



MISSISSIPPI DIVISION OF
MEDICAID

Administrative Code

Title 23: Medicaid
Part 208
Home and Community Based Services
Long Term Care

Title 23: Division of Medicaid

Part 208: Home and Community Based Services (HCBS) Long Term Care

Part 208 Chapter 1: HCBS Elderly and Disabled Waiver

Rule 1.3: Provider Enrollment

- A. Providers of long term care/home and community based waiver services, excluding the intellectual disabilities/developmental disabilities waiver, must satisfy all requirements set forth in Part 200, Chapter 4, Rule 4.8 in addition to the following provider type specific requirements:
1. National Provider Identifier (NPI), verification from National Plan and Provider Enumeration System (NPPES),
 2. Copy of current licensure card or permit, if applicable,
 3. Verification of a social security number using a social security card, driver's license with a social security number, military ID or a notarized statement signed by the provider noting the social security number. The name noted on verification must match the name noted on the W-9, and
 4. Written confirmation from the IRS confirming the provider's tax identification number and legal name.
- B. To become a HCBS Elderly & Disabled Waiver Provider, the prospective provider must:
1. Be approved by Division of Medicaid after submitting a completed proposal package.
 2. Enter into a provider agreement with the Division of Medicaid.
 3. Establish a Mississippi based physical address/office prior to enrollment and maintain the physical address/office until the provider agreement is terminated.
 4. Depending on the provider type, successfully pass a facility inspection by the Division of Medicaid staff/inspector.
 5. Conduct a criminal background check on all employees prior to employment and maintain the record in the employee personnel file.
 6. Not employ individuals nor personally have been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Section 45-33-23(f) of the Mississippi Codes, child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any

such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.

7. Not apply for a Division of Medicaid provider number for the purpose of providing care to friends/family members.

C. Provider Qualifications:

1. All providers of E&D waiver services must ensure that all employees who have direct participant contact receive an annual physical examination, including a TB skin test.
2. Providers of Adult Day Care, Personal Care Services, and In-Home Respite must satisfy the applicable qualifications to render services.
3. Qualifications for Adult Day Care Services:
 - a) Adult day care services must be provided by an established, qualified facility/agency.
 - b) Each adult day care service must meet the following requirements:
 - 1) The facility must be compliant with applicable state and local building restrictions as well as all zoning, fire, and health codes/ordinances.
 - 2) The facility must meet the requirements of the American Disabilities Act of 1990.
 - 3) The facility must have a sufficient number of employees with the necessary skills to provide essential administrative and direct care functions to meet the needs of the waiver participants.
 - 4) The facility must meet the physical and social needs of each waiver participant and maintain compliance with state and federal guidelines regarding services provided.
 - 5) The facility must have a governing body with full legal authority and judiciary responsibility for the overall operation of the program in accordance with applicable state and federal requirements.
 - 6) The facility must have an advisory committee representative of the community and participant population.
 - 7) The facility must have a written plan of operation that is reviewed, approved, and revised as needed by the governing board.
 - 8) The facility must have a qualified administrator, either a chief executive officer or president, responsible for the development, coordination, supervision, fiscal management, and evaluation of services provided through the adult day care

services program. The administrator must have a master's degree and one (1) year supervisory experience, either full-time or an equivalent, in a social or health service setting; or a bachelor's degree and three (3) years supervisory experience, either full-time or an equivalent, in a social or health service setting; or comparable technical and human service training with demonstrated competence and experience as a manager in a health or human service setting.

- 9) The facility must have a program director, either center manager, site manager, or center coordinator, responsible for the organization, implementation, and coordination of the daily operation of the adult day care services program in accordance with the participant's needs and any mandatory requirements. The program director must have a bachelor's degree in health, social services, or a related field and one (1) year supervisory experience, either full-time or an equivalent, or comparable technical and human services training with demonstrated competence and experience as a manager in a health or human services setting. The program director must be under the direction of the administrator.
- 10) The facility must have a qualified social service staff person. The staff person must be a licensed social worker (LSW) and have a master's degree in social work and at least one (1) year of professional work experience, either full-time or an equivalent, in a human services setting; or a bachelor's degree in social work and two (2) years of professional work experience, either full-time or an equivalent in a human services setting; or a bachelor's degree in a health or social services related field and two (2) years' experience, either full-time or an equivalent, in a human services field. Social Workers must comply with all licensure requirements set by the Mississippi State Board of Examiners for Social Workers and Marriage & Family Therapists. In lieu of a licensed social worker, the functions must be carried out by other health service professionals such as certified rehabilitation counselors, licensed gerontologists, licensed professional counselors, or licensed/certified mental health workers.
- 11) The facility must have a registered nurse (RN) on staff if the facility provides nursing services. The RN must have a valid state license and a minimum of one (1) year applicable experience, either full-time or the equivalent. The RN must adhere to the scope of practice pursuant to the Nursing Practice Law and the rules and regulations of the Mississippi Board of Nursing.
- 12) The facility must have an activities coordinator. The activities coordinator must have a bachelor's degree and at least one (1) year of experience, either full-time or an equivalent, in developing and conducting activities for the type population to be served or an associate's degree in a related field and at least two (2) years of appropriate experience, either full-time or equivalent.
- 13) The facility must have a program assistant. The program assistant must have a high school diploma or the equivalent and at least one (1) year experience, either

full-time or an equivalent, in working with adults in a health care or social service setting. The program assistant must receive training in working with older adults and conducting activities for the population served.

- 14) If the facility prepares food on site, there must be a food service director. The food service director must be a registered dietician (RD), dietetic technician registered (DTR), RD eligible, DTR eligible, or a four (4) year graduate of a baccalaureate program in nutrition/dietetics/food service. In addition, the food service director must have a minimum of one (1) year experience, either full-time or an equivalent, in working with adults in a health care or social service setting. If the food is not prepared on site, the facility must contract with a reputable food service provider/caterer.
- 15) The facility must have a secretary/bookkeeper. The secretary/bookkeeper must, at a minimum, have a high school diploma or equivalent and the skills and training to carry out the responsibilities of the position.
- 16) The facility must have a driver. The driver must have a valid state driver's license, a safe driving record, and training in first aid and cardiopulmonary resuscitation (CPR). The driver must maintain compliance with all state requirements for licensure/certification. The driver must be trained in basic transfer techniques and safe ambulation.
- 17) The facility must record volunteer hours and activities if the facility utilizes volunteers. Volunteers must be individuals or groups who desire to work with adult day service participants. Volunteers must successfully complete an orientation/training program. The responsibilities of volunteers must be mutually determined by the volunteers and staff and performed under the supervision of facility staff members. Duties must either supplement staff in established activities or provide additional services for which the volunteer has special talent/training. The facility must not use volunteers in place of required staff and can use volunteers only on a periodic/temporary basis.

4. Qualifications for Personal Care Service:

- a) The agency must be established and in business for a minimum of one (1) year.
- b) The provider must provide written documentation to the Division of Medicaid stating how the required standards are to be met.
- c) There must be a Medicaid provider agreement in which the provider agrees to the Home and Community-Based Waiver requirements.
- d) There must be a duly constituted authority and a governing structure for assuring responsibility and for requiring accountability for performance.

- e) There must be responsible fiscal management.
- f) There must be responsible personnel management including:
 - 1) Appropriate process used in the recruitment, selection, retention, and termination of personal care attendants, and;
 - 2) Written personnel policies, and job descriptions.
- g) There must be a roster of qualified personal care attendants for scheduled service.
- h) There must be written criteria for service provision, including procedures for dealing with emergency service requests.
- i) Each Personal Care Service provider must have qualified personal care attendants and qualified personal care service supervisors.
 - 1) The personal care attendant must meet the following requirements:
 - i) Must be a high school graduate, have a GED or must demonstrate the ability to read the written personal care services assignment and write adequately to complete required forms and reports of visits.
 - ii) Must successfully complete and pass the 40-hour personal care services curriculum training course and the standardized examination designated by DOM prior to rendering services unless otherwise excluded.
 - iii) Must demonstrate the ability to work well with aged and disabled individuals who have limited functioning capacity. Must exhibit basic qualities of compassion and maturity and be able to respond to waiver participants and situations in a responsible manner.
 - iv) Must be at least eighteen (18) years of age;
 - v) Must possess a valid Mississippi driver's license, and have access to reliable transportation;
 - vi) Must be able to function independently without constant observation and supervision;
 - vii) Must be physically able to perform the job tasks required and assurance that communicable diseases of major public health concern are not present, as verified by a physician;

- viii) Must have interest in, and empathy for, people who are ill, elderly, or disabled;
 - ix) Must have communication and interpersonal skills with the ability to deal effectively, assertively, and cooperatively with a variety of people;
 - x) Must maintain current and active first aid and CPR certification;
 - xi) Must be able to carry out and follow verbal and written instructions;
 - xii) Must have no physical/mental impairments to prevent lifting, transferring, or providing any other assistance to the waiver participant.
- 2) The personal care service supervisor must have at least two (2) years of supervisory experience in programs dealing with elderly and disabled individuals and meet one of the following requirements:
- i) A Bachelor's Degree in Social Work, Home Economics, or a related profession with one year of direct experience working with aged and disabled clients,
 - ii) A Licensed Registered Nurse or Licensed Practical Nurse, with one (1) year of direct experience working with aged and disabled clients, or
 - iii) A High School Diploma and four years of direct experience working with aged and disabled clients.

5. In-Home Respite Qualifications

- a) Must be established and in business for a minimum of one (1) year.
- b) All providers of in-home respite services must submit written policies and procedures, hiring practices, and general business plan detailing the delivery of services prior to entering into a provider agreement.
- c) Each in-home respite agency must have qualified in-home respite providers and supervisors.
 - 1) In-home respite provider supervisor must meet the following requirements:
 - i) Bachelor's degree in social work or related profession,

- ii) At least one (1) year experience, either full-time or an equivalent, working with aged and disabled clients, and
 - iii) Two (2) years supervisory experience, either full-time or an equivalent, or
 - iv) Licensure as a RN or LPN,
 - v) One (1) year experience, either full-time or an equivalent, working directly with aged and disabled individuals, and
 - vi) Two (2) years supervisory experience, either full-time or an equivalent, or
 - vii) A high school diploma,
 - viii) Four (4) years' experience, either full-time or an equivalent, working directly with aged and disabled individuals, and
 - ix) Two (2) years supervisory experience, either full-time or an equivalent.
- 2) In-home respite providers must meet the following requirements:
- i) Eighteen (18) years of age or older.
 - ii) High school diploma/GED, and at least for (4) years, either full-time or an equivalent, experience as a direct care provider to the aged or disabled.
 - iii) Certification in CPR and first aid.
 - iv) Valid Mississippi driver's license and access to reliable transportation.
 - v) Ability to function independently without constant supervision/observation.
 - vi) Physical ability to perform tasks required.
 - vii) Ability to recognize signs of abuse, neglect, and/or exploitation; ability to follow procedures required in the Vulnerable Adult Act.
 - viii) Knowledge of how to prevent burns, falls, and fires and knowledge of emergency numbers for contacting emergency personnel if required.
 - ix) Absence of communicable diseases as verified by a physician.
 - x) Interest in, and empathy for, individuals who are ill, elderly, and/or disabled.
 - xi) Emotional maturity and ability to respond to individuals and situations in a responsible manner.

xii) Effective communication and interpersonal skills with the ability to deal effectively, assertively and cooperatively with a variety of people.

xiii) Absence of any criminal convictions related to violent crime and/or crime substantially related to the dependent population.

Source: Miss. Code Ann. § 43-13-121; 42 CFR 455, Subpart E; 42 CFR 440.180

History: Revised – 06/01/2013

