



Missouri Department of Health and Senior Services

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**MEMORANDUM FOR ALL HOME AND COMMUNITY BASED CARE PROVIDERS**

FROM: Celesta Hartgraves, Director  
Division of Senior and Disability Services

SUBJECT: Same-Sex Spouse as a Paid Aide or Attendant

Following the recent U.S. Supreme Court opinion legalizing same-sex marriage, the Bureau of Program Integrity (BPI) has been asked whether a same-sex spouse can be a paid aide or attendant for the provision of Home and Community Based Services (HCBS) as authorized by the Division of Senior and Disability Services (DSDS). The current Code of State Regulations (CSR) governing HCBS (specifically 19 CSR 15-7.021 In-Home Service Standards (18)(H), 19 CSR 15-8.100 Consumer-Directed Services Definitions (1)(M), and 13 CSR 70-91.010 Personal Care Program (3)(K)4) prohibits a spouse from being a paid aide or attendant. This prohibition applies to same-sex as well as opposite-sex spouses.

Compliance with the prohibition against spouses being paid aides or attendants is the responsibility of the HCBS provider and/or vendor.

Any questions regarding this memorandum should be directed to the Bureau of Program Integrity at [programintegrity@health.mo.gov](mailto:programintegrity@health.mo.gov) or 573/526-8557.

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