



CABINET FOR HEALTH AND FAMILY SERVICES	Subject: Participant Directed Services SOP Title: Incident Reports PDS-SOP-6.26
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PURPOSE

The Participant Directed Services (PDS) standard operating procedure (SOP) electronic visit verification (EVV) section outlines the requirement that the Financial Management Agency (FMA) must use an EVV system to record information when delivering PDS. The goal of this section is to ensure the FMA has a clear understanding of the EVV system requirements and that the FMA works with the participant, the PDS representative (when applicable), the PDS employee and the case manager to verify proper delivery of PDS using the EVV system.

POLICY

INTRODUCTION

1. Incident reporting is a requirement in PDS and PDS participants, PDS representatives, legal guardians, paid representatives, case managers, financial management service agencies, and PDS employees are required to report incidents.
2. The goal of incident reporting is to identify and address incidents that impact a participant's health, safety and welfare.
3. Key components of an incident report include:
 - a. Identify health, safety and welfare issues.
 - b. Identify means of mitigating risk, including preventing risks as identified in the assessment and documented on the Participant's Risk Prevention & Mitigation Plan.
 - c. Document resolution of the incident.
4. Everyone involved with PDS service deliver should be familiar with and utilize the current Incident Reporting Instructional Guide for information on reporting, mitigating, and investigating incidents. "[Incident Reporting Instructional Guide for 1915\(c\) HCBS Waiver Services](#)," updated June 4, 2021, for instructions on reporting, mitigating, and investigating incident reports.
5. The case manager is responsible for educating the PDS participant, participant's guardian and/or PDS representative on the requirements for incident reporting. Refer to PDS-SOP 6.8 and 6.14 for more information on the case manager requirements to provide information/education. This education includes the following core components:
 - a. What is a reportable incident.
 - b. When an incident should be reported.
 - c. Who an incident should be reported to.
6. The case manager, PDS participant, participant's guardian and/or PDS representative are responsible for educating the PDS employee about PDS incident reporting requirements.

Incident Categories and Criteria

1. Reportable incidents are categorized as critical and non-critical incidents.



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- a. Critical incidents are serious in nature and pose an immediate risk to the health, safety, or welfare of a PDS participant, individuals with whom the participant resides, and those who interact with the participant in order to deliver PDS services.
 - i. *Examples* of critical incidents include, but are not limited to the following:
 1. Behavioral: Alleged criminal activity, inappropriate sexual behavior, and self-neglect. Physical aggression, property damage, self-injury and verbal aggression that is major in nature.
 2. Confidentiality Breach
 3. Death
 4. Elopement
 5. Environmental: Forced eviction, evacuation, loss of utilities, bed bug infestation.
 6. Illness/Injury: Major fall, seizure resulting in medical intervention.
 7. Medication: Adverse reaction, missing medication, wrong dose/medication, refusal of three or more doses.
 8. Suspected abuse: Restraint (chemical or physical), mental, physical, verbal, or sexual.
 9. Suicide: Attempt or ideation.
 10. Suspected exploitation.
 11. Suspected neglect: Mental/emotional, physical, or medication error.
- b. Non-Critical incidents are minor in nature and do not create a serious consequence or risk for PDS participants or others.
 - i. *Examples* of non-critical incidents include, but are not limited to the following:
 1. Behavioral: Physical aggression, property damage, self-injury and/or verbal aggression that is minor in nature.
 2. Illness/Injury: Minor fall, seizure that does not result in medical intervention.
 3. Medication: Refusal of two or less doses.
2. Incidents that do not have the potential to impact waiver participant's health, safety, or welfare do not need to be reported. *Examples* include, but are not limited to the following:
 - a. Scheduled medical procedures/surgeries.
 - b. Lifestyle choices or actions that show no observed impact on health, safety, or welfare (e.g. having a few alcoholic drinks as long as it is not contra-indicated).

Incident Reporting

1. Any individual who witnesses or discovers an incident that involves a PDS participant is responsible to report it. This includes, but is not limited to, PDS participant, individuals with whom the participant resides, and those who interact with the participant in order to deliver PDS services, including PDS representatives, legal guardians, paid representatives, case managers, financial management service agencies, and PDS paid employees.



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2. Any individual who witnesses or discovers an incident should immediately take steps to ensure the PDS participant's health, safety, and welfare, and notify the necessary authorities.
3. All PDS incident reports must be submitted in the MWMA system.
 - a. In PDS, the case manager and Financial Management Service agency are required to submit incident reports in the MWMA system.
 - b. In PDS, the PDS participant and individuals who interact with the PDS participant, including the PDS representative and PDS paid employee, are required to report incidents to the case manager and the case manager will submit the incident report in the MWMA system according to the instructions in the "Incident Reporting Instructional Guide for 1915(c) Waiver Services".
 - i. When reporting the incident to the case manager the participant or PDS representative should report details about the incident, including the incident location, who was involved, the type of incident, etc.
4. A PDS participant has the right to report incidents, participate in interventions, be involved in the incident investigation process, and have an advocate present when asked about details and activities involving the incident.
5. The case manager is responsible for communicating information about the participant's rights in the investigation process to the participant.
 - c. The case manager will keep documentation about the incident, including whether the participant did not wish to report the incident and/or whether the participant declined interventions.
6. The case manager will notify the participant or PDS representative that the waiver services may be in jeopardy if they are putting themselves or others at risk as a result of the incident.
7. Incident reporting timelines for participants and PDS representatives are as follows:
 - d. Critical incidents must be reported immediately, which is defined as making the report as soon as possible, but no later than eight (8) hours after the incident.
 - e. Non-critical incidents must be reported within 24 hours. Non-critical incidents that occur on a weekend or state holiday should be reported by the next business day.
8. After the incident has been reported, the incident moves into the risk mitigation and investigation report phase. This phase is used to provide additional context for the incident and describe the actions taken to resolve the incident.
 - f. The case manager is responsible for determining if a risk mitigation investigation report is necessary.
 - g. This case manager has seven calendar days to complete this report.
9. In addition to reporting the PDS incident as indicated in this SOP, an incident that involves abuse, neglect, or exploitation of a PDS participant requires a separate report to the Kentucky Child/Adult Protective Services Reporting System using the following [link](#) or by reaching out via Kentucky's Statewide Abuse Hotline number at 1-877-597-2331. For more information on reporting abuse, neglect and exploitation refer to PDS-SOP 6.31.