

AGED AND DISABLED WAIVER PROCEDURAL GUIDELINES

INTRODUCTION

Overview: The following procedural guidelines were developed for three situations: 1) Noncompliance, 2) Unsafe environment and 3) Problem solving staff Issues. Problem solving will assist the agency with determining the “root cause” of the problem.

Goal: To increase provider problem solving with challenging situations.

Requests for Discontinuation of Services: There are three (3) reasons to request to close a case: Noncompliance, unsafe environment, or inability of ADW services to keep a participant safe in his/her home. However, these cases MUST meet the criteria, MUST show evidence and MUST reveal actions on the case.

Disclaimer: This procedural guide may not include all necessary steps needed for every potential unsafe environment case. Each situation is unique and may require additional interventions or actions.

PROCEDURAL GUIDELINES: NONCOMPLIANCE

Intent: Program noncompliance is consistently not following the ADW program policies, the Service Plan (Personal Attendant Log) and/or services.

Examples of Noncompliance:

- Refusal to verify services provided by signing/dating/initialing daily documentation.
- Refusal to turn in paperwork or allow worker to implement Service Plan.
- Refusal to follow Service Plan and/or refusal to follow ADW recipient responsibilities.
- Refusal to allow staff in the home for visits or services.
- Demanding workers to leave, yelling, cussing, slamming doors, phone hang-ups, etc.
- Refusal to open door or respond to calls from staff.
- Refusal to allow assessments or plans to be conducted.
- Not maintaining a safe environment for the worker.
- Other areas of policy or plan noncompliance.

Noncompliance Procedural Guidelines

First step: Action by the Agency

1. Ensure everyone’s health and safety.
2. Refer to Adult Protective Services.
3. Submit an incident in the WV Incident Management System (IMS).
4. Document everything and ask workers to document or provide statements.
5. Refer to law enforcement for illegal issues.
6. Develop and implement a behavior contract.

AGED AND DISABLED WAIVER PROCEDURAL GUIDELINES

7. Ensure the legal representative and primary care physician are aware of the issues in the home.

Second step: Formal Request for Technical Assistance

1. Ensure that steps 1-7 are completed prior to contacting BoSS for technical assistance.
2. Request technical assistance by sending an email to seniorservicesmedicaid@wv.gov

Third step: Request to close case for member noncompliance.

1. Submit a summary letter on agency letterhead with signature, describing the consistent history of noncompliance by the ADW person. Complete in full the Request to Discontinue Services (marked noncompliance) and fax with evidence to BoSS.
2. Attach evidence of the noncompliance (remember, the case could go to a hearing).
3. Incident reports, if applicable.
4. Evidence of referral to APS.
5. Police reports, if applicable.
6. Statements from workers or other agency staff.
7. Copies of RN or CM notes or daily documentation verifying the noncompliance.
8. Any other evidence that supports the existence of consistent noncompliance with the program.
9. Do not close the case unless you have heard from BoSS. If you have not heard from BoSS within three (3) business days of contacting them last about the case, call the staffperson at BoSS.
10. BoSS will not make a decision about an agency's employee. BoSS will educate the agency about risk.

PROCEDURAL GUIDELINES: UNSAFE ENVIRONMENT

Intent: An unsafe environment is the threat of harm to staff or harm that has already occurred.

Examples of Unsafe Environment:

- Threat of harm to the staff.
- Illegal activity or drug activity in the home.
- Physical harm to the staff.
- Property damage threatening harm to the staff.
- Unsafe use or possession of guns in the home.
- Illegal substances or stolen goods in the home.
- Any other imminent risk to the staff.

AGED AND DISABLED WAIVER PROCEDURAL GUIDELINES

First step: Action by the Agency

1. Ensure everyone's health and safety.
2. Refer to Adult Protective Services.
3. Submit an incident in the WV Incident Management System (IMS).
4. Document everything and ask workers to document or provide statements.
5. Refer to law enforcement for illegal issues.
6. Develop and implement a behavior contract.
7. Ensure the legal representative and primary care physician are aware of the issues in the home.

Second step: Formal Request for Technical Assistance

1. Ensure that steps 1-7 are completed prior to contacting BoSS for technical assistance unless it is so severe that it is felt that a behavior contract would not suffice.
2. Request technical assistance by sending an email to seniorservicesmedicaid@wv.gov

Third step: request to close case for unsafe environment

1. Submit a letter describing the overall unsafe environment on agency letterhead with signature. Complete request to close case and fax to BoSS.
2. Attach evidence of the unsafe environment (remember, case could go to hearing).
3. Include incident reports from the WV Incident Management System.
4. Evidence of referral to APS.
5. Attach police reports.
6. Include statements from workers.
7. Send copies of RN, Case Manager or Staff notes or other documentation regarding the unsafe environment.
8. Attach any other evidence that supports the existence of the unsafe environment.
9. Do not close the case unless you have heard from BoSS. If you have not heard from BoSS within three (3) business days of contacting them last about the case, call the staffperson at BoSS.
10. BoSS will never ask a provider to place a worker in harm's way. BoSS will not make a decision about an agency's employee. BoSS will educate the agency about risk.

PROCEDURAL GUIDELINES: INABILITY OF ADW SERVICES TO MAINTAIN PERSON SAFELY IN HOME

Intent: A person's medical condition has degenerated to the point that it is no longer feasible to maintain the person safely in his/her home using ADW services. Even the addition of Personal Care services, if applicable, are not sufficient to meet the needs of the person.

AGED AND DISABLED WAIVER PROCEDURAL GUIDELINES

Examples of Inability of ADW Services to Maintain Person Safely in Home:

- Person's weight exceeds the amount that Personal Attendant and others available in home, if applicable, can safely transfer/move the person for care purposes.
- Person's condition is such that the person cannot safely be in the home unattended for any period of time and there is no one available to provide the care after agency staff leave.

First step: Action by the Agency

1. Ensure everyone's health and safety.
2. Refer to Adult Protective Services.
3. Submit an incident in the WV Incident Management System (IMS).
4. Document everything and ask workers, medical staff, etc. to document or provide statements.
5. Develop and implement a behavior contract that either includes an agreement from the person to go to a nursing facility or to live with a loved one who can adequately care for their needs permanently or until the issues can be resolved.
6. Ensure the legal representative and primary care physician are aware of the issues in the home.

Second step: Formal Request for Technical Assistance

1. Ensure that steps 1-6 are completed prior to contacting BoSS for technical assistance unless it is so severe that it is felt that a behavior contract would not suffice or the person will not agree to sufficient behavior contract.
2. Request technical assistance by sending an email to seniorservicesmedicaid@wv.gov

Third step: request to close case due to inability of ADW services to maintain person safely in his/her home

1. Submit a letter describing the overall situation that led to person no longer being safe in home with ADW services on agency letterhead with signature. Complete request to close case and fax to BoSS.
2. Attach evidence of the inability of the person to be maintained safely in the home (remember, this could go to hearing).
3. Include incident reports from the WV Incident Management System.
4. Evidence of referral to APS.
5. Include statements from workers.
6. Send copies of RN, Case Manager, RC or Staff notes or other documentation regarding the inability of the person to safely stay in his/her home with ADW services.

AGED AND DISABLED WAIVER PROCEDURAL GUIDELINES

7. Attach any other evidence that supports the inability of the person to safely stay in his/her home with ADW services.
8. Do not close the case unless you have heard from BoSS. If you have not heard from BoSS within three (3) business days of contacting them last about the case, call the staffperson at BoSS.
9. BoSS will never ask a provider to place a worker in harm's way. BoSS will not make a decision about an agency's employee. BoSS will educate the agency about risk.

PROBLEM SOLVING: STAFF IN THE HOME					
First, assess the root cause of the problem. It is unacceptable to NOT provide a worker to an ADW recipient. Problem solve the situation (exception is unsafe environment and noncompliance, with BoSS's approval).					
Remote Location/Poorly Staffed Area	No Shows/Call Offs	Behavioral	Erratic or Dangerous Behaviors/Substance Use	Program Noncompliance	Unsafe Environment
Definition: Location has few employee resources, difficult to hire or difficult to reach.	Definition: Consistently workers do not show for work as assigned.	Definition: Inappropriate behavior but not caused by medical, mental or substance use.	Definition: Challenging behaviors are associated with substance use, dementia, Alzheimer's or TBI.	Definition: Consistent refusal to comply with the program policy, Service Plan and services.	Definition: Home environment where there is a threat of harm (staff and/or recipient).
Remote Location/Poorly Staffed Area	No Shows/Call Offs	Behavioral	Erratic or Dangerous Behaviors/Substance Use	Program Noncompliance	Unsafe Environment
Indicators: Few new hires, recruitment unsuccessful, hard to reach home, poor road conditions, no public transport and many <u>other</u> businesses in area.	Indicators: No one shows for the shift, no call from worker, calls person/not office, calls at last minute or goes into work late.	Indicators: Screaming or "cussing" at staff, throwing or hitting, verbal abuse, threats and "kicking the worker out or firing him/her".	Indicators: Person's substance use, cognitive, Alzheimer's or dementia behaviors or erratic/dangerous behaviors affect the provider's ability to implement services (see behavioral indicators).	Indicators: Refusal to allow staff into the home, open the door, sign paperwork, home visits, phone calls or maintain a safe environment for staff.	Indicators: Threats of harm or harm to the staff, illegal activity, unsafe guns in the home, drug activity and any actions that may harm the staff.

AGED AND DISABLED WAIVER PROCEDURAL GUIDELINES

<p>Actions: Recruit new hires from alternative sources, research local family or friends in area; offer emergency transfer; implement secondary Personal Attendant agency.</p>	<p>Actions: <u>Dual approach:</u> assign 2 workers, one half week and other the second half. <u>Back up:</u> Assign 2 back up workers to cover for no shows.</p>	<p>Actions: Behavior contract with the recipient; set boundaries; train staff in behavioral interventions; temporarily leave room to avoid reinforcing behavior.</p>	<p>Actions: Adult Protective Services (APS) if abuse, neglect or exploitation involved; mental health referral or consult with the primary care physician; referral to substance abuse programs, if applicable, commitment (if appropriate), behavior contract (if appropriate); refer to physician to address condition medically first.</p>	<p>Actions: Provide ADW responsibilities with signature; Medicaid Fraud or Recipient Fraud handout, if applicable; behavior contract to address issues; <u>document noncompliance</u>; stress compliance with policy, Service Plan (PAL) and services; and file an incident report. Request to close with evidence if continues.</p>	<p>Actions: Behavior contract; APS referral; law enforcement referral for illegal acts; ensure safety of the staff; and file an incident report. Request to close if there is a threat of harm to the staff going in home.</p>
---	---	---	--	---	---