

42 CFR § 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.

[[42 FR 47902](#), Sept. 11, 1997]