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State/Territory Name: The United States Virgin Islands

State Plan Amendment (SPA) #: 20-0004

This file contains the following documents in the order listed:

1) NY Regional Office Approval Letter
2) Approved SPA pages
3) CMS-179 form
March 30, 2021

Gary Smith  
Medicaid Director  
Department of Human Services  
Medical Assistance Program  
1303 Hospital Ground  
Knur Hansen Complex, Building A  
St. Thomas, Virgin Islands 00802  

RE: United State Virgin Islands State Plan Amendment (SPA) # 20-0004

Dear Mr. Smith:

On September 19, 2020, the Centers for Medicare & Medicaid Services (CMS) received the United States Virgin Islands SPA VI-20-0004. This amendment proposes to add coverage and payment methodology of Personal Care Attendant Services (PCA) in the United States Virgin Islands Medicaid program.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations Section 1905(a)(24) & 42 CFR §440.167. PCA services were initially authorized through Disaster Relief SPA VI-20-0002 effective March 1, 2020. Therefore, the effective date of this SPA permanently adding PCA services into the Medicaid State Plan will be the day after the COVID-19 Public Health Emergency (PHE) ends. A copy of the current approved State Plan pages and the signed CMS-179 form are enclosed. CMS will provide an updated CMS-179 and approved pages indicating the official effective date once the expiration of the PHE is known.

CMS appreciates the significant amount of work your staff dedicated to preparing this State plan amendment. If you any questions concerning this SPA, please contact Ivelisse Salce at (212) 616-2411 or by e-mail at Ivelisse.Salce@cms.hhs.gov.

Sincerely,

James G. Scott, Director  
Division of Program Operations

cc: Nicole McKnight
TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTER FOR MEDICARE & MEDICAID SERVICES (CMS)

1. TRANSMITTAL NUMBER
   VI-20-0004

2. STATE
   U.S. Virgin Islands

3. PROGRAM IDENTIFICATION:
   Title XIX of the Social Security Act (Medicaid)

4. PROPOSED EFFECTIVE DATE
   01/01/22 or day after end of PHE*

5. TYPE OF PLAN MATERIAL (Check One)
   - NEW STATE PLAN
   - AMENDMENT TO CONSIDERED AS NEW PLAN
   - AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION
   Section 1905(a)(24) & 42 CFR 440.167

7. FEDERAL BUDGET IMPACT
   a. FFY 2022* $1,722,800
   b. FFY 2023* $2,296,000

8. PAGE NUMBER OF THE PLAN SECTION OR
   ATTACHMENT
   Attachment 3.1A Pages 09-11
   Attachment 3.1B Pages 10-12
   Attachment 4.19b, page 10

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR
   ATTACHMENT (If Applicable)
   Attachment 4.19B page 03
   Attachment 3.1A Page 09
   Attachment 3.1B Page 10
   Attachment 4.19B, New page

10. SUBJECT OF AMENDMENT
    Permanently Adopting Disaster Relief SPA provisions into Medicaid State Plan: This amendment permanently adds coverage of
    Personal Care Attendant (PCA) services for both the Categorically and Medically Needy eligible populations and provides for the
    methods and standards for establishing the payment rate.*

11. GOVERNOR’S REVIEW (Check One)
    - GOVERNOR’S OFFICE REPORTED NO COMMENT
    - COMMENTS OF GOVERNOR’S OFFICE ENCLOSED
    - NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL

13. TYPE NAME
    Gary A. Smith

14. TITLE
    Medicaid Director

15. DATE SUBMITTED
    9/17/2020

16. RETURN TO
    Gary A. Smith
    Medicaid Director
    Department of Human Services
    1303 Hospital Ground
    Knud Hansen Complex, Building A
    St. Thomas, United States Virgin Islands 00802

17. DATE RECEIVED
    09/17/2020

18. DATE APPROVED
    March 25, 2021

19. EFFECTIVE DATE OF APPROVED MATERIAL
    01/01/2022

20. SIGNATURE OF REGIONAL OFFICIAL

21. TYPED NAME
    James G. Scott

22. TITLE
    Director
    Division of Program Operations

23. REMARKS

FORM CMS-179 (07/92) Instructions on Back
State/Territory:

AMOUNT, DURATION, AND SCOPE OF SERVICES PROVIDED
CATEGORICALLY NEEDY GROUP(S):

25. Home and Community Care for Functionally Disabled Elderly Individuals, as defined, described and limited in Supplement 2 to Attachment 3.1-A, and Appendices AG to Supplement 2 to Attachment 3.1-A.

_  Provided  _  Not Provided

26. Personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for the mentally retarded, or institution for mental disease that are (A) authorized for the individual by a physician in accordance with a plan of treatment, (B) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, and (C) furnished in a home setting.

X  Provided:  X  State Approved (Not Physician) Service Plan Allowed

_  Services Outside the Home Also Allowed

_  Limitations Described on Attachment

_  Not provided.
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory  United States Virgin Islands

AMOUNT, DURATION AND SCOPE OF SERVICES PROVIDED AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY

Services are provided in accordance with 42 CFR 440.167.

Services are provided in a resident’s own home, in the home of a relative, or in a community-based setting home like a group home, home for the aged, assisted living residence, or a supported housing complex where the individual has their own home or apartment.

There are no limitations on the services.

Personal care attendant services means some or total assistance to an eligible member to perform activities of daily living (ADLs) and instrumental activities of daily living (IADLs) such as personal hygiene, dressing and feeding, and nutritional services in their homes or in community-based residential settings. Such PCA services may include, but are not limited, to:

- Assistance with nutrition and diet activities such as shopping, financial, meal preparation, and eating,
- Performance of household services such as changing bed linens, making beds, washing dishes, cleaning, dusting and vacuuming, and shopping for essential supplies,
- Assistance with basic personal care such as bathing, grooming, bathroom/toileting and/or bedpan routines, walking, transferring from bed to chair or wheelchair, positioning, and
- Assistance with self-administration of medications.
- Transportation to medical appointments and assistance in arranging and scheduling such appointments.

The services will be provided by providers enrolled in the VI Medicaid Program who have, at a minimum, a High School diploma or GED. PCAs will receive additional training and supervision from Registered Nurses employed by the Department of Human Services or the not-for-profit or private agency enrolled with the VI Medicaid Program to provide PCA services. The PCAs receive training once every two years. PCAs who are also CNAs, training is provided annually with recertification. PCAs are trained in assistance with ADLs and IADLs including but not limited to lifting, turning, bathing, light household chores, etc. In addition to the above trainings, CNAs are also trained in medication set-up, range of motion exercises, and wound care.
All persons providing PCA services must be subject to an on-going program of Supervision. The supervision must consist of both administrative supervision and nursing Supervision:

- **Administrative Supervision** is the responsibility of the agency providing PCA services. The purpose of this supervision is to assure that PCA services are provided according to an individual care plan that ensures that service delivery complies with all terms of the agreement between the client and the Department of Human Services or the contract agency providing the PCA services.

- **Nursing Supervision** must assure that the patient’s needs are appropriately met by the PCA agency’s care plan for the level, amount, frequency and duration of PCA services and that the person providing such services is competently and safely performing the functions and tasks specified in the individual plan of care.

Nursing supervision must include:

- an orientation visit with the member to receive the PCA services and the worker at the time of initial case assignment to insure that the worker providing PCA services understands his/her responsibilities in conjunction with the medical needs of the patient and has received all necessary instructions;
- ongoing evaluation of the patient’s needs to determine if the level, amount, frequency and duration of PCA services continue to be appropriate; and
- evaluation of the ability of the person providing the services and arranging for or providing necessary instructions to meet the medically related needs of the patient in keeping with the goals established by the member’s individual plan of care.

- **VIDHS Oversight** must include periodic reviews of provider records and necessary supporting documentation. Problems that are identified are addressed through corrective action plans and any necessary corrective action plans are monitored to ensure they are implemented.
AMOUNT, DURATION, AND SCOPE OF SERVICES PROVIDED
MEDICALLY NEEDY GROUP(S):

25. Home and Community Care for Functionally Disabled Elderly Individuals, as defined, described and limited in Supplement 2 to Attachment 3.1-A, and Appendices AG to Supplement 2 to Attachment 3.1-A.

  _  Provided  _  Not Provided

26. Personal care services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for the mentally retarded, or institution for mental disease that are (A) authorized for the individual by a physician in accordance with a plan of treatment, (B) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, and (C) furnished in a home setting.

  X  Provided:  X  State Approved (Not Physician) Service Plan Allowed
  _  Services Outside the Home Also Allowed
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State/Territory  United States Virgin Islands

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AND REMEDIAL CARE AND SERVICES PROVIDED TO THE
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory  United States Virgin Islands

AMOUNT, DURATION AND SCOPE OF SERVICES PROVIDED AND REMEDIAL CARE AND SERVICES PROVIDED TO THE MEDICALLY NEEDY

All persons providing PCA services must be subject to an on-going program of Supervision. The supervision must consist of both administrative supervision and nursing Supervision:

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