37.40.1117 SELF-DIRECTED PERSONAL ASSISTANCE SERVICES: MEMBER REQUIREMENTS

(1) To qualify for self-directed Personal Assistance Services (PAS), the member:

(a) must be capable of assuming the management responsibilities of self-directed PAS or have a personal representative willing to assume this responsibility. Management responsibilities include the following:

(i) recruit, hire, schedule, train, and dismiss all personal care attendants;

(ii) develop a backup plan for when a personal care attendant is unable to provide services. The backup plan identifies the process for addressing the member's functional need for service as identified on the service plan should the personal care attendant be unable to deliver services;

(iii) review, approve, sign, and date all service delivery records to provide assurance that the service plan has been followed; and

(iv) assume medical and related liability regarding the delivery of PAS.

(b) must obtain authorization from a physician or health care professional to participate in the program;

(c) must obtain authorization prior to service delivery and annually thereafter; and

(d) must be capable of making choices about activities of daily living, understand the impact of these choices, and assume the responsibility of the choices.

(2) The member may have a personal representative assume some or all of the responsibilities imposed by this rule. The personal representative is an immediately involved representative who meets the following criteria:

(a) is a person who is directly involved in the daily care of the member;

(b) is available to assume the responsibility of managing the member's care, including directing the care as it occurs in the home; and

(c) will not be employed by the member's PAS provider agency.

Authorizing statute(s): 53-2-201, 53-6-101, MCA

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

History: NEW, 2014 MAR p. 3086, Eff. 12/25/14.