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**IDAPA 16
TITLE 04
Chapter 15**

**16.04.15 - RULES GOVERNING HOMEMAKER SERVICES
JOINT RULES OF THE IDAHO OFFICE ON AGING AND
THE DEPARTMENT OF HEALTH AND WELFARE**

000. AUTHORITY.

The Idaho Senior Services Act, Chapter 50, Title 67, Idaho Code, provides for "in-home services designed to permit older people to remain independent and be able to avoid institutionalization" and authorizes the Idaho Office on Aging to promulgate rules under the Act. The Adult Abuse, Neglect and Exploitation Act, Chapter 53, Title 39, Idaho Code, provides for delivery of protective services to vulnerable persons eighteen (18) years of age and older and further specifies that such services are to be "provided in the least restrictive environment to assure maximum independence of the individuals served." (10-31-91)

001. TITLE AND SCOPE.

These rules governing the operation of homemaker programs and services are hereby jointly promulgated by the Idaho Office on Aging pursuant to Chapter 50, Title 67, Idaho Code, and the Department of Health and Welfare pursuant to Chapter 1, Title 39; Chapter 53, Title 39; Chapter 52, Title 67; and Chapter 2, Title 56, Idaho Code. These rules are to be known as Idaho Office on Aging/Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 15, "Rules Governing Homemaker Services." (12-31-91)

002. DEFINITIONS.

01. Adult Protection. Services provided to a person eighteen (18) years of age or older who is unable to protect himself from abuse, neglect or exploitation due to physical or mental impairment which affects the person's judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person. (10-31-91)

02. Approved Assessment Process. An in-home assessment of the person's functional abilities, living environment and level of support available from other sources, using an assessment instrument approved by the Department and the IOOA. (10-31-91)

03. At-Risk Individuals. Persons at risk of institutional placement or placement in a residential care facility. (10-31-91)

04. Condition of the Home. The assessed status of the person's living environment such as structural barriers, unsanitary conditions, safety hazards, adequacy of cooking, laundry, heating and plumbing facilities and general condition of upkeep. (10-31-91)

05. Contractor. Any recognized legal entity or governmental unit contracting to provide homemaker services. (3-10-88)

06. Department. Idaho Department of Health and Welfare. (3-10-88)

07. Financial Management. Includes depositing the person's checks, discussion with the person to identify economical methods of shopping and food preparation and assistance provided to the person in paying monthly bills. (3-10-88)

08. Homemaker. A person who has successfully completed basic orientation and demonstrates skills in homemaking activities, who under supervision provides homemaker services. (3-10-88)

09. Homemaker Service. Assistance with household tasks such as housekeeping; essential shopping and transportation; meal planning, preparation and purchase; household maintenance and management; financial management; teaching home management skills; and limited maintenance personal care. (10-31-91)

10. Instrumental Activities of Daily Living. Basic self-care tasks designed to promote living as independently as possible, i.e., cooking, cleaning, laundry, handling household maintenance, transportation, reading, writing, managing money, using equipment such as the telephone and comprehending and following instructions.

- (10-31-91)
11. IOOA. Idaho Office on Aging. (3-10-88)
12. Maintenance Personal Care. Assisting the the person in washing, drying, combing and brushing hair, eating, walking or reminding the person to take medication. Maintenance personal care services do not include nursing care or cutting of finger and toenails for diabetic clients. (10-31-91)
13. Protective Services. Includes noninvestigatory remedial, social, legal, health, educational, mental health and referral services provided to vulnerable adults. (10-31-91)
14. Staffing. A meeting of service providers and the person receiving the services, held for the purpose of discussing the development, progress and future of the plans for service. (10-31-91)
15. Unit of Service. One (1) hour of service shall include only activities performed in the home for the person, and transportation provided to the person by the homemaker. (10-31-91)
16. Vulnerable Adult. A person eighteen (18) years of age or older who is unable to protect himself from abuse, neglect (including self-neglect), or exploitation due to physical or mental impairment which affects the person's judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person. (10-31-91)

003. POLICY.

Homemaker services are part of an array of community-based services designed to assist an elderly person or an adult with a disability to manage independently in a home environment. These services may be delivered over an extended period of time, but are also appropriate for short periods of time to assist persons who are incapable of performing the instrumental activities of daily living because of a short-term illnesses or injury. The homemaker program is designed to assist with tasks of daily living. The intent of the program is to promote a person's independence. The program is not designed to supplant family care, but to supplement family care and other informal and formal support services. Homemaker services provide support and assistance to eligible persons to maintain, restore or enhance capabilities for self-care and independent living. If desired by the recipient of services, available family may be involved in developing service plans for the person to ensure that the formal services provided will enhance the existing base of informal supports provided by the family and community. A person, or their court-ordered guardian, shall have the right to accept or refuse homemaker service at any time. (10-31-91)

004. (RESERVED).

005. ELIGIBILITY.

Persons age eighteen (18) years and older, living in Idaho, and assessed to be in need of homemaker services through an approved assessment process, are eligible for the homemaker program provided, however, that a recipient of personal care services may be denied homemaker services until the Area Agency on Aging and the appropriate Regional Office of the Department agree, based on an approved assessment, that the person is not receiving homemaker type through the personal care service program. (10-31-91)

006. SERVICE DESCRIPTION.

Homemaker services shall include: general cleaning throughout the house, making and changing beds, dusting, dishes, laundry, meal preparation, shopping, transportation only when other transportation services affordable to the person are not available, maintenance personal care services, financial management, and training in instrumental activities of daily living. (10-31-91)

007. PURPOSE OF SERVICE.

01. Maintenance or Promotion of Independence - Dignity. To secure, promote or maintain in a home environment the independence and dignity of persons and families who are capable of independent living. (10-31-91)
02. Component of Community-Based Care. To provide a component of community-based services for the at-risk population. (10-31-91)

03. Avoid or Delay Restrictive Placement. To avoid or delay placement of persons into institutions or residential care facilities. (10-31-91)

04. Harmful Living Arrangements. To provide services directed toward remediating harmful living arrangements for at-risk persons. (10-31-91)

008. PRIORITIES RELATED TO HOMEMAKER SERVICE.

All approvals to receive homemaker service are to be made on a priority basis following the completion of the approved assessment process. The following elements will be evaluated in the prioritization process: (10-31-91)

01. Functional Level. The person's ability to perform instrumental activities of daily living; (10-31-91)
02. Supports. The availability of formal and informal supports which assist the person to live independently within his home environment; (10-31-91)
03. Home Condition. Structural and physical factors within the home; (10-31-91)
04. Geographic Isolation. (10-31-91)

009. HOMEMAKER QUALIFICATIONS AND TRAINING.

01. Homemaker Qualifications. All homemakers must possess the ability to independently complete all assigned tasks and to communicate well with the persons they are asked to serve. When a homemaker is asked to provide service to a person, it is the responsibility of the homemaker coordinator to provide or arrange for training relative to the special needs of that person. All homemakers must possess a respectful attitude toward elderly persons and persons with a disability and must foster the independence of the persons served. (10-31-91)

02. Homemaker Orientation. All homemakers must receive an employee orientation from the contractor before performing homemaker services. Orientation will include the purpose and philosophy of homemaker services, program regulations, policies and procedures, proper conduct in relating to persons served, and handling confidential and emergency situations in the person's home that involve the person's health. (10-31-91)

03. First Aid - CPR. Homemakers must complete Basic First Aid and CPR training and maintain certification in both. (3-10-88)

04. In-Service Training. Contractors must provide or arrange for a minimum of twenty (20) hours of training for homemakers each year which upgrades employee skills and knowledge in the provision of homemaker services. Areas of training may include: (10-31-91)

a. The aging process, aging and disability ethics and values, communication skills, community service resources and homemaking skills. (10-31-91)

b. All homemakers providing maintenance personal care must first receive training in those areas. (10-31-91)

c. All homemakers providing services to persons with infectious diseases must first receive training in proper handling of soiled linens, clothing and body fluids, including the use and disposition of disposable gloves provided by the homemaker agency. (10-31-91)

05. Homemaker Supervision. (10-31-91)

a. All contractors must have written job descriptions and personnel policies for homemakers. (10-31-91)

b. All homemakers must meet at least monthly with their supervisors to discuss the circumstances of the person served as they relate to the service plan. (10-31-91)

- c. All homemakers must receive an annual performance evaluation. (10-31-91)
- d. Supervisors must be available to homemakers on a daily basis to discuss changes in the circumstances of the person served, scheduling difficulties, and emergency situations. (10-31-91)
- 06. Assignment of Homemakers. (10-31-91)
 - a. At the time of assignment the supervisor must provide to the homemaker, at a minimum, the service plan and emergency contacts of the person to be served. (10-31-91)
 - b. At any time the person receiving services may request a reevaluation of the homemaker assignment. (10-31-91)
- 07. Wage and Benefits. The contractor must offer homemakers competitive homemaker wages and benefits to avoid staff turnover and promote quality provision of service. (10-31-91)

010. CONDUCT OF HOMEMAKERS.

Contractors must assure, through personnel policies, orientation procedures, signed homemaker agreements and supervision, that homemaker conduct is governed by the following restrictions: (10-31-91)

- 01. Accepting Money. Homemakers are not permitted to accept money from the persons served or their families. (10-31-91)
- 02. Financial Loans. Homemakers are not permitted to make or accept financial loans to or from the persons served. (10-31-91)
- 03. Sale of Goods. Homemakers are not permitted to solicit the sale of goods, materials or services from the persons served. (10-31-91)
- 04. Addresses. Homemakers are not permitted to provide personal telephone numbers or home addresses to the persons served. (10-31-91)
- 05. Private Work. A homemaker is not permitted to work privately for a person assigned to the homemaker by homemaker services. (10-31-91)
- 06. Person's Residence. A homemaker may not enter the residence of a person served in the absence of the person or court-appointed guardian. (10-31-91)
- 07. Proselytizing. A homemaker may not engage in religious proselytizing during the course of employment. (10-31-91)
- 08. Medication Administration. Homemakers may not administer medication except to remind persons to take medication, assist with removing cap from multi-dose containers and observe person taking medication. (10-31-91)
- 09. Confidentiality. A homemaker must maintain information regarding persons served and their personal living situations in a confidential manner. (10-31-91)
- 10. Smoking. Homemakers must not smoke in the homes of persons served. (10-31-91)

011. FEES.

Individuals receiving homemaker service must pay a fee for service according to a variable fee schedule based upon the current household income annualized. Income will be assessed based upon self-declaration by the individual served or their guardian. Written documentation of income may be requested on a case-by-case basis when judged necessary by the contractor. Income for this purpose means gross income (including Social Security, Supplemental Security Income, Old Age Assistance, interest, dividends, wages, salaries, pensions, etc.) less the unreimbursed part

of medical and prescription drug costs and medical insurance costs. (10-31-91)

01. Fee Schedule. All individuals requesting service shall complete an Income Declaration Form annually and will be charged for service according to a variable fee schedule established by the IOOA and the Department. The fee scale will range from zero (0%) to one hundred percent (100%) of payment for the cost of services. The cost of services will be based on the contractor's unit cost for homemaker services. The person's percentage of payment will be determined by comparing the person's household's annual income to the United States Department of Health and Human Services Poverty Guidelines for one hundred and twenty-five percent (125%) of poverty. The fee scale will be updated annually when poverty guidelines are reissued. (10-31-91)

02. Excessive Fees. Fees paid shall not exceed the unit cost of services provided. (10-31-91)

03. Waiver of Fee Scale. The variable fee scale may be waived for persons receiving adult protection services who refuse to pay the fee for service if lack of service would be detrimental to the person. (10-31-91)

04. Income Redetermination. When a homemaker service recipient's income changes and affects the person's fee charges for service, the person or their guardian must notify the homemaker contractor for a redetermination of income. The contractor must review all income declarations annually with the persons served or their guardians to redetermine any changes in fee charges. (10-31-91)

05. Use of Fees - Accounting. Fees for services shall be accounted for and be used to offset costs of the homemaker program including direct service, administrative and capital expenditures. (3-10-88)

012. SERVICE PROCEDURES.

The organizational assignment of responsibility for all service procedures, including intake, assessment, service denial, service plan, referral to other services, reassessment, and termination must be detailed in the service contract with the contractor. Only one (1) organization will assess the person's needs for homemaker services in each contractor's geographic service area. (10-31-91)

013. PROGRAM INTAKE AND ASSESSMENT.

01. Emergency Intake. If the referral reflects a crisis, for example, a change in health or functional status or illness or absence of the care giver, a home visit must be conducted within one (1) working day to assess the emergent need and, if appropriate, a homemaker will be assigned and service initiated immediately. (10-31-91)

02. Normal Intake. Contact with the person seeking service will be initiated within five (5) days of receipt of the referral and an assessment conducted within two (2) weeks of referral. (10-31-91)

03. Assessment. To determine level and type of service needed, the organization identified in the service contract will conduct an in-home assessment using the assessment tool approved by IOOA and the Department, or will use the assessment provided by an adult protection worker. The assessment will identify: (10-31-91)

- a. Demographic information; (3-10-88)
- b. Living arrangements and condition of the home; (10-31-91)
- c. Family and other formal and informal supports; (10-31-91)
- d. Emergency contact; (3-10-88)
- e. Services currently being received; (10-31-91)
- f. Medical status and special diets or allergies; (3-10-88)
- g. Capability of the person to perform instrumental activities of daily living; (10-31-91)

h. The kind and quantity of medications used by the person being assessed. (10-31-91)

04. Coordination of Assessment. If, upon referral to homemaker services, a comprehensive assessment of the person has already been done by the Department's adult protective services, the person does not need to be reassessed by the homemaker contractor. Instead, the contractor will receive a copy of the Department's assessment and make a home visit to the person to design the service plan utilizing the Department's assessment. (10-31-91)

05. Additional Determinations. During home visits, the assessment will also: (10-31-91)

a. Determine eligibility and request that the household complete a Homemaker Income Declaration Form; and (10-31-91)

b. Explore alternatives to homemaker services with the person. (10-31-91)

014. DENIAL OF REQUEST.

An applicant must be notified in writing of a denial of service and right to appeal. The request for homemaker services may be denied based upon assessment findings when: (10-31-91)

01. Applicant Not in Need of Service. Assessment findings document that the applicant has the functional capabilities to remain independent or has adequate support through family or other sources of assistance. (10-31-91)

02. Other Care Needed. The person's unmet needs are of such magnitude that more intensive personal and/or medical supports are indicated. In such instances, alternatives are explored with the person, or his guardian, and family (with approval of the person to be served) and appropriate service referrals will be made. (10-31-91)

03. Barriers to Program Objectives Exist. (10-31-91)

a. The applicant's home is hazardous to the homemaker because of rodents or insects, faulty electrical or plumbing systems, or human or animal waste; (10-31-91)

b. The applicant is abusive or has a history of committing violent crimes or sexual abuse; (10-31-91)

c. Where any of the above barriers exist and the applicant is at risk, a referral will be made to adult protection authorities or appropriate agency. (10-31-91)

04. Lack of Funding or Available Homemaker. When there is no available homemaker, and/or homemaker funding has been exhausted, the person in need of service shall be placed on a waiting list which is to be maintained by the contractor and services will be arranged for and provided on a priority basis. (10-31-91)

05. Nonacceptance of Homemaker. The person to be served refuses without good reason to accept the homemaker assigned. (10-31-91)

015. WAITING LISTS.

When an eligible applicant is denied service based on lack of homemaker or homemaker funding, the applicant shall be placed on a waiting list. The applicant must receive an in-home assessment before being placed on a waiting list. Applicants on a waiting list for service will be prioritized according to Section 008. All applicants placed on a waiting list must be notified of this action in writing. (12-31-91)

016. SERVICE PLAN.

For persons assessed as needing homemaker services, a service plan will be developed in consultation with the person or guardian or other support systems. This plan will consist of the person's responsibilities, appropriate family responsibilities, and/or the guardian's responsibilities, specific services, total hours and visits to be provided per month, and service goals. (10-31-91)

01. Services Review for Assistance. If appropriate, the contractor will review with the person available in-home supportive services (such as home-delivered meals, chore and telephone reassurance) which could also assist

the person to remain at home and make necessary referrals. (10-31-91)

02. Refusal of Services. The person or court appointed guardian makes the decision to accept or refuse homemaker services. (10-31-91)

03. Signing of Service Plan. The service plan must be signed by the person or court appointed guardian prior to initiation of service. (10-31-91)

04. Homemaker Revision of Service Plan. After providing services to a person for one (1) month, the homemaker will present to their supervisor any changes needed in the service plan such as hours of services or tasks performed. The contractor will revise the service plan based on these recommendations if they fall within service definitions and availability of homemaker hours. The homemaker will continue to inform their supervisor of any recommended revisions to service plans. (10-31-91)

05. Update of Service Plan. The service plan will be updated at least annually to assess the person's need for continuation of homemaker service and initialed by the person or their guardian. A plan update must be based on an in-home reassessment of the person's needs. The service plan must be updated more frequently if the functional ability, living conditions or availability of other supports of the person changes significantly between reassessments. (10-31-91)

017. SERVICE COORDINATION.

When a homemaker is providing service to a person who is also receiving service from another agency, the homemaker agency must make every effort to facilitate the following: (10-31-91)

01. Client Staffings. Conduct with other involved agencies a case staffing. (10-31-91)

02. Supportive Services. Review, with other involved agencies, the person's need for other support or services in the home. (10-31-91)

03. Service Plans. Review and update, with other involved agencies, the person's service plans. (10-31-91)

04. Individual Goals. Discuss with other involved agencies, progress in reaching the person's goals. (10-31-91)

05. Information. Exchange information with other involved agencies, that is appropriate and necessary for service delivery, including informing other agencies when services are terminated or suspended. (10-31-91)

06. Service Termination and Suspension. The agencies must coordinate their efforts to evaluate plans for service termination or suspension, if appropriate. (10-31-91)

018. TERMINATION OR SUSPENSION OF SERVICE.

01. Termination or Suspension Reasons. Termination or suspension may occur for any of the following reasons: (10-31-91)

a. Service provided proved ineffective, insufficient or inappropriate to meet the older person's needs or needs of persons with disabilities; (10-31-91)

b. Other resources were utilized; (3-10-88)

c. The person withdrew or moved; (10-31-91)

d. Family support to the person increased; (10-31-91)

e. The person was placed in an institution or residential care facility; (10-31-91)

- f. The person died; (10-31-91)
- g. The person's level of functioning improved to the extent that the need for homemaker service was eliminated; (10-31-91)
- h. The person no longer wanted service; (10-31-91)
- i. The person's home is hazardous to the homemaker; (10-31-91)
- j. The person's home is not reasonably accessible to the homemaker; (10-31-91)
- k. The person's behavior is a threat to the safety of the homemaker; (10-31-91)
- l. The person verbally abuses or sexually harasses the homemaker; (10-31-91)
- m. The person refuses to pay determined fee for service and is not an adult receiving protection services for whom lack of service would be detrimental to the person; (10-31-91)
- n. The person refuses without good reason to accept the homemaker assigned; (10-31-91)
- o. Homemaker service program funds are no longer available. (10-31-91)

02. Notification of Termination or Suspension and Right to Appeal. Persons must be informed of an agency initiated service termination or suspension in writing at least two (2) weeks before termination or suspension occurs, stating the reason for termination or suspension. The person must also be informed of the right to appeal the decision through the procedures described in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

03. Referral After Termination of Service. The homemaker contractor will, if appropriate, refer the person to other services needed, including, but not limited to, adult protection when the person is judged to be left at risk. (10-31-91)

019. PROGRAM OUTCOME.

01. Sustain Independence. Provide for assistance to help individuals remain in their own homes by arranging for and providing homemaker services. (10-31-91)

- a. Prevent inappropriate and unnecessary initial institutional or residential care placements. (10-31-91)
- b. Prevent the unnecessary return of a person to an institution or residential care facility. (10-31-91)
- c. Provide for earlier discharge of older persons and persons with disabilities from institutions and residential care facilities. (10-31-91)

02. Short-Term Rehabilitation. Provide the opportunity for rehabilitation at home by providing homemaker services to persons who are temporarily incapable because of short-term illness or injury. (10-31-91)

03. Crisis Intervention. Maintain older persons and persons with disabilities in their own homes during a crisis in which the normal care giver is incapacitated or absent. (10-31-91)

04. Protection. Enable persons to remain in their own homes during a crisis by coordinating with adult protection services. (10-31-91)

020. - 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested Case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (10-31-91)

998. INCLUSIVE GENDER.

As used in these rules, the masculine, feminine, or neuter gender, and the singular or plural number, will each be deemed to include the others whenever the context so requires. (3-10-88)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 11, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of the chapter. (3-10-88)