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DEPARTMENT FOR MEDICAID SERVICES

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To: 1915(c) Home and Community Based Services Waiver Participant Directed Service Providers

From: Lisa Lee, Commissioner,
Department for Medicaid Services

Victoria Elridge, Commissioner,
Department for Aging and Independent Living

Date: March 4, 2026

RE: Legally Responsible Individual 40 Hour Limit

To ensure a high standard of quality service delivery and to promote participant and employee well-being, employees in the Participant Directed Services program who are Legally Responsible Individuals shall not work more than 40 hours per week (Sunday through Saturday).

The following language is outlined in each of the approved 1915(c) waivers that offer PDS as a service delivery option:

A legally responsible individual is any person who has a duty under State law to care for another person and typically includes:

(a) the parent (biological, adoptive, foster or step) of a minor child or the guardian of a minor child who must provide care to the child or

(b) a spouse of a waiver participant.

• Services must be extraordinary, exceeding the range of activities that a legally responsible individual would ordinarily provide in the household on behalf of a person without a disability of the same age, and which are necessary to assure health and welfare of the person and avoid institutionalization.

• A legally responsible individual shall not be approved to provide more than forty (40) hours per week of paid services.

Legally Responsible Individuals may work for multiple waiver participants in any of the five 1915(c) Home and Community Based Services waivers that offer Participant Directed Services, but they may only work 40 hours total per week, regardless of the number of participants they work for.

Case Managers shall work with the waiver participant(s) or their Representative(s) to modify person-centered service plans and identify appropriate services to meet care needs. Any needed modifications shall be completed prior to May 31, 2026.

If you have questions about this policy clarification, please contact the Department for Aging and Independent Living at (877) 315-0589 or email HCBInquiries@ky.gov.

Sincerely,



Lisa Lee
DMS Commissioner



Victoria Elridge
DAIL Commissioner