



**SENIOR & LONG TERM CARE DIVISION  
COMMUNITY SERVICES BUREAU**

**HOME AND COMMUNITY BASED WAIVER  
Policy Manual**

**Section: ADMINISTRATIVE REQUIREMENTS**

**Subject: Payment Made to Legally  
Responsible Individuals**

➤ **References: ARM: 37.40.1415**

**PAYMENT  
FOR SERVICES**

For a legally responsible individual, including biological and adoptive parents of members under 18, spouses of adult members, to be paid for the provision of Home and Community Based Services (HCBS), all of the following authorization criteria and monitoring provisions must be met:

1. The service must:
  - a. Meet the definition of a service/support as outlined in the federally approved waiver plan;
  - b. Be necessary to avoid institutionalization;
  - c. Be a service/support that is specified in the individual plan of care;
  - d. Be provided by a Medicaid provider who meets the provider qualification standards specified in the waiver for that service;
  - e. Be paid at a rate that does not exceed what is allowed by the Department for the payment of similar services; and,
  - f. Not be an activity that the family would ordinarily perform or is responsible to perform.
  
2. The family member who provides a service will comply with the following:
  - a. Be an employee of a Medicaid provider;
  - b. Meet the caregiver qualifications and training

standards specified in the waiver for that service;

NOTE: A parent/parents in combination or a spouse may not provide more than 40 hours of services in a seven-day period. For parents, 40 hours is the total amount regardless of the number of children who receive services under the waiver.

NOTE: Married individuals must be offered a choice of providers and caregivers. If they choose a spouse as their caregiver, it must be documented in the plan of care.

3. Payment is limited to the services listed below; and only if all of the above criteria have been met can payment be made to legally responsible individuals.
  - a. Community Supports;
  - b. Member directed Goods and Services;
  - c. Environmental Accessibility Adaptations;
  - d. Homemaker;
  - e. Homemaker Chore;
  - f. Pain and Symptom Management;
  - g. Personal Assistance;
  - h. Private Duty Nursing;
  - i. Respite;
  - j. Specialized Child Care for Children;
  - k. Specially Trained Attendant;

- I. Transportation; and,
- m. Vehicle Modifications.