

**Bureau of Managed Care
Managed Care Organizations
Policy / Procedures**

Waiver Guidance

Elderly Waiver: Legally Responsible Individuals

Beginning 1/1/2024, legally responsible individuals (LRIs) may be paid to provide personal care services to customers in the Elderly waiver when the services are considered extraordinary in nature.

An LRI is any person who has a legal duty to provide care for a customer. This includes a spouse, legal guardian, power of attorney (medical, legal, or financial), or representational payee. When an LRI is approved to receive payment for personal care service provision, the LRI cannot also serve as a customer's authorized representative and may not sign the Person-Centered Plan, or other documents required by the MCO.

Extraordinary care refers to personal care services that exceed what would ordinarily be provided to a person of the same age without a disability or chronic condition and is necessary to assure the health and welfare of the customer to avoid institutionalization. These personal care services are limited to the activities of daily living and include eating, bathing, grooming, dressing, transferring, incontinence care, routine health, and special health. When using an LRI, the following must be documented in the customer's Person-Centered Plan:

- Define how the customer meets the criteria for extraordinary care.
- The personal care services to be delivered by the LRI and the number of hours assigned to each.
- No other qualified Individual Provider is available to provide the services required under the customer's Person-Centered Plan.
- The LRI has the ability and the skill to provide the extraordinary care services to the customer to meet the needs of the customer.
- The services provided by the LRI are in the best interest of the customer.
- The LRI was chosen by the customer to deliver personal care services.

The MCO Care Coordinator should refer the LRI to the customer's chosen in-home service (homemaker) agency for employment. The LRI must meet all the requirements for employment as a homecare aide.

Once an LRI is approved, the MCOs must inform the Operating Agency that an LRI has been assigned to the customer. Notification must be done within 30 days and delivered in a manner agreed upon between the MCO and Operating Agency.

Both the MCO and the Operating Agency shall track LRI assignments.

The MCO Care Coordinator will monitor service provision by the LRIs during the in-person home visits as required in the Managed Care Contract. During these visits, the customer's hygiene, nourishment status, general condition, and cleanliness of the home, etc., should be documented in the customer record along with validation that services are being rendered by the LRI for according to the Person-Centered Plan and are being paid for according to the Person-Centered Plan. If concerns are identified, the MCO Care Coordinator will discuss the issues with the customer and the LRI. If concerns are not addressed to

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the satisfaction of the MCO Care Coordinator, the MCO Care Coordinator will recommend the customer no longer be able to utilize their LRI to provide services. The MCO Care Coordinator will contact the customer's chosen in-home service (homemaker) agency to recommend placement of a non-LRI provider, allowing the customer the opportunity to appeal the change of service.

Homecare agency supervisors will also conduct monitoring of LRIs. They will contact the MCO Care Coordinator if issues arise to discuss placement of a non-LRI provider.

Additionally, the MCO Care Coordinator will conduct a quarterly review of Electronic Visit Verification data (once available to the MCOs) for hours worked compared to the Person-Centered Plan to ensure appropriate utilization and management of LRI hours by the customer. MCO staff should follow their internal policies for reporting overages and suspected fraud.

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General Contract Monitoring**

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