



ADMINISTRATIVE RULES OF MONTANA

37.40.1002 AGENCY-BASED AND SELF-DIRECTED COMMUNITY FIRST CHOICE SERVICES: ELIGIBILITY, SERVICES PROVIDED, AND LIMITATIONS

- (1) To qualify for Community First Choice Services (CFCS), a person must:
 - (a) be Medicaid eligible;
 - (b) meet the level of care criteria found at ARM 37.40.205(1); and
 - (c) demonstrate a medical and functional need for assistance with activities of daily living.
- (2) CFCS includes assistance with the following activities:
 - (a) activities of daily living;
 - (b) instrumental activities of daily living;
 - (c) medical escort services;
 - (d) skill acquisition, maintenance, and enhancement; and
 - (e) personal emergency response systems.
- (3) Instrumental activities of daily living are only authorized when the member demonstrates a medical and functional need to receive assistance with activities of daily living. Instrumental activities of daily living may not account for more than one-third of the total time allocated per two-week period for CFCS or a maximum of ten hours per two-week time period, whichever is less.
- (4) Medical escort services are only authorized when the member has demonstrated a medical and functional need for CFCS. Medical escort services must be directly related to a member's medical and functional need for assistance en route to, or at the Medicaid reimbursable medical service, and are available when a family member or caregiver is unable to accompany the member.
- (5) Skill acquisition, maintenance, and enhancement services are only authorized when the member demonstrates a medical and functional need to receive assistance with activities of daily living. The service may be authorized if a member is expected to achieve full independence in skill acquisition within a 90-day time period. A skill acquisition letter of endorsement signed by a skill acquisition advocate is required prior to authorization of the service.
- (6) Personal emergency response system services (PERS) are only authorized when the member demonstrates a medical and functional need to receive assistance with activities of daily living.
- (7) CFCS, except for medical escort services, shopping, laundry, and community integration, will be provided in the member's home.

- (8) CFCS services will be provided only in residential settings that the department determines meet the Home and Community-Based Setting requirements described in 42 C.F.R. § 441.530.
- (9) CFCS is not available to the following:
 - (a) persons residing in a hospital, a hospital providing long-term care, or a long-term care facility as defined in 50-5-101, MCA, and licensed under 50-5-201, MCA;
 - (b) persons who reside in assisted living or adult foster homes, as defined in 50-5-225, MCA, and licensed under 50-5-227, MCA;
 - (c) persons who live in homes that are not safely accessible by normal modes of transportation.
- (10) CFCS may not include any skilled services that require professional medical training unless otherwise permitted under 37-8-103, MCA.
- (11) CFCS do not include services that maintain an entire household. CFCS do not include:
 - (a) cleaning floors and furniture in areas that members do not use or occupy;
 - (b) laundering clothing or bedding that members do not use;
 - (c) supervision, respite care, babysitting, or visiting;
 - (d) maintenance of animals unless the animal is a certified service animal specifically trained to meet the health and safety needs of the member;
 - (e) home and outside maintenance; and
 - (f) meal preparation for other family members.
- (12) Payment to legally responsible persons for CFCS is available when an individual requires extraordinary care. An individual is considered to require extraordinary care, as demonstrated by a state-approved functional assessment, when needs exceed the ordinary care that would be provided to a person without a disability of the same age. A legally responsible person may also be paid for services that are not considered extraordinary when an individual is unable to access non-legally responsible personal care providers because of geographic, cultural, or other factors limiting availability of care providers. A legally responsible person is defined as a:
 - (a) spouse; or
 - (b) natural, adoptive, or foster parent of a minor child.
- (13) CFCS must be delivered by a CFCS personal care attendant employed by an enrolled Medicaid provider that has met the criteria established by the department for the delivery of CFCS as referenced in ARM 37.40.1017 and 37.40.1018.
- (14) CFCS may not be provided to relieve a parent of child-caring or other legal responsibilities. CFCS for children with disabilities may be appropriate when the parent is unqualified or otherwise unable to provide services, and the child is at risk of institutionalization unless the services are provided.

Authorizing statute(s): 53-2-201, MCA

Implementing statute(s): 53-2-201, 53-6-113, MCA

History: NEW, 2014 MAR p. 3075, Eff. 12/25/14; AMD, 2025 MAR, 37-1065, Eff. 1/11/25.