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State/Territory Name: West Virginia

State Plan Amendment (SPA) #: 23-0005

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

June 16, 2023

Cynthia Beane, MSW, LCSW
Commissioner
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, WV 25301-3706

Re: West Virginia State Plan Amendment (SPA) 23-0005

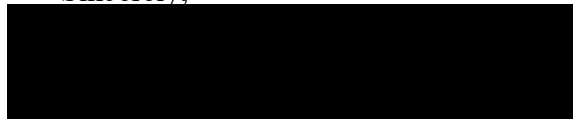
Dear Commissioner Beane:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 23-0005. This amendment proposes to update qualifications for personal care service providers.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations 42 C.F.R. 440.167. This letter is to inform you that West Virginia Medicaid SPA 23-0005 was approved on June 16, 2023, with an effective date of January 1, 2023.

If you have any questions, please contact Dan Belnap at 215-861-4273 or via email at Dan.Belnap@cms.hhs.gov

Sincerely,



Ruth A. Hughes, Acting Director
Division of Program Operations

cc: Sarah Young
Riley Romeo
Nora Dillard

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 3 — 0 0 0 5

2. STATE

WV

3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL SECURITY ACT

XIX XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

January 01, 2023

5. FEDERAL STATUTE/REGULATION CITATION

42 CFR § 440.167

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY N/A \$ _____
b. FFY N/A \$ _____

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Supplement 2 to
Attachments 3.1-A and 3.1-B
Page 13, 14
Attachment 3.1-A Page 9
Attachment 3.1-B Pages 8 and 9

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

Supplement 2 to
Attachments 3.1-A and 3.1-B
Page 13, 14
TN 09-08
Attachment 3.1-A Page 9
Attachment 3.1-B Pages 8 and 9

9. SUBJECT OF AMENDMENT

This SPA will direct providers to Personal Care Policy with regards to training requirements of the Personal Care program.

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

[Redacted Signature]

15. RETURN TO

WV Bureau for Medical Services
350 Capitol St. Suite 350
Charleston, WV 25301

12. TYPED NAME
Cynthia Beane

13. TITLE
Commissioner, WV Bureau for Medical Services

14. DATE SUBMITTED
03/31/23

FOR CMS USE ONLY

16. DATE RECEIVED
March 31, 2023

17. DATE APPROVED
06/16/2023

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
January 1, 2023

19. SIGNATURE OF /

[Redacted Signature]

20. TYPED NAME OF APPROVING OFFICIAL
Ruth A. Hughes

21. TITLE OF APPROVING OFFICIAL
Acting Director, Division of Program Operations

22. REMARKS

Boxes 7 and 8: State authorized pen & ink change on 06-12-2023

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: West Virginia

Attachment 3.1-A

Page 9

PERSONAL CARE

AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY.

24. Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary.

A. Transportation.

- Provided
- No Limitations
- With Limitations*
- Not Provided

B. Services of Christian Science nurses.

- Provided
- No Limitations
- With Limitations*
- Not Provided

C. Care and services provided in Christian Science sanatoria.

- Provided
- No Limitations
- With Limitations*
- Not Provided

D. Nursing facility services for patients under 21 years of age.

- Provided
- No Limitations
- With Limitations*
- Not Provided

E. Emergency Hospital Services.

- Provided
- No Limitations
- With Limitations*
- Not Provided

*Description provided on attachment.

TN No: 23-0005	Approval Date: 06/16/2023	Effective Date: 01/01/2023
Supersedes: 09-08		

State/Territory: West Virginia

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- No Limitations
- With Limitations*
- Not Provided

F. Personal care services in recipient's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse.

- Provided
- No limitations
- With limitations*
- Not provided

*Description provided on attachment.

TN No: 23-0005	Approval Date: 06/16/2023	Effective Date: 01/01/2023
Supersedes: 93-07		HCFA ID: 7986E

-STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: West Virginia

Revision: HCFA-PM-94-9 (MB) December 1994

Attachments 3.1-B

Page 9

PERSONAL CARE

AMOUNT, SCOPE AND DURATION OF SERVICES PROVIDED
MEDICALLY NEEDY GROUP(S):

26. Personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or institution for mental disease, that are (A) authorized for the individual by a physician in accordance with a plan of treatment, (B) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, and (C) furnished in a home or a community setting.

 X Provided: X State Approved (not physician) Plan of Care Allowed
 X Services Outside the Home Also Allowed (with limitations)
 X Limitations Described on Attachment
 Not Provided:

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: West Virginia

Supplement 2 to
Attachments 3.1-A and 3.1-B
Page 13

PERSONAL CARE

- 24. a. Transportation
Prior authorization may be required for transportation by ambulance, common carrier, or other appropriate means.
- d. Nursing Facility Services Under 21 Years
Precertification required prior to authorization of benefits.
- e. Emergency Hospital Services
Per 42 CFR 440.170(e), the state covers emergency hospital services provided in a hospital that does not currently meet the Medicare conditions of participation if it is the most accessible hospital available in order to prevent the death or serious impairment of health of a beneficiary.

26. Personal Care Services
Personal care services are available to assist an eligible individual to perform Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs) in the individual’s home or community. The following family relationships: spouse of a member or parents of a minor child, or court appointed legal guardians, are excluded from providing personal care services for reimbursement by Medicaid.

Personal Care services in the form of assistance with ADLs and IADLs also are available outside the home to eligible individuals who require assistance to obtain and retain competitive employment of at least 40 hours a month. Assistance outside the home may be provided as necessary to assist the individual in getting to and from work, at the work site and in locations for obtaining employment such as employment agencies, human resources offices, and job interview sites. Personal care services provided outside the home to individuals for other than employment services may not exceed twenty (20) hours per month.

Personal care services are limited to a per unit, per month basis (15 minutes per unit) with all services subject to prior authorization. Individuals can receive up to a maximum of 840 units (210 hours) each month, based on assessed need. Services cannot exceed 840 units/210 hours monthly inclusive of the up to 20 hours outside the home as described above. Limitations do not apply to children less than 21 years and can be provided under the States Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program.

A registered nurse currently licensed in West Virginia completes a nursing assessment of need which includes examination of information provided on an application submitted on a beneficiary’s behalf from a beneficiary’s provider. Applications are accepted from physicians, physician assistants or nurse practitioners. The nurse then develops a state-approved Plan of Care. A nursing assessment must be completed at least once every six months to continue to authorize personal care services through the state approved plan of care.

Personal care is delivered by state enrolled providers who must be certified for the provision of personal care services prior to initiating services. Agency direct-care workers must obtain training in the following required areas:

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Supplement 2 to
Attachments 3.1-A and 3.1-B
Page 14

PERSONAL CARE

Initially

- Cardiopulmonary Resuscitation (Demonstrated) and First Aid
- Universal Precautions
- Direct Care Worker Skills- focused on assisting individuals with Activities of Daily Living (ADLs)/Instrumental Activities of Daily Living (IADLs)
- Abuse/Neglect/Exploitation
- HIPAA
- Direct Care Ethics
- Member Health and Welfare
- Direct Care Worker Safety
- Member Rights and Responsibilities
- Delivering Person-Centered Care

Annually

- CPR (Demonstration)/First Aid
- Universal Precautions
- Abuse/Neglect/Exploitation
- Medicaid Fraud, Waste, Abuse and how to report
- HIPAA
- Two hours of training focused on enhancing direct care service delivery knowledge and skills must be provided annually.

WV became compliant with the Electronic Visit Verification (EVV) requirements for personal care services (PCS) on April 1, 2021, in accordance with section 12006 of the 21st Century CURES Act.

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