

## Denial of Enrollment Due to Risk of Safety

Per the 3-way program agreement section E, the PACE Organization (PO) must notify the state administering agency (SAA) when an individual is deemed to not meet eligibility criteria.

### Per Appendix Q: SAA Oversight of PO Administration of Safety Criteria

At the time of enrollment, a potential enrollee must be able to live in the community without jeopardizing his or her safety. The PO assesses the individual to ensure he/she has the ability to be left alone without harming himself/herself or others and have adequate caregiver support, if needed. In addition, the participant's home will be evaluated for safety or accessibility problems including the following: structural damage/dangerous floors in the home, barriers to access, including steps and stairs, electrical hazards, fire hazards, unsanitary conditions, insects or other pests, and insufficient heat/air conditioning. Any of the listed may cause the home to be deemed unsafe if the condition cannot be immediately remedied. Additionally, the following factors may exclude the applicant from entering the PACE program: inability to evacuate in an emergency, inadequate caregiver support (if needed), or cognitive capacity (inability to be left alone without harming oneself or others).

1. Upon an enrollment denial, the PO shall:
  - a. Notify the individual in writing of the reason for the denial within five (5) calendar days of the determination,
  - b. Provide written notice to the participant of appeal rights,
  - c. Refer the individual to alternative services as appropriate within 14 calendar days of the denial determination.
2. The PO notifies CMS and the SAA:
  - a. The PO shall notify the SAA within 20 calendar days of the denial,
  - b. Submit summary of the reason for the denial and a copy of the denial letter via MOVEit to [donna.skaggs@ky.gov](mailto:donna.skaggs@ky.gov), [michelle.zimmerman@ky.gov](mailto:michelle.zimmerman@ky.gov) and [Phyllis.sosa@ky.gov](mailto:Phyllis.sosa@ky.gov).
3. Retain all IDT assessments supporting reason for the denial and documentation to support meeting participant notification, appeal rights, and referral requirements.

➤ [eCFR :: 42 CFR 460.152 -- Enrollment process.](#) (b)(denial of enrollment)

#### References:

907 KAR 3:250 (1)(1)(d), 907 KAR 3:250 (7)(2)(b), 42 CFR 460.152(b)