



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR MEDICAID SERVICES**

Andy Beshear
Governor

Division of Community Alternatives
275 East Main Street, 6W-B
Frankfort, KY 40621
www.chfs.ky.gov

Eric C. Friedlander
Secretary

Pam Smith
Director

Lisa D. Lee
Commissioner

To: Community Mental Health Centers
Area Development Districts

From: Pam Smith, Director
Division of Community Alternatives

Date: October 26, 2021

Re: Foster Care and Participant Directed Services

The Department for Medicaid Services (DMS) is issuing the following clarification to Community Mental Health Centers (CMHC) and Area Development Districts (ADD) regarding the use of Participant Directed Services (PDS) for 1915(c) Home and Community Based Services (HCBS) waiver participants who reside in foster care.

Individuals receiving payment from the state for minors in their custody cannot be hired as PDS employees for those same minors per DMS policy. Waiver participants who reside in foster care still qualify to receive PDS, however, the individuals who are legally responsible for them cannot be their PDS employees.

Foster parents are considered legally responsible and receive a per diem rate as defined in 922 KAR 1:350. Supplemental per diem rates for children with increased support needs, including those with disabilities, are defined in 922 KAR 1:520.

If you have questions about this policy, please contact the 1915(c) Waiver Help Desk at (844) 784-5614 or 1915cWaiverHelpDesk@ky.gov.

Sincerely,

Pam Smith, Director
Division of Community Alternatives

