

**SECTION  
SERVICES**

**SUBJECT  
Personal Assistance Services**

*REFERENCES: ARM: 37.90.431*

**DEFINITION**

Personal assistance is the provision of an array of personal care and other services to an individual for the purpose of meeting personal needs in the home and the community. Personal assistance services include the provision of personal care services including: assistance with activities of daily living, homemaking services, supervision for health and safety reasons, nonmedical transportation and specially trained attendants. To qualify for personal assistance, a person must demonstrate a medical need for personal care. Personal assistance services do not include any skilled services that require professional medical training except as allowed in ARM 37.40.1301, 37.40.1302, 37.40.1305, 37.40.1306, 37.40.1307, and 37.40.1308.

**REQUIREMENTS AND LIMITATIONS**

A personal assistant is a member of a provider agency. Personal assistance services must be provided by a provider under contract with the Department to provide personal assistance services.

Personal care services may not include services which maintain an entire household or family or which are not medically necessary. Personal assistance services do not include:

1. cleaning floors and furniture in areas recipients do not use or occupy;
2. laundering clothing or bedding recipients do not use;
3. supervision, respite care, babysitting or visiting;
4. maintenance of animals unless the animal is a certified service animal specifically trained to meet the safety needs of the recipient; and
5. home and outside maintenance.

Personal assistants providing HCBS personal assistance only may be members of the individual's family except that payment will not be made for services to an individual by that individual's spouse, legal guardian or conservator. Personal assistance services are not allowed for an individual residing in an adult residential setting.

**PAYMENT TO LEGALLY RESPONSIBLE INDIVIDUALS**

Payment for this service may be made to legally responsible individuals, if program criteria are met.

**RETAINER PAYMENTS**

Providers of this service may be eligible for retainer payments if authorized by the case management team. Retainer days are days on which the consumer is either in the hospital, nursing

## **SDMI HCBS 727**

Department of Public Health and Human Services  
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facility, or on vacation. Payment for retainer days may not exceed 30 days or 720 hours per plan of care year. Refer to SDMI HCBS 410.