

# POLICY AND PROCEDURE ON TEMPORARY SERVICE SUSPENSION AND SERVICE TERMINATION

## I. PURPOSE

The purpose of this policy is to establish determination guidelines and notification procedures for service suspension and service termination.

## II. POLICY

It is the intent of the company to ensure continuity of care and service coordination between members of the support team including, but not limited to the person served, the legal representative and/or designated emergency contact, case manager, and other licensed caregivers during situations that may require or result in temporary service suspension or service termination. The company restricts temporary service suspension to specific situations according to MN Statutes, section 245D.10, subdivision 3. The company restricts service termination to specific situations according to MN Statutes, section 245D.10, subdivision 3a.

## III. PROCEDURE

The company recognizes that *temporary service suspension* and *service termination* are two separate procedures. The company must limit temporary service suspension to specific situations that are listed below. A temporary service suspension may lead to or include service termination or the company may do a temporary service suspension by itself. The company must limit service termination to specific situations that are listed below. A service termination may include a temporary service suspension or the company can do a service termination by itself.

### **Temporary Services Suspension Procedures**

- A. The company must limit temporary service suspension to situations in which:
  - 1. The person's conduct poses an imminent risk of physical harm to self or others and either positive support strategies have been implemented to resolve the issues leading to the temporary service suspension, but have not been effective and additional positive support strategies would not achieve and maintain safety, or less restrictive measures would not resolve the issues leading to the suspension;
  - 2. The person has emergent medical issues that exceed the company's ability to meet the person's needs; or
  - 3. The program has not been paid for services.
  
- B. Prior to giving notice of temporary services suspension, the company must document actions taken to minimize or eliminate the need for service suspension. Action taken by the company must include, at a minimum:
  - 1. Consultation with the person's expanded/support team to identify and resolve issues leading to issuance of the suspension notice; and
  - 2. A request to the person's case manager for intervention services identified in section 245D.03, subdivision 1, paragraph (c), clause (1), or other professional consultation or intervention services to support the person in the program. This requirement does not apply to temporary suspensions issued due to non-payment of services.
  - 3. If, based on the best interests of the person, the circumstances at the time of the notice were such that the company was unable to take the actions listed above, the company must document the specific circumstances and the reason for being unable to do so.
  
- C. The notice of temporary service suspension must meet the following requirements:
  - 1. This company must notify the person or the person's legal representative and case manager in writing of the intended temporary services suspension.
  - 2. The notice of temporary services suspension must be given on the first day of the services suspension;

3. The notice must include the reason for the action; a summary of actions taken to minimize or eliminate the need for temporary services suspension as required under MN Statutes, section 245D.10, subdivision 3, paragraph (d); and why these measures failed to prevent the suspension.
- D. During the temporary suspension period, the company must:
1. Provide information requested by the person or case manager;
  2. Work with the expanded/support team to develop reasonable alternatives to protect the person and others and to support continuity of care; and
  3. Maintain information about the temporary service suspension, including the written notice of temporary services suspension, in the service recipient record.
- E. If, based on a review by the person's expanded/support team, the team determines the person no longer poses an imminent risk of physical harm to self or others, the person has a right to return to receiving services. If at the time of the temporary service suspension or at any time during the suspension, the person is receiving treatment related to the conduct that resulted in the service suspension, the expanded/support team must consider the recommendation of the licensed health professional, mental health professional, or other licensed professional involved in the person's care or treatment when determining whether the person no longer poses an imminent risk of physical harm to self or others and can return to the program. If the expanded/support team makes a determination that is contrary to the recommendation of a licensed professional treating the person, the company must document the specific reasons why a contrary decision was made.

### **Service Termination Procedures**

- A. The company must permit each person served to remain in the program and must not terminate services unless:
1. The termination is necessary for the person's welfare and the person's needs cannot be met in the facility;
  2. The safety of the person or others in the program is endangered and positive support strategies were attempted and have not achieved and effectively maintained safety for the person or others;
  3. The health of the person or others in the program would otherwise be endangered;
  4. The program has not been paid for services;
  5. The program ceases to operate; or
  6. The person has been terminated by the lead agency from waiver eligibility.
- B. Prior to giving notice of service termination, the company must document actions taken to minimize or eliminate the need for termination. Action taken by the company must include, at a minimum:
1. Consultation with the person's expanded/support team to identify and resolve issues leading to issuance of the termination notice; and
  2. A request to the case manager for intervention services as identified in section 245D.03, subdivision 1, paragraph (c), clause (1), or other professional consultation or intervention services to support the person in the program. This requirement does not apply to notices of service termination issued due to the program not being paid for services.
  3. If, based on the best interests of the person, the circumstances at the time of the termination notice were such that the company was unable to take the action specified above, the company must document the specific circumstances and the reason for being unable to do so.
- C. The notice of service termination must meet the following requirements:
1. The company must notify the person or the person's legal representative and the case manager in writing of the intended services termination.
  2. The notice must include:
    - a. The reason for the action;
    - b. Except for a service termination when the program ceases to operate, a summary of actions taken to minimize or eliminate the need for service termination or temporary service suspension as required under section 245D.10, subdivision 3a, paragraph (c), and why these measures failed to prevent the termination or suspension;

- c. The person's right to appeal the termination of services under MN Statutes, section 256.045, subdivision 3, paragraph (a); and
  - d. The person's right to seek a temporary order staying the termination of services according to the procedures in MN Statutes, section 256.045, subdivision 4a or 6, paragraph (c).
- D. Notice of the proposed termination of service, including those situations that began with a temporary service suspension, must be given:
- 1. At least 60 days prior to termination when the company is providing intensive supports and services identified in section 245D.03, subdivision 1, paragraph (c).
  - 2. At least 30 days prior to termination for all other services licensed under Chapter 245D.
  - 3. This termination notice may be given in conjunction with a notice of temporary services suspension.
- E. During the service termination notice period, the company must:
- 1. Work with the expanded/support team to develop reasonable alternative to protect the person and others and to support continuity of care;
  - 2. Provide information requested by the person or case manager; and
  - 3. Maintain information about the service termination, including the written notice of intended service termination, in the service recipient record.