
Rules of
Department of Elementary and
Secondary Education
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program

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**Title 5—DEPARTMENT OF
ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance
Program**

5 CSR 90-7.010 Personal Care Assistance

PURPOSE: This rule establishes the standards and procedures for the provision of state-funded participant-directed personal care assistance services to eligible clients. Section 178.662, RSMo states—“Subject to appropriations, the division shall provide financial assistance for participant-directed personal care assistance services through eligible vendors to each person selected to participate in the program under guidelines established by the division. . . .”

(1) Definitions. As used in this rule, except as otherwise required for the context, the following terms shall have the meanings ascribed:

(A) After-tax income. The sum of all income from all sources to an individual including, but not limited to, salary, wages, tips, interest, dividends, annuities, pensions and disability payments, less the sum of all federal, state and local taxes on this income;

(B) Client. A physically disabled person determined by the division to be eligible to receive personal care assistance services;

(C) Counselor. An employee of the division responsible for determining eligibility for personal care assistance services and for developing and implementing a personal care assistance services plan;

(D) Divisions. The Division of Vocational Rehabilitation of the Department of Elementary and Secondary Education;

(E) Employment. A minimum of sixteen (16) hours per week for which an individual receives remuneration;

(F) Live independently. To reside and perform routine tasks in a noninstitutional or unsupervised residential setting;

(G) Participant-directed. Hiring, training, supervising and directing of the personal care attendant by the physically disabled person;

(H) Personal care assistance services. Those services required by a physically disabled person to enable him/her to perform those routine tasks necessary to enter and maintain employment or to live independently;

(I) Personal care attendant. A person who performs personal care assistance tasks for a physically disabled person;

(J) Physically disabled. Loss of, or loss of use of, all or part of the neurological, mus-

cular or skeletal functions of the body to the extent that person requires the assistance of another person to accomplish routine tasks;

(K) Routine tasks. Routine tasks include, but are not limited to, the following:

1. Bowel and bladder elimination;
2. Dressing and undressing;
3. Moving into and out of bed;
4. Preparation and consumption of food and drink;
5. Bathing and grooming;
6. Use of prostheses, aids, equipment and other similar devices; and
7. Ambulation or other functions of daily living; and

(L) Vendor. Any person, firm or corporation certified by the division as eligible to provide evaluation, training and administrative services to physically disabled persons. For purposes of this rule, the term “provider” is used synonymously with the term “vendor.”

(2) Persons Eligible for Personal Care Assistance. Criteria for eligibility will include:

(A) All persons determined to be eligible for personal care assistance shall meet the criteria defined in 178.662, RSMo;

(B) Persons eligible for Medicaid personal care assistance services shall meet the eligibility criteria of 178.662, RSMo and Title XIX of the Social Security Act;

(C) In instances of disagreement about eligibility or services, a hearing shall be afforded the client in accordance with 178.671, RSMo if requested; and

(D) Persons eligible for Title XIX benefits who do not meet the criteria for personal care assistance as defined in 178.662, RSMo shall be referred to the Division of Aging to determine eligibility for personal care services as defined in 13 CSR 70-91.010.

(3) Evaluation. Evaluation will be used to—

(A) Conduct an assessment of the applicant’s qualifications to participate in the program; and

(B) Annually reevaluate each eligible person’s need for continued attendant care.

(4) Assessment Team. The provider’s assessment team must consist of an independent living specialist, rehabilitation counselor, a person from physical therapy, occupational therapy, or a registered nurse. The independent living specialist, physical therapist, occupational therapist, and registered nurse shall be qualified as follows:

- (A) Independent Living Specialist—
1. Shall understand basic principles of case management;

2. Shall have previous experience in an independent living program or a related field (that is, case services, peer counseling, etc.);

3. Shall have the ability to communicate effectively; and

4. Shall have skills in training others to live independently;

(B) Physical Therapist: Shall be licensed as a physical therapist in accordance with Chapter 334, RSMo who is certified by the American Physical Therapy Association;

(C) Occupational Therapist: Shall be licensed as an occupational therapist, registered, in accordance with Chapter 334, RSMo who is certified by the American Occupational Therapy Association; and

(D) Registered Nurse: Shall be licensed as a registered nurse in the state of Missouri in accordance with Chapter 335, RSMo.

(5) The Personal Care Assistance Plan developed by the assessment team will be available for review by the client’s physician.

(6) Personal Care Assistance Plan. The personal care assistance plan shall include, but not be limited to, the following:

(A) The maximum number of hours of personal care assistance services to be provided;

(B) The maximum amount of financial assistance to be provided by the division for personal care assistance services;

(C) The starting date for personal care assistance services; and

(D) The date for reevaluation of the personal care assistance services.

(7) Criteria for Providers. Providers of personal care assistance shall meet the following:

(A) The provider of personal care assistance services to clients who are Medicaid eligible must have a valid participation agreement with the state Medicaid agency, and must have a contract with Vocational Rehabilitation.

(B) The term “provider” as used in this rule shall be construed the same as “vendor” in section 178.669, RSMo. In addition to the provisions of section 178.669, RSMo the provider shall complete—

1. An Internal Revenue Service W-4 by the attendant;

2. A time sheet signed by the consumer and the attendant, and certified as accurate by the provider;

3. A United States Department of Justice, Immigration and Naturalization Service, I-9 form; and

4. The supplemental information required to accomplish processing.



(C) Personal care assistance providers shall be responsible for—

- 1. Training the clients in skills helpful to employ and maintain the services of attendants;
- 2. Assisting clients in the general orientation of attendants as requested by the clients;
- 3. Training and orientation of clients in skills needed to instruct and supervise attendants;
- 4. Instructing clients on preparation of time sheets;
- 5. Training clients in the recruitment and training of personal care attendants; and
- 6. Maintaining a list of personal care attendants available for selection by the client. The attendants must meet the following qualifications:
 - A. Be at least eighteen (18) years of age;
 - B. Meet the physical and mental demands required to perform specific tasks required by a particular client;
 - C. Agree to maintain client confidentiality;
 - D. Be emotionally mature and dependable;
 - E. Be able to handle emergency type situations; and
 - F. Not be client's spouse.

(8) Accounting. The division or the provider shall perform the payroll and fringe benefit accounting functions for the client. These functions include:

- (A) Payment to the attendant for services provided;
- (B) The withholding and payment of payroll deductions as required by statute or regulation; and
- (C) The provision of a W-2 for the attendant at the end of the calendar year.

(9) Responsibility of Clients. Responsibilities of clients shall include, but not be limited to, the following:

- (A) Selection, hiring, training and supervision of his/her personal care attendant;
- (B) Preparation of time sheets, signed by both the client and personal care attendant, which shall be submitted to the provider on a biweekly basis;
- (C) Prompt notification to the counselor of any changes in need for personal care assistance services, financial status or place of residence; and
- (D) Prompt notification of provider regarding any problems resulting from the quality of services rendered by the personal care attendant.

(10) Services. Personal care assistance services shall be provided to accomplish routine tasks of daily living as described in subsection (1)(L) of this rule.

(11) Reimbursement. The following rules will govern the fiscal responsibilities:

- (A) The division shall set maximum fees to be paid for personal care assistance services;
- (B) The total monthly payment for personal care assistance as defined in this rule made on behalf of an individual cannot exceed one hundred percent (100%) of the average statewide monthly cost for care in a nursing facility as defined in 13 CSR 70-10.010(4)(Q) (excluding intermediate care facility/mentally retarded (ICF/MRs));
- (C) The average monthly cost to the state for care in a nursing facility, as defined in 13 CSR 70-10.010(4)(Q) (excluding ICF/MRs), will be established in the month of May of each state fiscal year by the Division of Medical Services, Department of Social Services, which will become effective on July 1 of the following state fiscal year;
- (D) One (1) hour of service equals one (1) unit; and
- (E) Payment will be made on the lower of the established rate per service unit or the provider's billed charges.

*AUTHORITY: section 178.673, RSMo (1994). * Original rule filed Jan. 10, 1985, effective May 13, 1985. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Emergency amendment filed Aug. 31, 1992, effective Sept. 10, 1992, expired Jan. 9, 1993. Amended: Filed Aug. 31, 1992, effective April 8, 1993. Amended: Filed May 31, 1994, effective Dec. 30, 1994. Amended: Filed Oct. 31, 1996, effective June 30, 1997.*

**Original authority 1984, amended 1993.*