



ADMINISTRATIVE RULES OF MONTANA

37.34.961 0208 MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAM: PERSONAL SUPPORTS

- (1) Personal supports services assist the waiver recipient in carrying out daily living tasks and other activities essential for living in the community. Services may include assistance with homemaking, personal care, general supervision, and community integration.
- (2) Personal supports may also provide the necessary assistance and supports to maintain employment in a competitive, customized, or self-employment setting, or to provide supports in day programming to assist the waiver recipient in integrating in community settings.
- (3) Personal supports activities are generally defined in the plan of care and are flexible in meeting the changing needs of the waiver recipient. Workers may be assigned activities that involve mentorships and activities designed to develop or maintain skills.
- (4) Personal supports workers may be required to provide non-medical transportation to a waiver recipient for activities as outlined in the plan of care, including community integration activities, work or school, and other community activities. A waiver recipient receiving personal supports self-directs this service with employer authority. Other waiver services that may overlap with the activities of the personal support worker are prohibited.
- (5) Personal supports may assist the waiver recipient with:
 - (a) ensuring the waiver recipient's health and safety are maintained;
 - (b) assisting the waiver recipient with hygiene, bathing, eating, dressing, grooming, toileting, transferring, or basic first aid.
 - (c) accessing the community;
 - (d) development of self-advocacy skills;
 - (e) identifying and sustaining a personal support network;
 - (f) household activities necessary to maintain the home-living environment;
 - (g) home maintenance activities;
 - (h) maintaining employment; and
 - (i) accessing opportunities.
- (6) Personal supports may only be provided to a person self-directing services.
- (7) Waiver services which overlap with the activities of personal supports may not be provided concurrently with personal supports including:

- (a) companion services;
 - (b) extended personal care services;
 - (c) homemaker services; or
 - (d) respite.
- (8) Personal supports services must not overlap with, supplant, or duplicate other services provided through the waiver or Medicaid state plan services.

Authorizing statute(s): 53-6-113, 53-6-402, MCA

Implementing statute(s): 53-6-101, 53-6-402, MCA

History: NEW, 1992 MAR p. 1490, Eff. 7/17/92; AMD, 1995 MAR p. 1136, Eff. 6/30/95; TRANS, from SRS, 1998 MAR p. 3124; AMD, 2014 MAR p. 220, Eff. 1/31/14; AMD, 2024 MAR p. 2067, Eff. 8/24/24.