

Attachment K: CORRECTIVE ACTION PLAN REVIEW PROTOCOL

Contractor Receipt of Corrective Action Plans (CAP)

1. When a monitoring report requires a CAP, the provider/municipality has 45 calendar days from receipt of the monitoring report to develop and submit a CAP to the Contractor.
2. The Contractor may grant a provider or municipality a 15-day extension, in writing, to submit a CAP for extenuating circumstances. The Contractor is responsible for tracking receipt and extensions of all provider and municipal CAPs and providing monthly reports to the Department.
3. The Contractor receives and screens all provider and municipal CAPs, using a standardized review tool approved by the Department, to ensure all essential components are included. If components are missing or do not meet the screening requirements, the Contractor contacts the provider/municipality to request that they submit corrections or additions within 10 calendar days. The Contractor provides monthly reports on CAP screening data to the Department.
4. If a provider or municipality fails to submit the required CAP to the Contractor, the Contractor will follow up, in writing (emailed letter), with the provider. The Contractor will direct submission of the CAP within seven calendar days.
5. If a provider or municipality fails to submit the required CAP to the Contractor within seven calendar days, the Contractor will follow up for a second time, in writing (letter sent via FedEx), with the provider. The Contractor will direct submission of the CAP within seven calendar days.
6. If the provider or municipality does not respond to the initial request for a CAP and two more documented follow up attempts by the Contractor, the Department sends a letter informing the provider/municipality that the Department may now take additional enforcement action.

Contractor Review/Approval of Corrective Action Plans

After a provider/municipal CAP passes the screen, the Contractor reviews the CAP, including all materials submitted with the CAP. If the materials are voluminous, the Department will work with the Contractor to determine which information may be considered extraneous and can be excluded from the CAP review. The Department is available for technical assistance to the Contractor staff during their CAP review process.

The Contractor is responsible for identifying any findings within the provider's current monitoring report that are a repeat of findings they received during previous monitoring reviews. The Contractor reviews the previous CAP response and compares it to the current CAP response using a Department approved review protocol and will insert appropriate Department-approved language into the CAP response for that indicator.

The Contractor is responsible for reviewing the provider's proposed corrective actions for each indicator with a finding. Using a format and consistent language approved by the Department, the Contractor then develops a document with individualized responses to the provider's proposed corrective actions for each indicator.

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1. Accepted corrective action

When the provider's proposed corrective actions for an indicator demonstrate a clear understanding of program requirements with steps that will result in effective correction and, for an agency provider the CAP recognizes that staff or contractors acting on behalf of the agency provider must be made aware of and carry out the new/revised policies and procedures, the Contractor will consider the CAP response for the indicator "Accepted" and will insert appropriate Department approved language into the CAP response for that indicator.

2. Accepted with Technical Assistance corrective action

When the provider's proposed corrective actions for an indicator demonstrate a basic understanding of program requirements, and/or the proposed corrective actions need only minor correction or additions to be considered accepted, the Contractor will consider the CAP response for the indicator "Accepted with technical assistance" and will insert appropriate Department approved language that provides technical assistance into the CAP response for that indicator. The technical assistance includes feedback to clarify program regulations, statute, or guidance and informational worksheets with criteria for those findings may be provided to assist the provider to revise their corrective action to include all relevant criteria.

3. Needs Correction corrective action

When the provider's proposed corrective actions for an indicator fail to demonstrate even a basic understanding of program requirements, and/or the proposed corrective actions need major correction or additions to be considered accepted, the Contractor will consider the CAP response for the indicator "Needs Correction" and will insert appropriate Department approved language into the CAP response for that indicator. The indicator language includes feedback to clarify program regulations, statute, or guidance and informational worksheets with criteria for those findings may be provided to assist the provider to revise their corrective action to include all relevant criteria. Resubmission is required for indicators that need correction.

Resubmitted CAPs are sent directly to the Department to be screened, tracked, and reviewed. Should a second CAP response result in another "Needs Correction" determination for one or more indicators, the Department will follow up and consider possible enforcement action.

If a provider submits substantive comments with their CAP regarding the monitoring process, or challenges the contractor's findings, the Contractor forwards copies of that documentation to the Department Early Intervention Program for technical assistance. This may result in the provider receiving a customized letter with their CAP response, acknowledging their observations of the monitoring process, or accepting or disagreeing with their comments regarding the findings.

Within 45 days after a provider CAP is successfully screened by the Contractor and a draft CAP response sent to the Department to review and approve, the Department sends the final CAP response letter to the provider/municipality which notifies the provider that the CAP is accepted in full; accepted with technical assistance, without need for a resubmission; or that one or more indicators need correction and additional corrective actions must be resubmitted

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for those indicators. When the letter indicates the CAP does not require resubmission (all indicators have been found to either be "Accepted" or Accepted with technical assistance"), the letter also informs the provider that the monitoring report, CAP, and any comments received are considered final, and are public documents, which may be subject to the Freedom of Information Laws. The Department also sends copies of the CAP response letter to each municipality identified in the provider's service catchment and any Early Intervention agency in contract with the provider. The Contractor forwards the original provider CAP, copies of the draft CAP response, any provider comments, and CAP feedback from municipalities in contract with the provider to the Department.