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MEDICAID INFORMATION RELEASE MA25-13

To: Personal Assistance Agencies

From: Juliet Charron, Deputy Director

A handwritten signature in blue ink, appearing to read 'Juliet Charron', is placed next to the 'From:' field.

Subject: Family Personal Care Services (FPCS) Program Sunsetting

The Department of Health and Welfare (DHW) has received approval from our federal partner, the Centers for Medicare and Medicaid Services (CMS), to end the flexibility to reimburse legally responsible individuals (LRIs) to provide Personal Care Services and Attendant Care to eligible, Medicaid-covered children or adults ([Demonstration Approval - Amendment](#)).

Provider agencies must ensure that LRIs, which include parents of minor children and spouses, are not providing PCS or Attendant Care to their family members and have made arrangements for a non-legally responsible direct care worker no later than **July 15, 2025**.

Background

During the public health emergency, CMS allowed a temporary flexibility to decrease the need for direct care workers in people's homes and therefore prevent the spread of COVID-19. The department implemented a temporary flexibility to allow legally responsible parents and spouses to be paid caregivers to their own loved ones who are Medicaid participants with disabilities. This is known as Family Personal Care Services (FPCS). Prior to this flexibility, LRIs were expressly prohibited in federal and state regulation from being paid personal care aides. This temporary flexibility permitted parents and spouses to be employed by direct care staffing agencies and be paid to work in their homes caring for their loved ones.

The department submitted, and CMS approved, an amendment to Idaho's existing Behavioral Health Transformation 1115 demonstration waiver authority to remove the flexibility for LRIs.

Next Steps

Households are encouraged to make arrangements for non-LRI direct care workers as soon as possible. Providers must use the existing Notification of Change process to alert the Bureau of Long Term Care (BLTC) of individuals who transition to a non-LRI direct care worker **before July 15, 2025**.

Given this update, the BLTC will automate the closure of prior authorizations for any individuals remaining on the FPCS program with a **July 31, 2025** effective date, and issue new authorizations for PCS and/or Attendant Care, as appropriate, effective **August 1, 2025**.

Does this mean an LRI can provide services until August 1?

No. An LRI may not be a paid direct care worker for a minor child or adult participant **after July 15, 2025**.

Why will prior authorizations be end-dated July 31?

Automating prior authorization closures mid-month causes significant configuration challenges. To avoid potentially disrupting other system activity and billing for providers, providers serving individuals who are still using FPCS up to **July 15** may still bill under the FPCS procedure code, T1019 V1 until **August 1, 2025**. The BLTC will use EVV data to identify any instances of an LRI providing services after July 15. Any claims billed for services provided by an LRI after July 15 will be referred to the Medicaid Program Integrity Unit and are subject to recoupment.

How is the department communicating this information to households using FPCS?

The BLTC will be issuing a mass mailing no later than May 23, 2025, to all participant households that are currently indicated in our system as FPCS participants. Providers are encouraged to engage in proactive outreach to households as well.

What if my agency does not have any alternate direct care workers available?

Households are encouraged to identify alternate direct care workers as soon as possible. Agencies are the best resource to connect families with their other employees who render PCS. Recent increases in non-LRI PCS providers should help agencies do so. Families are also encouraged to contact other provider agencies that serve the area if needed. The letters we send participants will include information about Medicaid-eligible PCS options. We encourage agencies to remind families that many other people they know may become employed with an agency to be a non-LRI direct care worker – such as other family members, friends, or neighbors.

The content of this guidance document is not new law but is an interpretation or application of existing law prepared by the Idaho Department of Health and Welfare to supply clarity to the public about existing requirements under the law. This document does not bind the public, except as authorized by law or as incorporated into a contract. For additional information or to provide input on this document, contact the Division of Medicaid by emailing MCPT@dhw.idaho.gov or by calling 888-528-5861.