

**Alabama
Community Transition
Waiver
(ACT)
Scope of Services**

Oct. 2011

**SCOPE OF SERVICE
FOR
PERSONAL CARE SERVICE
ACT WAIVER**

A. Definition

Personal Care Service provides assistance with eating, bathing, dressing, caring for personal hygiene, toileting, transferring from bed to chair, ambulation, maintaining continence and other activities of daily living (ADLs). It may include assistance with independent activities of daily living (IADLs) such as meal preparation, using the telephone, and household chores such as, laundry, bed-making, dusting and vacuuming, which are incidental to the assistance provided with ADLs or essential to the health and welfare of the client rather than the client's family.

Personal Care Service is not an entitlement. It is based on the needs of the individual client as reflected in the Plan of Care.

B. Objective

The objective of the Personal Care (PC) Service is to restore, maintain, and promote the health status of clients through home support, health observation, and support of and assistance with activities of daily living.

Personal Care Service is to help waiver clients perform everyday activities when they have a physical, mental, or cognitive impairment that prevents them from carrying out those activities independently.

C. Description of Service to be Provided

1. The unit of service will be 15 minutes of direct PC Service provided in the client's residence. The number of units authorized per visit must be stipulated on the Plan of Care and the Service Authorization Form. The amount of time authorized does not include transportation time to and from the client's residence or the Personal Care Worker's break or mealtime.

The number of units and service provided to each client is dependent upon the individual client's needs as set forth in the client's Plan of Care established by the case manager.

Medicaid will not reimburse for activities performed which are not within the scope of service.

2. PC Service duties include:
 - a. Support for activities of daily living, such as,
 - bathing
 - personal grooming
 - personal hygiene
 - meal preparation
 - assisting clients in and out of bed
 - assisting with ambulation
 - toileting and/or activities to maintain continence
 - b. Home support that is essential to the health and welfare of the recipient, such as,
 - cleaning
 - laundry
 - home safety

Home safety includes a general awareness of the home's surroundings to ensure that the client is residing in a safe environment. Any concerns with safety issues will be reported to the PCW Supervisor as well as the case manager for follow-up.
 - c. Reporting observed changes in the client's physical, mental or emotional condition.
 - d. Reminding clients to take medication.

Note: Under no circumstances should any type of skilled medical or nursing service be performed by the PCW.

D. Staffing

The DSP must provide all of the following staff positions through employment or subcontractual arrangements.

PC Supervisors and PC Workers must be qualified, trained, and employed by a Medicare/Medicaid certified Home Health Agency or other health care agencies approved by the Commissioner of the Alabama Medicaid Agency.

1. Personal Care (P/C) Supervisors must be a licensed nurse(s) who meet the following requirements:

- a. Have references which will be verified thoroughly and documented in the Direct Service Provider personnel file. References must include statewide criminal background checks, previous employers and the Nurse Aide Registry.
 - b. Be a Registered Nurse (RN) or Licensed Practical Nurse (LPN) who is currently licensed by the Alabama State Board of Nursing to practice nursing.
 - c. Have at least two (2) years experience as an RN or LPN in public health, hospital, or long term care nursing.
 - d. Have the ability to evaluate the Personal Care Worker (PC Worker) in terms of his/her ability to carry out assigned duties and to relate to the client.
 - e. Have the ability to coordinate or provide orientation and in-service training to PC Workers on either an individual basis or in a group setting.
 - f. Have the ability to provide appropriate follow-up regarding a client/caregiver and/or case manager's dissatisfaction, complaints or grievances regarding the provision of PC Service.
 - g. Submit to a program for the testing, prevention, and control of Tuberculosis annually.
 - h. Possess a valid, picture identification.
2. PCWs must meet the following qualifications:
- a. Have references which will be verified thoroughly and documented in the Direct Service Provider personnel file. References must include statewide background checks, previous employers, and the Nurse Aide Registry.
 - b. Be able to read and write.
 - c. Possess a valid, picture identification.
 - d. Be able to follow the Plan of Care with minimal supervision.
 - e. Assist client appropriately with activities of daily living as related to personal care.

- f. Complete a probationary period determined by the employer with continued employment contingent on completion of a Personal Care in-service training program.
 - g. Must submit to a program for the testing, prevention, and control of tuberculosis annually.
3. Minimum Training Requirements for Personal Care Workers:

The Personal Care training program should stress the physical, emotional and developmental needs of the population served, including the need for respect of the client, his/her privacy, and his/her property. The minimum training requirement must be completed prior to initiation of service with a client. The DSP is responsible for providing/or conducting the training. The Personal Care training program must be approved by the Operating Agency. Proof of the training must be recorded in the personnel file.

Individual records will be maintained on each PCW to document that each member of the staff has met the requirements below.

Minimum training requirements must include the following areas:

- a. Activities of daily living, such as,
 - bathing (sponge, tub)
 - personal grooming
 - personal hygiene
 - meal preparation
 - proper transfer technique (assisting clients in and out of bed)
 - assistance with ambulation
 - toileting
 - feeding the client
- b. Home support, such as,
 - cleaning
 - laundry
 - home safety
- c. Recognizing and reporting observations of the client, such as,
 - physical condition
 - mental condition

- emotional condition
 - prompting the client of medication regimen
- d. Record keeping, such as,
- A service log signed by the client or family member/responsible person and PCW to document what services were provided for the client in relation to the Plan of Care.
 - Submitting a written summary to the PCW Supervisor of any problems with client, client's home or family. The Supervisor in return should notify the case manager.
- e. Communication skills
- f. Basic infection control/Universal Standards
- g. First aid emergency situations
- h. Fire and safety measures
- i. Client rights and responsibilities
- j. Other areas of training as appropriate or as mandated by the Operating Agency.
4. The DSP will be responsible for providing a minimum of twelve (12) hours of relevant in-service training per calendar year for each PC Worker. In-service training is in addition to PC Worker orientation training. For PC Workers hired during the calendar year, this in-service requirement may be prorated based on date of employment as a PC Worker.
5. Documentation of the training provided shall include topic, date, name and title of trainer, objective of the training, outline of content, length of training, list of trainees and location.
6. Topics for specific in-service training may be mandated by the Operating Agency.
7. In-service training may entail demonstration of providing care to the client. Additional training may be provided as deemed necessary by the DSP. Any self-study training programs are limited to four (4) hours annually and must be approved for content and credit hours by the Operating Agency, prior to the planned training. The DSP shall submit

proposed program(s) to the Operating Agency at least forty-five (45) days prior to the planned implementation.

8. The DSP must have an ongoing infection control program in effect and training on Universal Standards and an update on infection control shall be included as part of the 12 hours required in-service for all PC Workers each calendar year.
9. The DSP Agency shall maintain records on each employee, which shall include the following:
 - a. Application for employment;
 - b. Job description;
 - c. Statewide criminal background checks and references;
 - d. Record of health (annual tuberculin tests);
 - e. Record of pre-employment and in-service training;

(For PC Supervisor validation of required CEUs for licensure will be accepted.)
 - f. Orientation;
 - g. Evaluations;
 - h. Supervisory visits;
 - i. Copy of photo identification;
 - j. Records of all complaints/incidents lodged by the client/family/responsible party and action taken;
 - k. Other forms as required by state and federal law, including agreements regarding confidentiality.

E. Procedures for Service

1. The case manager will submit a Service Authorization Form and Plan of Care to the DSP Agency authorizing Personal Care Service and designating the units, frequency, beginning and ending dates of service, and types of duties in accordance with the individual client's needs.

2. The DSP Agency will initiate PC Service within three (3) working days of the designated START DATE on the Service authorization form in accordance with the following:
 - a. Services must **not** be provided prior to the authorized start date as stated on the Service Authorization Form.
 - b. The DSP Agency will adhere to the services and schedule as authorized by the case manager on the Service Authorization Form. No payment will be made for services unless authorized and listed on the Plan of Care.
3. Provision of Service Authorized:
 - a. Personal Care Service cannot be provided at the same time other authorized waiver services are being provided except Case Management.
 - b. Personal Care Workers will maintain a separate service log for each client to document their delivery of services.
 - (1) The Personal Care Worker shall complete a service log that will reflect the types of services provided, the number of hours of service, and the date and time of the service.
 - (2) The service log must be signed upon each visit by the client, or family member/responsible party and the PC Worker. In the event the client is not physically able to sign and the family member/responsible party is not present to sign, then the Personal Care Worker must document the reason the log was not signed by the client or family member/responsible party.
 - (3) The service log will be reviewed and signed by the Personal Care Supervisor at least once every two (2) weeks. Service logs will be retained in the client's file.
 - (4) Client visits may be recorded electronically via telephony. Electric documentation will originate from the client's residence as indicated by the phone number at the residence. A monthly report of phone number exceptions will be maintained with written documentation giving the reason the electronic documentation did not originate at the client's residence, e.g., phone line down, client does not have phone, client staying with relatives. These electronic records may be utilized in place of client signatures.

- c. Services provided by relatives or friends may be covered only if relatives or friends meet qualifications for providers of care. However, providers of service cannot be a parent/step-parent/legal guardian of a minor or a spouse of the individual receiving services, when the services are those that these persons are legally obligated to provide. There must be strict controls to ensure that payment is made to the relatives or friends as providers only in return for personal care services. Additionally, there must be adequate justification as to why the relative or friend is the provider of care and there is documentation in the case management file showing that the family member is a qualified provider and the lack of other qualified providers in remote areas. The case manager will conduct an initial assessment of qualified providers in the area of which the client will be informed. The case manager must document in the client's file the attempts made to secure other qualified providers before a relative or friend is considered. The case manager, along with the DSPs, will review the compiled information in determining the lack of qualified providers for clients living in a remote area.

4. Monitoring of Service:

PC Service must be provided under the supervision of the registered nurse or licensed practical nurse who meets the requirements of D.1. and will:

- a. Make an initial visit prior to the start of PC Service for the purpose of reviewing the plan of care, providing the client written information regarding rights and responsibilities and how to register complaints, and discussing the provisions and supervision of the service(s)."

The initial visit should be held at the client's place of residence and should include the case manager, the PC Supervisor, the client, and the caregiver, if feasible. It is advisable to also include the PC Worker in the initial visit.

- b. Be immediately accessible by phone during the time PC Service is being provided. Any deviation from this requirement must be prior approved in writing by the Operating Agency and the Alabama Medicaid Agency. If this position becomes vacant the Operating Agency and the Alabama Medicaid Agency must be notified within 24 hours when the position becomes vacant.

- c. Provide and document supervision of, training for, and evaluation of PCWs according to the requirements in the approved waiver document.
- d. Provide on-site (client's residence) supervision of the PCW at a minimum of every 60 days for each client. Supervisory visits must be documented in the individual client record. Supervisors will conduct on-site supervision more frequently if warranted by complaints or suspicion of substandard performances by the PCW. In the event the on-site supervisory visit cannot be completed in a timely manner due to the client's being inaccessible, the supervisory visit must be completed within five (5) working days following resumption of Personal Care Service. Documentation regarding this action should be in the DSP client record.
- e. The DSP must complete the 60 day supervisory review which includes, at a minimum, assurance that the services are being delivered consistent with the Plan of Care and the Service Authorization Form in an appropriate manner, assurance that the client's needs are being met, and a brief statement regarding the client's condition. A copy of the supervisory visit must be submitted to the case manager within 10 calendar days after the 60 day supervisory review. In the event the client is not available during the time the visit would have normally been made, the review must be completed within five (5) working days of the resumption of PC Service.
- f. Assist PCWs as necessary as they provide individual Personal Care Service as outlined in the Plan of Care. Any supervision/ assistance given must be documented in the individual client's record.
- g. The PC Supervisor must provide direct supervision of each PC Worker with at least one (1) assigned client at a minimum of every six (6) months. Direct supervisory visits must be documented in the PC Worker's personnel record.
 - Direct supervision may be carried out in conjunction with an on-site supervisory visit.

The PC Supervisor will provide and document the supervision, training, and evaluation of PC Workers according to the requirements in the approved Waiver Document.

5. Missed Visits and Attempted Visits

a. Missed Visits

- (1) A missed visit occurs when the client is at home waiting for scheduled services, but the services are not delivered.
- (2) The DSP shall have a written policy assuring that when a Personal Care Worker is unavailable, the Supervisor assesses the need for services and makes arrangements for a substitute to provide services as necessary/or reduced by the DSP.

Clients who are designated by the case manager as being at-risk should be given first priority when Personal Care Service visits must be temporarily prioritized and

- (a) If the Supervisor sends a substitute, the substitute will complete and sign the service log after finishing duties.
 - (b) If the Supervisor does not send a substitute, the Supervisor will contact the client and inform them of the unavailability of the Personal Care Worker.
- (3) The DSP will document missed visits in the client's files.
 - (4) Whenever the DSP determines that services cannot be provided to an at-risk client as authorized, the case manager must be notified by telephone immediately. All missed/attempted visits for one week and the reason for the missed/attempted visit must be reported in writing on the "**Weekly Missed/Attempted Visit Report**" form to the case manager on Monday of each week. Any exception to the use of this form must be approved by the Operating Agency and the Alabama Medicaid Agency.
 - (5) The DSP may not bill for missed visits.

b. Attempted Visits

- (1) An attempted visit occurs when the PCW arrives at the home and is unable to provide services because the client is not at home or refuses services.
- (2) If an attempted visit occurs:

- (a) The DSP may not bill for the attempted visits.
- (b) The Supervisor will contact the client to determine the reason why the client was not present or why services were refused. Documentation of this discussion must be in the client's file.
- (c) The DSP will notify the case manager promptly whenever an attempted visit occurs and will notify the case manager within one (1) working day after the second attempted visit whenever two attempted visits occur within the SAME week.

6. Changes in Services

- a. The DSP will notify the case manager within one (1) working day of the following changes:
 - (1) Client's condition and/or circumstances have changed and the Plan of Care no longer meets the client's needs;
 - (2) Client does not appear to need Personal Care Service;
 - (3) Client dies or moves out of the service area;
 - (4) Client indicates Personal Care Service is not wanted;
 - (5) Client loses Medicaid financial eligibility;
 - (6) When services can no longer be provided.
- b. The case manager will notify the DSP immediately if a client becomes medically or financially ineligible for waiver services.
- c. If the DSP identifies additional duties that may be beneficial to the client's care, but are not specified on the Plan of Care, the DSP shall contact the case manager to discuss having these duties added.
 - (1) The case manager will review the DSP's request to modify services and respond within one (1) working day of the request.
 - (2) The case manager will approve any modification of duties to be performed by the PCW and re-issue the Service Authorization Form accordingly.

- (3) Documentation of any change in a Plan of Care will be maintained in the client's file.
 - (a) If the total number of hours of service is changed, a new Service Authorization Form is required from the case manager.
 - (b) If the types or times of services are changed, a new Service Authorization Form is required from the case manager.
 - (c) If an individual declines PC Service or has become ineligible for services, a Service Authorization Form for termination is required from the Case Manager.

7. Documentation and Record-Keeping

- a. The DSP shall maintain a record keeping system for each client that documents the units of service delivered based on the Service Authorization Form. The client's file shall be made available upon request to Medicaid, the operating agencies, or other agencies contractually required to review information.

The DSP shall maintain a file on each client, which shall include the following:

- (1) A current HCBS application;
- (2) Both current and historical Service Authorization Forms specifying units, services, and schedule of Personal Care visits for the client;
- (3) Documentation of client specific assistance and/or training rendered by the Supervisor to a Personal Care Worker;
- (4) All service logs;
 - The service log must be reviewed and initialed by the Nurse Supervisor at least once every two (2) weeks.
- (5) Records of all missed or attempted visits;
- (6) Records of all complaints lodged by clients or family members/responsible parties and any actions taken;

- (7) Evaluations from all 60 day on-site supervisory visits to the client;
 - (8) The Service Authorization Form notifying the DSP Agency of termination, if applicable;
 - (9) Initial visit for in-home services;
 - (10) Any other notification to case manager;
 - (11) Permission statements to release confidential information, as applicable.
- b. The DSP will retain a client's file for at least five (5) years after services are terminated.
 - c. The DSP Agency shall comply with federal and state confidentiality laws and regulations in regard to client and employee files.

F. Rights, Responsibilities, and Service Complaints

- 1. The Operating Agency has the responsibility of ensuring that the DSP has fulfilled its duty of properly informing the client of all rights and responsibilities and the manner in which service complaints may be registered.
- 2. The DSP Agency will inform the client/responsible party of their right to lodge a complaint about the quality of PC Service provided and will provide information about how to register a complaint with the case manager as well as the Alabama Medicaid Agency.
 - a. Complaints which are made against PCW will be investigated by the DSP Agency and documented in the client's file.
 - b. All complaints which are to be investigated will be referred to the PCW Supervisor who will take appropriate action.
 - c. The PCW Supervisor will take any action necessary and document the action taken in the client's and/or the employee's files, whichever is most appropriate based on the nature of the complaint.
 - d. The PCW Supervisor will contact the case manager by letter or telephone about any complaint and any corrective action taken.

3. The DSP must maintain documentation of all complaints, follow-up, and corrective action regarding the investigation of those complaints and documentation showing that they have complied with the requirements of this section.

G. Administrative Requirements

In addition to all conditions and requirements contained in the Scope of Services as well as in the contract, the DSP shall be required to adhere to the following stipulations:

1. The DSP Agency shall designate an individual to serve as the agency administrator who shall employ qualified personnel and ensure adequate staff education, in-services training and perform employee evaluations. This does not have to be a full time position; however, the designated administrator must have the authority and responsibility for the direction of the DSP Agency. The DSP Agency shall notify the Operating Agency within three (3) working days of a change in the agency administrator, address, phone number or an extended absence of the agency administrator.
2. The DSP will maintain an organizational chart indicating the administrative control and lines of authority for the delegation of responsibility down to the "hands on" client care level staff shall be set forth in writing. This information will be readily accessible to all staff. A copy of this information shall be forwarded to the Operating Agency at the time the contract is implemented. Any future revisions or modifications shall be distributed to all staff of the DSP Agency and to the Operating Agency.
3. Administrative and supervisory functions shall not be delegated to another agency or organization.
4. A list of the members of the DSP's governing body shall be made available to the Operating Agency and/or the Alabama Medicaid Agency upon request.
5. The DSP Agency must maintain an annual operating budget which shall be made available to the Operating Agency and/or the Alabama Medicaid Agency upon request.
6. The DSP Agency shall acquire and maintain during the life of the contract liability insurance to protect all paid and volunteer staff, including board members, from liability incurred while acting on behalf of the agency.

Upon request, the DSP Agency shall furnish a copy of the insurance policy to the Operating Agency and/or the Alabama Medicaid Agency.

7. The DSP Agency shall ensure that key agency staff, including the agency administrator or the DSP Supervisor, be present during compliance review audits conducted by Medicaid, the Operating Agency and/or its agents.
8. The DSP Agency shall maintain an office which is open during normal business hours and staffed with qualified personnel.
9. The Direct Service Provider (DSP) shall provide its regularly scheduled holidays to the Operating Agency. The DSP Agency must not be closed for more than four (4) consecutive days at a time and then only if a holiday falls in conjunction with a weekend. The DSP shall also provide the regular hours of business operation. If a service is needed on a scheduled holiday, the service provider will ensure that the service is rendered.
10. The DSP Agency will maintain a Policy and Procedures Manual to describe how activities will be performed in accordance with the terms of the Operating Agency contract and the Waiver Document. The Policy and Procedure Manual should include the organization's Emergency Plan regarding service delivery.

H. Provider Experience

Providers of Personal Care Service must meet all provider qualifications prior to rendering the Personal Care Service.

All personnel with direct client contact or access to client information must have complete reference verification and statewide criminal background checks on file prior to client contact or access to client information.