

**441—177.10(249) Payment.**

**177.10(1) *Payment approved.*** Notwithstanding 42 U.S.C. 1382(c)(7), after the service manager or designee approves the service plan, payment is effective as of the later of (1) the date of the application, or (2) the date all eligibility requirements are met and qualified health care services are provided.

**177.10(2) *Client participation.***

*a.* Except as provided in paragraph 177.10(2)“b,” all income remaining after excluding the amounts identified in paragraphs 177.4(1)“f” and “g” will be considered income available for services (“client participation”) and the in-home health-related care (IHHRC) program shall pay only the cost of eligible services that exceeds client participation up to the maximum benefit payable.

*b.* When the first month of service is less than a full month, there is no client participation for that month. Payment will be made for the actual days of service provided according to the agreed-upon rate up to the maximum benefit payable.

**177.10(3) *Maximum benefit payable.*** The maximum benefit payable for in-home health-related care services inclusive of all services for all providers is the reasonable charges for such services up to and including \$480.55. The provider shall accept the maximum benefit payable and shall not charge the client or others in excess of that benefit.

**177.10(4) *Payment.*** The client or the person legally designated to handle the client’s finances shall be the sole payee for payments made under the program and shall be responsible for making payment to the provider except when the client payee becomes incapacitated or dies while receiving service.

*a.* The department shall have the authority to issue one payment to a provider on behalf of a client payee who becomes incapacitated or dies while receiving service.

*b.* When continuation of an incapacitated client payee in the program is appropriate, the department shall assist the client and the client’s family to legally designate a person to handle the client’s finances. Guardians, conservators, protective or representative payees, or persons holding power of attorney are considered to be legally designated.

*c.* Temporary absence from home. Payment will not be authorized for over 15 days for any continuous absence whether or not the absence extends into a succeeding month or months.

**177.10(5) *Reasonable charges.*** Payment will be made only for reasonable charges for in-home health care services as determined by the service worker, who will determine reasonableness by:

*a.* The prevailing community standards for cost of care for similar services.

*b.* The availability of services at no cost to the IHHRC program.

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