



Exhibit H

Participant Termination of Services

Purpose:

To provide Accessing Independence staff with the State regulations on how to handle the following:

- Non-eligibility for services
- Reduction in services
- Termination of services

Definitions:

Reduction in Services is a decrease in the number of regularly scheduled hours of services a participant receives due to a decrease in need or the total elimination of certain services when it is determined that the participant no longer needs those particular services.

PAS providers have a right to terminate services from participants. If the PAS provider makes this choice & sends the 30 day notice to the SC & participant, the participant does not have a right to appeal. The SC would work with the participant to find another PAS provider.

The participant would only have a right to appeal if the SC made the determination to reduce or terminate services. In that case, the MA 561 is sent by the SC entity.

Conditions Under Which Services May Be Reduced or Terminated:

Should the Home and Community Based Services modification be involuntary and result in participant disagreement, AI Staff will exhaust all means to resolve issues leading to services reduction or termination.

AI staff will follow the AI Policy on Compliant and Grievance Process; it will be initiated prior to mailing a 30 Day termination letter. Thorough documentation of efforts to resolve differences and keep the participant informed will be submitted in writing to the participant's supports coordinator and will be recorded in HALO.

PAS providers need to send participant a 30 day notice when terminating services.

Professional Judgment/Just Cause

The Staffing Supervisor or Executive Director may reduce or terminate services to a participant when, in their professional judgment, one of or more of the following circumstances exist(s).

- The participant no longer needs certain services or the level of services currently being provided.
- The participant needs a level of services that is beyond the scope and purpose of the HCBS Waiver Program.
- The participant routinely exhibits uncooperative behavior, misuses services, and/or abuses his/her personal assistant and/or the AI staff.
- Unsafe or unsanitary conditions exist or unsafe activities occur in the participant's home jeopardize the health or safety of his/her personal assistant and/or AI staff.
- The participant is involved in activities perceived by any reasonable person apprised of the facts to be of an illegal nature.

- The participant signs and/or submits time sheets or uses the electronic time and attendance system for services not provided or hours not worked by an attendant with purposeful intent to defraud.
- The participant does not remit assessed fees in accordance with the payment schedule mutually agreed upon by the participant and the contractor.

When, in the AI Staffing professional judgment, a participant's services must be reduced or terminated, the participant's Supports Coordinator needs to be notified.

The AI staff must review this decision with their Supervisor prior to beginning the process of reducing/terminating services.

The participant must be notified in writing no less than 30 days prior to the effective date of service reduction or termination. A letter will be completed, mailed to the participant, and serve as official notification. The supervisor will notify the Service Coordinator.

The AI team member and Supervisor must document and share the termination process with the participants Service Coordinator.

Participant's Responsibility in Filing an Appeal

- In accordance with 55 PA Code, Chapter 275, a participant retains the right to a departmental fair hearing only if the Bureau of Hearings and Appeals receives a request for a hearing within 30 calendar days of the date on the
- As directed by instructions on the Notice, the participant's request must specify the reason(s) for the appeal and his/her current address and a daytime telephone number.
- The participant may elect to be represented at a hearing by any person of his/her choosing, including an attorney.
- The participant must submit the request for a hearing to their Supports Coordinator who will, in turn, forward to the Supervisor for submission to the Bureau of Hearings and Appeals.

AI Responsibility Related to the Appeal

- The AI Staffing Coordinator and Supervisor will inform participants Supports Coordinator at least 30 days in advance of termination of services.

- AI may not take the proposed adverse action until at least 30 calendar days have elapsed from the date the participant was notified of the intent to reduce or terminate services, except if directed by OLTL.

Service Provision during an Appeal:

- If, within 10 calendar days of the date the participant was notified of the adverse action, AI receives an appeal requesting a hearing, the existing level of services must continue until the appeal is heard and a decision is rendered by the Bureau of Hearings and Appeals. Should services reduction and/or termination be due to the existence of unsafe or unsanitary conditions or because activities are occurring which jeopardize the health or safety of an attendant and/or the AI staff, the AI Staffing Supervisor and Executive Director needs to consult with the OLTL-BHCBS to develop a plan of action.
- OLTL-BHCBS recognizes that home and community based programming is unique in the demands placed upon services providers. That is, unlike financial assistance entitlement programming and/or many other services of the Department, the HCBS Waiver programs are "in-home" services models. Staff acting on behalf of the HCBS Waivers routinely provides service at all hours of the day or night and most often in the presence of no other persons (apart from the participant). In recognition of this fact, the Department will not knowingly require HCBS funded personnel to risk assault or other significant harm in the fulfillment of duty.

The BHCBS will send an explanatory letter to the participant (with a copy to AI) should services suspension be deemed necessary. The Department will also inform Departmental Legal Counsel and other authorities, as appropriate.