

# PERSONAL CARE SERVICES AND ELECTRONIC VISIT VERIFICATION

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## Personal Care Services and Electronic Visit Verification

The 21st Century Cures Act requires states to implement a system of electronic visit verification (EVV) for Medicaid personal care services (PCS). PCS have been available as an optional Medicaid state plan service since the mid-1970s. States may also include PCS under a waiver, including under section 1905(a)(24), 1915(c), 1915(i), 1915(j), 1915(k), or a demonstration waiver under section 1115. Due to the range of programs that states have implemented over the past 30 years, the specific rules of PCS may vary significantly among states<sup>1</sup>.

### How are PCS defined by the Centers for Medicare and Medicaid Services (CMS)?

Personal care services (PCS) refers to “a range of human assistance provided to persons with disabilities and chronic conditions to enable them to accomplish activities of daily living (ADLs) or instrumental activities of daily living (IADLs)”<sup>2</sup>. The specific name of a service is not the determining factor in whether or not the service is considered personal care. State programs have a wide variety of names for the service that provides assistance in ADLs and IADLs. Service definitions may need to be reviewed at the state program level to determine which services meet the CMS definition of PCS. In reviewing service definitions, the primary focus of the service should be the first consideration, especially for bundled services. For example, transportation to the grocery store could be included in personal care services that include support for IADLs; however, this would not be considered a transportation service.

### What are ADLs?

Activities of daily living (ADLs) are tasks and activities that all people do on a daily basis as a part of everyday life. The ability to perform ADLs, with or without assistance, is considered fundamental to community living. Most definitions of ADLs include tasks related to personal hygiene, eating, dressing, moving from place to place, and transferring from one position to another. The range of assistance that an individual may require to complete ADLs can include providing hands-on assistance with a task or offering cues or reminders as the individual completes the task.

### What are IADLs?

Instrumental activities of daily living (IADLs) are tasks that are not necessarily completed on a daily basis, but are important for independent living. Examples of common IADLs include

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<sup>1</sup> <https://aspe.hhs.gov/basic-report/understanding-medicare-home-and-community-services-primer#Chap1>

<sup>2</sup> <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/Downloads/pcs-prevent-improperpayment-booklet.pdf>

shopping, meal preparation, basic housekeeping tasks, laundry, and managing any prescribed medications. Some states have included a wider range of IADLs in their state plan, such as support that addresses behavioral challenges.

### **Who provides PCS?**

PCS are usually provided by individuals who work for an agency or by an individual employed by a Medicaid recipient enrolled in a program for self-directed services. A variety of terms are used to describe individuals who provide personal care services, including but not limited to:

- Personal Care Attendant (PCA)
- Personal Care Assistant
- Personal Care Aide
- Direct Support Worker
- Direct Care Worker

There are no Federal training requirements for PCAs. However, with an increased focus on preventing fraud and abuse, many states have established minimum qualifications and training requirements. Within any given state, there may be different PCA training requirements based on the program and the population served.

PCAs who are employed by a Medicaid recipient choosing self-directed services may have specific training requirements outlined in the recipient's person-centered plan. Many Financial Management Services (FMS) entities require a basic orientation for individuals hired by participant-employers. This training often includes information on data privacy, HIPAA, and fraud, waste and abuse prevention.

### **How do PCS differ from Home Health Services?**

One of the more significant differences between PCS and home health services (HHS) is that home health aides (HHA) must meet specific Federal training requirements. Agencies that provide Medicaid home health services must also meet Medicare standards for Home Health agencies. The Medicare standards include a requirement for at least 75 hours of training for HHAs<sup>3</sup>. Although HHAs may provide support for ADLs and IADLs, home health services are billed at a higher rate than personal care services since Federal standards must be met. The deadline for EVV implementation for home health services January 1, 2023, but the requirements of the Cures Act are the same for both services.

### **Where are PCS provided?**

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<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2011-title42-vol5/pdf/CFR-2011-title42-vol5-sec484-36.pdf>

PCS cannot be provided to an individual who is hospitalized, or who lives in a nursing home, an intermediate care facility for individuals with intellectual disabilities, or an institution for mental disease. Federal law specifically allows PCS to be provided in an individual's home or in a community setting; however, since PCS are an optional state plan or waiver service, states have some degree of flexibility on the structure and requirements of their PCS program(s).

#### **Are self-directed services considered PCS and subject to the EVV requirement?**

Yes, services provided to an individual participating in a self-direction program that fit the definition of personal care are subject to the EVV requirement.

#### **References**

[The 21st Century Cures Act](#)

[Code of Federal Regulations, Title 42, Chapter IV, Subchapter C, Part 440, Subpart A -](#)

[Definitions](#)

[Code of Federal Regulations, Title 42, Chapter IV, Subchapter G, Part 484, Subpart C - Furnishing of Services](#)

[Increasing Fiscal Protections for Personal Care Services](#)

[Personal Care Services: Trends, Vulnerabilities, and Recommendations for Improvement](#)

[Preventing Medicaid Improper Payments for Personal Care Services](#)

[Understanding Medicaid Home and Community Services: A Primer](#)