
Personal Care Services

7406 Personal Care Services (10/29/2013, 13P016)

7406.1 Definitions (10/29/2013, 13P016)

As used in these regulations:

- A. “Activities of Daily Living” (ADL) includes dressing; bathing; grooming; eating; transferring; mobility; and toileting.
- B. “Employer” means the individual or entity who is responsible for the hiring of and ensuring payment to the provider.
- C. “Functional Evaluation Tool” means a standardized assessment tool to assist in the determination of medical necessity for personal care services.
- D. “Instrumental Activities of Daily Living” (IADL) includes personal hygiene, light housework, laundry, meal preparation, transportation, grocery shopping, using the telephone, medication management, and money management.
- E. “Medical Necessity” shall have the same meaning as Section 7103 of this rule.
- F. “Personal care services” means medically necessary services related to ADLs and IADLs that are furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for people with developmental disabilities, or institution for mental disease.
- G. “Personal Care Attendant” means an individual at least 18 years of age having successfully passed required background checks who provides the personal care services to a child. A personal care attendant may not be a biological or adoptive parent, guardian, shared living provider, foster parent, step-parent, domestic/civil union partner of the child’s primary caregiver, or a relative serving in the primary caregiver capacity.

7406.3 Eligibility Criteria (10/29/2013, 13P016)

To be eligible for Personal Care Services a child must:

- A. Be under the age of 21;
- B. Have active Medicaid enrollment;
- C. Have a medical condition, disability or cognitive impairment as documented by a physician, psychologist, psychiatrist, physician’s assistant, nurse practitioner or other licensed clinician and;
- D. Qualify for medically necessary personal care services based on functional limitations in age-appropriate ability to perform ADLs.

7406.4 Covered Services (10/29/2013, 13P016)

- A. Covered personal care services must be medically necessary and shall include:
 - 1. Assistance with ADLs; such as bathing, dressing, grooming, bladder, or bowel requirements;

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2. Assistance with eating, or drinking and diet activities;
 3. Assistance in monitoring vital signs;
 4. Routine skin care;
 5. Assistance with positioning, lifting, transferring, ambulation and exercise;
 6. Set-up, supervision, cueing, prompting, and guiding, when provided as part of the assistance with ADLs;
 7. Assistance with home management IADLs that are linked to ADLs, and are essential to the beneficiary's care at home;
 8. Assistance with medication management;
 9. Assistance with adaptive or assistive devices when linked to the ADLs;
 10. Assistance with the use of durable medical equipment when linked to the ADLs;
 11. Accompanying the recipient to clinics, physician office visits, or other trips which are medically necessary.
- B. Services shall be individualized and shall be provided exclusively to the authorized individual.
- C. Payment for services shall not exceed the amount awarded.
- D. Prior authorization shall be required prior to the provision of personal care services.
- E. Services must be provided in the most cost effective manner possible.

7406.5 Personal Care Attendants (10/29/2013, 13P016)

- A. A personal care attendant may be employed
1. By home health agencies, nursing service agencies, or other agencies designated to furnish this service; or
 2. Directly by the recipient, family, guardian, or guardian's designee (known as self/family/surrogate directed services). In the case of self, family, or surrogate direction, the employer must use the state-sanctioned fiscal employer agent for payroll and administrative services.
- B. Personal care attendants may be paid within the awarded amount:
1. The current Medicaid rate on file. The current Medicaid rate is published on the website of the Department of Vermont Health Access and may be found at <http://dvha.vermont.gov/> and is hereby incorporated by reference; or
 2. A flexible wage. The flexible wage shall not be lower than the current Medicaid rate on file, but may be reasonably higher.
 3. The recipient, if an adult between the ages of 18 and 21, or his or her guardian, or the parent or guardian of a minor child, may select the personal care attendant's reasonable rate of pay. Different rates of pay may be paid to different personal care attendants providing services to the same child.
- C. Personal Care Attendant Wages and Payroll Taxes –The employer is responsible for paying the appropriate payroll taxes out of the awarded amount.

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- D. A personal care attendant may provide personal care services to only one recipient at a time.

7406.6 Determination of Personal Care Services (10/29/2013, 13P016)

- A. The State shall from time to time adopt and designate for use a functional evaluation tool.
- B. The functional evaluation tool shall assist in measuring the level of assistance a recipient requires in activities of daily living and such instrumental activities of daily living linked to the recipient's ADLs.
- C. Reevaluations will occur in accordance with the following:
1. Annually through age 5;
 2. Changing to every 3 years if the child has two consecutive years of the same evaluation outcome; or
 3. When there is a change in the child's ability to perform ADLs and IADLs.