**Section 686.1030 Monitoring and Liability**

a) The HSP staff shall monitor the Case Manager to assure compliance with this Subpart by:

1) reviewing Provisional Case Managers as set forth in subsection (d);

2) reviewing, on an annual basis, a random sample of 10% of the cases handled in the preceding 12 months or two cases, whichever is greater; and

3) visiting, at least annually, all contracting case management agencies.

b) The HSP supervisory staff shall monitor the service plans of customers served by a Case Manager to ensure that:

1) The Case Manager is monitoring the customer's case by carrying out at least one contact monthly;

2) The Case Manager is reassessing the service plan at least every six months;

3) Each of the reassessments undertaken by the Case Manager is complete and accurate;

4) Any amendments to the service plan are consistent with the findings of the reassessment; and

5) The service plan remains cost effective (i.e., the cost of the service plan is equal to or less than the State's costs for nursing facility care).

c) Liability

1) DHS is not liable for actions of the Case Manager and the Case Manager must agree to hold DHS harmless against any and all liability, loss, damage, costs or expenses arising from wrongful or negligent acts of the Case Manager.

2) The Case Management provider shall certify that it has maintained and will maintain liability insurance coverage. Upon request, the Case Management provider shall make available policies, certificates of insurance or current letters documenting all insurance coverage.

3) The Case Management agency shall remain liable for the performance of any person, organization, unincorporated association or corporation with which it contracts.

(Source: Amended at 38 Ill. Reg. 16978, effective July 25, 2014)