

R539. Human Services, Services for People with Disabilities.

R539-5. Self-Administered Services.

R539-5-5. Employee Requirements.

(1) All Employees hired by the Person must be 16 years of age or older. Employees under age 18 must have the Employee Agreement co-signed by their parent/Guardian.

(2) Parents, Guardians, or step-parents shall not be paid to provide services to the Person, nor shall an individual be paid to provide services to a spouse with the exception that spouses who were approved by the Division to provide reimbursed support for a Person in a non-Medicaid funded program prior to May 17, 2005 may continue to be reimbursed. This exception is only valid for support of the current spouse receiving Division services and shall not be allowed by the Division in the event that the spouses divorce or if one spouse dies. A spouse who is approved by the Division to provide support under this provision is limited to a maximum of \$15,000 during the State Fiscal year, which begins on July 1st and ends the following year on June 30th.

(a) Except during the COVID-19 emergency.

(i) A legally responsible caregiver, guardian, or spouse may be paid to provide services to a person when necessary to prevent the spread of COVID-19 or no other provider is available.

(ii) Any service provided must conform to the person's service plan.

(iii) A legally responsible caregiver, guardian, or spouse must obtain approval from the support coordinator before providing services.

(3) Employees must complete the following prior to working with the Person and receiving payment from the Fiscal Agent:

(a) Complete and sign Form W-4;

(b) Complete and sign Form I-9 (including supporting documentation);

(c) Complete and sign the Employee Agreement Form;

(d) Read and sign the Department and Division Code of Conduct (Department Policy 05-03 and Division Directive 1.20); and

(e) Review the approved and prohibited Behavior Supports as identified in R539-3-10, the Support Book, and other best practice sources recommended by the Division, if applicable. Behavior Supports shall not violate R495-876, R512-202, Sections 62A-3-301 through 62A-3-321, and Sections 62A-4a-402 through 62A-4-412 prohibiting abuse.

(f) Review the Person's Support Book.

(g) Complete any screenings and trainings necessary to provide for the health and safety of the Person (i.e., training for any specialized medical needs of the Person).

(h) If applicable, be trained on the Person's Behavior Support Plan.

(i) Complete and sign the Application for Certification Form.

KEY: disabilities, self administered services

Date of Enactment or Last Substantive Amendment: June 29, 2009

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Authorizing, and Implemented or Interpreted Law: 62A-5-102; 62A-5-103