**Section 240.350 Participant/Authorized Representative Cooperation**

Participants/authorized representatives shall cooperate with the representatives of the Department/CCUs/providers in determinations of eligibility, redeterminations, other necessary or required face-to-face visits, or provision of CCP services.

a) Failure to cooperate in the actions specified below shall be considered non-cooperative and shall be cause for suspension.

1) A participant/authorized representative shall notify the office of the provider at least 1 day in advance when the participant will not be present in his/her home to receive scheduled services.

A) If the participant's absence from his/her home on a day services are scheduled is due to an emergency, the participant/authorized representative shall advise the office of the provider as quickly as possible and it will not be considered non-cooperative.

B) The provider shall document the absences of the participant without prior notification (except any absence caused by an emergency) and shall be reimbursed by the Department for 2 such absences (see Section 240.210).

C) Two such documented absences within a State fiscal year shall be cause for suspension of the participant's services pending termination. The provider has the option of not reporting non-cooperative absences; however, if the second non-cooperative absence is reported with request for reimbursement, suspension procedures shall be implemented.

D) The provider shall verbally advise the CCU on the same day, if possible, but not later than the next work day after the date of the second non-cooperative absence. A written report including, at a minimum, the names of the participant and the worker, and the dates of the first and second non-cooperative absence, shall be submitted by the provider to the CCU within 2 work days after the date of the second non-cooperative absence. The written report may be submitted in person or through mail, facsimile or electronic means.

E) Upon receipt of verbal notification of the second documented non-cooperative absence within a State fiscal year, the CCU shall suspend the participant's services as required in Section 240.930. The date of suspension shall be the date that the second non-cooperative absence occurred.

2) A participant/authorized representative shall notify the office of an adult day service provider at least 1 day in advance when the participant will not be attending the adult day service site or will not be in need of transportation to or from the adult day service site, as scheduled and required by the person-centered plan of care.

A) If the participant's absence from the adult day service site or refusal to accept transportation to the adult day service site is due to an emergency, the participant/authorized representative shall advise the office of the provider as quickly as possible and it will not be considered non-cooperative.

B) The provider shall document the participant's absence or refusal to accept transportation without prior notification thereof (except any absence caused by an emergency) and shall be reimbursed by the Department for 2 such absences or refusals (refer to Section 240.230).

C) Two such documented absences or refusals within a State fiscal year shall be cause for suspension of the participant's services pending termination. The provider has the option of not reporting non-cooperative absences; however, if the second non-cooperative absence is reported with request for reimbursement, suspension procedures shall be implemented.

D) The provider shall verbally advise the CCU on the same day, if possible, but not later than the next work day after the date of the second non-cooperative absence or refusal. A written report including, at a minimum, the names of the participant and the worker and the dates of the first and second non-cooperative absence or refusal, shall be mailed by the provider to the CCU within 2 work days after the date of the second non-cooperative absence or refusal. The written report may be submitted in person or through mail, facsimile or electronic means.

E) Upon receipt of verbal notification of the second documented non-cooperative absence or refusal within a State fiscal year, the CCU shall suspend the participant's adult day service (including transportation if specified in the person-centered plan of care) as required in Section 240.930. The date of suspension shall be the date that the second non-cooperative absence or refusal occurred.

3) A participant/authorized representative shall not refuse to allow the provider into the participant's home to provide services.

A) The provider shall document the refusal to allow services to be provided and shall be reimbursed by the Department for 2 such refusals (see Section 240.210).

B) Two such documented refusals within a State fiscal year shall be cause for suspension of the participant's services pending termination. The provider shall verbally advise the CCU on the same day, if possible, but not later than the next work day after the date of the second refusal. A written report including, at a minimum, the names of the participant and the worker and the dates of the first and second refusal, shall be mailed by the provider to the CCU within 2 work days after the date of the second refusal. The written report may be submitted in person or through mail, facsimile or electronic means.

C) Upon receipt of verbal notification of the second documented refusal within a State fiscal year, the CCU shall suspend the participant's services as required in Section 240.930. The date of suspension shall be the date that the second refusal to allow service occurred.

4) A participant/authorized representative shall not interfere with provision of the services specified in the person-centered plan of care, either in the participant's home or in any adult day service site.

A) The provider shall document the interference with provision of the services specified in the person-centered plan of care.

B) Two such documented instances of interference within a State fiscal year shall be cause for suspension of the participant's services pending termination. The provider shall verbally advise the CCU on the same day, if possible, but not later than the next work day after the date of the second occurrence. A written report including, at a minimum, the names of the participant and the worker and the dates of the first and second occurrence, shall be submitted by the provider to the CCU within 2 work days after the date of the second occurrence. The written report may be submitted in person or through mail, facsimile or electronic means.

C) Upon receipt of verbal notification of the second documented occurrence of interference within a State fiscal year, the CCU shall suspend the participant's services as required in Section 240.930. The date of suspension shall be the date of the second occurrence of interference occurrence.

5) A participant /authorized representative or any family member/friend/acquaintance of the participant/authorized representative shall not threaten or act abusively (e.g., physical, verbal, sexual) or display a weapon (e.g., gun, knife) against any representative of the Department, CCU or provider who is present in the participant's home or at an adult day service site. The participant/authorized representative shall be responsible for any animal present in the home of the participant and shall prevent the animal from physically harming a representative of the Department/CCU/provider.

A) If the threat or abuse takes place in a participant's home, the party who has been threatened or abused shall leave the premises immediately and verbally advise the CCU on the same day, if possible, but not later than the next work day.

B) If the threat or abuse takes place in an adult day service site, the family/authorized representative shall be advised immediately and the CCU shall verbally be advised on the same day, if possible, but not later than the next work day.

C) A written report including, at a minimum, the name of the participant and the in-home worker/adult day service site worker, and the date and details of the threat or abuse, shall be submitted by the provider to the CCU within 2 work days after the date that the threat or abuse occurred. The written report may be submitted in person or through mail, facsimile or electronic means.

D) Upon receipt of verbal notification of threat or abuse, the CCU shall, on the same day, if possible, but not later than the next work day:

i) suspend a participant's services in the participant's home and/or at an adult day service site, as required in Section 240.930; or

ii) suspend a participant's determination of eligibility process as required in Section 240.930.

E) The date of suspension shall be the date that the threat or abuse occurred.

6) A participant/authorized representative and/or any family member/friend/acquaintance of the participant/authorized representative will be responsible for damages to or loss of the AMD equipment or Emergency Home Response base unit or activation devices unless a law enforcement report of theft or intentional damage has been filed.

A) The provider will document the damages/loss of the equipment.

B) One documented occurrence of intentional damages/loss of equipment will be cause for suspension of the participant's services, pending termination. The provider shall verbally advise the CCU on the same day, if possible, but not later than the next work day after the date of the occurrence. A written report, including, at a minimum, the names of the participant and the worker and the date of the occurrence, will be submitted by the provider to the CCU within 2 work days after the date of the occurrence. The written report may be submitted in person or through mail, facsimile or electronic means.

C) Upon receipt of verbal notification of the documented occurrence of intentional damages or loss of equipment within a State fiscal year, the CCU will suspend the participant's services as required in Section 240.930. The date of suspension will be the date of the occurrence of damages to or loss of equipment.

7) The CCU shall notify the participant/authorized representative and the provider of the suspension in accordance with Section 240.930(c) and (d).

8) The CCU shall develop a memorandum of understanding between the participant/authorized representative of the CCU and the provider, in accordance with Section 240.930(e).

9) Upon the execution of the memorandum of understanding, the participant's services or the participant's determination of eligibility process, as appropriate, shall be reinstated in accordance with Section 240.930(f).

10) Failure to sign a memorandum of understanding shall be grounds for termination or denial, as appropriate.

11) If, following reinstatement, the requirements of the memorandum of understanding have not been adhered to by the participant/authorized representative, the request for services shall be denied or services shall be terminated, as appropriate.

12) Notification of denial or termination shall be in accordance with Section 240.910 or 240.945, as appropriate.

b) Failure to cooperate in the actions specified in this subsection (b) shall be considered non-cooperation and shall be cause for denial of a request for services or termination of service, as appropriate.

1) A participant/authorized representative or any family member/friend/acquaintance of the participant/authorized representative shall not inflict physical injury upon any representative of the Department, CCU or provider, either in the participant's home or while the participant is attending an adult day service site.

A) If the infliction of physical injury takes place in the participant's home, the injured party shall leave the premises immediately and verbally advise the CCU on the same day, if possible, but not later than the next work day.

B) If the infliction of physical injury takes place in an adult day service site, the family/authorized representative shall be advised immediately and the participant shall be removed immediately. The CCU shall verbally be advised on the same day, if possible, but not later than the next work day.

C) A written report including, at a minimum, the names of the participant and the worker/adult day service site worker, and the date and details of the infliction of physical injury, shall be mailed by the provider to the CCU within 2 work days after the date that the physical injury was inflicted. The written report may be submitted in person or through mail, facsimile or electronic means.

D) Upon receipt of verbal notification of physical injury the CCU shall, on the same day, if possible, but not later than the next work day:

i) institute immediate denial of a request for services or termination of services. The effective date of denial or termination shall be the date that the infliction of physical injury occurred;

ii) verbally notify the participant/authorized representative of the denial or termination. Written notification shall be sent by certified mail to the participant/authorized representative, and by regular mail to the provider within 5 calendar days after the date of the verbal notification; and

iii) verbally notify the Department of the denial or termination followed by a written report within 5 calendar days after the date of the verbal notification.

2) Participants/authorized representatives shall provide assistance in securing documentation and/or factual information to be utilized in the determination of initial and continuing eligibility for CCP services, as well as the type, level and amount of services to be provided. Refusal to provide the specified assistance needed shall be cause for denial of a request for service or termination of a participant's services as appropriate.

3) Participants/authorized representatives shall provide a mailing address, including sufficient information to enable the Department/CCU/provider to locate the participant/authorized representative (i.e., the name, address and telephone number of a contact through whom the participant may be located; it may be necessary to provide directions to the participant's home). Refusal to provide the specified assistance needed shall be cause for denial of a request for service or termination of a participant's services as appropriate.

4) Notification of denial or termination shall be in accordance with Section 240.910 or 240.945, except as specified in subsection (b)(1)(D).

(Source: Amended at 42 Ill. Reg. 20653, effective January 1, 2019)