
OVERVIEW

The Home Help program, administered by the Michigan Department of Health and Human Services (MDHHS), provides personal care services to individuals who need hands-on assistance with activities of daily living (ADLs) and assistance with instrumental activities of daily living (IADLs). MDHHS is responsible for approving Home Help agency providers for participation in the program. Refer to the agency provider qualifications section in the [Medicaid Provider Manual](#).

DEFINITIONS

Agency Caregiver

A direct care worker employed by the agency provider. This individual provides personal care services to an MDHHS Home Help client.

Agency Employee

An employee of a Home Help agency who has access to information regarding a Home Help client for the purposes of billing, answering phone calls, or assisting with setting up services for MDHHS Home Help clients.

Agency Owner

Possesses five percent or greater direct or indirect ownership interest of the agency and/or person with control interest.

Agency Provider

Must meet any one of the criteria below:

- A current Medicare certified Home Health agency with Medicare certification and a federal taxpayer identification number (TIN).
- An approved agency with a Federal Employer Identification Number (EIN) that directly employs all (but not less than two) agency caregivers, not including the owner, who are providing services through the Home Help program and regularly receiving a monthly paycheck.

- A Community Mental Health Services Program (CMHSP) that works with clients who use arrangements that support self-determination.

Agency Representative/Resident Agent

An individual who is authorized to act on behalf of the agency owner.

Board of Directors

A group of individuals elected or selected to function as representatives of the shareholders to establish corporate management-related policies and to make decisions on major company issues.

Client

A Medicaid beneficiary who is receiving personal care services through the MDHHS Home Help program.

Managing Employee

A general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of the institution, organization, or agency, either under contract or through some other arrangement, whether or not the individual is a W-2 employee.

**PROVIDER
OPERATION
STANDARDS****Employee
Identification**

Agency caregivers and agency employees who have direct contact with clients must carry and present a state or Home Help agency issued photo identification whenever they enter a client's home. In addition, agency caregivers must show identification whenever requested by the MDHHS adult services worker (ASW) or other MDHHS staff working in collaboration with the Home Help program.

Criminal History Screening

Agency owners, agency caregivers, and agency employees who have access to the MDHHS Home Help client's home or personal information are subject to criminal history screenings and program exclusions consistent with the provisions outlined in current Home Help policy. Home Help agency caregivers and agency employees must also associate in CHAMPS to the agency where they are employed. The date of this association should not be earlier than the date the criminal history check was completed to protect client safety.

Agency caregivers and agency employees who do not meet the criminal history criteria may continue to work for the agency but cannot provide Home Help services funded by MDHHS through the Home Help program. Agency caregivers and agency employees with a criminal history will not have the option of continuing services by having a Home Help client complete the MSA-119, Personal Choice and Acknowledgement of Provider Selection, form.

Required Contacts

Required Contact between Agency Representative and Resident Agents and ASW

The ASW must meet with Home Help clients every six months to complete a review of client needs. Part of this review process involves a conversation between the agency caregiver who is providing the direct hands-on care to the Home Help client and the ASW. This contact will be initiated by the ASW but may require follow-up with the agency caregiver if the initial attempt is unsuccessful. At least once per year, this contact must be an in-person face-to-face contact between the ASW and the agency caregiver.

Note: If the agency is just beginning services with a client, the initial contact may be with either the agency owner and/or the agency caregiver. Once services have begun, subsequent contact must be with the agency caregiver who is providing the direct hands-on care to the Home Help client. Failure to cooperate with these requirements can result in suspension of payment to the agency.

The ASW will explain the following points with the Home Help client and agency caregiver:

- Home Help services are a benefit to the client and earnings to the agency provider.
- Report **all** earned income to the IRS; see www.irs.gov.
- The client employs the agency provider **not** the State of Michigan.
- As the employer, the Home Help client has the right to hire and fire the agency provider.
- Medicaid funds the Home Help program and will not authorize payments if the Home Help client's Medicaid eligibility is inactive.
- The Home Help client and/or agency provider is responsible for notifying the ASW within **10-business days** of any change; including but not limited to hospitalizations, nursing home, or adult foster care admissions, changes in provider or caregiver, or discontinuation of services. Payment can only be authorized to the agency designated to provide approved services.
- If the agency named on the warrant does not provide services or the agency only provides services for a portion of the authorized period, the agency must return the warrant.

Note: Failure to comply with any of the above may be considered fraudulent or require recoupment.

MSA-4676 Home Help Services Agreement

The Home Help client **and** agency provider **must** sign the MSA-4676 Home Help Services Agreement, **before** payments are authorized. ASWs should not create a payment authorization for a new case opening or change in provider until receipt of the signed MSA-4676. However, the signature date on the MSA-4676 does not impact the case opening date or the start date of the payment authorization.

The ASW will make two copies of the completed and signed form, along with two copies of the MDHHS-6064-C, Client Time and Task Management form and the MDHHS-6064-P, Provider Time and Task Management form and distribute as follows:

- Give one copy of the MSA-4676 and the current MDHHS-6064-C, Client Time and Task Management and the MDHHS-

6064-P, Provider Time and Task Management form to the Home Help client.

- Give one copy of the MSA-4676 and the MDHHS-6064-P, Provider Time and Task Management form to the agency provider.
- Retain the **original** MSA-4676 in the client's case record.

For additional information regarding the MSA-4676 see: [ASM 135, Home Help Caregivers](#), subsection; MSA-4676 Home Help Services Agreement and Distribution.

Recruitment and Marketing

Recruitment of caregivers or clients is not allowed on MDHHS premises. Home Help agencies may not use materials developed by MDHHS in advertising, marketing, or recruitment in a manner that misrepresents the Home Help agency's relationship with the state or the Home Help program. The use of the MDHHS logo on agency documents is prohibited. Agencies are not allowed to recruit or direct their advertising to Medicaid beneficiaries and/or their active individual caregivers who are already receiving Home Help services through MDHHS. An agency caregiver may not provide services to a Home Help client who they were assisting as an individual caregiver for 90-days after commencement of employment with the agency or for 90-days after termination of services as the client's individual caregiver, whichever comes later.

Example: Mrs. Smith is a Home Help client. She uses her adult daughter, Becky, as her Home Help individual caregiver. Becky recently had contact with a Home Help agency and would like to work for the agency. Her start date is May 1st. Becky may work for the agency and care for other clients as of May 1st. She may also continue as an individual caregiver for her mother, Mrs. Smith. If the agency wants to take Mrs. Smith as a client, they can assign a different agency caregiver for her care. Becky will not be able to care for Mrs. Smith through the agency until there is at least a 90-day break in service. Therefore, in this case, if Mrs. Smith began with the agency on May 1st, her daughter, Becky, could not be her agency caregiver until July 30th, which would be 90 days.

Agencies may conduct standard employee recruitment (for example, posting openings) and general advertising outside of MDHHS offices and off MDHHS premises.

**Non-Competition
Conditions**

The agency provider will neither have, nor enforce, any agreements or requirements that prohibit an agency caregiver or agency employee from working with a different Home Help client or for another Home Help agency during or after ending employment, regardless of when the agreement was signed.

**Payment for
Services**

Home Help agencies must directly employ all agency caregivers and agency employees who work with Home Help clients, unless the agency is a Medicare certified Home Health agency with Medicare certification and a TIN, or a Community Mental Health Services Program doing self-determination arrangements. Agency caregivers and agency employees may not subcontract services to someone not directly employed by the agency. All agency caregivers and agency employees must be enrolled in CHAMPS and associated to the Home Help agency prior to providing Home Help services so that a criminal history check is completed.

Agencies will accept the authorized Home Help payment as payment in full for Home Help services rendered. Clients shall not be required or solicited to supplement Home Help payments for the same services authorized by MDHHS.

Agency providers must submit a monthly billing using MSA-1904, Home Help Agency Invoice. See [ASM 144, Verification of Services Provided](#). In addition, agency caregivers must complete the electronic visit verification (EVV) when the caregiver begins or ends a visit in the client's home. See ASM 143, Electronic Visit Verification.

Record Retention

Agencies must maintain supporting documentation verifying that services billed to MDHHS were provided to the client. At a minimum, this includes verification of days and times worked, tasks completed, and names of clients the provider worked for each day. The agency provider must keep a copy of the approved MDHHS-6064-P, Provider Time and Task Management form for each client and the BPHASA-2421, Live In Attestation form if applicable; see [ASM 143, Electronic Visit Verification](#). Keep records for seven years from the date of service.

Providers must, upon request from authorized agents of the state or federal government, make available for examination and photocopying all medical records, quality assurance documents, financial records, administrative records, and other documents and records that must be maintained. Failure to make requested records available for examination and duplication and/or extraction through the method determined by authorized agents of the state or federal government may result in the provider's suspension and/or termination from Medicaid. Failure to produce supporting documentation for claims may also result in recoupment of Home Help payments made to the agency.

APPROVED AGENCY ENROLLMENT

Approval Process for New Agencies

Refer to the Agency Provider Approval Process Section in the [Medicaid Provider Manual](#).

Reporting

Agencies must report all changes affecting agency provider enrollment by updating agency information in CHAMPS, see [Medicaid Provider Manual](#).

AGENCY DISENROLLMENT

When an agency is disenrolled, any authorizations for Home Help payments are terminated in the state payment system. Notice is sent to the agency provider and the local MDHHS office within 10 calendar days of the MDHHS determination of disenrollment. MDHHS may disenroll an agency for any of the following reasons:

- An agency may be disenrolled if the agency or any of its caregivers or employees are found guilty of Medicaid fraud or client abuse, neglect, or exploitation.
- An agency may be disenrolled for falsifying information in its application documents, provider agreement, quarterly reporting, service verification, or billing.
- An agency may be disenrolled if the agency owner(s), agency representative/resident agent, or member of the board of directors has a mandatory or permissive criminal conviction as outlined in the [Medicaid Provider Manual](#).

Note: As of April 1, 2019, when determining the eligibility of a caregiver with a permissive exclusion, Provider Enrollment will only look at a 10 year look back period for felonies, and a 5 year look back period for misdemeanors. The policy on mandatory exclusion has not changed; see [ASM 135, Home Help Caregivers](#).

- An agency may be disenrolled for failing to report changes or update CHAMPS within 10 calendar days of the change.
- An agency may be disenrolled if it fails to meet any of the requirements in this policy.

An agency may be suspended if it is being investigated for fraud, abuse, neglect, or exploitation, pending the outcome of the investigation.

Approved Agency List

MDHHS maintains a list of agencies approved to provide Home Help services to MDHHS clients. Agencies must be on the approved agency list to be eligible for the agency rate. These lists are updated monthly and posted on the Adult Services home page, to use as a resource when clients are looking for providers.

Agencies removed from the approved agency list may still be coded as an agency in CHAMPS and will be eligible to provide services at the individual rate for Home Help. Agencies that would like to be reinstated as an approved Home Help agency provider should send an email to MDHHS-HHAgencyAudits@Michigan.gov to request information on how to become reinstated.

Participation as an Agency Provider

Participation in the Home Help program as an agency provider is subject to denial, suspension, or termination in accordance with [MCL 400.111e](#).

Appeals

Agency providers and applicants have the right to appeal any adverse action taken by MDHHS. The appeal process is subject to the Social Welfare Act. PA 280 of 1939; MCL 400.01 et seq., Chapter 4 and 6 of the Administrative Procedures Act of 1969: MCL 24.271 to 24.287 and MCL 24.301 to 24.306, and the Michigan Administrative Code regarding Medical Services Administration

(MSA) Provider Hearing (R 400.3401- 400.3425 and R 792.10904 - 792.10906).

Existing Agencies

MDHHS will inform an agency provider of disenrollment through an adverse action notice (also known as a negative action notice). The agency may appeal within 30-calendar days of the notice to the Michigan Office of Administrative Hearings and Rules (MOAHR). Existing agency providers may continue to provide services during the appeal period if the agency provider accepts the responsibility of the repayment of funds should the MDHHS decision be upheld. The agency provider may not accept new Medicaid Home Help clients during the appeal period. During this time, the Home Help client continues to have the right to terminate the agency provider at any time and without cause.

Note: The process described above may not reflect actions taken on behalf of MDHHS by the MDHHS Office of Inspector General (OIG). An agency provider suspended from the Home Help program by OIG cannot operate during the suspension and has 15-calendar days to appeal the OIG decision.

Local Office Home Help Agency Provider Hourly Rate

MDHHS has an established Home Help agency provider rate. For the list of individual and agency hourly rates see; [ASM 138, County Rates](#).

REFERENCES

See [ASM 135, Home Help Caregivers](#).

See [ASM 138, County Rates](#).

[See ASM 143, Electronic Visit Verification.](#)

[See ASM 144, Verification of Services Provided.](#)

LEGAL BASE

Social Welfare Act. PA 280 of 1939; MCL 400.01 et seq.

Chapter 4 and 6 of the Administrative Procedures Act of 1969:

MCL 24.271 to 24.287.

MCL 24.301 to 24.306.

MCL 400.111e.

42 CFR § 455.434.

CONTACT

For questions contact MDHHS-Home-Help-Policy@michigan.gov.