



Senior & Long Term Care Division Community Services Bureau

Community First Choice/Personal Assistance Program Self-Directed Policy Manual

Title: SD-CFC/PAS 716
Section: SERVICE REQUIREMENTS
Subject: Personal Representative
Reference: ARM 37.40.1008
Supersedes: October 2015

PURPOSE

The self-directed (SD) option to receive Community First Choice/Personal Assistance Services (CFC/PAS) allows a member to choose to take the responsibility or have a personal representative (PR) take the responsibility of managing CFC/PAS.

This policy outlines the criteria the provider agency must follow to allow a PR to direct services on a member's behalf.

CRITERIA

1. The provider agency is responsible to ensure that a PR meets the criteria outlined below and understands their roles and responsibilities in the SD CFC/PAS program.
2. SD CFC/PAS are available to cognitively impaired individuals, individuals under 18, and individuals under guardianship only when that individual has a qualified PR. A PR must be an individual who meets the following criteria:
 - a. Is a person who is directly involved in the daily care of the member;
 - b. Is immediately available to provide assistance when attendants don't show up or is able to immediately access back-up support to provide assistance to the member when an attendant doesn't show up;
 - c. Is available to assume the responsibility of managing the member's care, including directing the care as outlined in the SD CFC/PAS Personal Representative Agreement (SLTC-166); and
 - d. Is an individual who is at least 18 years old.

3. The PR is required to direct the day-to-day care of the member; hire, fire, manage and train all attendants; and manage all paperwork, including service delivery records, Service Plans, etc. The PR must be immediately available to provide or obtain back up services in case of an emergency or when an attendant does not show. Additionally, the PR assumes all medical and related liability associated with directing the member's care.
4. ➤ If the member is under guardianship, the appointed guardian should act as the PR. If the guardian is not going to act as the PR the guardian must provide a written and signed directive that appoints another individual to assume the role of PR. The provider agency must retain the document in the member's file.
5. ➤ If the member is under 18, the PR must be a parent or another legally responsible family member.
6. ➤ If a PR determines they are unable to fulfill their role, a new PR must be appointed, or the member must be transitioned from the SD CFC/PAS option to the AB option.
7. ➤ A PR is not eligible to receive reimbursement, either through Medicaid or another funding source, to fulfill their PR duties.
8. A PR may act as a personal assistance attendant to another consumer.
9. ➤ A PR must sign the SD CFC/PAS Personal Representative Agreement (SLTC-166) prior to the initiation of services. Failure to abide by this agreement can lead to the member's termination from the program.
10. ➤ A PR must be available in-person for MPQH on-site authorization visits and available by phone to complete the amendment and phone annual authorizations.
11. ➤ A PR must be present in the home at the initial and the subsequent provider agency recertification visits.
12. ➤ A PR may not complete any of their PR duties as part of their paid job duties. The PR duties must be

completed as stand-alone unpaid activities based on a personal (i.e. non-professional) relationship with the member. If the CFC/PAS provider agency is concerned that a potential PR may be performing duties of a PR as a part of their employment, the provider agency should contact the RPO.

13. If an agency does not believe a PR meets any of the PR criteria the agency must provide appropriate follow-up, which may include completing a Compliance Tool (Refer to SD CFC/PAS 919) and contacting the Regional Program Officer.

CHANGE IN PERSONAL REPRESENTATIVE

1.
 - Permanent Change: If there is going to be a permanent change in PR the provider agency must complete the following:
 - a.
 - Outgoing PR and provider agency must work with member to identify a new PR.
 - b. Provider agency must ensure the outgoing PR is able to complete the PR responsibilities until the new PR has been determined to meet capacity by MPQH;
 - i.
 - If the PR needs to immediately end their duties as a PR the PR should assign a new PR and follow the requirements outlined below in section 2 for temporary change/PR Transition.
 - c.
 - Provider agency submits referral to MPQH using the Referral Form (SLTC-154) to request an evaluation of the new PR's capacity;
 - d.
 - Once the provider agency receives notice from MPQH that the PR has passed capacity, the provider agency must complete an in-person visit with the PR and the member to review all the mandatory paperwork and orient the PR prior to the PR transition (Refer to SD CFC/PAS 411 and 702);
 - e.
 - The provider agency must obtain the PR's signature on the member's current Service

- Plan (STLC-175) or complete a new Service Plan with the member and PR;
- f. ➤The provider agency must obtain the SD CFC/PAS Personal Representative Agreement; and
 - g. ➤The provider agency must work with the new PR to obtain a new HCP Authorization (Refer to SD CFC/PAS 418 and 20).
2. ➤Temporary Change/PR Transition: A temporary change in PR or PR transition is only allowed for 28 days or less.
- a. When a PR temporarily leaves the area, they are responsible for appointing a temporary PR to oversee the member's care in their absence.
 - b. ➤When a PR is no longer able to perform the duties of the PR they are responsible for fulfilling their duties of a PR until a new PR can be screened by MPQH or appoint a new PR who may act as a temporary PR during the transition period.
 - c. ➤The provider agency must document all temporary changes to the PR in the member's case notes. Documentation must include:
 - i. ➤The date the temporary PR is assigned to PR duties;
 - ii. ➤The conversation with the original PR to confirm that the temporary PR has been oriented and trained to complete the PR duties; and
 - iii. Signed PR Agreement with the temporary PR.
 - d. ➤The temporary PR does not have to go through a MPQH capacity assessment or an in-person visit with the agency. A transitioning PR may act as a temporary PR until the MPQH capacity assessment has been completed.
 - e. ➤After 28 days of a PR acting as a temporary PR one of the following must occur:
 - i. In the case of a temporary PR, the

original PR must return to performing their PR duties.

1. Provider agency must document contact with PR to confirm they have returned.
 - ii. In the case of a transitioning PR, the transitioning PR must have met all the steps outlined in Section 1 for Permanent Change (see pg. 3).
 - f. ➤The provider agency must coordinate the member's switch to the AB option (Refer to CFC/PAS 413) or discharge the member (Refer to CFC/PAS 705) if the member does not have a permanent PR established after 28 days.
3. ➤Sudden and Unexpected Change in PR: If the member's PR unexpectedly quits or becomes unavailable, and the PR is unable to assign a temporary PR, the provider agency must complete the following steps:
- a. ➤Document the date the PR is no longer able to fulfill PR duties;
 - b. ➤Within 48 hours of notification that a PR is no longer present, send the member a written notice informing them that they are not eligible to participate in the SD option without a PR and that they have ten days to establish a new PR, switch to the AB option, or be discharged;
 - i. ➤If the member is on case management services and/or has a waiver Plan Facilitator, the provider agency must copy the case manager on the notice and contact the case manager to notify them of the issue.
 - c. ➤Work with the member to identify a new PR;
 - d. ➤Once a new PR is identified, follow the steps in Section 2: Temporary Change/PR Transition (see above);

➤**NOTE:** In this circumstance, the agency must conduct a

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conversation with the temporary PR as outlined in Section 2(c) above, rather than the outgoing PR.

- e. ➤ The provider agency must coordinate the member's switch to the AB option (Refer to CFC/PAS 413) or discharge the member (Refer to CFC/PAS 705) if the member does not have a permanent PR established after 28 days.