

## **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 Homeward Bound, Inc. (HBI) to ensure continuity of care and service coordination between members of the support team including, but not limited to the individual 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. HBI limits temporary service suspension to situations in which there is a reason that we would not continue to be paid for the service; the inability of HBI to meet the medical needs of the individual or the individual's conduct poses an imminent risk of physical harm to self or others and less restrictive or positive support strategies do not achieve and maintain safety.

### **III. PROCEDURES**

#### **Temporary Service Suspension**

- A. Homeward Bound, Inc.(HBI) will limit temporary service suspension to the following situations:
1. The individual's conduct poses an imminent risk of physical harm to self or others and either:
    - a. 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
    - b. less restrictive measures would not resolve the issues leading to the suspension; or
    - c. the individual has emergent medical issues that exceed the HBI's ability to meet the individual's needs; or
    - d. HBI has not been paid for services.
- B. Prior to giving notice of temporary service suspension, the direct support staff, Program Resource Coordinator/Program Supervisor (PRC/PS) and/or the Operations Manager (OA) must document actions taken to minimize or eliminate the need for service suspension.
1. Action taken must include, at a minimum:
    - a. The PRC/PS/OA's consultation with the individual's support team or expanded support team to identify and resolve issues leading to issuance of the notice; and
    - b. The PRC/PS/OA's request to the case manager for intervention services identified, including behavioral support services, in-home or out-of-home crisis respite services, specialist services, increased medical supports or other professional consultation or intervention services to support the individual in the program.
  2. If, based on the best interests of the individual, the circumstances at the time of the notice were such that HBI was unable to consult with the individual's team or request interventions services, the PRC/PS/OA 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. The OA must notify the individual or the individual's legal representative and the case manager in writing of the intended temporary service suspension.
  2. If the temporary service suspension is from residential supports and services, including supported living services, foster care services, or residential services in a supervised living facility, including and ICF/ID, the OA must also notify the Commissioner in writing. DHS notification will be provided by fax at 651-431-7406.
  3. Notice of temporary service suspension must be given on the first day of the service suspension.
  4. The written notice service suspension must include the following elements:
    - a. The reason for the action;
    - b. A summary of actions taken to minimize or eliminate the need for temporary service suspension; and
    - c. Why these measures failed to prevent the suspension.
  5. During the temporary suspension period HBI will:
    - a. Provide information requested by the individual or case manager;
    - b. Work with the support team or expanded support team to develop reasonable alternatives to protect the individual and others and to support continuity of care; and
    - c. Maintain information about the service suspension, including the written notice of temporary service suspension in the individual's record.
- D. An individual has the right to return to receiving services during or following a service suspension with the following conditions.
1. Based on a review by the individual's support team or expanded support team, the individual no longer poses an imminent risk of physical harm to self or others, the individual has a right to return to receiving services.
  2. The individual's health status has been restored to conditions prior to the reason for temporary service suspension or acceptable supports have been obtained to keep the individual safe and healthy.
  3. If, at the time of the service suspension or at any time during the suspension, the individual 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 individual's care or treatment when determining whether the individual no longer poses an imminent risk of physical harm to self or others and can return to the program.
  4. If the support team or expanded support team makes a determination that is contrary to the recommendation of a licensed professional treating the individual, the OA must document the specific reasons why a contrary decision was made.

### **Service Termination**

- A. HBI must permit each individual to remain in the program and must not terminate services unless:
1. The termination is necessary for the individual's welfare and the individual's needs cannot be met by HBI;
  2. The safety of the individual or others in the program is endangered and positive support strategies were attempted and have not achieved and effectively maintained safety for the individual or others;
  3. The health of the individual 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 individual has been terminated by the lead agency from waiver eligibility.
- B. Prior to giving notice of service termination the direct support staff, Program Resource Coordinator/Program Supervisor (PRC/PS) and/or the Operations Manager (OA) must document the actions taken to minimize or eliminate the need for termination.
1. Action taken by HBI must include, at a minimum:
    - a. The PRC/PS/OA's consultation with the individual's support team or expanded support team to identify and resolve issues leading to the issuance of the notice; and
    - b. The OA's request to the case manager for intervention services, including behavioral support services, in-home or out-of-home crisis respite services, specialist services, increased medical supports or other professional consultation or intervention services to support the individual in the program. The request for intervention services will not be made for service termination notices issued because the program has not been paid for services.
  2. If, based on the best interests of the individual, the circumstances at the time of the notice were such that HBI was unable to consult with the individual's team or request interventions services, the PRC/PS/OA 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 OA must notify the individual or the individual's legal representative and the case manager in writing of the intended service termination.
  2. If the service termination is from residential supports and services, including supported living services, foster care services, or residential services in a supervised living facility, including an ICF/ID, the OA must also notify the Commissioner / Department of Human Services in writing. DHS notification will be provided by fax at 651-431-7406.
  3. The written notice of a proposed service termination must include all of the following elements:
    - a. The reason for the action;
    - b. A summary of actions taken to minimize or eliminate the need for service termination or temporary service suspension, and why these measures failed to prevent the termination or suspension. A summary of actions is not required when service termination is a result of the when the program ceasing operation;
    - c. The individual's right to appeal the termination of services under Minnesota Statutes, section 256.045, subdivision 3, paragraph (a); and
    - d. The individual's right to seek a temporary order staying the termination of services according to the procedures in section 256.045, subdivision 4a or 6, paragraph (c).
  4. The written notice of a proposed service termination, including those situations which began with a temporary service suspension, must be given before the proposed effective date of service termination.
  5. For those individuals receiving intensive supports and services, the notice must be provided at least 60 days before the proposed effective date of service termination.
  6. This notice may be given in conjunction with a notice of temporary service suspension.

- D. During the service termination notice period, the HBI will:
1. Work with the support team or expanded support team to develop reasonable alternatives to protect the individual and others and to support continuity of care;
  2. Provide information requested by the individual or case manager; and
  3. Maintain information about the service termination, including the written notice of intended service termination, in the individual's record.

Legal Authority: MS § [245D.10](#), subd. 3a