



ADMINISTRATIVE RULES OF MONTANA

37.40.1121 AGENCY-BASED AND SELF-DIRECTED PERSONAL ASSISTANCE SERVICES: TERMINATION OF SERVICES

- (1) Personal Assistance Services (PAS) may be terminated for any of the following reasons:
 - (a) the member, or other persons in the household, subjects the direct-care worker to physical or verbal abuse, sexual harassment, exposure to the use of illegal substances, or to threats of physical harm;
 - (b) the member requests termination of services or refuses to accept help;
 - (c) the environment of the member is unsafe for the provision of PAS;
 - (d) the member is engaging in illegal activity in the home;
 - (e) the member's physician requests termination of services;
 - (f) the member no longer has a medical need for PAS;
 - (g) the member refuses the services of a direct-care worker based solely or partly on the attendant's race, creed, religion, sex, marital status, color, age, handicap, or national origin;
 - (h) the member refuses to accept services in compliance with the service plan;
 - (i) the member refuses to participate in the functional assessment, recertification, and person-centered planning visits; or
 - (j) the member falsifies the service delivery record.
- (2) The department may terminate or reduce PAS when funding for services is unavailable.
- (3) The provider must give at least ten days advance notice to a member when PAS are terminated for reasons listed in (1)(f) through (1)(j).
- (4) The provider may immediately, but temporarily, suspend services for the reasons listed in (1)(a) through (1)(e). Following the temporary suspension of services the provider may enter into an agreement with the member to ensure that the violations of (1)(a) through (1)(e) do not reoccur. If the member fails to abide by the terms of the agreement, services may be permanently terminated.
- (5) The department will provide written notice to an applicant when PAS are initially denied to the applicant.
- (6) A person may request a fair hearing for any adverse determination made by the department. Fair hearings will be conducted as provided for in ARM 37.5.304, 37.5.307, 37.5.310, 37.5.313, 37.5.316, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334, and 37.5.337.

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.