

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
January 5, 2021**

IM 5425

To: Whom it may concern

From: Nancy Nikolas Maier, Director, ND DHS Aging Services Division

Subject: Live in Family Providers

Program(s): Home and Community Based Services Policies and Procedures
Manual 535-05

Retention: Until Manualized

The purpose of this IM is to amend the following section of Service Chapter 535 05. The change is effective January 1, 2021.

Limitations and Non-covered Services 535-05-25

1. Personal care services may not include skilled services performed by persons with professional training.
2. An individual receiving personal care services may not be an inpatient or resident of a hospital, a nursing facility, an intermediate care facility for individuals with intellectual disabilities, a psychiatric residential treatment facility, or an institution for mental disease.
3. Personal care services may not include home delivered meals; services performed primarily as housekeeping tasks; transportation; social activities; or services or tasks not directly related to the needs of the individual such as doing laundry for family members, cleaning of areas not occupied by the individual, or shopping for items not used by the individual.
4. Meal preparation is limited to the maximum units set by the department. Laundry, shopping, and housework tasks when provided must be incidental to the provision of other personal care tasks and cannot exceed 30% of the total time authorized for the provision of all personal care tasks. Personal care service tasks of laundry, shopping, and housekeeping are limited to the maximum units set by the department, and the cap cannot be exceeded under other home and community-based services funding sources.
5. Services provided by a spouse, parent of a minor child, or legal guardian are not covered.

6. ~~Effective 1/1/2021 payment for the tasks of laundry, shopping, housekeeping, meal preparation, money management, and communication cannot be made to a provider requires prior approval for a provider who lives with the client consumer and is a relative listed under the definition of family home care under subsection 4 of North Dakota Century Code section 50-06.2-02 or is a former spouse.~~
- ~~• The above tasks may be assessed for individuals whose provider is a relative listed under the definition of family home care under subsection 4 of the North Dakota Century Code section 50-06.2 02 or who is a former spouse beginning at the first required contact after 1/1/2021.~~
 - ~~• Prior approval will only be granted for environmental tasks and/or meal preparation when the service exclusively benefits the consumer.~~

~~Conditions that would exclusively benefit the consumer would include, but are not limited to, maintenance of non-shared spaces, completion of laundry if there is a documented reason it must be completed separately for instance frequent incontinence, and/or authorization of pureeing food or preparing a liquid diet.~~

7. Care needs of the individual that are outside the scope of personal care services are not covered.
8. Services provided in excess of the services or hours authorized by the case manager in the individual's approved service plan are not covered.
9. Authorized personal care services may not exceed 120 hours (480 units) per month for Level A Personal Care Services or 240 hours (960 units) per month for Level B Personal Care Services, and 300 hours (1200 units) per month for Level C Personal Care Services.
10. Personal care services may only be provided when the needs of the eligible individual exceed the abilities of a spouse or parent(s) of a minor child to provide such services. Personal care services may not be substituted when a spouse or parent(s) of a minor child refuses or chooses not to perform the service. Personal care services may be provided during periods when a spouse or parent(s) of a minor child is gainfully employed if such services cannot be delayed until the spouse or parent(s) is able to perform them.
11. Personal care services may not be provided for tasks that are otherwise age appropriate or generally needed by an individual within the normal stages of development.
12. The combination of personal care services and hospice service requires prior approval from the Department.

Prior Authorization 535-05-30

Prior authorization by a case manager is required for all personal care tasks provided to an individual who meets the qualifying criteria for personal care

services. The case manager must complete Personal Care Services Plan [SFN 662](#) (PCSP) authorizing the services and hours that may be provided per month. Services and hours may be authorized for a period not to exceed 6 months.

The case manager must submit SFN 662 and supporting [SFN 663](#)(s) to either Aging Services or the Developmental Disabilities Division within three (3) working days of the date of completion of an assessment. Payment for personal care services may not be made without a prior authorization. With the exception of the authorization of Personal Care Services to be provided in a basic care facility, Personal Care Services may not be authorized prior to the date of the assessment. Authorization of Personal Care Services in a basic care facility may be authorized or up to 10 working days prior to the date of the assessment.

In addition, prior authorization from a State HCBS or DD Program Administrator is required to authorize units for meal prep, laundry, shopping, and housekeeping when performed by a live in provider or for a client who lives with other capable persons. ~~Authorizations must be renewed annually.~~ A request must be sent to the program administrator annually that outlines the following:

1. The reason the consumer is impaired
2. The tasks to be authorized
3. Narrative explaining how the completion of the task(s) will benefit the consumer exclusively, i.e. the task is for a non-shared area, frequent incontinence requires the consumer's laundry to be washed separately.