



ADMINISTRATIVE RULES OF MONTANA



37.40.1017 AGENCY-BASED COMMUNITY FIRST CHOICE SERVICES: PROVIDER REQUIREMENTS

- (1) Providers may enroll as a Community First Choice Services (CFCS) personal care attendant provider, a CFCS personal emergency response system provider, or both.
- (2) CFCS personal care attendant providers will maintain staff resources, including a nurse supervisor and person-centered plan facilitator, to perform the necessary CFCS duties as referenced in ARM 37.40.1005. The nurse supervisor and plan facilitator may be the same person.
- (3) CFCS nurse supervisors must meet the following criteria:
 - (a) be a licensed nurse;
 - (b) have at least one year's experience in aging and disability services;
 - (c) receive training in CFCS; and
 - (d) be free of conflict-of-interest criteria as referenced in ARM 37.40.1016.
- (4) CFCS plan facilitators must meet the following criteria:
 - (a) have at least one year's experience in aging and disability services;
 - (b) receive certification in the person-centered planning process; and
 - (c) be free of conflict-of-interest criteria as referenced in ARM 37.40.1016.
- (5) The CFCS personal care attendant providers must provide documentation to verify the nurse supervisor and plan facilitator credentials, certification, and training.
- (6) CFCS personal emergency response system service providers will provide a service, which includes electronic, telephonic, or mechanical system to assist the member in an emergency situation. The system must be connected to a local emergency response system with the capacity to activate local emergency medical personnel.
- (7) A provider of services must ensure that the services adhere to the requirements of 42 CFR 441.710(a)(1) and (a)(2), which permits reimbursement with Medicaid monies only for services within settings that meet certain qualities set forth under the regulation. These qualities include that the setting:
 - (a) is integrated in and facilitates full access of the individual to the greater community;
 - (b) ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid Home and Community-Based Services;

- (c) is selected by the individual from among setting options, including non-disability specific settings and an option to choose a private unit in a residential setting;
 - (d) ensures the individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint;
 - (e) optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to daily activities, physical environment, and with whom to interact.;
 - (f) provides an opportunity to seek employment and work in competitive integrated settings; and
 - (g) facilitates individual choice of services and supports, and who provides them.
- (8) The department adopts and incorporates by reference 42 CFR 441.710(a)(1) and (a)(2), as amended January 16, 2014. A copy of this regulation may be obtained at <https://www.ecfr.gov/> or by contacting the Department of Public Health and Human Services, Senior & Long-Term Care Division, 1100 N. Last Chance Gulch, P.O. Box 4210, Helena, MT 59604-4210.

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, 2024 MAR p. 612, Eff. 3/23/24.