The Home Care Nursing (HCN) Relative Hardship Waiver (Hardship Waiver) allows certain relatives to receive reimbursement for providing services to a Medicaid recipient who is a Medica Health Plans (Medica) member (Member). The relative must be currently licensed in Minnesota as a Registered Nurse (RN) or Licensed Practical Nurse (LPN) employed by a Class A or Medicare Certified Home Care Nursing Agency enrolled with MHCP and is:

- the parent of a minor child who is a Member;
- the spouse of a Member;
- legal guardian or conservator of a Member; or
- family foster parent of a minor child who is a Member.

In order to qualify for a Hardship Waiver, at least one of the following criteria must be met:

- the relative resigns from a full-time or part-time job to provide HCN for the Member;
- the relative goes from a full-time to a part-time job with less compensation to provide HCN for the Member;
- the relative takes a leave of absence without pay to provide HCN for the Member; or
- because of labor conditions, intermittent hours of care needed, or special language needs, the relative is needed in order to provide an adequate number of qualified HCNs to meet the Member’s needs.

In the case of a Hardship Waiver, the provider agency is responsible for:

- receiving the request from the Member/responsible party;
- obtaining the relative’s signature;
- completing Medica’s Hardship Waiver application request form;
- submitting Medica’s Hardship Waiver form along with supporting documentation to Medica; and
- obtaining a criminal background check.

Please note:

- Provision of paid services does not preclude the parent, spouse or guardian from his/her obligations for non-reimbursed family responsibilities of emergency backup caregiver and primary caregiver. The provision of these services is not legally required of the parent, spouse or legal guardian. Services provided by a parent, spouse or guardian cannot be used in lieu of nursing services covered and available under liable third-party payers including Medicare.

---

1 Minnesota Statutes §256B.0654
• Paid hours of service provided by the parent, spouse or guardian must be included in the Member’s service plan. Hours authorized for the parent, spouse or guardian may not exceed 50% of the total approved nursing hours or 8 hours per day, whichever is less, up to a maximum of 40 hours per week.

• A parent or spouse may not be paid to provide HCN if the parent or spouse fails to pass a criminal background check or if the home health agency, the waiver case manager, or the physician determine that the care provided by the parent, spouse or guardian is unsafe.

• The Hardship Waiver application review process is 30 days. Written notice will be issued by Medica upon a decision. The provider must keep this notice in the Member’s file. The hardship waiver will be approved from the date received forward. If the hardship waiver is denied an explanation will be provided.