

Requirements for Payment of Connecticut Home Care Program for Elders

Section 17b-342-1. Connecticut Home Care Program for Elders and Standards for Access Agencies.

(a) Scope

The purpose of Sections 17b-342-1 through 17b-342-5 of the regulations of Connecticut state agencies is to describe non-financial program requirements, services available and limitations under the Connecticut Home Care Program for Elders. This program provides home health and community based services funded under a waiver to the Medicaid program and under a program funded with an appropriation by the General Assembly. The financial eligibility requirements for these two parts of the program differ and are specified under Section 2540.92 and 8040 through 8040.50 of the Uniform Policy Manual of the Department of Social Services. This program includes all clients, regardless of age, transferred from the following programs as of July 1, 1992: Promotion of Independent Living for the Elderly, department on aging Home Care Demonstration Project, and Long Term Care Preadmission Screening and Community Based Services Program. Sections 17b-342-1 through 17b-342-5 of the regulations of Connecticut state agencies also establish standards for access Agencies which operate under the Connecticut Home Care Program for Elders and the Connecticut Partnership for Long Term-Care.

(b) Definitions

- (1) "Access Agency" means an organization which assists individuals in receiving home and community based services by conducting assessments and developing plans of care tailored to the needs of the individuals, and making arrangements with service providers. If needed by the individuals the access agency shall also coordinate services and monitor the quality of the services over an extended period, but the access agency shall not be a provider of services, other than care management, to individuals for whom the agency has conducted the assessment. An access agency shall have a governing body which assumes all financial and programmatic responsibility for the agency's activities and shall meet the requirements pursuant to Section 17b-342-1(h) of the regulations of Connecticut state agencies.
- (2) "Applicant" means an elderly person who directly or through any representative, including but not limited to a guardian, conservator, family member, physician, social worker or discharge planner completes a Home Care Request Form and submits it to the department or indicates to the department a desire to receive services under the Connecticut Home Care Program.

- (3) "Assessment" means a comprehensive written evaluation of an individual's medical, psychosocial and economic status, degree of functional impairment and related service needs. For purposes of the Connecticut Home Care Program, this assessment shall include a face-to-face interview and shall utilize a standard assessment tool.
- (4) "Average nursing facility cost" means a weighted average calculated by multiplying the nursing facility Medicaid rates in effect on July 1 of that calendar year for each facility by their respective number of days, adding the products and then dividing that total by the total patient days, and reducing the result by the average applied income for nursing facility patients.
- (5) "Client" means a person who has met the requirements for eligibility and enrolled in the program.
- (6) "Commissioner" means the commissioner of social services or the commissioner's designee.
- (7) "Community Based Services" for purposes of the Connecticut Home Care Program includes but is not limited to care management, adult day health services, chore services, companion services, elderly foster care, home delivered meals, homemaker services, laundry services, mental health counseling, respite care, transportation, and personal emergency response systems.
- (8) "Connecticut Home Care Program" or "the Program" means the program operated for elders pursuant to section 17b-342 of the Connecticut general statutes. This program was formerly known as the Long Term Care Facility Preadmission Screening and Community Based Services Program and includes all home care clients who were transferred from the department on aging.
- (9) "Cost of Home Care Services" means the total amount of direct costs in state administered public funds expended to provide the home health and community based services set forth in sections 17b-342-1 through 17b-342-5 of the regulations of Connecticut state agencies;
- (10) "Day" means calendar day.
- (11) "Department" means the department of social services or DSS.
- (12) "Elder" or "elderly person" means an individual 65 years of age or older.
- (13) "Emergency Admission" means that an individual has been determined by the department to be in need of protective services and is referred to a nursing facility for admission by an appropriate state agency pursuant to the provisions of section 17b-450 through 17b-460 of the Connecticut general statutes. This does not include nursing home placements from the community in which the family desires to make the placement as soon as possible because of an applicant's deteriorating health condition.

- (14) "Health Care Professional" means a Connecticut licensed physician, Connecticut licensed nurse, social worker, or hospital discharge planning personnel.
- (15) "Health Screen Form" means a department form used to determine whether an individual is at risk of institutionalization. This form includes information regarding the person's physical (functional and medical), psycho-social status.
- (16) "Home Care Request Form" means a department form used to indicate if an applicant appears to be financially eligible and wishes to apply for the Connecticut Home Care Program.
- (17) "Home Care Services" means any combination of community based services and home health services as defined in this section which enable elders to live in noninstitutional settings. Such services may be provided to elders living in private homes, congregate housing and, in homes for the aged and other community living situations as long as the services needed are not considered a regular component of the services of the community living situation.
- (18) "Home Health Services," for the purposes of the Connecticut Home Care Program, means those medical procedures included in the definition of home health services under the Medicaid program. Home health services provided under the Connecticut Home Care Program shall be defined in the same way and covered to the same extent as they are under the Medicaid program.
- (19) "Hospital" means a general short term or chronic disease hospital licensed by the department of public health pursuant to section 19a-490(b) of the Connecticut general statutes.
- (20) "Medicaid Recipient" means an individual who has been determined eligible for Medicaid benefits.
- (21) "Nursing Facility" means a facility licensed by the department of public health pursuant to section 19a-490(c) of the Connecticut general statutes as a chronic and convalescent nursing home or rest home with nursing supervision and certified to participate in the Medicaid program as a Nursing Facility as evidenced by a Medicaid provider agreement between the department and the facility. For purposes of this section, the term "nursing facility" does not include an Intermediate Care Facility for the Mentally Retarded (ICF/MR) or any other residential or inpatient health care facility.
- (22) "Person" means an individual applicant or elder client enrolled in the Connecticut Home Care Program and a representative authorized to act on the applicant or client's behalf including guardians, conservators or other legally authorized representatives.

- (23) "Plan of Care" means a written individualized plan of home care services which specifies the type and frequency of all services required to maintain the individual in the community, the names of the service providers, and the cost of services, regardless of whether or not there is an actual charge for the service.
- (24) "Related Party" means an entity which is associated with another by common ownership or control. Control of or by another entity exists where an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution. Common ownership exists when an individual or individuals possess significant ownership or equity in the provider or organization serving the provider.
- (25) "Relative" means spouses, natural parents, child, sibling, adoptive child and adoptive parent, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, and grandparents and grandchildren.
- (26) "Risk of Institutionalization" means that the individual is in danger of hospitalization or nursing facility placement due to his or her medical, functional or cognitive status but would be able to remain at home, without the creation of an unacceptable risk to the safety of the individual or others, if home care services were provided. This definition includes individuals who are currently institutionalized and who are at risk of continued institutionalization unless home care services are provided.
- (27) "Standard Assessment Tool" means a department form used to conduct an assessment.
- (28) "Status review" means a review of the functional and cognitive status of a client enrolled in the program based on a face-to-face interview in order to reevaluate the plan of care when the individual is not receiving ongoing monitoring by an access agency.
- (29) "State Administered Public funds" means direct payments of State or Federal funds allocated by a state agency to an individual or to an agency to pay for medical or social services required to be provided under an individual's plan of care;
- (30) "Unacceptable Risk" means a situation which places an individual's life or health in immediate jeopardy. In determining whether an unacceptable risk exists, the department shall take into account the provider's professional standards, the client's needs, and the client's informed viewpoint with regard to the potential risk.

- (31) "Waiting List" means a record maintained by the department for each Connecticut Home Care Program regional office. It includes the names of the applicants seeking home care services and specifies the date the contact was made.
- (c) General
- (1) The purposes of the Connecticut Home Care Program are to:
- (A) assess whether cost-effective home care services can be offered to elders who are at risk of institutionalization;
 - (B) determine, prior to admission to a nursing facility whether the elder does or does not need nursing facility services;
 - (C) authorize department payment for elders for nursing facility care or home care if appropriate; and
 - (D) provide a full range of home care services to eligible individuals who choose to remain in the community, if such services are appropriate, available and cost effective.
- (2) The application process shall consist of:
- (A) a financial eligibility determination in accordance with sections 17b-10-1 of the regulations of Connecticut state agencies, the department's Uniform Policy Manual section 8040 and section 2540.
 - (B) an initial determination as to the elder's needs and the category of services needed by the person based on review of the health screen form.
 - (i) As a result of a review of the health screen form, the department shall determine:
 - (aa) whether the elderly person meets the functional level for admission to the program;
 - (bb) whether the elderly person needs care that would otherwise be provided in a nursing facility;
 - (cc) which category of services may be authorized for the person in the community;

- (dd) whether an assessment for services is indicated to confirm the category of services and to determine if a cost-effective plan of care can be developed to provide services to the elderly person in the community without the creation of an unacceptable risk to the individual or others; and
 - (ee) whether the elderly person should be admitted to a nursing facility without an assessment.
 - (ii) Initial determinations as to the elder's needs and the category of services shall be valid for sixty (60) days, unless the department receives that information which indicates that a person's condition is changed significantly.
 - (iii) The health screen form shall also be used to verify recommendations for short term placement. For purposes of this section, a short term placement means a maximum stay of ninety (90) days for rehabilitative or recuperative care which is expected to result in the person's return to the community.
- (C) a referral to other sources of assistance, including authorization for admission to a nursing facility without an assessment, if appropriate.
- (3) Determination of Need
 - (A) The determination as to whether the elder is at risk of institutionalization or needs services that would otherwise require institutionalization shall be made by the department based upon an evaluation of the completed health screen.
 - (B) The amount of services which an elder may receive under the Connecticut Home Care Program is based on financial eligibility and the elder's need for services.
- (4) Category of Services

The following three categories of service are defined within the program:

- (A) Category 1 Services:

This category applies to elders who are at risk of institutionalization but who might not immediately enter a hospital or nursing facility in the absence of the program. This category of services is available to elders who meet the financial eligibility criteria for the state-funded portion of the program as defined in sections 17b-10-1 of the regulations of Connecticut state agencies, the department's Uniform Policy Manual section 8040.

(B) Category 2 Services:

This category applies to elders who would otherwise require admission to a nursing facility on a short or long term basis. This category of services is available to elders who meet the financial eligibility criteria for the state-funded portion of the program as defined in sections 17b-10-1 of the Regulations of Connecticut state agencies, the department's Uniform Policy Manual section 8040.

(C) Category 3 Services:

This category applies to elders who but for the provision of home care services would require nursing facility care funded by Medicaid. This category of services is available to elders who meet the financial eligibility criteria for Medicaid under the federal waiver as defined in section 17b-10-1 of the Regulations of Connecticut state agencies, the department's Uniform Policy Manual section 2540.92.

(5) The determination of services needed consists of :

- (A) Completion of an assessment;
- (B) Development of a plan of care;
- (C) A determination as to the feasibility and cost-effectiveness of the home care services, if indicated; and
- (D) Authorization for services in the community or admission to and Medicaid payments for a nursing facility.

(d) Assessment and Plan of Care

- (1) A person who is determined by the department to need services covered under the Connecticut Home Care Program shall be referred by the department to an access agency or the department's staff for an assessment as defined in section 17b-342-1 (b)(3) of the regulations of Connecticut state agencies. The results of the assessment shall be used to:
 - (A) verify the elderly person's category of services and financial information; and
 - (B) develop an individual plan of care which shall:
 - (i) determine the feasibility and cost-effectiveness of meeting the elderly person's care needs with home care services, pursuant to section 17b-342-3(b) of the regulations of Connecticut state agencies;

- (ii) include a thorough exploration of all available service and funding resources; and
 - (iii) establish an appropriate service delivery mix and arrangement which is non-duplicative and not overlapping (i.e. two similar services being provided at the same time).
- (2) Such person shall be given the opportunity to participate, to the extent possible, in the development of his or her plan of care;
- (3) When carrying out its responsibilities for the initial assessment and plan of care under the Connecticut Home Care Program, the department or the access agency shall collaborate with other health care professionals providing services to the person and shall, to the extent practicable, avoid the duplication of services. The department or the access agency may, to the extent permitted by 17b-342 of the Connecticut general statutes as may be amended, involve other service providers in the completion of assessment and care plan development;
- (4) Written notice of the outcome of the assessment shall be provided to the applicant and to hospital discharge planning personnel in the case of hospitalized patients. The applicant shall also be notified of appeal rights and procedures, in accordance with section 17b-10-1 of the Regulations of Connecticut state agencies, the department's Uniform Policy Manual sections 8040 and 1570.
- (5) If the person refuses to participate in the assessment, or does not agree to accept a plan of care approved by the Department, services shall not be available under the Connecticut Home Care Program.
- (6) If the department determines that a plan of care is feasible and cost-effective, the elderly person may remain in the community with assistance provided under the Connecticut Home Care Program. If home care is desired, the plan of care shall be authorized by the department.
- (7) For the Connecticut Home Care Program, all home care services shall be included as part of a written plan of care developed initially and updated regularly by the access agency or the department. The plan of care shall specify the frequency and the providers of all home care services. The type and frequency of services contained in the plan of care shall be based upon the documented needs found in the assessment of the elderly person's needs and shall be reimbursed by the department only when it is determined that each service is needed in order to avoid institutional placement. Services not included as part of the plan of care or not covered by these regulations are not eligible for reimbursement from the Connecticut Home Care Program.

(e) Status Reviews

- (1) Status reviews shall be provided to elderly persons enrolled in the program in order to re-evaluate client's status and the plan of care. Status reviews may be conducted by the Department, access agencies, as defined in section 17b-342-1(b) of these regulations or agencies which provide home health services or adult day health services as described in section 17b-342-2(b) and (g) of these regulations. The staff who conduct the status reviews shall be either registered nurses or social services workers who meet the requirements pursuant to Section 17b-342-1(h)(1)(A)and(B)of these regulations.
- (2) For each client there shall be no more than one agency at any time, designated by the department, which shall be responsible for status reviews. When care management services by an access agency have been temporarily interrupted due to an institutional stay, a status review may be conducted by the access agency. When ongoing care management services have been suspended, the Department shall determine in advance which agency may conduct any necessary status reviews taking into consideration the needs and preferences of the client.
- (3) Status reviews may be provided only when care management services by the access agency are not authorized and are limited to the following situations:
 - (A) No more than one time during a hospital stay which is less than or equal to 45 days;
 - (B) No more than one time during a nursing facility stay which is less than or equal to 45 days;
 - (C) No more than one time every twelve months for annual reassessment of a person not receiving care management from an access agency; and
 - (D) In other circumstances, when there is prior authorization by the department, such as when an elder is being reevaluated to consider having the care management reinstated after a lapse of more than two months in this service or when an elder is being reevaluated for reinstatement of community based service following a nursing facility or hospital stay of more than 45 days.

(f) Forms

- (1) The department shall promulgate a uniform assessment tool and all required program-related forms, including a home care request form, financial application form, and a health screen form.
- (2) Program information and forms packets shall be distributed by the department to all nursing facilities and hospitals in the State. Other appropriate providers may receive these forms packets upon written request.

(g) Information Submission

Persons seeking home care services may initiate an application by submitting the Home Care Request Form or calling the department. Individuals are responsible for assuring that all information necessary for determining eligibility and the category of service is provided on their behalf to the department. Authorization for home care services shall not be granted, nor a plan of care implemented, until complete information has been provided. Furthermore, failure to provide required information shall be grounds for termination from the Connecticut Home Care Program.

(h) Requirements of an access agency

(1) An access agency shall ensure the selection of qualified staff.

(A) The care manager who conducts the assessments, develops care plans, and provides ongoing monitoring shall be either a registered nurse licensed in the State where care management services are provided or a social services worker who is a graduate of an accredited four-year college or university. The nurse or social services worker shall have a minimum of two years of experience in health care or human services. A bachelor's degree in nursing, health, social work, gerontology or a related field may be substituted for one year of experience.

(B) Care managers shall have the following additional qualifications:

- (i) demonstrated interviewing skills which include the professional judgment to probe as necessary to uncover underlying concerns of the applicant;
- (ii) demonstrated ability to establish and maintain empathic relationships;
- (iii) experience in conducting social and health assessments;
- (iv) knowledge of human behavior, family/caregiver dynamics, human development and disability;
- (v) awareness of community resources and services;
- (vi) the ability to understand and apply complex service reimbursement issues; and
- (vii) the ability to evaluate, negotiate and plan for the costs of care options.

- (C) Care management supervisors shall meet all the qualifications of a care manager plus have demonstrated supervisory ability, and at least one year of specific experience in conducting assessments, developing care plans, and monitoring home and community based services.
- (2) An access agency shall ensure that care managers are appropriately trained and supervised.
 - (A) An access agency shall provide or arrange for orientation and initial and ongoing training for care managers and care management supervisors, including training in the use of the assessment tool.
 - (B) An access agency shall provide or arrange for appropriate supervision and clinical consultation for care managers. For care managers with a social service background, the access agency shall have nursing staff available for consultation during normal business hours; for care managers with a nursing background, the access agency shall have a social services staff available for consultation during normal business hours.
 - (3) An access agency shall have the following additional responsibilities:
 - (A) Establish working relationships with existing service providers and provide community education regarding the care management role;
 - (B) Establish a quality assurance process subject to approval by the department or the office of policy and management which includes at a minimum review of client records (without client identifiers) by professionals not employed by the agency, and annual evaluation of client satisfaction;
 - (C) Maintain client records and administrative records to support agency activities and data collection activities;
 - (D) Under the Connecticut Home Care Program, subcontract with vendors to provide services needed in the plan of care;
 - (E) Under the Connecticut Home Care Program, submit claims through the Department's claims processing agent; and
 - (F) Under the Connecticut Home Care Program, reimburse subcontractors when appropriate.
 - (4) All access agency offices serving participants in the Connecticut Home Care Program shall be located within the State of Connecticut and be accessible to the public.

- (5) The access agency shall have a communication system adequate to receive requests and referrals for service, including the capacity to respond to clients and health professionals in emergencies on a 24-hour basis.
- (6) The access agency shall establish a grievance procedure for home care clients who are aggrieved by adverse decisions of the access agency. The procedure shall specify that a decision shall be made by the access agency within 15 calendar days after a grievance is received by a client and sooner in the case of an emergency. The procedure shall also outline steps for requesting a fair hearing by the Department or other funding source in the event that the issue is not resolved within the access agency.
- (7) The access agency shall have the capacity to provide or arrange necessary services for individuals who are non-English speaking, hearing impaired, or who have other special needs.

Section 17b-342-2. Services Covered Under the Connecticut Home Care Program for Elders

The following services are available to elderly persons who are determined eligible for the Connecticut Home Care Program either under the criteria for the Medicaid Waiver portion or the state-funded portion of the program. The amount of services available shall be based on the category of service assessed in accordance with sections 17b-342-1 and 17b-342-2 and 17b-342-3 of the Regulations of Connecticut state agencies and shall be documented in the plan of care.

(a) Care Management Services

(1) Description

Care management services include those activities that involve implementation, coordination, monitoring and reassessment of a community based plan of care. Care management is a consumer-centered service that respects consumers' rights, values and preferences. The care manager assists the consumer in coordinating all types of assistance to meet the individual's needs, monitoring the quality of services provided and using resources efficiently.

(2) Provider Participation

All providers reimbursed for care management services shall be access agencies as defined in Section 17b-342-1(b)(1) of the Regulations of Connecticut State Agencies and shall meet all provider enrollment requirements. This provision is not meant to restrict home health and other providers from providing such services to the extent required or authorized under their license. However, only access agencies may receive reimbursement for this activity as a distinct service. The requirement for providers to be access agencies shall not prohibit the department from using its own staff to provide care management services in accordance with Section 17b-342(b) of the Connecticut general statutes.

(3) Services Covered

- (A) When authorized, the department shall reimburse the access agency for care management services which include contacts with the clients, family, members of their informal support networks, or service providers, as deemed necessary. The care manager shall monitor clients of the Connecticut Home Care Program who receive ongoing care management by an access agency as follows:
- (i) Making contact at least monthly with the client/family or provider by telephone or by a home visit, depending upon the client's needs;
 - (ii) Making home visits to the client as needed and at least every six months to determine the appropriateness of the service plan and to assess changes in the client's condition;
 - (iii) Conducting a formal reassessment of the client's health, functional and financial status and service needs every twelve (12) months, utilizing a standardized assessment tool;
 - (iv) Responding to changes in client needs as they occur by making appropriate changes in the type, frequency, cost or provider of services needed for the client to remain safely in the community within the limitations of service availability. This includes ongoing reassessment as needed to assure appropriateness of the plan of care, continued financial eligibility and category of service, and quality of care; and
 - (v) Providing information and service referral or access to appropriate resources on a 24 hour per day basis, including responding to emergencies.
- (B) Care management services may be delivered in the person's home, in the community, in a community agency, in the access agency, or other noninstitutional settings as appropriate.

(4) Need for Service

- (A) For the Connecticut Home Care Program the need for ongoing care management services by an access agency is identified in conjunction with establishment of eligibility for the program. Upon completion of an assessment and development of a plan of care, the access agency shall confirm the risk of institutionalization and shall further establish that:
- (i) the person can be appropriately served in the community without the creation of an unacceptable risk to the person or others;

- (ii) the person chooses to remain in the community rather than be admitted to a nursing facility; and
 - (iii) as specified in the person's plan of care, the total state administered funds of home care services specified in the person's plan of care do not exceed the limits set forth in section 17b-342-3(c) of the Regulations of Connecticut state agencies.
 - (B) For the Connecticut Home Care Program ongoing care management services by an access agency may be suspended for a client who meets the following criteria:
 - (i) The client's functional and cognitive status have been determined to be stable (this can include the presence of chronic health problems if the conditions are under control and do not require involvement by an access agency); and
 - (ii) The department determines that the person or the caregiver is able to assume responsibility for coordinating and monitoring services.
- (5) Authorization Process
 - (A) Care management services shall be included as part of the written plan of care and authorized by the department in order to be reimbursed under the Connecticut Home Care Program.
 - (B) When care management services by an access agency have been suspended, the client may continue to receive other home care services through the Connecticut Home Care Program. The department shall require renewals of orders for such home care services at least every six months and annual redeterminations of eligibility for the program in order to continue services. If the client's condition becomes unstable and the client continues to reside in the community, the department may reinstate ongoing monitoring by an access agency.
- (6) Limitations

In order to receive payment for care management services under the Connecticut Home Care Program, the access agency shall be in compliance with all terms of its contract with the department and in addition shall assure that home care service providers meet standards of quality as established in section 17b-342-1(b) through section 17b-342-3 of the Regulations of Connecticut state agencies and have documented such compliance to the access agency. The department shall not reimburse for care management services:

- (A) provided prior to completion of the assessment and development of a plan of care; or
 - (B) provided while the elderly person is in a hospital or nursing facility.
- (b) Adult Day Health Services

(1) Description

Adult day health services are provided through a community-based program designed to meet the needs of cognitively and physically impaired adults through a structured, comprehensive program that provides a variety of health, social and related support services, including but not limited to socialization, supervision and monitoring, personal care and nutrition in a protective setting during any part of a day. There are two different models of adult day health services: the social model and the medical model. Both models shall include the minimum requirements described in Section 17b-342-2(b)(2) of these regulations. In order to qualify as a medical model, adult day health services shall also meet the requirements described in Section 17b-342-2(b)(3).

(2) Provider Participation

In order to receive payment for adult day health services provided under the Connecticut Home Care Program, an adult day health provider shall:

- (A) meet all applicable federal, state and local requirements including zoning, licensing, sanitation, fire and safety requirements; and
- (B) provide, at a minimum, nursing consultation services, social work services, dietary services to meet specialized dietary needs as prescribed by health care personnel, personal care services, recreational therapy, and transportation services for individuals to and from their homes.
- (C) provide adequate personnel to operate the program, including:
 - (i) a full-time program administrator;
 - (ii) nursing consultation during the full operating day by a Registered Nurse (RN) licensed in the State of Connecticut; and
 - (iii) the direct care staff-to-participant ratio shall be a minimum of one to seven. Staffing shall be adequate to meet the needs of the client base. Volunteers shall be included in the ratio only when they conform to the same standards and requirements as paid staff.

- (D) On or after October 1, 1996, be certified by the Connecticut Association of Adult Day Centers Incorporated or its successor agency.
- (3) Services Covered and Limitations
- (A) Payment for adult day health services under the rate for a medical model is limited to providers which demonstrate to the department their ability to meet the following additional requirements:
 - (i) a program nurse shall be available on site for not less than fifty percent of each operating day;
 - (ii) the program nurse shall be a registered nurse, except that a program nurse may be a licensed practical nurse if the program is located in a hospital or long term care facility licensed by the Department of Public Health, with ready access to a registered nurse from such hospital or long term care facility or the program nurse is supervised by a registered nurse who can be reached by telephone at any time during the operating day and who can be called to the center if needed within one half hour of the request. The program nurse is responsible for administering medications as needed and assuring that the participant's nursing services are coordinated with other services provided in the adult day health center, health and social services currently received at home or provided by existing community health agencies and personal physicians;
 - (iii) additional personal care services shall be provided as specified in the individual plan of care including but not limited to bathing and transferring;
 - (iv) ongoing training shall be available to the staff on a regular basis including but not be limited to orientation to key specialty areas such as physical therapy, occupational therapy, speech therapy and training in techniques for recognizing when to refer clients for such services; and
 - (v) individual therapeutic and rehabilitation services shall be coordinated by the center as specified in the individual plan of care including but not limited to physical therapy, occupational therapy and speech therapy. The center shall have the capacity to provide such services on site; this requirement shall not preclude the provider of adult day health services from also arranging to provide therapeutic and rehabilitation services at other locations in order to meet needs of individual clients.

- (B) Payment for adult day health services shall include the costs of transportation and all other required services except for individual therapeutic and rehabilitation services.
- (c) Chore Services
- (1) Description
- Chore services include the performance of heavy indoor or outdoor work or household tasks to individuals who are unable to do these tasks for themselves because of frailty or other conditions. These services are necessary to maintain and promote a healthy and safe environment for elders in their own homes.
- (2) Provider Participation
- Chore services providers are not licensed or regulated and shall be provided by a person who is not a relative of the service recipient. Chore services providers shall demonstrate the ability to meet the needs of the individual seeking services. The department or the access agency shall ensure that the services provided qualify as chore services and are not services which should be provided by a licensed provider of home health services.
- (3) Services Covered and Limitations
- When an individual requires one-time only unique or specialized services in order to maintain a healthy and safe home environment, the Connecticut Home Care Program shall pay for highly skilled chore services which include but are not limited to:
- (A) Extraordinarily heavy cleaning where the work required is beyond the heavy cleaning normally performed by chore services;
- (B) Electrical repairs or installation;
- (C) Plumbing repairs;
- (D) Minor home repairs; and
- (E) Extermination.

(d) Companion Services

(1) Description

Companion services are home-based supervision and monitoring activities which assist or instruct an individual in maintaining a safe environment, when the person is unable to maintain a safe environment or when the person primarily responsible for monitoring and supervising is absent or unable to perform such activities.

(2) Provider Participation

(A) In order to provide companion services and receive reimbursement from the Connecticut Home Care Program, a companion shall be at least eighteen (18) years of age, be of good health, have the ability to read, write and follow instructions, be able to report changes in a person's condition or needs to the department or the access agency, maintain confidentiality, and complete required record-keeping of the employer or contractor of services.

(B) Companion services are not licensed or regulated and shall be provided by a person who is not a relative of the service recipient. Providers shall demonstrate the ability to meet the needs of the individual service recipient. The department or the access agency shall also ensure that the services provided are appropriate for companion services and are not services which should be provided by a licensed provider of home health services.

(3) Services Covered and Limitations

Companion services may include, but are not limited to, the following activities:

(A) escorting an individual to recreational activities, or to necessary medical, dental, business appointments;

(B) reading to or for an individual;

(C) supervising or monitoring an individual during the self-performance of activities of daily living such as meal preparation and consumption, dressing, personal hygiene, laundry, and simple household chores;

(D) reminding an individual to take self-administered medications;

(E) providing monitoring to ensure the safety of an individual;

(F) assisting with telephone calls and written communications; and

- (G) reporting changes in an individual's needs or condition to the supervisor or care manager.
- (e) Adult Family Living
- (1) Description

Adult family living services provide an individual with continuous monitoring, supervision, and coordination of daily living and management of overall health and welfare. These services are provided on a 24-hour basis in a private non-related family residence, and when necessary to prevent or delay institutionalization.
 - (2) Provider Participation

For purposes of obtaining reimbursement under the Connecticut Home Care Program, the adult family living provider shall meet the following conditions:

 - (A) There shall be an individual designated to meet the specific needs of an adult family living clients and that individual shall:
 - (i) be at least eighteen (18) years of age, be of good health, have the ability to read, write and follow instructions, be able to report changes in a person's condition or needs to the sponsor of the foster care program or access agency, maintain confidentiality, and complete required record-keeping of the employer or contractor of services;
 - (ii) not be a relative of the service recipient; and
 - (iii) be able to provide the individual with necessary supervision and assistance with management of overall health and activities of daily living.
 - (B) The family shall document that its income is adequate to meet the needs of the family;
 - (C) An adult family living provider shall not provide services to more than three (3) elderly persons at the same time; and
 - (D) Adult family living shall be provided in a living arrangement which conforms to applicable local and state building, health and safety codes and ordinances, and meets the individual's needs for privacy.
 - (3) Services Covered and Limitations

The services provided to the individual shall include, but not be limited to the following activities:

- (A) escorting an individual to recreational activities, or to medical, dental, business appointments;
- (B) reading to or for an individual;
- (C) supervising or performing household tasks such as meal preparation, laundry, and simple chores;
- (D) supervising or monitoring an individual during the performance of activities of daily living such as eating, dressing, personal hygiene;
- (E) reminding an individual to take self-administered medications;
- (F) providing evening monitoring to ensure the safety of an individual;
- (G) assisting with telephone calls and written communications; and
- (H) reporting changes in an individual's needs or condition to a sponsor of the adult family living program or the care manager.

(4) Non-Reimbursable Services

Room and board are not reimbursable services although the client may make payments directly to the adult family living provider for room and board.

(5) Meals

(A) Meals in the adult family living setting shall:

- (i) be nutritionally balanced and scheduled at least three (3) times daily;
- (ii) include snacks and fluids as appropriate to meet the participant's needs; and
- (iii) be adapted to modified diets if prescribed by a physician.

(f) Home Delivered Meals

(1) Description

Home delivered meals, or "meals on wheels," include the preparation and delivery of one (1) or two (2) meals for persons who are unable to prepare or obtain nourishing meals on their own.

(2) Provider Participation

Home delivered meals reimbursement shall be available under the Connecticut Home Care Program only to providers which provide meals that meet a minimum of one-third of the current daily recommended dietary allowance and requirements as established by the Food and Nutrition Board of the National Academy of Sciences - National Research Council.

(3) Services Covered and Limitations

Payment under the Connecticut Home Care Program is not available for more than two meals a day.

(g) Home Health Services

(1) Description

Home health services include the same medical procedures that are included in the definition of home health services under the Medicaid program.

(2) Provider Participation

In order to receive payment from the Connecticut Home Care Program, providers of home health services shall be enrolled as home health providers under the Medicaid program.

(3) Services Covered and Limitations

Home health services provided under the Connecticut Home Care Program shall be defined in the same way and covered to the same extent as they are under the Medicaid program.

(h) Homemaker Services

(1) Description

Homemaker services are general household management activities provided in the home to assist or instruct an individual in managing a household when the person is unable to manage the home or when the individual primarily responsible is absent or unable to perform such management activities. These services are provided on a part-time or intermittent basis.

(2) Provider Participation

Homemaker services shall be provided by a person who is not a relative of the service recipient. Providers shall demonstrate the ability to meet the needs of the individual service recipient and, when money management is involved, to protect the individual's financial interests. The department or the access agency shall ensure that the services provided are appropriate for homemaker services and are not services which should be provided by a licensed provider of home health services or a professional financial advisor.

(3) Services Covered and Limitations

Homemaker services include, but are not limited to:

- (A) changing linens;
- (B) communication of health or other problems (neglect or abuse) to supervisor;
- (C) correspondence, including written communications of a business or social nature;
- (D) dishwashing;
- (E) light housecleaning;
- (F) laundry;
- (G) meal planning and preparation;
- (H) mending limited to repair of an individual's clothing;
- (I) money management by bonded personnel, limited to check writing and balancing, bank deposits, paying bills, and budgeting for the purpose of daily household expenses and personal needs, not including long term financial planning or investment; and
- (J) shopping.

(i) Laundry Services

(1) Description

Laundry Service is designed to serve frail elders who have no other means of having laundry cleaned.

(2) Provider Participation

Laundry Service is ordinarily to be provided by a commercial laundry company or by a provider of adult day health services.

(3) Services Covered and Limitations

The service is limited to one bag of laundry (up to 10 lbs.) every two weeks per client, except in cases where the case manager determines that a higher amount is necessary, such as when a client is incontinent. Two times in a 12 month period, an additional amount of laundry service may be provided per client. This additional service is limited to blankets, bedspreads, and small rugs weighing no more than 20 pounds. Dry cleaning is not included in laundry services.

(j) Mental Health Counseling Services

(1) Description

Mental health counseling services are professional counseling services provided to help resolve or enable the eligible individual to cope with individual, family, or environmentally related problems and conditions. Counseling focuses on issues such as problems in maintaining a home in the community, relocation within the community, dealing with long term disability, substance abuse, and family relationships.

(2) Provider Participation

For purposes of receiving reimbursement under the Connecticut Home Care Program, a mental health counseling provider shall be a certified independent social worker as defined in section 20-195m of the Connecticut general statutes, and shall have experience and training in providing mental health services to the elderly, or a social worker who holds a masters degree from an accredited school of social work, or an individual who has a masters degree in counseling, psychology or psychiatric nursing and has experience in providing mental health services to the elderly.

(3) Services Covered and Limitations

The department shall pay for mental health services conforming to accepted methods of diagnosis and treatment, including:

- (A) mental health evaluation and assessment;
- (B) individual counseling;
- (C) group counseling; and

(D) family counseling.

(k) Personal Emergency Response System Services

(1) Description

A Personal Emergency Response System (PERS) service is an in-home, 24-hour electronic alarm system activated by a signal to a central switchboard.

(2) Provider Participation

For purposes of receiving reimbursement from the Connecticut Home Care Program, providers of a PERS shall adhere to the following requirements: provide trained emergency response staff on a 24-hour basis, have quality control of equipment, provide service recipient instruction and training, assure emergency power failure backup and other safety features, conduct a monthly test of each system to assure proper operation, recruit and train community based responders in service provision, and provide an electronic means of activating a response system to emergency medical and psychiatric services, police, or social support systems.

(3) Services Covered and Limitations

(A) PERS enables a high risk individual to secure immediate help in the event of a medical, physical, emotional, or environmental emergency. These services are provided on a 24-hour basis when necessary to prevent or delay institutionalization of an individual; and

(B) PERS services are provided through local hospitals or emergency response centers that provide 24-hour coverage.

(l) Respite Care Services

(1) Description

Respite care services provide short-term relief from the continuous care of an elderly individual for the individual's family or other primary caregiver.

(2) Provider Participation

Providers of respite care services shall meet one of the following qualifications to receive reimbursement from the Connecticut Home Care Program:

(A) In-Home Respite Care Provider

An in-home respite care provider is an individual who has received training as well as has experience in providing home care for elderly persons. In-home providers of respite care shall include, but not be limited to, companions, homemakers, home health aides, and other home health care personnel; and

(B) Out-of-Home Respite Care Provider

An out-of-home respite care provider is an organized facility licensed, certified, or otherwise operating under the guidelines of other State agencies to provide respite care appropriately as defined in Sections 17b-342-1 through 17b-342-5 of the regulations of Connecticut state agencies. Out-of-home providers may include, but are not limited to, rest homes with nursing supervision, chronic and convalescent nursing facilities, adult day care centers, homes for the aged, or elderly foster care providers. Respite services provided in a licensed facility are limited to thirty (30) days per year per recipient.

(3) Services Covered and Limitations

The primary purposes of respite care services are to reduce the stress on the family members or other primary caregivers in order to assure that the client can continue to receive such necessary support; to allow the caregiver to meet other family needs; or to provide care during temporary absence of the primary caregiver.

(m) Transportation Services

(1) Description

Transportation services provide access to medical services, social services, community services, and appropriate social or recreational facilities, that are essential to help some individuals avoid institutionalization by enabling these individuals to retain their role as community members.

(2) Provider Participation

(A) In order to receive payment from the Connecticut Home Care Program, all commercial transportation providers shall be regulated carriers and meet all applicable state and federal permit and licensure requirements, and vehicle registration requirements. Commercial transportation providers shall also meet all applicable Medicaid program enrollment requirements; and

- (B) There are no enrollment requirements for private transportation. Private transportation is defined as transportation by a vehicle owned by a volunteer organization, or a private individual, provided the vehicle is not used for commercial carriage.
- (3) Services Covered and Limitations
 - (A) These services are provided when transportation is required to promote and enhance independent living and self-support; and
 - (B) Transportation services may be provided by taxi, livery, bus, invalid coach, volunteer organization or individuals. They shall be reimbursed when they are necessary to provide access to needed community based services, or community activities as specified in the plan of care.

Section 17b-342-3. Service Limitations, Payment Limitations, Cost Limits, Waiting List and Fee Setting

- (a) Service Limitations
 - (1) All home care services provided to individuals under the Connecticut Home Care Program shall be authorized in accordance with procedures established by the department prior to the delivery of the service;
 - (2) Reimbursement is not available from the Department for personnel or agencies providing a home care service when such person or agency is required to be licensed, certified or otherwise regulated and does not fulfill the relevant regulatory requirements including the requirements under Sections 17b-342-1 through 17b-342-5 of the regulations of Connecticut state agencies;
 - (3) When two or more providers of community based or home health services offer essentially the same service, the least costly service provider shall be used, provided that the quality of the service is similar;
 - (4) Providers of services, including subcontractors of the access agency, shall maintain records to support claims made for payment which shall be subject to audit by the department or its designee for at least three years and three months;
 - (5) Reimbursement is not available from the Department for services canceled in advance either by phone or in writing;
 - (6) Reimbursement is not available from the Department when an individual does not utilize or refuses to utilize an arranged service; and
 - (7) Reimbursement is not available from the Department for any services provided prior to the assessment or not documented in the plan of care.

(b) Payment Limitations

(1) For all home care service providers, payment shall be made at the lower of:

- (A) the usual and customary charge to the public, if applicable; or
- (B) the fee or rate as published by the department; or
- (C) the fee or rate negotiated with the access agency; or
- (D) the amount billed by the provider of the community based service.

(2) The access agency shall not use department funds to purchase home care services other than assessment, status reviews, and care management from itself or any related parties.

(c) Cost Limits on Individual Plans of Care

(1) In order to receive home care services under the Connecticut Home Care Program, the elderly person's plan of care shall be within the cost limits related to the person's category of service. All state-administered costs of home care services shall be included.

(A) Category 1 Services:

Home care services may be authorized for up to 25% of the weighted average nursing facility cost for individuals who are at risk of institutional placement but who might not immediately enter a hospital or nursing facility in the absence of the program provided they also meet the financial eligibility criteria for the state-funded portion of the program.

(B) Category 2 Services:

Home care services may be authorized for up to 50% of the weighted average nursing facility cost for individuals who would otherwise require admission to a nursing facility and who meet the financial eligibility criteria for the state-funded portion of the program.

(C) Category 3 Services:

Home care services may be authorized for up to 100% of the average nursing facility cost for individuals who would otherwise require long term admission to a nursing facility and who also meet the financial eligibility criteria for Medicaid under the federal waiver. The cost of community-based services provided to individuals in category 3 shall not exceed 60% of the weighted average Medicaid rate in a nursing facility.

- (2) Elderly persons enrolled in the program have the ability to move from one service category to another. When the elderly person's functional or financial eligibility changes, the information shall be reviewed by department staff and a determination shall be made regarding the appropriateness of the change in service category.
- (3) The agency that oversees an elderly person's plan of care shall be responsible for applying and monitoring the Connecticut Home Care Program cost limits in accordance with the following regulations:
 - (A) The agency shall first determine if the state-administered public funds to be expended for home care services in accordance with the elderly person's plan of care exceed the cost limits related to the individual's category of services. If the costs do not exceed the limit on a monthly basis, the person may receive services under the Connecticut Home Care Program, provided that the program is accepting new applicants at the level for which the person is applying.
 - (B) If the monthly cost in state-administered public funds for home care services required to be provided under an individual's plan of care exceeds the cost limits related to the individual's category of services, the agency shall project the cost of those services for the individual over a 12-month period. If the projected annualized cost of those services falls within the cost limits, the individual may receive services under this program provided that the program is accepting new applicants at the category for which the individual is applying.
 - (C) If the agency does not have information on the actual cost of services being provided to the elderly person through other state administered programs, the agency shall estimate the cost based upon payments made for similar services. Information on all services provided under the requirements of an individual's plan of care shall be reported to the department.
 - (D) The agency shall be responsible for determining that the amount of state-administered public funds expended to provide services required under the person's plan of care continues to meet the cost limits set forth in this subsection.
 - (E) When the fee for home care services (including care management), covered by the Connecticut Home Care Program are increased, the agency shall update the plans of care to reflect those increases at the next scheduled monthly monitoring or 6 month review of the plan of care following receipt of the new fees. The access agency and other providers shall be liable for charges in excess of the cost limit following that transition period unless the case is under appeal or an exception to the cost limits is granted in accordance with section 17b-342-3(c)(3)(F) or (G) of these regulations.

- (F) Clients who were above the cost limits prior to July 1, 1992 shall continue to receive services to the extent that they qualify in accordance with section 17b-342(i) of the Connecticut general statutes.
 - (G) Any person who requires a care plan that shall place the client above the cost limits may request an exception to the cost limits from the Commissioner or designee. Approvals shall be based on extreme hardship, shall be time-limited, and shall in no case exceed 100% of the average nursing facility cost.
- (d) Waiting List
- (1) The state funded portion of the program is subject to availability of funds. The portion of the program funded under the federal waiver is subject to continued approval of the Medicaid waiver and to any limits on expenditures or the number of persons who can be served under the federal waiver application.
 - (2) In the event that the state appropriation or the upper limits under the federal waiver are insufficient to provide services to all eligible persons, the number of persons admitted to the program may be limited. When these limits are reached, the department may establish a waiting list. If a waiting list is established, the department shall serve applicants from the waiting list who meet all program requirements in order of their application within the program region except as otherwise provided in section 17b-342-3(d)(4).
 - (A) If there is a waiting list for either portion of the program and the applicant's name is reached, but the applicant is not eligible for benefits at the time the opening becomes available, the applicant's name may be placed in a "hold" position, unless the applicant is removed from the waiting list. The "hold" status enables the applicant to retain the position on the waiting list until such time as the applicant meets the requirements of the program. The applicant shall inform the department when the applicant meets the program requirements.
 - (B) If the department learns that an applicant is deceased, or becomes enrolled in the Medicaid waiver portion of the program, the applicant shall be removed from the waiting list.
 - (C) If the department learns that an applicant has entered a nursing facility or has moved out of state, or if the applicant requests removal from the waiting list, the department may remove the applicant's name from the waiting list.
 - (i) The department shall notify the applicant that it intends to remove the applicant's name from the waiting list and the reason it intends to remove the applicant's name.

(B) The fees for assessment and care management services shall be established by the department based on the responses to the RFP. In no event may a payment exceed the usual and customary charges of the access agency. In addition, the department shall not contract for any fees determined unreasonable or in excess of the fees set by the department.

(3) Fees for Status Reviews

The Department shall establish a fee for status reviews performed by other authorized agencies based on the fees established for Access Agencies.

(4) Fees for Other Community Based Services

(A) For the Connecticut Home Care Program, fees for other community based services (excluding assessment and care management) shall be set by the department in accordance with section 17b-343 of the Connecticut general statutes. The fees to be charged for other community based services shall be set by a contract between the access agency and the service provider even when the services are provided without care management by the access agency. In no event may a contracted fee exceed the usual and customary charge of the provider or the fee set by the department.

(B) For the Connecticut Home Care Program, under no circumstances shall an access agency select a provider whose services do not meet the standards of quality established in section 17b-342-2(h) of the Regulations of Connecticut state agencies.

(5) Fees for State-Funded Home Health Services

The fees for home health services provided to eligible persons, as defined in section 17b-342-2(h) of the Regulations of Connecticut state agencies shall be the same as those paid under the Medicaid program.

Section 17b-342-4. Nursing Facility and Hospital Requirements

(a) Nursing Facility Admission Requirements

Nursing Facilities shall comply with the following Connecticut Home Care Program requirements:

(1) Information and Forms Distributions

When a nursing facility identifies an elderly applicant for admission to the facility, the nursing facility shall inform the person about the program by providing a copy of the Home Care Request Form and program information.

(A) Medicaid Recipients and Applicants

Prior to admission to a nursing facility, recipients and individuals who have applied for Medicaid who are aged 65 years or older shall:

- (i) Complete and submit to the department a Home Care Request form to confirm that they are Medicaid Recipients or applicants;
- (ii) be screened by the department through its health screen form to determine the need for nursing home care and the feasibility of home care pursuant to section 17b-342-1(b)(15) of the Regulations of Connecticut state agencies; and
- (iii) receive department authorization for admission and Medicaid payments for nursing facility care or home care. The effective date for Medicaid reimbursement on behalf of such person shall be no earlier than the date admission is authorized by DSS.

(B) Others

- (i) At the time of the admission of all other elderly persons, the nursing facility shall obtain a statement signed by the person verifying that he or she received the Connecticut Home Care Program materials and understands his or her rights and responsibilities under the Connecticut Home Care Program. The statement shall be maintained in the individual's file. If the person indicates that the program materials were not received or requests Connecticut Home Care Program materials, the facility shall provide the person with a set of materials.

(2) Emergency Admissions for Medicaid Recipients and Applicants

- (A) In the case of emergency admissions as defined in section 17b-342-1(b)(13) of the Regulations of Connecticut state agencies, elderly persons may be admitted to a nursing facility prior to completion of the health screen form. However, the facility shall notify the department within one (1) working day of the admission. Such an emergency shall be documented in writing on the department Emergency admission documentation form prior to admission by a health care professional in the facility. The health care professional's name, business address, and phone number shall be noted in the patient's record. A copy of the emergency admission form that specifies compliance with these regulations shall be provided to the department and maintained in the individual's records.

(3) Exemptions

The following are elderly persons who are exempt from the Connecticut Home Care Program screening process although they may request to be screened for participation in the Program:

- (A) Patients transferring from one nursing facility to another and intra-facility transfers;
- (B) Nursing facility patients who are admitted to a hospital and discharged back to a nursing facility;
- (C) Individuals who are out-of-state residents at the time they are seeking admission to a nursing facility;
- (D) Individuals seeking short term respite care in a nursing facility as defined in section 17b-342-2(m) of the Regulations of Connecticut state agencies; and
- (E) Terminally ill individuals seeking nursing facility admission. For purposes of this subsection "terminally ill" means that a physician has signed a statement in a form specified by the department for this purpose only, identifying the patient's medical diagnosis and verifying that the individual's life expectancy is six (6) months or less. A copy of the physician's statement shall be submitted to the department and also be filed in the patient's nursing facility record.

(4) Coordination with Screening process for Mental Illness and Mental Retardation under OBRA 1987.

- (A) The preadmission screening procedures administered under the Connecticut Home Care Program shall be coordinated with the federally mandated screening for nursing home applicants with mental illness or mental retardation. Exemptions C, D and E above do not apply to the mandatory nursing home Preadmission Screening for mental illness and mental retardation related to the federal Omnibus Budget Reconciliation Act of 1987 (OBRA).
- (B) Except when exemptions apply or the emergency admission procedures have been followed, the department shall not reimburse a nursing facility for any days that an elderly person spends in the facility prior to completion of the preadmission screening process for the Connecticut Home Care Program and the federally mandated screening for nursing home applicants with mental illness or mental retardation.

(b) Hospital Responsibilities

Hospitals shall comply with the following Connecticut Home Care Program requirements:

(1) Information and Forms Distribution

(A) If it can be determined by the hospital within three (3) days of admission that an elderly person, as defined in Section 17b-342-1 of the Regulations of Connecticut state agencies, would be expected, based upon the professional judgement of hospital personnel, to be an applicant for admission to a nursing facility without the services available through the Connecticut Home Care Program, the hospital shall distribute the Connecticut Home Care Program forms packet to such elderly person and provide information about the program. Hospital staff are encouraged to provide program information to all elders who appear to be eligible for the program.

(B) If the patient's condition is too unstable to make the above determination by day three (3), the Connecticut Home Care Program forms and information shall be provided when the determination can be made. The hospital staff shall document in the patient's record the reason for the postponement (e.g. "patient's condition too unstable to make determination"). The hospital staff shall also document the date the materials are distributed.

(2) Completion and Submission of Forms

Personnel responsible for discharge planning shall complete and submit to the department any required forms for determining nursing facility level of care eligibility.

Section 17b-342-5. Reporting

All nursing facilities, hospitals, access agencies and home care service providers shall comply with any reporting and audit requirements established by the department for purposes of monitoring and evaluating the Connecticut Home Care Program.