

DEPARTMENT OF COMMUNITY HEALTH

MEDICAL SERVICES ADMINISTRATION

ADULT HOME HELP SERVICES PAYMENTS

(By authority conferred on the department of social services by sections 6 and 10 of Act No. 280 of the Public Acts of 1939, as amended, being SS400.6 and 400.10 of the Michigan Compiled Laws)

R 400.1101 Definitions.

Rule 1. As used in these rules:

(a) "Co-payment of services cost" means the amount set by the department which the client must pay directly to the adult home help provider toward the total cost of adult home help services.

(b) "Department" means the department of social services.

(c) "Excluded services" means activities for which adult home help services payments are not to be made because a normally able individual would not usually perform them for himself. These activities include professional medical services, professional contracting or repair services, and other activities that require licensure or special certification.

(d) "Functional limitations" means deficits in personal and social functioning necessary to meet basic needs, such as limitations resulting from handicaps or the process of aging.

(e) "Home-based care" means services provided in a home setting to compensate for functional limitations. Home settings include residential settings other than licensed homes for the aged, adult foster care facilities, nursing homes, hospitals, infirmaries, medical care facilities, and state institutions.

(f) "Home help providers" means individuals or public or private agency providers who perform light work, household tasks, or other unskilled activities of daily living.

(g) "Home help services payments" means payments issued by the department to eligible individuals to pay for the assistance of home help providers with necessary unskilled daily activities, including both the personal and nonpersonal activities of daily living that the individuals cannot perform by themselves.

(h) "Nonpersonal activities of daily living" means activities required for the maintenance of an individual's living quarters and immediate environment. Activities may include meal preparation and planning, laundry, light and heavy housecleaning, home maintenance and minor repairs, yard work, and shopping and other necessary errands.

(i) "Personal activities of daily living" means activities required for an individual's physical maintenance or care of self. Activities may include tasks associated with eating, toileting, bathing, grooming, dressing, locomotion, stair climbing, and communication. Activities may also include the maintenance of a guide dog for the blind.

(j) "Supplemental security income" and "SSI" means the program of assistance to the aged and disabled authorized under title XVI of the social security act, 42 U.S.C. S1381 et seq.

History: 1980 AACCS.

R 400.1102 Payments generally.

Rule 2. The department shall provide adult home help services payments for the home-based care of eligible adults who experience functional limitations.

History: 1980 AACCS.

R 400.1103 Department responsibilities.

Rule 3. The department shall discharge the following responsibilities in administering adult home help services payments:

(a) Determine each individual's eligibility for services payments in accordance with R 400.1105 based upon a written application and information furnished by the individual or an authorized representative.

(b) Determine, in conjunction with the individual, and document the need for services and the probable duration of that need, in accordance with R 400.1106.

(c) Assist the client, as needed and requested, with all of the following:

(i) Locating needed providers.

(ii) Negotiating an agreement with providers concerning services to be performed and reimbursement to be made.

(iii) Carrying out that agreement.

(d) Authorize payments in accordance with R 400.1107 based upon information obtained from interviews with both the client and the provider.

(e) Redetermine continuing eligibility and need for services in accordance with title XX of the social security act, 42 U.S.C. S1397 et seq., 45 C.F.R. S228, and other standards set by the department, both periodically and when otherwise necessary as indicated by department evaluation or other information.

History: 1980 AACCS.

R 400.1104 Client responsibilities.

Rule 4. A client or an authorized representative, or both, shall assume the following responsibilities as a condition of receiving an adult home help services payment:

(a) Employ and discharge the providers, negotiate the services to be performed and the rate of reimbursement, set the hours and the conditions of employment, monitor the providers' performance, and pay them for work performed.

(b) Contribute co-payment of services cost as assessed by the department by direct payment of this amount to a provider or providers.

(c) Notify the department of any change in circumstances that affect the authorization of home help services payments, including changes in providers, numbers of hours worked, and the client's own abilities to perform the necessary activities.

History: 1980 AACCS.

R 400.1105 Eligibility.

Rule 5. To be eligible to receive adult home help services payments, an individual shall be either of the following:

(a) A recipient of supplemental security income (SSI).

(b) An individual who meets SSI eligibility criteria for age, blindness, or disability, and for resource limitations. Such individual shall also be within income limits and shall be subject to co-payment of services cost, as set by the department.

History: 1980 AACCS.

R 400.1106 Determination of need.

Rule 6. To be determined in need of adult home help services payments, a client shall meet all of the following conditions:

(a) Require assistance with necessary personal or nonpersonal activities of daily living.

(b) Documentation of need is based upon the client's statements and direct observations by the social services worker supplemented, as appropriate, by other verifications, such as that of medical or mental health professionals and collateral contacts with providers and others.

(c) Determination of need includes the evaluation of all of the following:

(i) Client's physical strengths and limitations.

(ii) Client's psychological strengths and limitations.

(iii) Client's physical environment.

(iv) Client's accessibility and proximity to needed resources.

(v) Client's available assistance from relatives, friends, neighbors, and community resources.

(d) Needed assistance is not available without cost from any other source.

History: 1980 AACs.

R 400.1107 Payment authorization; criteria.

Rule 7. Adult home help payments shall be authorized by the department in accordance with the following criteria:

(a) Payments shall be authorized to all eligible individuals who request assistance and whose need for services can be documented.

(b) The total amounts of the authorized payments to an individual for all providers, plus any co-payment of services cost from the individual, shall not exceed a monthly maximum set by the department.

(c) The department may set variable payment levels, within the monthly maximum, by geographic location based on prevailing wage rates.

(d) Payment shall not be authorized for excluded services.

(e) Payment shall be authorized for assistance to an individual in nonpersonal activities of daily living only to the extent that the individual is responsible for the performance of those activities within the household setting.

History: 1980 AACs.