

Dear Medicaid Provider:

As a follow up to a recent question that arose during the weekly EVV Provider and Vendor Open Forum regarding whether personal care services can be provided by family members or members of a client's household, please see specific policy information below.

**216.140**

**Service**

**10-1-22**

- A. A "personal care service" is a covered task or a related group of covered tasks.
- B. A "personal care aide service" is a personal care service.
  - 1. "Personal care services" and "personal care aide services" are interchangeable expressions that mean "covered tasks."
  - 2. Only a certified personal care aide, or an individual who meets or exceeds the qualifications of a personal care aide, as defined in Section 222.100, who is also in the employ of a Medicaid-enrolled personal care provider, may provide covered personal care services or personal care aide services as defined in this manual.
- C. As a condition of coverage and reimbursement, all personal care services must be:
  - 1. Reasonable and medically necessary, supported by the individual's latest nursing evaluation, and consistent with the individual's service plan;
  - 2. Expressly authorized in the individual's approved personal care services prior authorization;
  - 3. **Not available from another source (including, but not limited to, family members, a member of the client's household, or other unpaid caregivers;** another Medicaid State Plan covered service; the Medicare program; the client's Medicare Advantage plan or Medicare prescription drug plan; or the client's private long-term care, disability, or supplemental insurance coverage);
  - 4. Not in excess of or otherwise inconsistent with limits on the amount, frequency, or duration of services, including without limitation the aggregate weekly or monthly limits calculated by DHS for the client in accordance with the Arkansas Medicaid Task and Hours Standards;
  - 5. Provided by qualified, Medicaid-enrolled, DPSQA-certified providers and in compliance with all applicable Arkansas Medicaid program regulations and provider manuals; and
  - 6. Provided in compliance with all applicable Arkansas scope of practice laws and regulations pertaining to nurses, physicians, skilled therapists, and other professionals.

**222.100 Personal Care Aide Selection, Training and Continuing Education 10-1-22**

NOTE: This section is not applicable to the IndependentChoices program.

A. The client must receive Medicaid Personal Care services from a certified personal care aide who is not a member of the client's family. The Medicaid agency defines, "a member of the client's family" as:

- 1. A spouse.

2. A minor's parent, stepparent, foster parent or anyone acting as a minor's parent.
3. Legal guardian of the person.
4. Attorney-in-fact granted authority to direct the client's care.

Please note the exception for IndependentChoices, which is operated through DPSQA.

If you have additional questions or concerns regarding the above, please contact [evvarkansas@dhs.arkansas.gov](mailto:evvarkansas@dhs.arkansas.gov).

Thank you.