



## Minnesota Department of **Human Services**

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### **Personal Care Assistance (PCA) Care by Relative Rate Decrease** (\$24 million in savings, FY 12-13).

Limits the payments to providers for services PCAs provide to a relative to 80% of the PCA rate. In this section of law, relative is defined as a parent or adoptive parent of an adult child, a sibling aged 16 years or older, an adult child, a grandparent, or a grandchild. This section is effective October 1, 2011. MN Laws 2011, 1st SS, Chapter 9, Article 7, Sections 10, and 11, Article 10, Section 3 (Personal care assistance relative care rider).

Beginning October 1, 2011 Minnesota Health Care Programs (MHCP) must pay fee-for-service PCA service claims at 80% of the allowable rate when the individual PCA provider is related to the recipient in one of the following ways:

- Parent;
- Sibling (sharing at least one biological/adoptive parent);
- Adult child;
- Grandparent;
- Grandchild.

“Related” means the individual PCA is related to the recipient by blood or through a legal adoption process.

This requirement does not apply to:

- Relationships through marriage (such as step-child/sibling or in-law relationships who meet all other Personal Care Assistant Criteria; spouses cannot be individual PCA providers);
- Legal guardians without a relationship above;
- Qualified Professionals (QP).

### **PCA Agency Responsibility**

For each individual PCA provider and the recipient(s) for whom they provide services, all PCA agencies must identify, document, and report individual PCA and recipient relationships for all fee-for-service PCA services, including the extended PCA services through the waiver or Alternative Care (AC) programs.

PCA Agencies must identify and document the relationship of each individual PCA provider with each recipient for whom they provide services by:

- Completing an Individual PCA Relationship Acknowledgment form and retain the form in agency files and the recipient health service record;
- Identifying the relationship on the agency's PCA Time and Activity Documentation each pay period kept in agency files.

When submitting claims, PCA Agencies must include a relationship modifier on the claim line or the claim will be denied.

### **Managed Care**

DHS is encouraging managed care organizations (MCOs) to use the same procedures described above, including requiring the same modifiers on claims. The rates paid by MCOs are determined by an agency's contracts with the MCO.

### **Temporary Restraining Order**

On October 26, 2011 the Second Judicial District Court issued a temporary restraining order about PCA Relative Caregiver payment rates.

Until the Department of Human Services is ordered to do otherwise, MHCP will pay PCA relative caregiver claims at the same rate as the non-relative caregiver rate. This is for any claims submitted on or after 10/26/11 for dates of services on or after 10/1/11.

Providers must continue to identify and document the individual PCA provider relationship with each recipient for whom they provide service.

- Complete the Individual PCA Relationship Acknowledgement form and keep in agency files and the recipient health service record.
- Identify the relationship on the PCA Time and Activity Documentation each pay period and keep in your agency files.
- Report relationship information on claims submitted for PCA services per instruction in provider update [PCA-11-02R](#).

In the event that the Court ultimately upholds the PCA Relative Caregiver payment rates, DHS may recover any overpayments from providers.

### **Numbers**

As of February 8, 2012, 6,581 PCAs are providing services to relatives out of 22,601 PCAs who have had claims submitted (29%).

5,859 PCA recipients are receiving PCA services from relatives out of 17,780 recipients who have had claims submitted (33%).