

42 CFR
440.170

HOME-BASED PERSONAL CARE SERVICES

Home-based personal care services are covered benefits when provided by an agency licensed to provide personal care services outside of a 24-hour supervised living setting, in accordance with Utah Code Annotated, Title 26, Chapter 21. The services are delivered by a personal care aide or a home health aide (performing only personal care level tasks) who has obtained a certificate of completion from the State Office of Education, or a licensed practical nurse, or a licensed registered nurse.

LIMITATIONS

1. Home-based personal care services are covered benefits when prescribed by a physician.
2. Home-based personal care services are not covered benefits:
 - a. for recipients residing in an institution; or
 - b. when delivered concurrently with Medicaid home health aide services.
3. Home-based personal care services are limited to 60 hours per month.

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EMPLOYMENT-RELATED PERSONAL CARE SERVICES

Employment-related personal care services are covered benefits provided to support integrated employment opportunities for individuals with a moderate to severe level of disabilities. Services are delivered by an agency licensed to provide personal care services outside of a 24-hour supervised living setting, in accordance with Utah Code Annotated, Title 26, Chapter 21, or a non-agency individual employed by the recipient as a personal care assistant who meets provider qualifications established by the Medicaid Agency. Employment-related personal care services include physical assistance and cognitive cuing to direct self-performance of necessary activities.

LIMITATIONS

- A. Employment-related personal care services are covered benefits only for recipients who:
 - 1. meet the disability definition of the SED.1614 [42 U.S.C. 1382c] (a)(3), and
 - 2. are gainfully employed in an integrated community setting.

- B. Employment-related personal care services are limited to:
 - 1. assistance with daily living activities;
 - 2. assistance with instrumental activities of daily living;
 - 3. transportation to and from the work site;
 - 4. case management support to access and coordinate services and supports available at the work site through education, vocational rehabilitation, and other work-related public programs;
 - 5. case management support to access and coordinate employment-related personal care services with other Medicaid State Plan services, including home-based personal care services;
 - 6. Services provided to eligible individuals outside the home necessary to assist them in obtaining and retaining competitive employment of at least 40 hours per month. Services are designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if they did not have a disability.

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EMPLOYMENT-RELATED PERSONAL CARE SERVICES (cont.)

LIMITATIONS (cont.)

- C. Employment-related personal care services are not covered benefits:
 - 1. when provided by a legally responsible family member or guardian;
 - 2. when provided to individuals residing in hospitals, nursing facilities, ICFs/MR, when the recipient is employed by the facility; or
 - 3. when provided to individuals enrolled in a 1915(c) Home and Community-Based Services waiver when personal care services are provided as a component of a covered waiver services currently being utilized by the recipient.

- D. Scope, amount, and duration of employment-related personal care services will be determined on an individual recipient basis through a needs assessment process approved by the Department and completed by staff of the Department or its designee.

- E. Scope, amount, and duration of employment-related personal care services will be authorized through completion of a written individualized service plan prepared jointly by the individual recipient and the Department staff or designee conducting the needs assessment.

- F. Non-agency personal care assistants employed by the recipient to provide employment-related personal care services are required to utilize a Department approved fiscal intermediary to coordinate Medicaid claims submittal and payment, and to coordinate payment of employer-based taxes.

- G. Recipients who cannot direct the activities of a personal care assistance employee may designate a proxy to act in this capacity within parameters established by the Department.

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