**Procedural Standard 98-5** **May 27, 2014**

TO: All Disability Reviewers, Disability Assistants, and CE Schedulers

FR: A. E. Adams, Ph.D, Senior Director, Disability Evaluation Services

BY: Sherry Campanelli, Program Compliance Manager

RE: **Rescheduling of** **consultative examinations/good cause factors**

**Purpose:** The purpose of this memorandum is to clarify the procedures for rescheduling a consultative examination (CE) as directed by *Thibault, et al. v. Department of Transitional Assistance* and *McColgan and White v. Wagner* and our EOHHS Interagency Services Agreement. These instructions apply when the applicant calls to reschedule the appointment prior to the appointment date or has failed to attend the examination. It further defines acceptable “Good Cause” events, including both loose and strict interpretations.

**Background:** It is important that DES acknowledges a client’s intent to cooperate with the CE process while at the same time consistently adhering to established guidelines for rescheduling of CE’s. Clients, who make an attempt to cooperate, as evidenced by the client’s call to DES about an appointment, will be afforded an opportunity to reschedule the CE appointment one time each episode with “loose good cause” factors.

 Clients who fail to keep a CE appointment and who make no attempt to contact DES are not rescheduled. In these situations, DES makes a decision based on available information.

Any subsequent requests for rescheduling will only be for acceptable “strict good cause” reasons. DES staff must document the client’s specific reason for not attending a CE in DEScovery progress notes. DES may require documentation related to the strict good cause events, such as for court dates, work, and/or death of relatives. Any doubt about whether or not to proceed with rescheduling a CE should be resolved by consulting a Clinical Manager or Administrative Manager.

 The following is a list of acceptable “strict good cause” events related to rescheduling consultative examinations beyond the first time:

* 1. there has been a death in the applicant's/recipient's immediate family within the last two weeks;
	2. the applicant/recipient has an illness on the date of the scheduled exam or significant exacerbation of the chronic condition on the date of the exam;
	3. the applicant/recipient failed to receive the notice of an examination;
	4. the applicant/recipient received incorrect information about the location and/or time of  the examination;
	5. there is a breakdown in transportation arrangements with no ready access to alternate transportation;
	6. there is a breakdown in child care arrangements with no ready alternatives;
	7. illness of a child with no ready alternatives for providing the child with care;
	8. the applicant/recipient  has been called for jury duty or other court appearance on the date of the exam;
	9. the applicant/recipient has conflicting school or other work/training commitments as a part of their approved DTA plan;
	10. the applicant/recipient has a temporary illness, such as a cold or flu;
	11. inclement weather which makes travel impossible; or
	12. the applicant or recipient or a member of his or her immediate family suffers a family crisis or emergency situation or other compelling circumstance beyond the control of the applicant/recipient and that (a) demands the applicant's/recipient's immediate attention; (b) can only be attended to by the applicant/recipient; and (c) can only be attended to during the time of the scheduled examination.
	13. Other reasons deemed equally compelling by the Clinical Manager or an Administrative Manager.

 **“Loose good cause”** will include all the above plus any reasonable excuse the client offers.

**Procedure:** Procedures for the following scenarios should be followed consistently:

1. **Client calls saying (s)he refuses to attend any CE**: The Disability Assistant (DA) proceeds as follows:
* Cancels scheduled CE(s)
* States that a decision will be made with information that is available.
* Documents telephone call and client’s statement in a DEScovery progress note
* The Disability Reviewer (DR) then decides case based on available information. If denial, DR closes case coded as “253– Failure to cooperate.”
1. **Client calls to request re-schedule prior to appointment #1 date**:
* Any reasonable excuse (“loose good cause”) is acceptable for #1 re-schedule
* DA reads “loose good cause” script regarding rescheduling including “strict good cause” information
* DA documents client’s specific reason for not attending the CE in a DEScovery progress note and reschedules the appointment.

# Client is a “no-show” for CE appointment #1

“No shows” are routinely identified by the Provider Management Coordinator (PCM) who calls or faxes the CE provider the day after the appointment to determine the client’s show/no-show status. PCM also may determine if the client called the CE provider to cancel or reschedule the appointment.

* Client calls DES/provider **within 72 hours** with reasonable excuse (“loose good cause”) for no-show: DA reads the “loose good cause” script, documents the client’s specific reason for not attending the CE in the progress note and reschedules the appointment.
* Client does not call: DR decides case based on available information. If denial, DR closes the case coded as “252 - Failure to attend consultative examination” after 72 hours.
1. **Client calls to request re-schedule prior to appointment #2 date**:
* DA reads “strict good cause” script regarding rescheduling.
* If client’s reason meets “strict good cause”, DA documents client’s specific reason for not attending the CE in a progress note and reschedules the appointment. DES may require documentation related to the good cause event.
* If client’s reason does not meet “strict good cause”, DA reads “strict good cause” script, documents client’s specific reason for not attending the CE in progress note and does not reschedule the appointment. If client says he/she will not attend the original CE, DA cancels the CE. DR decides case based on available information. If denial, case is closed and coded “253.”

# Client is a no-show for CE appointment #2:

* Client calls **within 72 hours** with excuse for no-show and reason meets “strict good cause”: DA reads “strict good cause” script, stating that the appointment will be rescheduled, documents the client’s specific reason for not attending the CE in the progress note and reschedules the appointment. DES may require documentation related to the good cause event.
* Client calls within 72 hours with excuse for no-show and reason does not meet “strict good cause”: DA documents client’s specific reason for not attending the CE in the progress note; and does not reschedule the appointment. DR decides based on available information. If denial, DR closes case coded as “253”.

## Client does not call: – DR decides case based on available information. If denial, DR closes case coded as “252” after 72 hours.

DAs may accept one instance of ‘loose good cause’ and one instance, if listed, of ‘strict good cause’ per episode. If a client calls to reschedule an appointment a third (or more) times in a single episode (irrespective of the identity or type of provider), they must consult with an Administrative Manager or the Clinical Manager before rescheduling an appointment.

Any other situations involving a potential rescheduling of a CE must also be discussed with the Clinical Manager or an Administrative Manager. The Clinical Manager or Administrative Manager reviews the case and the CE appointment history, as needed prior to re-scheduling the CE or making the determination with available information. If the DR in reviewing the case, considers it appropriate to reschedule an appointment that has been denied, they consult with a Program Manager who, in turn, may reconsider the question with the Clinical Manager or an Administrative Manager.

**Summary:** It is important that DES consistently adheres to established guidelines for rescheduling CE’s. Clients, who make an attempt to cooperate, as evidenced by the client’s call to DES about an initial appointment, will be afforded an opportunity to reschedule the CE appointment once each episode with “loose good cause” factors. Any subsequent request for rescheduling must be for acceptable “strict good cause” reasons. There is no limit on the number of “strict good cause” reschedules granted to a client. DES staff must document clients’ specific reasons for not attending CE’s in the progress notes and may require documentation related to strict good cause events. The Clinical Manager and/or Administrative Manager will review unusual situations involving potential rescheduling of CE’s.

Clients who are “no-show” for a CE appointment and who make no attempt to contact DES will not be rescheduled. The case will be closed for failure to attend a CE.