



## Can I get a Personal Care Assistant (PCA)?

### What is the Personal Care Assistance program?

The personal care assistance program provides services to you at home if you need help with day-to-day activities. A personal care assistant (PCA) is someone who is trained to help with basic daily routines.

A PCA may be able to help you if you have a physical, emotional or mental disability, a chronic illness or an injury. Having a PCA can help you be more independent in your own home.



### Who can get PCA services?

If you have money you can pay for your PCA services, help with chores, or other home nursing needs. You may be able to connect to some of these services through the Minnesota Senior Linkage Line. Call them at 1-800-333-2433 or go online to: [www.seniorlinkageline.com](http://www.seniorlinkageline.com).

If you have a lower income or fall into certain financial categories you might be able to get PCA services paid for by the state through the Medical Assistance (MA) program. To be able to get PCA services through MA, you need to:

- Enroll with Medical Assistance (MA), Minnesota Care expanded benefits, Alternative Care or a waiver program
- Be able to make decisions about your care or have someone to make decisions for you
- Be able to provide for your own health and safety or have a responsible party that is able to do so
- Live in a home or apartment, not a nursing home or hospital
- Meet certain rules about how much care you need
- Have a PCA assessment to see if you qualify for services

## How do I apply for the PCA program?

Call your county public health nurse to set up an assessment. If you are not sure who to call, the Senior Linkage Line at 1-800-333-2433 should be able to help. Ask about PCA options available, including types of agencies that provide personal care assistance services and how to hire your own staff.

For more information, [contact your local county agency](#). If you are enrolled in a prepaid health plan, contact your health plan for specific instructions.

## What happens when the Public Health Nurse (PHN) comes for an assessment?

The assessment is done in your home once a year and takes about one hour. The assessment includes questions:

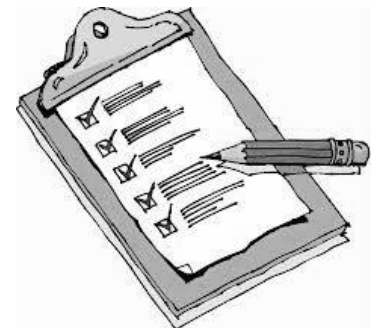
- To see if you need a responsible party
- About whether you need help to do basic activities on an average day
- About your medications
- About your health
- About your behavior

The PHN should know about what activities you need help with every day or every time you do them. For example, if you need help every time you take a shower, or a bath then tell that to the PHN. Give the PHN as much detail as you can about your health care needs or limitations. Make sure to tell the PHN about any changes in your health since your last assessment and if you think it has affected your need for PCA services.

If you don't understand the PHN or think the PHN doesn't understand you, tell them. Good communication is really important to get a good assessment. If English is not your native language, you may want an interpreter. If you think you need an interpreter or your interpreter is not doing a good job, let the PHN know.

After the assessment:

- You get a copy of your PCA Assessment and Service Plan within 10 days. Sometimes it's called a MN Choices Assessment.
- You also get a service agreement letter that tells you how much PCA time you can get.



## What if I don't agree with the PHN's assessment?

If you don't agree with the Service Plan based on the PHN's assessment, you can appeal the decision. There should be instructions on your assessment notice on how to appeal if your services are reduced or stopped. Follow the instructions.

### If you have a health plan:

Tell your managed health care plan that you want to appeal. This can be as simple as calling them and telling them.

- You have to appeal **within 60 days** of the date of the notice.
- If you want your benefits to continue during your appeal, you have to send your appeal in **within 10 days** of getting the notice.

If you win the appeal and the health plan changes its decision, then there is nothing more to do.

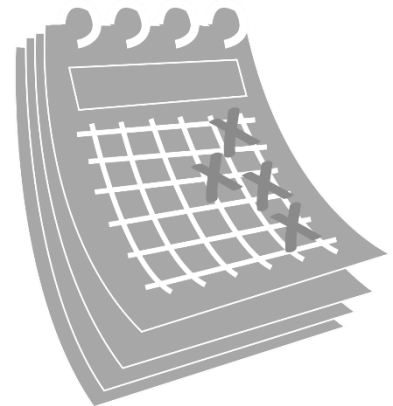
If you don't win, the next step is to appeal to the state to ask a DHS Administrative Law Judge to review the health plan's decision. Starting January 1, 2018, people with a health plan have 120 days to file an appeal after the managed care health plan appeal decision is made.

### If you don't have a health plan:

You can still appeal directly to the state for an appeal hearing with a DHS Administrative Law Judge. You must appeal in writing or on their website. A phone call is not enough to start an appeal.

- You have to appeal **within 30 days** of the date of the notice. But, you can appeal as late as 90 days if you have "good cause" to appeal late. After 90 days it is too late to file an appeal.
- If you want your benefits to continue during your appeal, you have to send your appeal in **within 10 days** of getting the notice.

A DHS Judge will review your case and set it for a telephone or in-person hearing where you can explain your side of things to the judge.



## How do I appeal?

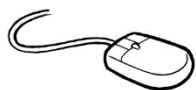
If you have a managed care health plan like UCARE, Medica, or others then you call your health plan directly to ask to appeal. Their phone number should be available on your health insurance card and other health plan materials.

If you don't have a managed care health plan, then there are different ways you can get your appeal in to the state:

### Online:

You can [fill out a form and submit your appeal](#) online.

Go to: [www.LawHelpMN.org/formhelper](http://www.LawHelpMN.org/formhelper).



→ click on "Government Benefits"

→ click on "Appeal a Decision for Denied, Reduced or Cut-Off Benefits"

Read the form carefully, fill it out completely and click "Submit" on the bottom right. It is a good idea to print a copy for yourself.

### By mail or fax:

You can print out the form from online or get one from the county. If you don't want to use a form it is okay to just write a letter and mail or fax it. Say you want to appeal the reduction in your PCA hours and why. Ask to keep getting your benefits during the appeal process. Make sure you put your case number and the date on your letter. Keep a copy for yourself.

Give the letter to your county worker or mail or fax it to:

Minnesota Department of Human Services Appeals Office  
PO Box 64941  
St. Paul, MN 55164-0941

Phone: 651-431-3600

Fax: 651-431-7523



If you want an in-person hearing, write that in the appeal.

Otherwise your hearing will be scheduled to be held over the phone. If you need an interpreter, say so in the appeal and specify what language.

## How do I get ready for the DHS Appeal Hearing?

You get a notice of the hearing date from a Human Services Judge. If you need more time to get ready, ask the judge for a continuance. The phone number for the judge is printed on the hearing notice.

Submit copies of your recent medical records to the judge. You can send them by fax or by letter addressed to the judge. If you are having your hearing in person you can bring your papers to the hearing. You have the right to get copies of your medical records at no cost. Ask your doctor for copies.

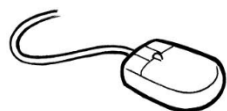
If you are appealing a reduction of your PCA hours, it is a good idea to submit copies of your previous PCA assessments. Your PCA agency should have copies of the old PCA assessments. Your health plan should have them too. Make sure you send copies of anything you send or show the judge to your health plan also.

You and any witness you have testify at the hearing about the daily hands-on help you need to complete your activities.

After the hearing, you get a written decision from the judge. If the judge rules against you, you can ask for “reconsideration,” or you can appeal the judge’s decision to the District Court in the county where you live. The written decision has instructions on how to appeal.



For a more complete description of DHS appeal hearings and how to get ready for them, see the [Frequently Asked Questions \(FAQs\)](#) at: [www.dhs.state.mn.us](http://www.dhs.state.mn.us)



- type “appeal FAQ” in the search bar
- click on “FAQ about state appeal hearings”

Find more fact sheets at [www.lawhelpmn.org/LASMfactsheets](http://www.lawhelpmn.org/LASMfactsheets)  
Find your local legal aid office at [www.lawhelpmn.org/resource/legal-aid-offices](http://www.lawhelpmn.org/resource/legal-aid-offices)

**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

© 2018 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.