26. Personal Care

A. Personal care services are provided by a personal care aide to assist with a client's physical dependency needs. The personal care aide must have at least 24 hours classroom training and a minimum of supervised practical training of 16 hours provided by or under the supervision of a registered nurse for a total of no less than 40 hours.

B. Personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or institution for mental disease that are –

1. Authorized for the individual in accordance with a service plan approved by the State;
2. Provided by an individual who is qualified to provide such services and who is not a member of the individual’s family, and
3. Furnished in a home, and at the State’s option, in another location, including licensed residential care facilities and licensed assisted living facilities.

C. The State defines “a member of the individual’s family” as:

1. A spouse,
2. A minor’s parent, stepparent, foster parent or anyone acting as a minor’s parent,
3. A minor’s “guardian of the person” or anyone acting as a minor’s “guardian of the person” or
4. An adult’s “guardian of the person” or anyone acting as an adult’s “guardian of the person”.

D. Under no circumstances may Medicaid reimbursement be made for personal care services rendered by the client’s:

1. Legal guardian; or
2. Attorney-in-fact granted authority to direct the client’s care

E. Personal care services are covered for categorically needy individuals only.

F. Personal care services are medically necessary, prescribed services to assist clients with their physical dependency needs.

1. Personal care services involve “hands-on” assistance, by a personal care aide, with a client’s physical dependency needs (as opposed to purely housekeeping services). Personal care services also include employment-related personal care associated with transportation.

2. The tasks the aide performs are similar to those that a nurse’s aide would normally perform if the client were in a hospital or nursing facility.

G. Prior authorization is required for personal care pursuant to the Independent Assessment for all beneficiaries. Personal care services for adults 21 years of age or older are limited to a maximum of 64 hours per calendar month.