



Possible New Medicaid Rule for Family as Personal Care Aides

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On February 27, 2023, the Department of Medical Assistance Services (DMAS) offered their possible changes to Family and Individual Supports (FIS) Waiver Renewal Application. Under the possible changes to the FIS Waiver, parents of young children and spouses — also known as “legally responsible individuals” — will be able to serve as personal care aides for their family member and be paid for their services.

In order to qualify as a personal care aide:

1. The parent or spouse must show that the care he or she would be paid for is “above and beyond” what a legally responsible individual normally provides.
2. The parent or spouse must give “objective written documentation” at the time of service authorization that shows:
 - a. that there are no other options to the parent or spouse providing personal care, including no other service providers; and
 - b. that the parent or spouse’s personal care is in the best interest of the person receiving services.

If you can show those things, then the parent or spouse may serve as the personal care aide with these limits:

1. The parent or spouse must be employed by a personal care agency, and they must meet the same requirements as other personal care aides;
2. The parent or spouse is limited to 40 hours per week of paid care;
3. Respite is not available to the parent or spouse;
4. The parent or spouse must be employed by an agency licensed by either DMAS or DBHDS and one that will manage both services and payment

Additionally, the parent or spouse must have additional supervision, including:

1. On-site monitoring of the services performed by a nurse or supervisor at least every 90 days.
 2. Quarterly reviews to show that the parent or spouse is providing care that is in the best interest of the family member and meets their needs.
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YOUR OPINION MATTERS -- you can make a “public comment” about these rules. You can comment until March 30, 2023, in one of these ways:

Electronic: Put your comments on the Town Hall website or send them to ddwaiver@dmas.virginia.gov. To comment on Town Hall, go to the website:

<https://townhall.virginia.gov/L/Comments.cfm?generalnoticeid=2561>

or scan this QR code:



Please say PUBLIC COMMENT in the title of your email. You can comment in the email or by a Microsoft Word document that you can attach.

Mail Submission: Send a letter through the U.S. Postal Service to the Department of Medical Assistance Services:

The Department of Medicaid Assistance Services
ATTN: Jason Perkins, Program Manager/Waiver Operations
Suite 1300
600 East Broad Street
Richmond, VA 23219