## Personal Care Services – Agency Choice and Responsibilities

## Personal Assistance Agency (PAA) Responsibilities

A Personal Assistance Agency must be capable of and is responsible for all of the following, no matter how the PAA is organized or the form of the business entity it has chosen:

- a. Recruitment, hiring, firing, training, supervision, scheduling and payroll for personal assistants and the assurance that all providers are qualified to provide quality service
- b. Participation in the provision of worker's compensation, unemployment compensation and all other state and federal tax withholdings
- c. Maintenance of liability insurance coverage. Termination of either worker's compensation or professional liability insurance by the provider is cause for termination of the provider's provider agreement
- d. Provision of a licensed professional nurse (RN) or, where applicable, a QMRP supervisor to develop and complete plans of care and provide ongoing supervision of a participant's care
- e. Assignment of qualified personal assistants to eligible participants after consultation with and approval by the participants
- f. Assuring that all personal assistants meet the qualifications in Subsection 305.01 of these rules
- g. Billing Medicaid for services approved and authorized by the RMS
- h. Collecting any participant contribution due
- Conducting, at least annually, participant satisfaction or quality control reviews which are available to the Department and the general public
- j. Making referrals for PCS-eligible participants for service coordination as described in Sections 720 through 779 of these rules when a need for the service is identified.

## Fiscal Intermediary (FI) Services Responsibilities

A fiscal intermediary is an agency that has responsibility for the following:

- a. Directly assure compliance with legal requirements related to employment of waiver service providers
- b. Offer supportive services to enable participants or families consumers to perform the required employer tasks themselves
- c. Bill the Medicaid program for services approved and authorized by the Department
- d. Collect any participant co-payment due for services
- e. Pay personal assistants and other waiver service providers for service
- f. Perform all necessary withholding as required by state and federal labor and tax laws, rules and regulations
- g. Assure that personal assistants providing services meet the standards and qualifications under in this rule
- h. Maintain liability insurance coverage
- Conduct, at least annually, a participant satisfaction or quality control reviews that are available to the Department and the general public
- j. Make referrals for service coordination for a PCS eligible participant when a need for such services is identified
- k. Obtain criminal background checks and health screens on new and existing employees of record and fact as required.

Note: PAA and FI services may not be provided at the same time to a participant.