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**CHAPTER 30: PERSONAL CARE SERVICES**

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**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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## **PROVIDER REQUIREMENTS**

### **Standards of Participation**

Providers must meet the following requirements in order to participate in the program:

- Possess a current license for Personal Care Attendant Services issued by Health Standards Section;
- Demonstrate experience in successfully providing direct care services to the target population or demonstrate the ability to successfully provide direct care services to the target population;
- Comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996;
- Maintain an office in each region in which it proposes to provide services.
- Maintain hours of operation that conforms to customary operating hours for similar businesses in the local community;
- Do not subcontract for direct care or supervisory staff;
- Have at least \$200,000 of general liability insurance with the Department of Health and Hospitals named on the certificate of insurance; and
- Comply with all applicable laws, rules and regulations as well as the policies and procedures contained in the Long Term-Personal Care Services provider manual chapter.

Providers shall not refuse to serve any recipient who chooses their agency unless there is documentation to support an inability to meet the recipient's health, safety and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services. OAAS or its designee must be notified immediately of the circumstances surrounding the refusal. This requirement can only be waived by OAAS or its designee.

Failure to meet the minimum standards shall result in a range of required corrective actions including, but not limited to the following:

- Removal from the Freedom of Choice listing,
- A citation of deficient practice,

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**CHAPTER 30: PERSONAL CARE SERVICES**

---

**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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- A request for corrective action plan, and/or
- Administrative sanctions.

Continued failure to meet the minimum standards shall result in the loss of referral of new LT-PCS recipients and/or continued enrollment as an LT-PCS provider.

### **Provider Responsibilities**

In addition, providers must:

- Employ a sufficient number of direct care and supervisory staff to ensure adequate coverage in the event that a worker's illness or an emergency prevents him/her from reporting for work;
- Ensure that a criminal background check is conducted on all direct care and supervisory staff prior to a permanent offer of employment being made. This background check must be performed by the Louisiana Office of the State Police or by an agency authorized by the Office of State Police. If the results of any criminal background check reveal that the employee was convicted of any offenses as described in R.S. 40:1300.53, pursuant to the statutory revision authority of the Louisiana State Law Institute, the employer shall not hire or may terminate the employment of such person.

**NOTE:** A worker may be assigned to provide services to a recipient prior to the results of the criminal background check under the direct supervision of a permanent employee, or in the presence of a member of the immediate family of the recipient or a caregiver designated by the immediate family of the recipient as outlined in R.S. 40:1300.52(C) (2).

- Ensure that the direct care and supervisory staff are qualified to provide personal care services;
- Ensure that recipients are eligible for services by accessing MEVS/REVS at the beginning of each month in the service authorization period;
- Document and maintain recipient records in accordance with federal and state regulations governing confidentiality and licensing requirements.
- Implement and maintain an internal quality assurance plan to monitor recipient satisfaction with services on an ongoing basis; and

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**CHAPTER 30: PERSONAL CARE SERVICES**

---

**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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- Have a written policy and procedures manual describing the provisions governing the agency's operations, including an informal and formal resolution process to address recipient complaints. The informal resolution process must be conducted at the supervisory or a higher level and the formal process must be conducted at the administrative level.

## **Staffing Requirements**

### **Worker Qualifications**

The LT-PCS worker should demonstrate empathy toward the elderly and persons with disabilities, an ability to provide care to the recipient, and the maturity and ability to deal effectively with the demands of the job.

- LT-PCS workers must be at least 18 years of age or older at the time the offer of employment is made. Verification of age must be provided at the time of employment and maintained in each worker's personnel record.
- All LT-PCS workers must meet one of the following minimum education and experience qualifications:
  - High school diploma or general equivalency diploma (GED) from an accredited school; or
  - A trade school diploma in the area of human services. Training in human services includes, but is not limited to Home Health Aide or Certified Nursing Assistant; or
  - Documented, verifiable experience providing direct care services to the elderly and/or persons with disabilities;

**NOTE:** High school or GED diplomas acquired from an internet source cannot be used to fulfill this educational requirement.

- The LT-PCS worker must have the ability to read and write in English as well as to carry out directions promptly and accurately.

**A legally responsible relative is prohibited from being the paid direct service worker for a family member. A legally responsible relative is defined as the recipient's spouse, curator, tutor, or legal guardian.** A relative who is not legally responsible could be the recipient's LT-PCS worker if he/she meets the qualifications to be a PCS worker and is hired by a licensed, Medicaid-enrolled LT-PCS agency.

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**CHAPTER 30: PERSONAL CARE SERVICES**

---

**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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**Persons designated as the personal representative of an individual may not be the paid LT-PCS worker for the individual they are representing.**

**Supervisor Qualifications**

The supervisor must be at least 23 years old or older at the time the offer of employment is made. Verification of age must be maintained in each employee's personnel record.

LT-PCS supervisors must be full-time employees and meet one of the following minimum education and experience qualifications:

- A bachelor's degree in a human service-related field: social work, psychology, sociology, physical therapy, recreational therapy, occupational therapy or counseling from an accredited college or university and two years of paid experience in a human service-related field providing direct services to the elderly and/or persons with disabilities; or
- A licensed registered nurse (RN) or a licensed practical nurse (LPN) with one year paid experience providing direct services to the elderly and/or persons with disabilities; or
- A high school diploma or GED from an accredited school and five years of paid experience providing direct care services to the elderly and/or persons with disabilities.

**NOTE:** High school or GED diplomas acquired from an internet source cannot be used to fulfill this educational requirement.

Thirty hours of graduate level course credit in any of the above referenced human service-related fields may be substituted for one year of required paid experience.

**Supervisory Responsibilities**

Each provider must have and implement a written plan of supervision for all LT-PCS workers.

Supervisors shall be responsible for conducting an annual evaluation for each LT-PCS worker. The evaluation shall include reviewing individual cases, providing constructive feedback, and assisting staff to provide services in a more effective manner. Supervisors shall also conduct:

- Quarterly face-to-face meetings with LT-PCS worker (not to be held at the recipient's residence), and

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**CHAPTER 30: PERSONAL CARE SERVICES**

---

**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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- Quarterly unannounced visits to the recipient's residence to observe service delivery.

**Hours of Supervision**

Each supervisor must maintain on-site office hours at least 50% of the time during normal business hours or be continuously available to LT-PCS workers by telephone or beeper when not on site.

**Orientation and Training**

A minimum of eight hours of orientation must be provided to new direct care and supervisory employees within one week of employment. Orientation must be conducted on-site at the provider's office. Orientation must be documented in the employee's personnel record. Documentation must include:

- The trainer or presenter's name and title,
- The trainer's agency affiliation (if applicable),
- The trainer's qualifications, and
- The dates and hours of specific training.

The orientation provided to staff shall include, but is not limited to:

- Agency policies and procedures;
- Staff duties and responsibilities;
- Ethics and confidentiality;
- Record keeping;
- A description of the population served by the agency; and
- A discussion of issues related to providing care for these individuals, including physical and emotional problems associated with aging and disability.

Direct care staff must also receive training in cardiopulmonary resuscitation (CPR) and basic first aid within one week of employment. A current, valid certification for CPR and first aid may

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**CHAPTER 30: PERSONAL CARE SERVICES**

---

**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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be accepted as verification of training. Training must be provided by a certified CPR and first aid instructor.

A minimum of 16 hours of training must be furnished to new employees within 30 days of employment. The training curriculum must, at a minimum, include the following components:

- Communication;
- Observation, reporting and documentation of the recipient status and the care or service furnished;
- Basic infection control procedures;
- Basic elements of body functioning and changes in body function that must be reported to a worker's supervisor;
- Safe transfer techniques and ambulation;
- Appropriate and safe techniques in personal hygiene and grooming that include:
  - Bed bath,
  - Sponge, tub or shower bath,
  - Sink, tub or bed shampoo,
  - Nail and skin care,
  - Oral hygiene, and
  - Toileting and elimination.
- Recognizing emergencies and knowledge of emergency procedures including completing incident/accident reports;
- Maintenance of a clean, safe and healthy environment; and
- Treating the recipient with dignity and respect, including the need to respect his/her privacy and property.

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**CHAPTER 30: PERSONAL CARE SERVICES**

---

**SECTION 30.6: LT-PCS - PROVIDER REQUIREMENTS****PAGE(S) 7**

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**Annual Training**

It is important for LT-PCS workers to receive continuing training to maintain and improve their skills. Each LT-PCS worker must satisfactorily complete at least 20 hours of personal care related training within the first year of hire and annually thereafter. Annual training may include training updates on subjects covered in orientation and initial training. Orientation and normal supervision are not considered annual training. This training must be documented as described in Section 30.6 – Orientation and Training.