

Subject PCA and CFSS reimbursement for overtime, overnight asleep services, and consecutive shifts

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Overview

This bill requires the commissioner of human services to: (1) prepare legislation for the 2025 legislative session to make various changes to personal care assistance (PCA) and community-first services and supports (CFSS); and (2) submit to the federal Centers for Medicare and Medicaid Services (CMS) any necessary changes to applicable waivers or the medical assistance (MA) state plan to implement the PCA and CFSS changes.

Personal care assistants provide assistance and support to persons with disabilities, the elderly, and others with special health care needs living independently in the community. In order for a person to receive PCA services, the services must be:

- medically necessary;
- documented in a written service plan; and
- provided at the recipient's place of residence or other location (not a hospital or health care facility).

In addition, the recipient of PCA services must be able to direct his or her own care or have a responsible party who provides support.

The determination of the amount of service available to a person is based on an assessment of need.

CFSS were created by the 2013 Legislature and will replace the PCA and consumer support grant programs. CFSS will be available statewide to eligible individuals to provide assistance and support to persons with disabilities, the elderly, and others with special health care needs living independently in the community.

Summary

Section	Description
1	<p>Direction to commissioner; permitting overtime reimbursement for personal care assistants and community-first services and supports workers.</p> <p>By July 1, 2024, requires the commissioner of human services to prepare legislation, in consultation with nonpartisan legislative staff, for introduction in the 2025 legislative session proposing the statutory changes needed to permit reimbursement of PCAs and CFSS workers to provide up to eight hours of overtime per week per worker beyond the maximum number of reimbursable hours per month.</p> <p>By January 1, 2025, requires the commissioner of human services to submit to CMS any necessary changes to applicable waivers or amendments to the MA state plan to permit reimbursement of PCAs and CFSS workers to provide up to eight hours of overtime per week per worker beyond the maximum number of reimbursable hours per month.</p> <p>Provides an immediate effective date.</p>
2	<p>Direction to commissioner; permitting overnight asleep services reimbursement for personal care assistants and community-first services and supports workers.</p> <p>By July 1, 2024, requires the commissioner of human services to prepare legislation, in consultation with nonpartisan legislative staff, for introduction in the 2025 legislative session proposing the statutory changes needed to permit reimbursement of PCAs and CFSS workers to provide asleep or awake staffing overnight in the same manner as direct support professionals under the MA disability waivers.</p> <p>By January 1, 2025, requires the commissioner of human services to submit to CMS any necessary changes to applicable waivers or amendments to the MA state plan to permit reimbursement of PCAs and CFSS workers to provide asleep or awake staffing overnight in the same manner as direct support professionals under the MA disability waivers.</p> <p>Provides an immediate effective date.</p>
3	<p>Direction to commissioner; permitting reimbursement for shifts of 24 hours or longer for personal care assistants and community-first services and supports workers.</p> <p>By July 1, 2024, requires the commissioner of human services to prepare legislation, in consultation with nonpartisan legislative staff, for introduction in the 2025 legislative session proposing the statutory changes needed to permit reimbursement of PCAs and CFSS workers to provide services in shifts of up to 80 consecutive hours when otherwise compliant with federal and state labor laws.</p>

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	<p>By January 1, 2025, requires the commissioner of human services to submit to CMS any necessary changes to applicable waivers or amendments to the MA state plan to permit reimbursement of PCAs and CFSS workers to provide services in shifts of up to 80 consecutive hours when otherwise compliant with federal and state labor laws.</p>
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