**Section 240.355 Violence By Participants/Authorized Representatives**

a) A participant, authorized representative, or any family member shall not threaten or act abusively against any representative of the Department, CCU, or CCP provider who is present in the participant's home, or against any person at an ADS site. Such actions include physical, verbal or sexual threats or actions, including display of a gun, knife or other weapon, by a participant, authorized representative, or by any family member, friend or acquaintance of the participant /authorized representative who is present. 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.

1) 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.

2) If the threat or abuse takes place in an ADS 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.

3) The provider shall submit to the CCU a written report including, at a minimum, the name of the participant and the in-home worker/ADS site worker, and the date and details of the threat or abuse, within two work days after the date that the threat or abuse occurred.

4) 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:

A) suspend a participant's services in the participant's home and/or at an ADS site pending the issuance of a MOU, and

B) suspend a participant's determination of eligibility process pending the issuance of a MOU.

5) The CCU must inform the participant/authorized representative of the suspension within one calendar day of the suspension. The date of suspension shall be the date that the participant/authorized representative is notified.

6) The CCU shall have five calendar days from the date of suspension to execute a MOU with the participant.

b) If any representative of the Department, CCU, or CCP provider suffers physical injury inflicted by a participant/authorized representative, or by a family member, friend or acquaintance of the participant/authorized representative, either in the participant's home or while the participant is attending an ADS site, the following actions shall be taken:

1) 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.

2) If the infliction of physical injury takes place in an ADS 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.

3) The provider shall submit to the CCU a written report including, at a minimum, the names of the participant and the worker/ADS site worker, and the date and details of the infliction of physical injury, within two work days after the date that the physical injury was inflicted.

4) 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:

A) 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;

B) verbally notify the participant/authorized representative of the denial or termination. Written notification shall be mailed or emailed to the provider within five calendar days after the date of the verbal notification; and

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

(Source: Added at 48 Ill. Reg. 11053, effective July 16, 2024)