



**COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING**

1570 Grant Street, Denver, CO 80203-1818 • (303) 866-2993 • (303) 866-4411 Fax  
 John W. Hickenlooper, Governor • Susan E. Birch MBA, BSN, RN, Executive Director

**FMS EMPLOYER MODELS IN CDASS**

**FMS Role in CDASS for both AwC and F/EA**

- Completes employment related functions for CDASS attendants
- Tracks and reports client’s CDASS allocations and utilization
- Collects and processes timesheets for attendants
- Distributes paychecks
- Ensures payment of tax-related employer costs
- May provide referrals to additional attendants
- Submits authorized claims for CDASS provided to eligible clients

	<b>Agency With Choice Model (AwC)</b>	<b>Fiscal Employer Agent Model (F/EA)</b>
<b>Who is the Employer?</b>	The client and the FMS are co-employers, with the FMS as the common-law employer per the Internal Revenue Service (IRS).	The client is the common-law employer per the Internal Revenue Service (IRS).
<b>Who hires attendants?</b>	The client selects and refers attendants to the FMS for hire and termination.	The client hires and terminates attendants.
<b>What are the Client’s roles and responsibilities for each model?</b>	<p>Directs attendants as the managing employer.</p> <p>Works with the FMS to ensure requirements under the Affordable Care Act and Fair Labor Standards Act are met, including tracking overtime hours worked by attendant.</p>	<p>Employs all attendants.</p> <p>Defines wages for attendants</p> <p>Obtains an employer Tax ID Number (the FMS can assist with this).</p> <p>Completes employer related functions through the use of a Fiscal/Employer Agent.</p>



**COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING**

1570 Grant Street, Denver, CO 80203-1818 • (303) 866-2993 • (303) 866-4411 Fax  
 John W. Hickenlooper, Governor • Susan E. Birch MBA, BSN, RN, Executive Director

**FMS EMPLOYER MODELS IN CDASS**

	<p>Establishes hiring agreements, as required by the FMS with each attendant, defines wages, services to be provided, schedules and working conditions.</p> <p>Ensures the FMS receives hiring agreements prior to attendants providing services.</p> <p>Discusses employer model with attendants and the effect on the attendant’s wages.</p>	<p>Establishes a hiring agreement with attendants.</p> <p>May be responsible for overtime payments to attendants.</p> <p>Discusses employer model with attendants and the effect on the attendant’s wages.</p>
<p><b>What are the additional Roles and Responsibilities of the FMS?</b></p>	<p>Processes hiring agreement between the FMS, the client, and the attendant.</p> <p>Complies with all requirements set forth by the Affordable Care Act including health insurance.</p>	<p>Obtains designation as a Fiscal/Employer Agent per <a href="#">Section 3504 of the IRS Code</a></p>
<p><b>Is health insurance available under the model?</b></p>	<p>The FMS must comply with the Affordable Care Act by offering health insurance when the organization meets the criteria established by the ACA. The health insurance premiums are not paid by the FMS. The premium costs for health</p>	<p>The client is not required to offer health insurance.</p>



**COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING**

1570 Grant Street, Denver, CO 80203-1818 • (303) 866-2993 • (303) 866-4411 Fax

John W. Hickenlooper, Governor • Susan E. Birch MBA, BSN, RN, Executive Director

**FMS EMPLOYER MODELS IN CDASS**

	insurance shall be considered as additional payroll costs for each client.	
--	--	--