

SECTION V.7. Denial and Termination Procedures

A. Voluntary Withdrawal

An applicant may voluntarily withdraw her/his application for Choices for Care (CFC) services or participation in CFC services at any time for any reason using the following procedures:

1. The individual shall inform the case manager, provider, DAIL or DCF staff of his/her decision to withdraw the CFC application or services.
2. When an individual informs a case manager or provider, a “Change Report” form must be completed and sent to DAIL and DCF indicating the reason for termination and that it is a voluntary withdrawal.
 - a. The case manager completes the “Change Report” form for home-based and ERC setting.
 - b. The nursing facility provider completes the “Change Report” form for nursing facility setting.
3. If the individual informs DAIL staff of his/her decision to withdraw the CFC application or services, DAIL staff will send the individual a “Change Report” to complete and sign and mail back. If this form is not mailed back within 11 days of receipt of the notification, then the individuals’ application will be closed by DAIL staff. DAIL staff will notify DCF staff of the closure.
4. If the individual informs DCF staff of his/her decision to withdraw the CFC application or services, DCF staff will notify DAIL staff and will send the individual a notice to confirm the withdrawal.

B. Denials and Terminations

New applicants may be denied eligibility and active participants may be terminated from CFC services for the following reasons:

1. Clinical ineligibility: The Department of Disabilities, Aging and Independent Living (DAIL) staff will determine clinical eligibility. If found ineligible at any time, DAIL staff will send a written notice of ineligibility to the individual and DCF with appeal rights.
2. Financial ineligibility: The Department for Children and Families Economic Services Division (DCF-ESD) staff will determine financial eligibility. If the individual is found financially ineligible at any time, DCF will send a written notice of ineligibility to the individual and DAIL staff, including appeal rights.
3. Participant death: If the individual dies, a “Change Report” form must be completed and sent to DAIL and DCF.

- a. The case manager completes the form for the Home-Based, Adult Family Care and Enhanced Residential Care (ERC) setting.
 - b. The nursing facility provider completes the form for nursing facility setting.
4. Permanent move out of state: If the individual permanently moves out of the state, a “Change Report” form must be completed and sent to DAIL and DCF. **DAIL staff** will send a written notice of ineligibility with appeal rights to the individual and DCF if the denial or termination is involuntary.
- a. The case manager completes the “Change Report” form for home-based and ERC setting.
 - b. The nursing facility provider completes the “Change Report” form for nursing facility setting.
5. Stay out of state-exceeding 30 continuous days: If the individual leaves the state for more than 30 continuous days, a “Change Report” form must be completed and sent to DAIL and DCF. DAIL staff will send a written notice of ineligibility with appeal rights to the individual and DCF if the denial or termination is involuntary.
- a. The case manager completes the “Change Report” form for home-based and ERC setting.
 - b. The nursing facility provider completes the “Change Report” form for nursing facility setting.
6. The individual no longer requires CFC services to remain in setting of choice: If the case manager or provider(s) has evidence which leads him or her to believe that the individual no longer requires CFC services to remain in the setting of their choice, a “Change Report” form must be completed and sent to DAIL and DCF. **DAIL staff** will send a written notice of ineligibility with appeal rights to the individual and DCF if the denial or termination is involuntary.
- a. The case manager completes the “Change Report” form for Home-Based, Adult Family Care and ERC setting.
 - b. The nursing facility provider completes the “Change Report” form for nursing facility setting.
7. Provider termination of services: In limited situations, a CFC **provider** may terminate services for the following reasons:
- a. Non-payment of patient share by the individual or legal representative.
 - b. Dangerous environment placing staff at risk of physical harm.
 - c. Involuntary discharge from residential setting (ERC or nursing facility) according to DLP Licensing Regulations. *This does not include a voluntary transfer of setting within CFC services.*
 - d. Participant moves from AFC Home see Section V.7 #8 below.

It is expected that the provider will make all reasonable attempts to remedy the situation prior to termination of services. Efforts may include, but are not limited to, negotiated risk contracts, involvement of Adult Protective Services, family care conferences, and interdisciplinary team meetings. Efforts must be clearly documented and the provider must contact DAIL staff and the case manager (when applicable),

prior to termination. Once a decision to terminate services has been made, the provider must send a written notice to the individual explaining the reasons for termination. Licensed facilities (ERC and NF) must follow existing regulations regarding discharge notices.

If the provider has terminated services, the situation is not remedied after 30 days, and other CFC services are not being successfully utilized, the individual may be terminated from CFC services. The provider must consult with DAIL staff prior to termination. A “Change Report” form must be completed and sent to DAIL. DAIL staff will send a written notice with appeal rights to the individual and DCF if the denial or termination is involuntary.

- a. The case manager completes the “Change Report” form for home-based and ERC setting.
- b. The nursing facility provider completes the “Change Report” form for nursing facility setting.

8. Adult Family Care Home Moves:

A. Voluntary move from an AFC Home.

- a. Participants (or legal representative) who wish to move, must give at least a 30-day notice to the AFC Home provider (according to the Live-In Agreement), unless otherwise agreed upon by both the participant (and legal representative) and AFC Home provider.
- b. Participants (or legal representative) must be included in the decision-making process with the Authorized Agency and AFC home concerning the selection of an alternative placement if applicable.

B. Involuntary move from an AFC Home.

The AFC home or Authorized Agency may initiate a move under the following circumstances:

- a. The participant presents a serious threat to self that cannot be resolved through person centered care planning and the participant is incapable of engaging in a negotiated risk agreement;
- b. The participant presents a serious threat to other residents of the home or staff that cannot be managed through interventions, person centered care planning or negotiated risk agreements;
- c. A court has ordered the move;
- d. The participant/legal representative failed to pay room & board in accordance with the live-in agreement;

- e. The participant/legal representative refuses to abide by the terms of the live-in agreement; or
- f. If the AFC Home provider can no longer meet the participant's needs as identified in the person centered care plan and according to the contract with the Authorized Agency.

C. Emergency move from an AFC Home.

An emergency move may be made with less than 30-day notice under the following circumstances:

- a. An emergency move from the AFC Home is necessary for the health and safety of the participant or other residents and the participant's attending physician, Authorized Agency and Case Manager have documented the specific circumstances.
- b. A natural disaster or emergency necessitates the evacuation of individuals from the home; or
- c. When ordered or permitted by a court.

The Authorized Agency, AFC Home provider and Case Manager must include the participant (and legal representative) in the decision-making process concerning any move and the selection of a new home provider or other placement. The participant (or legal representative) must be offered a referral to the Long-Term Care Ombudsman program when the participant (or legal representative) is not initiating the move.

The Authorized Agency, AFC Home Provider and Case Manager will make all reasonable attempts to remedy a situation prior to an involuntary move. Efforts may include, but are not limited to, negotiated risk contracts, involvement of Adult Protective Services, family care conferences, and interdisciplinary team meetings. Efforts must be clearly documented and the Authorized Agency must contact DAIL staff and the case manager (when applicable), prior to termination. Once a decision to terminate services has been made, the provider must send a written notice to the individual explaining the reasons for termination.

If the AFC Home provider has initiated the move and the situation is not remedied after 30 days, and other CFC services are not being successfully utilized, the individual may be terminated from CFC services. The Authorized Agency must consult with the individual, DAIL staff and the case manager prior to a CFC termination. A "Change Report" from must be completed by the case manager-AA and sent to DAIL. DAIL staff will send a written notice with appeal rights to the individual and DCF if the CFC denial or termination is involuntary.

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