

OP-ISS-02: POLICY AND PROCEDURE ON TEMPORARY SERVICE SUSPENSION AND SERVICE TERMINATION

New 1/1/14

I. PURPOSE

The purpose of this policy is to establish determination guidelines and notification procedures for temporary 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 situations in which the person's conduct poses an imminent risk of physical harm to self or others and less restrictive or positive support strategies do not achieve or maintain safety, the company is not being paid for services being provided, or the company is no longer able to meet the medical needs of the person receiving services.

The company restricts service termination to situations where the person's welfare and needs cannot be met in the facility, the safety of the person or others is at risk and positive support strategies have not achieved and maintained safety, the health of the person or others in the program would be otherwise endangered, the program has not been paid for services provided, the program ceases to operate, or the person has been terminated from waiver eligibility.

III. TEMPORARY SERVICE SUSPENSION PROCEDURE

- A. Prior to giving notice of temporary service suspension, the company must document actions taken to minimize or eliminate the need for service suspension. Actions taken by the company must include, at a minimum:
 1. Consultation with the person's support team or expanded support team to identify and resolve issues leading to issuance of the notice; and
 2. A request to the 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 for services.
 3. If in the best interests of the person, the circumstances at the time of the notice were such that the company was unable to consult with the team or request intervention services or professional consultation, the company must document the specific circumstances and the reason for being unable to do so.
- B. The notice of temporary service suspension must meet the following requirements:
 1. The company must notify the person or the person's legal representative and case manager in writing of the intended temporary service suspension.
 2. If the temporary service suspension is from a residential support setting, the company must also notify the commissioner in writing.
 3. The notice of temporary service suspension must be given on the first day of the service suspension and the notice must include:
 - a. The reason for the action
 - b. A summary of actions taken to minimize or eliminate the need for temporary service suspension as stated above, and why these measures failed to prevent the suspension.

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- C. During the temporary suspension period the company will provide information requested by the person or legal representative or case manager,
- D. Work with the support team or expanded support team to develop reasonable alternatives to protect the person and others and to support continuity of care, and
- E. Maintain information about the service suspension, including the written notice of temporary service suspension in the service recipient record.
- F. If, based on a review by the person's support team or expanded support team, that team determines that the person no longer poses and imminent risk of physical harm to self or others, the person has a right to return to receiving services.
 - 1. If, at the time of the 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 support team or 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.
 - 2. If, the support team or 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 that decision was made.

IV. SERVICE TERMINATION PROCEDURE

- A. Prior to giving notice of termination of services, the company must document actions taken to minimize or eliminate the need for termination. Actions taken must be at a minimum:
 - 1. Consultation with the person's team or expanded support team to identify or resolve issues leading to the issuance of the notice.
 - 2. A request to the 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 terminations issued due to non-payment for services, the program ceasing to operate or being determined ineligible for waived services.
 - 3. If in the best interests of the person, the circumstances at the time of the notice were such that the company was unable to consult with the team or request intervention services or professional consultation, the company must document the specific circumstances and the reason for being unable to do so.
- B. The notice of termination must include:
 - 1. The reason for the action
 - 2. Except for in the case of the company ceasing to operate, a summary of actions taken to minimize or eliminate the need for termination, and why these measures failed to eliminate the need for termination.
 - 3. The right to appeal the termination under 256.045, subdivision 3, paragraph (a), and
 - 4. The person's right to seek a temporary order staying the of termination services according to the procedures in section 256.045, subdivision 4a or 6, paragraph (c).
- C. The notice of proposed termination, including situations that began with a temporary service suspension, must be given at least 60 days prior to termination. This notice may be given in conjunction with a notice of temporary service suspension.
- D. During termination notice period the company must:
 - 1. Work with the team or expanded support team to develop reasonable alternatives to protect the person and others and support continuity of care;

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2. Provide information requested by the person, the legal representative or case manager; and
3. Maintain information about the service termination, including notice of intended service termination, in the service recipient record.

IV. ADDITIONAL PROCEDURES

In addition to the previously described procedures for service termination, when applicable, the following additional procedures will be taken for Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID).

- A. If a person served is to be transferred or discharged from the facility, there must be documentation in their record indicating that the transfer or discharge occurred for a good cause.
- B. The person served and/or legal representative will be involved in the planning process for transfer or discharge and will be provided a reasonable time for preparation except in emergency situations.
- C. At the time of discharge, the Designated Coordinator and/or Designated Manager will:
 1. Develop a final summary of the person's development, behavioral, social, health, and nutritional status.
A copy of this final summary will be provided to authorized persons or agencies upon obtaining consent from the person and/or legal representative.
 2. Provide a post-discharge plan of care to assist the person served in adjusting to a new living environment.