

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

New 1/1/14

Updated 7/1/2015, 8/3/2016, 1/12/2017

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 due to an emergent medical need that exceeds Opportunity Partners' ability to meet the person's needs..

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. PROCEDURE

- A. When possible, and applicable, positive support strategies will be taken prior to the need for temporary service suspension or termination as a means to reduce or eliminate the person's conduct that is posing an imminent risk of harm to self or others. All positive support strategies taken will be clearly documented.
- B. Prior to giving notice of temporary service suspension or termination, the Designated Coordinator and/or Designated Manager must document the actions taken by the program to minimize or eliminate the need for temporary service suspension:
 1. A description of the person's behavior prompting the need for temporary service suspension, including the frequency, intensity and duration of the behavior.
 2. A summary of the events leading up to temporary service suspension or termination.
 3. Consultation with team to identify and resolve issues
 4. Consultations with others regarding methods to minimize or eliminate the need for temporary service suspension.
 5. Request for intervention services, if appropriate
- C. The Designated Coordinator or Designated Manager will notify the person and/or legal representative and case manager, in writing, of the intended temporary service suspension or service termination. This notice will be provided on the first day of the temporary service suspension and at least 60 days prior to the proposed effective date of service termination including those situations that began with temporary service suspension. This notice may be given in conjunction with a notice of temporary service suspension.
 1. The Notice will include reason for suspension or termination, information regarding positive support strategies and/or summary of other measures taken to prevent the temporary service suspension or service termination.
- D. If the suspension or termination is from residential services or supports, the notification, in writing, will be also be sent to the commissioner and,

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1. Must be given the first day of suspension,
 2. Or 60 days prior to, for a termination, and
 3. Must include reason for action, summary of actions taken and why they failed to prevent suspension or termination.
 4. Inform the person served and/or legal representative and case manager of the person's right to appeal or seek a temporary order staying the temporary service suspension or service termination according to the procedures in MN Statutes, section 256.045, subdivision 4a or subdivision 6, paragraph (c).
- E. Information will be provided, as requested, to the person served and/or legal representative and case manager during the temporary service suspension or upon the notice of service termination.
- F. During temporary service suspension, the Designated Coordinator and/or Designated Manager must work collaboratively with the support team or expanded support team to develop reasonable alternatives to protect the person and/or others.
- G. During a service suspension, if all persons on the team agree that there is no longer a threat, the person has a right to return to the program.
1. Team must consider recommendations from a health care professional
 2. Provider must document if the final decision is contrary to the recommendations of the health care professional
- H. Upon the transfer of the person, any funds or other property of the person will be surrendered to the person's legal representative or given to the executor or administrator of the estate in exchange for an itemized receipt. A written inventory that was completed regarding the person's funds or property will be placed in their record with signatures obtained from the legal representative, executor, or administrator of the estate.
- I. Opportunity Partners will maintain information about the temporary service suspension or service termination, including the written notice, 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.