

- **Not Allowed:**
 - Someone else clocking you in or out (unless an approved office staff member)
 - Pre-entering hours
 - Changing times after the fact unless creating a documented correction
 - Estimating hours (“we were pretty much together around that time”)
 - Clocking into a shift at 9 AM when you didn’t arrive to the client’s residence until 9:20 AM
 - Telling QA you forgot to clock in at the start of your shift when you really did not arrive on time.
- These actions fall under fraudulent billing practices.

Time Card Fraud (also called deception) is grounds for **immediate termination** and may also result in recoupment of payroll funds.

Documentation Requirements

All documentation must be:

- Accurate
- Completed by the **person providing the care**
- Timely
- Truthful
- Reflective of services allowed by the client’s service plan
- Free of personal opinions, blame, or vague language

Your documentation becomes a **legal medical record**.

Follow All Driving Laws

If your job requires you to drive a client, run errands for the client, or travel between clients, you **must follow all driving laws at all times**. This protects **you**, the **client**, and the **agency**.

You MUST Have:

- A **valid driver’s license**
- **Active auto insurance**

If you don’t have both, **you cannot drive any clients, claim mileage or run errands for clients**.

You MUST NOT:

- Drive a client with an expired, suspended, or no license
- Drive without insurance
- Use drugs, alcohol, or be distracted (texting/phone) while driving
- Break traffic laws or drive unsafely

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General Service Definitions

- **Attendant Care:** Provides care to individuals for their functional needs with activities of daily living (ADLs). Also provides assistance with general homemaking and transportation that are incidental to ADLs.
 - **Home and Community Assistance:** Provides instrumental activities of daily living (IADLs) for individuals to maintain clean and safe environment in their temporary or permanent residence. Also allows for meal planning/prep and essential errands and/or unassisted transportation for non-medical and community activities.
 - **Respite:** Services that are provided temporarily or periodically in the place of the usual, primary caregiver(s) (such as a family member) to give the primary caregiver(s) relief.
 - **Structured Family Caregiving:** A caregiving arrangement in which a client lives with a principal caregiver who provides daily care and support to the client based on the client's needs (within the scope of agency licensing and allowable tasks).
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What Caregivers *Cannot* Claim on Medicaid/ Medicaid Waiver Time

You **may ONLY** claim hours when:

1. You are physically with the client **and**
2. You are actively providing a **Medicaid-reimbursable service**, such as:
 - Attendant Care
 - Home and Community Assistance (HCA)
 - Respite Home Health Aide

You **cannot** claim hours when:

1. You are not physically present with the client (unless providing an errand **for the client**)
2. You are doing your own errands, chores, or personal appointments
3. You are asleep

Claiming time when not with the client is considered **fraud** because it results in improper use of Medicaid funds.

Home Care & Home Health Cannot Be Provided in Institutional Settings

Home care and home health services are meant for people **living at home**, not in facilities.

Indiana Medicaid says home services must be given in the client's **place of residence**, and that does **not** include:

- Skilled care facility (ie. Nursing home, rehab, etc)
- Adult day centers
- Any place where Medicaid pays for room and board
- Hospitals
 - Except for outpatient medical appointments such as: treatments, labs, exams, Dr appointments, etc

Indiana defines home care and home health services as care provided in a member's home or community and **not** in hospitals, nursing facilities, or institutional settings. Home Care & Home Health exist specifically so people can receive care **instead of** being placed into institutions or facilities.

What You Need to Know

- If your client is staying in a hospital, nursing home, or any facility, **you cannot clock in or provide care**.
- Services only resume when the client returns home.

Home Care & Home Health Cannot Be Provided Outside the United States

Medicaid is a **state-based** program. It only pays for services delivered inside the United States. Indiana rules allow some care to happen out-of-state **within the U.S.** (with proper licensing and approval), but services **cannot** be provided internationally.

Home Care Services (Medicaid Waiver):

- Attendant Care
 - Can be provided at a client's temporary or permanent residence in Indiana
 - Can be provided for essential, non-medical transportation to support ADLs out in the community
 - Can be provided in another state **WITH** pre-approval from the agency
- Home and Community Assistance
 - Can be provided at a client's temporary or permanent **residence** for housekeeping in Indiana
 - Can be provided out in the community for essential errands or transportation in Indiana
 - **CANNOT** be provided in another state
 - **CANNOT** be provided at a friend/family's or alternate home unless the client is **living** there
- Structured Family Caregiving
 - Can be provided at a client's temporary or permanent residence in Indiana
 - Can be provided out in the community
 - Can be provided in another state **WITH** pre-approval from the agency

Home Health Services (PA and Respite):

- PA Home Health Aide
 - Can be provided at a client's temporary or permanent residence in Indiana
 - **CANNOT** be provided in another state
- Respite Home Health Aide
 - Can be provided at a client's temporary or permanent residence in Indiana
 - Can occur in home and community-based settings

What You Need to Know

If a client leaves the country:

- You **cannot** provide services
- You **cannot** submit for those hours
- Paid care must pause until the client returns to Indiana or another eligible U.S. location

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Why Caregivers Cannot “Share” Devices or Passwords

Beyond fraud risk, sharing logins creates:

- HIPAA violations
- Security breaches
- Incorrect documentation in the client’s clinical or service record

Sharing your login or user password for agency systems is expressly prohibited and considered gross misconduct.

Asking a client, client family member, client friend, co-worker, your friend, your family member or **ANYONE** else to use your login (or complete your charting) is considered fraud and is grounds for **immediate termination**.

Giving Access to Your Logins Is Strictly Prohibited

Your login credentials are **your legal signature**.

This includes, but is not limited to:

- Kantime
- PayCor
- CareAcademy
- All other agency systems

If a client, client family member, client friend, your family member, your friend or **ANYONE** else clocks you in/OUT, enters charting, digitally applies your signature or submits hours using your login, the system records **you** as the person attesting to that information.

This can trigger:

- Medicaid audit flags
- Fraud investigations
- Personal liability
- Termination of employment

Logins may only be used by:

- **You**, the assigned caregiver
- **Approved office staff** specifically authorized to make corrections or administrative entries (NOT clients and NOT family members)

Incident Reporting Obligations

Any caregiver who witnesses or becomes aware of:

- Abuse
 - Neglect
 - Exploitation
 - Injuries of unknown origin
 - Unsafe living conditions
 - Criminal activity around or involving a client or members of their household/family
- ...must report it **immediately**.

Abuse, Neglect, and Exploitation

Caregivers must **never hurt, ignore, or take advantage** of a client.

Indiana requires all caregivers to report and prevent **abuse, neglect, and exploitation**.

1. Abuse — Hurting a Client in Any Way

Abuse means doing something that harms a client, on purpose or by rough behavior.

This includes physical, emotional, verbal, sexual, or even technology-related harm.

Examples of Abuse

- Hitting, pushing, grabbing, or being rough
- Yelling, cursing, insulting, or threatening the client
- Making fun of the client
- Touching the client in a sexual or inappropriate way
- Recording or sharing videos/pictures of the client without permission

Simple Rule: Never hurt, scare, embarrass, or disrespect a client.

2. Neglect — Not Giving the Care the Client Needs

Neglect means **not doing your job** and **not giving the care the client depends on**, even when you are supposed to.

Indiana considers failing to provide needed care or services as a form of neglect.

Examples of Neglect

- Not helping the client with tasks listed in their Service Plan
- Leaving the client alone when they need supervision
- Skipping meals, hygiene help, or medication reminders
- Ignoring the client when they ask for help
- Not reporting dangerous living conditions (no heat, unsafe home)

Simple Rule: Do the tasks the client needs. Don't ignore care, and don't leave the client unsafe.

3. Exploitation — Taking Advantage of the Client

Exploitation means **using the client for money, gifts, or personal benefit**.

Indiana law includes financial or personal gain as exploitation of a vulnerable adult.

Examples of Exploitation

- Borrowing money or asking for gas, groceries, or bills to be paid
- Asking for food, gifts, or "tips"
- Using the client's credit card, bank card, or money for personal reasons
- Having the client do chores for you (wash your car, do your laundry)
- Using the client's belongings for yourself (car, phone, TV, computer, tablet, etc.)
- Asking the client if you can live with them

Simple Rule: Never take money, gifts, or favors — and never use the client for your benefit.

What Caregivers MUST Do

- Treat clients with kindness and respect
- Do all required care tasks
- Keep professional boundaries
- Protect the client's money and belongings
- Report ANY sign of abuse, neglect, or exploitation to the office immediately

Caregiver Reporting Requirements

Tell the Office Right Away if Something Is Wrong

As a caregiver, your job is not just to help the client — you must also **report problems** so we can keep the client safe and follow Indiana rules.

- You will **not** get in trouble for reporting.
- You **can** get in trouble for staying **quiet**.

What You MUST Report

1. **Falls, Injuries, Accidents**
 - Any fall or any injury — even small ones.
2. **Hospital Visits**
 - If the client goes to the ER or is admitted to the hospital.
3. **Changes in Condition**
 - If the client seems more confused, weaker, in pain, sick, or “not themselves.”
4. **Wounds or Skin Problems**
 - Open sores, pressure wounds, infections, or unusual bruises.
5. **Unsafe Living Conditions**
 - No heat or electricity
 - Bugs (roaches, bed bugs, etc.)
 - Dirty or dangerous home
 - Broken structure or no running water
 - These are safety concerns that must be reported.
6. **Abuse, Neglect, or Exploitation (ANE) Concerns**
 - If someone is:
 - Hurting the client
 - Ignoring their needs
 - Taking money or items
 - Fighting or causing problems in the home
 - Caregivers must report **all** A-N-E concerns.
7. **Drug or Criminal Activity**
 - If you see drugs, violence, or illegal activity in or around the client’s home.
Criminal behavior that affects care must be reported.
8. **Family Problems Affecting Care**
 - Fighting, unsafe people in the home, people blocking you from doing your job.
9. **Clients Asking You to Do Inappropriate Things**
 - Examples:
 - Asking you to lie about hours
 - Asking you to give your login
 - Asking you to borrow or give money
 - Asking you to break rules
 - Making inappropriate comments that may be sexual in nature
10. **Lack of Supplies or Basic Needs**
 - No food, no meds, no hygiene items, no working bathroom, missing medical supplies.

How to Report to the Office

- **Call the office right away** — don’t wait until your next shift.
- If you aren’t sure whether it’s important: **report it anyway**.
- The office will decide whether a Medicaid incident report is needed.

Caregiver Professional Standards

PROFESSIONAL STANDARDS

- Maintain physical and emotional boundaries
- Avoid "kinship," emotional intimacy and romantic relationships
- Avoid nicknames or terms of endearment
- Be mindful of voice (pitch, tone, etc) when communicating
- Treat your client and their belongings with respect
- Be courteous by being on time
- Work within your duties/scope
- Don't take personal phone calls or video calls while at a client's home
- Don't enter a client's home while on a phone call
- Don't overshare personal information with your client
- Don't use racial slurs, profanity, or make inappropriate jokes
- Don't speak about politics, religion or other sensitive subjects
- Don't keep secrets with your client
- Absolutely no caregiver guests at a client's home (including friends, family members, etc) for any reason
- Follow HIPAA and Confidentiality standards (see employment handbook)

RESIDENCY/HOUSING

Unless the caregiver/client are relatives OR if shared residency was previously established prior to employment:

- It is expressly prohibited for:
 - an agency caregiver to move in with a client OR
 - a client to move in with a caregiver OR
 - a client and a caregiver to obtain housing/ residency together

Housing issues should be reported to the agency immediately.

EATING AT A CLIENT'S HOME

- Clients do not need to provide food or meals for caregivers
- Do NOT eat client's food (even if they say it is okay)
- If you're working long hours, bring food with you
 - You cannot leave while on the clock to go get personal food
 - Remember, you cannot leave the home at all during Heal at Home visits for any reason
- Professional courtesy is not to enter the home and immediately begin eating prior to attending to client

GIFTS

- If a client or family member wishes to give you something (clothes, money, jewelry, etc.) you must notify the office immediately
- *NEVER* ask a client or family member for money, items, gifts, food, etc.
- Accepting gifts from clients is not allowed and grounds for termination
- Accepting gas money or asking for gas money is not allowed and grounds for termination

SLEEPING AT A CLIENT'S HOME

- No sleeping while on the clock: Includes overnight shifts
- Sleeping while claiming hours is considered Neglect/ Medicaid Fraud and is grounds for termination

DRUG AND ALCOHOL USE

- Do not work under the influence of drugs or alcohol
- Do not take client's medication or offer clients your own medication
- The agency has the right to do random drug screenings in house or outsourcing drug screenings

Paid Family Caregiver Types: Relatives, Legal Guardians and LRIs

What Medicaid Waiver services can you work as a paid family caregiver?

- Attendant Care (ATTC)
 - Relatives are limited to 40 paid hours per week
 - Legal Guardians of Adults are limited to 40 paid hours per week
 - Legally Responsible Individuals (LRIs) can be paid for up to 40 hours per week if the client meets *Extraordinary Care Provision*
- Home and Community Assistance (HCA)
 - Legal Guardians of Adults and LRIs cannot be paid as the caregiver providing HCA.
- Structured Family Caregiving (SFC)
 - Any person who meets caregiving requirements can provide SFC Services
 - Must live in the same residence as the client
- Respite Home Health Aide
 - Cannot be provided by LRIs
 - Cannot be provided by Legal Guardians
 - Cannot be provided by primary caregivers (you can't "respite" yourself)

Who are Legally Responsible Individuals (LRIs?)

- Parent of a minor child (natural or adopted)
- Spouse of an Adult

Who are Relatives?

Per Indiana Medicaid - A relative is a:

- Parent of an Adult (natural, step, adopted, in-law)
- Grandparent (natural, step, adopted)
- Uncle (natural, step, adopted)
- Aunt (natural, step, adopted)
- Brother (natural, step, half, adopted, in-law)
- Sister (natural, step, half, adopted, in-law)
- Child (natural, step, adopted)
- Grandchild (natural, step, adopted)
- Nephew (natural, step, adopted)
- Niece (natural, step, adopted)
- First cousin (natural, step, adopted)

Who are Legal Guardians?

- A legal guardian is **someone the court picks** to make decisions for minor or an incapacitated adult (also called a protected person or ward) who can't take care of themselves (or their money) because of illness or disability.

To Note

Failing to **disclose your relationship to a client** while being compensated as the paid caregiver is considered fraud and is a terminable offense.