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Title 42 – Public Health

Chapter IV – Centers for Medicare & Medicaid Services, Department of Health and Human Services

Subchapter C – Medical Assistance Programs

Part 440 – Services: General Provisions

Subpart A – Definitions

Authority: 42 U.S.C. 1302.

Source: 43 FR 45224, Sept. 29, 1978, unless otherwise noted.

§ 440.167 Personal care services.

Unless defined differently by a State agency for purposes of a waiver granted under part 441, subpart G of this chapter—

- (a) **Personal care services** means services furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or institution for mental disease that are—
 - (1) Authorized for the individual by a physician in accordance with a plan of treatment or (at the option of the State) otherwise authorized for the individual in accordance with a service plan approved by the State;
 - (2) Provided by an individual who is qualified to provide such services and who is not a member of the individual's family; and
 - (3) Furnished in a home, and at the State's option, in another location.
- (b) For purposes of this section, *family member* means a legally responsible relative.

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