



CABINET FOR HEALTH AND FAMILY SERVICES	Subject: Participant Directed Services SOP Title: Abuse, Neglect and Exploitation PDS-SOP-6.31
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PURPOSE

The Participant Directed Services (PDS) Standard Operating Procedure (SOP) abuse, neglect and exploitation section provides information on how to report suspected abuse, neglect, and exploitation. The goal of this section is to ensure that all entities that operate within the PDS option understand what, when and how to report observed instances of suspected abuse, neglect and/or exploitation.

POLICY

1. Case managers and other PDS providers, PDS representatives, and PDS paid employees are required to report suspected abuse, neglect and exploitation of an adult who has a physical or mental disability and is unable to protect themselves.
2. Education and information on adult maltreatment is located on the Kentucky Empowering Solutions to End Maltreatment website located at the following [link](#).
3. An incident that involves abuse, neglect, or exploitation of a PDS participant requires a report to the Department for Community Based Services, in addition to completing a report in the Medicaid Waiver Management Application (MWMA) system.
 - a. If someone suspects that a PDS participant is being abused, neglected or exploited, he/she must make a report by calling 1-877-597-2331 or submit an electronic report using the [online portal](#). The online portal is available Monday-Friday from 8:00am-4:30pm. The hotline is staffed 24 hours a day, 7 days a week.
 - b. All suspected incidents of abuse, neglect, and exploitation involving a PDS participant also require an incident report. Refer to PDS-SOP 6.26 for more information on incident reporting.
 - i. After contacting the Department for Community Based Services and obtaining an intake number ID (when using the hotline) or web ID (when using the online portal) the reporting entity must include that information on the critical incident notification screen filed in the MWMA system.
4. **Abuse** is defined in Kentucky Revised Statutes (KRS), [KRS 209.020](#) as “the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury”.
 - a. Examples of physical abuse include assault, slapping, hitting, pushing, misuse of medication, use of restraints, and inappropriate physical sanctions.
 - b. Examples of sexual abuse include rape or requests for sexual favors.
 - c. Examples of emotional abuse include threats of harm or abandonment, humiliation, blaming, intimidation, coercion, harassment, isolation, unreasonable withdrawal of services or support networks.



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5. **Neglect** is defined in statute, [KRS 209.020](#) as “a situation in which an adult is unable to perform or obtain for himself or herself the goods or services that are necessary to maintain his or her health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult”.
 - a. Examples of neglect include deprivation of food, shelter, clothes or medical care, unsafe or unsanitary living conditions, untreated physical and/or mental health problems, and includes self-neglect or when a participant can no longer meet their own basic daily needs.
6. **Exploitation** is defined in statute, [KRS 209.020](#) as “obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources”.
 - b. Examples of exploitation include extensive withdrawal from monetary accounts, increased or changed spending habits, someone added to financial accounts, unpaid health care costs, identify theft, using the participant’s ATM/Credit card without permission, missing property or unpaid or disconnected utilities.
7. It is the responsibility of the case manager to ensure the PDS participant, PDS representative and PDS employees are educated about abuse, neglect and exploitation and the reporting requirements and methods.
 - c. When a participant employs a PDS employee, the case management agency is responsible to ensure that the worker is trained on mandatory reporting laws for abuse, neglect and exploitation.
 - d. The case management agency is also responsible for monitoring and oversight of the abuse, neglect and exploitation training requirements.