

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED POLICY

Public Act 280 of 1939, as amended, and consultation guidelines for Medicaid policy provide an opportunity to review proposed changes in Medicaid policies and procedures.

Please review the policy summary and the attached materials that describe the specific changes being proposed. Let us know why you support the change or oppose the change.

Submit your comments to the analyst by the due date specified. Your comments must be received by the due date to be considered for the final policy bulletin.

Thank you for participating in the consultation process.



Director, Program Policy Division

Bureau of Medicaid Policy, Operations, and Actuarial Services

Project Number: 2132-HH **Comments Due:** August 26, 2021 **Proposed Effective Date:** January 1, 2022

Mail Comments to: Lori Brown

Telephone Number: 517-241-1852 **Fax Number:**
E-mail Address: brownl35@michigan.gov

Policy Subject: 40-Hour Weekly Limit on Payments for Home Help Services Provided to One Client

Affected Programs: Medicaid, Healthy Michigan Plan

Distribution: Home Help Individual Caregivers

Policy Summary: This policy institutes a 40-hour limit on the number of hours an individual caregiver may be paid in a workweek for Home Help services provided to one Home Help client. It does not limit the number of hours of Home Help services a client may be authorized to receive per workweek; however, it prohibits the client from assigning more than 40 of the authorized hours to one individual caregiver.

Purpose: Home Help is a 42 CFR §440.167 state plan personal care services program. As such, it can only grant the Home Help client employer authority. The Home Help client does not have budget authority they can use to distribute Medicaid dollars to pay overtime that, as the employer, they are required to pay under the Fair Labor Standards Act.

Proposed Policy Draft

Michigan Department of Health and Human Services
Medical Services Administration

Distribution: Home Help Individual Caregivers

Issued: December 1, 2021 (Proposed)

Subject: 40-Hour Weekly Limit on Payments for Home Help Services Provided to One Home Help Client

Effective: January 1, 2022 (Proposed)

Programs Affected: Medicaid, Healthy Michigan Plan

The Home Help program is administered by the Michigan Department of Health and Human Services (MDHHS) and provides personal care services to individuals who need hands-on assistance with activities of daily living and instrumental activities of daily living. The purpose of this policy is to introduce a 40-hour limit on the number of hours an individual caregiver can be paid in a workweek for Home Help services provided to one client. **Effective January 1, 2022, an individual caregiver will be paid for no more than 40 hours of Home Help services per workweek per client.**

MDHHS will only pay for hands-on care to complete services on an individual caregiver's Time and Task and only up to 40 hours per workweek. A workweek is defined as a seven-day period that begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m. The 40-hour limit includes travel time for shopping and laundry.

This policy applies only to individual caregivers as defined in the glossary below. This policy:

- **Does not** apply to agency caregivers. Agency caregiver pay rates and work schedules will continue to be set by the employing agency provider.
- **Does not** place a 40-hour limit on the number of hours of Home Help services a client can receive. A client authorized to receive more than 40 hours of Home Help services per workweek:
 - **Must** use more than one Home Help provider, which may include individual caregivers and/or agency providers.
 - **Must not** assign more than 40 hours per workweek to one individual caregiver.

Glossary

Agency Caregiver	A direct care worker employed by the agency provider. This individual provides Home Help personal care services to the client.
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Agency Provider	<ul style="list-style-type: none">▪ A current Medicare-certified home health agency; OR▪ An approved agency with a federal Employer Identification Number (EIN) that directly employs all (but not less than two) agency caregivers, not including the owner, who are providing services through the Home Help program and regularly receiving paychecks from the agency each month; OR▪ A Community Mental Health Services Program (CMHSP) that works with clients who use arrangements that support self-determination.
Client	A Medicaid beneficiary who is receiving personal care services through the Home Help program.
Individual Caregiver	A direct care worker employed directly by the client. This individual provides Home Help personal care services to the client.
Workweek	A seven-day period that begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m.