CABINET FOR HEALTH AND FAMILY SERVICES	Subject: Participant Directed Services SOP Title: Corrective Action Plan PDS-SOP-6.24
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PURPOSE

The Participant Directed Services (PDS) standard operating procedure (SOP) corrective action plan (CAP) section describes what a CAP is and how it is used to address issues and incidents. The goal of this section is to ensure that the case manager understands and utilizes the CAP to address participant, PDS representative, or PDS employee issues of non-compliance to work towards resolution in the PDS program.

POLICY

1. PDS CAPs are used in the PDS option to address issues of non-compliance and address service delivery, health and safety and/or employer-related issues in PDS.
2. The case manager shall initiate a PDS CAP with the participant, participant's guardian and/or PDS representative anytime the following occurs:
    a. The participant or PDS representative does not comply with the participant's Person-Centered Service Plan (PCSP). *Examples* include, but are not limited to:
        i. Directing the delivery of services or submitting purchases for services to the Financial Management Agency (FMA) that are over what is authorized for PDS.
        ii. Consistently underutilizing PDS services. For example, not being able to recruit, train and manage PDS employees to deliver services as authorized under PDS.
        iii. Directing services that are outside the scope of PDS.
    b. The participant or PDS representative does not comply with the employer authority requirements of PDS. *Examples* include, but are not limited to:
        i. Failing to ensure that PDS employees use the FMA's Electronic Visit Verification system to track their time performing PDS work that is performed.
        ii. Failing to comply with hours prior authorized on the PCSP.
    c. The participant or PDS representative consistently refuses to complete the necessary employer-related steps to obtain services. For example, the participant or PDS representative refuses or is unable to find PDS employees or refuses or is unable to complete the onboarding paperwork for a potential PDS employee.
    d. The participant or PDS representative, family member, a PDS employee, or the participant's guardian or legal representative threatens, intimidates, or demonstrates abusive behavior towards a PDS employee or PDS provider.
    e. An imminent threat of harm to the participant's health, safety, or welfare is observed which may result in an immediate termination from the PDS service delivery option or from the waiver program. Refer to PDS-SOP 6.27.
    f. The participant, PDS representative, family member, PDS employee, or the participant's guardian or legal representative interferes with or denies the provision of case management.
    g. The participant stops using services.

    Note: Some of the situations that warrant a CAP will also warrant an incident report. Refer to PDS-SOP 6.26 on incident reports.

3. The case manager must complete the "Home and Community Based Services Corrective Action Plan" form in situations that warrant a CAP. There are six major components that are documented on the CAP form, including:
    a. Identify the problem/state the issue – State who is involved, as well as any applicable dates, times, and places, and action(s) that may have been precursors to the issue at hand.
    b. Regulation/Policy violation – State the relevant regulation and/or policy(ies) that have been violated. This may also include state and/or provider agency policy(ies).
    c. Agreed upon resolution – Identify how the individual(s) involved and any support(s) that have been identified will work to come into compliance with the issue identified in the CAP.
        i. The resolutions shall include a specified time-frame determined by the case manager, allowing at least 30 days and up to 90 days to address the issue identified in the CAP.
    d. Potential consequences – State what action(s) will be taken if the issue identified in the CAP is repeated or the resolution is not met.
        i. Actions may be taken either during the stated timeline of the resolution or after the stated timeline in the CAP.
    e. Prevention – State how mechanisms, actions or resources will be used to assist in preventing the issue identified in the CAP from happening again.
        i. A prevention action may include designating a PDS representative.
    f. Signatures – The participant, participant's guardian or paid representative (if applicable, PDS representative, case manager, and any other parties involved in the CAP shall sign the CAP to acknowledge agreement of the terms).
4. The case manager should create a CAP within 14 days after identifying the issue. The case manager should meet with the participant and/or PDS representative to complete the CAP. If the case manager is unable to reach the participant by phone or in person, the case manager may send notification of the CAP via certified restricted mail.
    g. The case manager can communicate over the phone or in person to complete the CAP.
5. The case manager may take immediate action in cases when there is an imminent impact to health, safety, or welfare.
    h. Immediate action may include terminating a participant from PDS and/or from the waiver program. Refer to PDS-SOP 6.27.
6. The case manager shall monitor the progress and outcomes identified in the CAP and upload it to Medicaid Waiver Management Application (MWMA).
7. If the issue identified in the CAP is not resolved, the case manager will issue a recommendation to Department for Medicaid Services or operating agency designee within the Cabinet for Health and Family Services to terminate the participant from PDS and DMS will determine whether the participant should be terminated from PDS and/or the waiver program.
    a. The Department will follow the termination process outlined in PDS-SOP 6.27.