

**Affected Programs:** BadgerCare Plus, Medicaid  
**To:** Personal Care Agencies, HMOs and Other Managed Care Programs

## Changes to Personal Care Agency Certification Rules and Clarification of Registered Nurse Supervisor Duties

Permanent rule changes to the Wisconsin Administrative Code personal care certification rule (DHS 105.17, Wis. Admin. Code) became effective September 1, 2010. The permanent rule expands certification to include freestanding personal care agencies and addresses a revised certification process, which includes review and approval of freestanding personal care agencies by the Division of Quality Assurance prior to applying for Medicaid certification. This *ForwardHealth Update* outlines the new process and provides resources for more information on the revised rule.

### Changes to Certification Process

Permanent rule changes to the Wisconsin Administrative Code personal care certification rule (DHS 105.17, Wis. Admin. Code) became effective September 1, 2010. The permanent rule expands certification to include freestanding personal care agencies and addresses a revised certification process, which includes review and approval of freestanding personal care agencies by the Division of Quality Assurance (DQA) prior to applying for Medicaid certification. In addition, all Medicaid-certified personal care providers are subject to DQA investigation and inspection as described in DHS 105.17(4), Wis. Admin. Code.

### Division of Quality Assurance Approval Process

A freestanding personal care agency applying for Medicaid certification must first apply with the DQA and undergo an approval process. Refer to the DQA Web site at

[www.dhs.wisconsin.gov/rl\\_DSL/PCAs/PCIntro.htm](http://www.dhs.wisconsin.gov/rl_DSL/PCAs/PCIntro.htm) for more information on the DQA approval process.

### Medicaid Certification Process

To apply for Wisconsin Medicaid personal care provider certification, a DQA-approved freestanding personal care agency should refer to the Wisconsin Medicaid personal care provider certification packet on the ForwardHealth Portal at [www.forwardhealth.wi.gov/WIPortal/Tab/42/icscontent/html/certpackets.html.spage](http://www.forwardhealth.wi.gov/WIPortal/Tab/42/icscontent/html/certpackets.html.spage) for an overview of Medicaid certification requirements.

Providers may apply for Medicaid certification on the Portal at [www.forwardhealth.wi.gov/WIPortal/Certification/tabid/181/Default.aspx](http://www.forwardhealth.wi.gov/WIPortal/Certification/tabid/181/Default.aspx).

### Medicaid-Certified Personal Care Agencies

All Medicaid-certified personal care agencies are subject to the rules and regulations outlined in DHS 105.17, Wis. Admin. Code. Refer to the DQA Web site at [www.dhs.wisconsin.gov/rl\\_DSL/PCAs/PCRegs.htm](http://www.dhs.wisconsin.gov/rl_DSL/PCAs/PCRegs.htm) for more information on these rules and regulations.

### Duties of Registered Nurse Supervisors

The registered nurse (RN) supervisor performs several roles. As the title suggests, the RN supervisor performs duties related to supervising the member's personal care worker(s)

(PCW). The RN supervisor's duties also include activities related to the medically necessary personal care services provided to the member.

### ***Duties for Personnel and Service Delivery***

The supervisory role applies to the PCW and to the delivery of personal care services. Supervision, according to DHS 101.03(173), Wis. Admin. Code, is defined as intermittent face-to-face contact between the supervisor and assistant and a regular review of the assistant's work by the supervisor. According to DHS 107.112, Wis. Admin. Code, RN supervisory duties include the following:

- Assign PCW to specific members giving full consideration to the member's preference for choice of PCW.
- Assign specific tasks to the PCW giving full consideration to the member's preference for service arrangements.
- Assure the PCW is trained for the specific tasks the PCW is assigned to provide to the member.
- Set standards for the assigned personal care activities.
- Review the PCW's daily written record.
- Supervise the PCW according to a written plan of care (POC) and, at least every 60 days, provide a supervisory review of the PCW providing personal care service(s) in the member's home.
- Comply with additional requirements for prior authorized services that are specifically listed in DHS 107.11(2)(b), Wis. Admin. Code.

### ***Duties for Physician Orders and Plans of Care***

Personal care services are covered only if they are ordered by the member's physician, included in the POC, and meet all other program requirements. Home health agencies providing personal care services are required also to meet the POC requirements under DHS 133.20, Wis. Admin. Code.

According to DHS 107.02(2m)(b), Wis. Admin. Code, the physician orders must be in writing and signed and dated. DHS 105.17(2)(b), Wis. Admin. Code, requires the RN

supervisor to obtain the orders for personal care and to renew the orders once every three months unless the physician specifies orders covering a period of time up to a year or when the member's needs change, whichever occurs first.

As part of the POC review, the RN supervisor is required to visit the member's home. Also, according to DHS 107.112, Wis. Admin. Code, the following are RN supervisor duties applicable to the member and the POC for the member:

- Assess the member's environment (social and physical), functional level, and pertinent cultural factors.
- Review and interpret the physician's orders.
- Develop a written POC for the purposes of providing necessary and appropriate services.
- At least every 60 days, review the POC, evaluate the member's condition, and discuss with the physician any necessary changes in the POC.

### **Information Regarding Managed Care Organizations**

This *ForwardHealth Update* contains fee-for-service policy and applies to services members receive on a fee-for-service basis only. For managed care policy, contact the appropriate managed care organization. Managed care organizations are required to provide at least the same benefits as those provided under fee-for-service arrangements.

The *ForwardHealth Update* is the first source of program policy and billing information for providers.

Wisconsin Medicaid, BadgerCare Plus, SeniorCare, and Wisconsin Chronic Disease Program are administered by the Division of Health Care Access and Accountability, Wisconsin Department of Health Services (DHS). The Wisconsin Well Woman Program is administered by the Division of Public Health, Wisconsin DHS.

For questions, call Provider Services at (800) 947-9627 or visit our Web site at [www.forwardhealth.wi.gov/](http://www.forwardhealth.wi.gov/).

P-1250