

SECTION IV. 3. Personal Care Services

A. Definition

Personal Care Services assist individuals in the home-based setting with activities of daily living (ADL) and instrumental activities of daily living (IADL) that are essential to the health and welfare of the individual.

Note: Personal care in an Adult Family Care home setting is covered under the Adult Family Care service standards (CFC Manual Section IV.11 Adult Family Care). Standards of care provided in a nursing facility or residential care home is covered under the applicable standards and regulations (CFC Manual Section IV.8 & IV.9, and <http://www.dlp.vermont.gov/regs>).

B. Personal Care Standards

Personal Care Service providers, who employ, manage and supervise personal care attendants within the Choices for Care (CFC) program must be authorized by the DAIL and comply with the following:

1. All Applicable State and/or Federal Rules and Regulations
2. Participant and Surrogate-Directed Employer Responsibilities (Participant/Surrogate Employers only) as outlined in the Employer Handbook.
3. CFC Universal Provider Qualifications and Standards (Section III.)
4. CFC Services (Section IV.)

C. Provider Types

The following provider's types are approved to provide Personal Care Services when authorized by DAIL and identified on the individuals Service Plan:

1. Home Health Agencies as defined by State statute (*Revenue Code 072*)
2. Participant or Surrogate-Directed Employees hired by Certified Employers via an Intermediary Services Organization (*Revenue Codes 077 and 081*)

D. Approved Activities

Personal Care Services may include the following approved, reimbursable activities when identified on the individual's assessment, service plan or AFC person centered plan:

1. Activities of Daily Living (ADL): ADL's include the following:
 - a. Dressing
 - b. Bathing
 - c. Personal Hygiene

- d. Bed Mobility
 - e. Toileting
 - f. Assistance with Adaptive Devices
 - g. Transferring
 - h. Mobility
 - i. Eating
2. Instrumental Activities of Daily Living: IADL's include the following:
- a. Meal Preparation
 - b. Medication Management
 - c. Using the Telephone
 - d. Money Management
 - e. Household Maintenance
 - f. Light Housekeeping
 - g. Laundry
 - h. Shopping
 - i. Transportation
 - j. Care of Medical or Adaptive Equipment

E. Personal Care Services, provided in an (Unlicensed) Private Home

A CFC participant may receive Personal Care Services in the home of another person. If the participant is living in the unlicensed home of a person who is not related to them, and is not covered under the Adult Family Care services, the following must apply:

1. The home shall adhere to the standards and limitations for Personal Care Services being provided to the participant in the approved Service Plan.
2. The home shall not be paid to provide respite services.
3. The home shall follow all applicable landlord/tenant laws and Life Safety codes.
4. The home shall adhere to participant rights.
5. The private home shall include the participant and case manager in creating a written room and board agreement. A copy shall be provided to the local DAIL LTCCC and updated as the circumstances change.
6. Allowing home visits by DAIL staff, Ombudsman, Case Managers and other visitors as determined by the participant or legal representatives.
7. The room and board agreement shall reflect a reasonable "market rate" room and board amount and shall assure that the participant maintains adequate spending money. It is recommended that the amount of room and board and personal spending money follow the DAIL Room & Board standards, allowing for at least \$115/month in personal spending money (as of 2013).

8. An unlicensed private home shall not provide or be paid to arrange for, care to more than two unrelated people in their home, regardless of the source of payment. (Refer to the *Residential Care Home Licensing Regulations* for details <http://www.dlp.vermont.gov/regs.>)
9. The unlicensed private home may not require or accept pay for care or services already available to the participant through the CFC Service Plan.
10. The live-in caregiver must communicate with the case manager regarding the participant's needs on a regular basis and participate in regular assessment and monitoring activities.
11. The live in caregiver may not receive payment through CFC for home maintenance and repair, 24-hour care and supervision, room and board or any service paid for by the participant to the live-in caregiver as described in the room and board agreement or in a "contract for care".

E. Limitations

1. Personal Care Services as defined in this section are limited to individuals approved by DAIL for services in the Home-Based setting.
2. Personal Care Services are limited to the maximum hours allocated on the DAIL approved Service Plan.
3. Instrumental activities of daily living (IADLs), not including meal preparation and medication management, are limited to 4.5 hours per week.
4. A spouse or civil union partner shall not be paid to provide assistance with Instrumental Activities of Daily Living (IADLs) as a part of Personal Care Services.
5. Personal Care Attendants with a substantiated record of abuse, neglect, or exploitation of a child or a vulnerable adult shall not be paid to provide CFC services (*DAIL Background Check Policy*).
6. Personal Care Attendants who have been excluded from participation in Medicaid or Medicare services, programs, or facilities by the federal Department of Health and Human Services' Office of the Inspector General shall not be paid to provide CFC services (*DAIL Background Check Policy*).
7. Personal Care Attendants who have a criminal conviction for an offense involving bodily injury, abuse of a vulnerable person, a felony drug offense, or a property/money crime involving violation of a position of trust shall not be paid to provide CFC services (*DAIL Background Check Policy*).

8. Personal Care Services shall not be furnished to individuals who are inpatients of a hospital or nursing facility.
9. A legal guardian, appointed by probate court, may not be paid to provide Personal Care Services.
10. A person who receives wages to provide Personal Care Services may not simultaneously receive mileage reimbursement as a volunteer driver through the VT Medicaid transportation benefit.
11. Personal Care Services shall not be provided to a participant who has left the state of Vermont for more than 7 consecutive days.
12. Participant or Surrogate-Directed employees (PCA's) must be 18 years of age or older.
13. A Surrogate Employer shall not be paid to provide Personal Care Services to the participant for whom they are acting as a Surrogate.
14. CFC shall not be used to provide Personal Care Services that are otherwise being purchased privately or paid for through another funding source.
15. Assistance with meal preparation does not include the cost of food.
16. Medicare Certified Home Health Agencies may place limitations on the delegation of certain Personal Care Services activities according to VT Statute Title 26, Chapter 28 and the State of VT Board of Nursing Administrative Rules (e.g. medication handling).
17. CFC services shall not contribute to the cost of the participant's room and board in a shared living arrangement (except in a nursing facility).
18. A Personal Care Services employee shall not require the participant to pay privately for services already available through the CFC program.