**POLICY: Suspension and Termination of Services**

It is the policy of Mains’l to ensure our procedures for temporary suspension and termination of services promote continuity of care and service coordination for people receiving services.

This policy is in alignment with state statutes (see References at end of document.)

**PROCEDURE: Suspension and Termination of Services**

**Suspending Services**

1. **Reasons for temporary suspension of services:**
	1. A person may suspend services with Mains’l at any time. Some reasons a person might choose to suspend services are:
* Scheduling conflicts or lack of staffing.
* Times when services are not needed or wanted for a short period of time, such as trying a different living situation (less than 3 months).
* Temporary situations that change the person’s service needs such as a medical condition (less than 3 months).
* Person receiving services does not qualify for the service or is not eligible under program rules for a short period of time (less than 3 months).
	1. Mains’l may also choose to suspend services. Temporary service suspension by Mains’l is limited to the following situations:
* The person's conduct poses an imminent risk of physical harm to self or others and either:
	1. 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
	2. less restrictive measures would not resolve the issues leading to the suspension.
* The person has medical issues that exceed our ability to meet the person's needs.
* Mains’l has not been paid for services.
	1. This includes non-payment of waiver obligations, spenddowns, private pay, GRH, Medicaid and any other funding sources.
	2. Medicaid or other funding being inactive or person is no longer eligible for services.
1. **Actions taken before services are suspended:** Mains’l requests that we be notified in writing if a person chooses to suspend their services. Before Mains’l gives notice of temporary service suspension, the manager documents actions taken to minimize or eliminate the need for suspension.
2. Action taken by Mains’l must include, at a minimum:
* Consultation with the person's support team or expanded support team to identify and resolve issues leading to the notice being issued; and
* A request to the case manager for intervention services identified, including positive support services, in-home or out-of-home crisis respite services, specialist services, or other professional consultation or intervention services to support the person.
* Prior to suspension due to risk of physical harm, the manager requests the assistance of agency positive supports staff to identify and document strategies/interventions that may delay or avoid service suspension.
* Prior to suspension due to medical issues, the manager requests the assistance of agency nurses and/or the person’s medical professional team to identify and document strategies/interventions that may delay or avoid service suspension.
* Prior to suspension due to non-payment, the person is sent written notification from Mains’l detailing the money owed and payment expectations.

If, based on the best interests of the person, the circumstances at the time of the notice were such that the manager was unable to consult with the person’s team or request interventions services; the manager must document the specific circumstances and the reason for being unable to do so.

1. **Actions taken when suspending services:**
2. The manager notifies the person or the person’s legal representative and the case manager in writing of the intended temporary service suspension by completing a Notice of Temporary Suspension of Services.
3. If the temporary service suspension is from supported living services or community residential services:
	1. In Minnesota, the senior manager must notify the DHS Commissioner in writing. DHS notification will be provided by fax at 651-431-7406.
	2. In California, the senior manager must notify the Case Management Supervisor in writing.
4. The Notice of Temporary Service Suspension is given on the first day of the service suspension.
5. The written notice of service suspension must include the following elements:
6. The reason for the action;
7. A summary of actions taken to minimize or eliminate the need for temporary service suspension; and
8. Why these measures failed to prevent the suspension.
9. During the temporary suspension period the manager must:
	1. Provide information requested by the person or case manager;
	2. 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
	3. Maintain information about the service suspension, including the written notice of temporary service suspension in the person’s record.
	4. **Returning to services after suspension:** A person has the right to return to receiving services during or following a service suspension with the following conditions:
10. Based on a review by the person’s support team or expanded support team, 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.
11. If the support team or expanded support team makes a determination that is different than the recommendation of a licensed professional treating the person for the reason services were suspended, the manager must document the specific reasons why a different decision was made.

**Ending Services**

1. **Reasons for ending services:**
	1. A person may end services with Mains’l at any time. Some reasons a person might choose to end services are:
* The services are no longer in the best interest of the person receiving services.
* The person wishes to change to a different provider and/or is not interested in receiving supports by Mains’l.
* Person receiving services no longer qualifies for the service or is no longer eligible under program rules.
* The person is not satisfied with the services being provided or does not feel that Mains’l is a good fit for what they need.
* The person moving to a location where services cannot be or do not need to be provided.
* Person has successfully achieved their goals and no longer requires the support of Mains’l.
	1. Mains’l may also choose to end services. Termination of service by Mains’l is limited to the following situations:
* The termination is necessary for the person's welfare and the person's needs cannot be met by Mains’l.
* The safety of the person;other people in the program, or staff is endangered and positive support strategies were attempted and have not achieved and effectively maintained safety for the person or others.
* The health of the person,others in the program, or staff would otherwise be endangered.
* Mains’l has not been paid for services.
* Mains’l no longer offers the service.
* The person has been terminated by the lead agency from waiver eligibility.
* If the person indicates through their behavior that they no longer wish to receive services by Mains’l (i.e., several missed appointments, not home when support staff comes to visit) and has not returned our phone calls or e-mails.)
1. **Actions taken before services are terminated:** Mains’l requests to be notified in writing if a person chooses to end their services. Before Mains’l gives notice of service termination, the manager will document the actions taken to minimize or eliminate the need for termination.

 Actions taken will include, at a minimum:

* Consultation with the person’s support team to identify and resolve issues leading to the notice being issued; and
* A request to the case manager for intervention services, including positive support services, in-home or out-of-home crisis respite services, specialist services, or other professional consultation or intervention services to support the person.
	1. A request for intervention services will not be made for service termination notices issued because the program has not been paid for services.
* An individual agreement will be developed with the person, if it is believed that their commitment to receiving services from Mains’l is absent.

If, based on the best interests of the person, the circumstances at the time of the notice were such that the manager was unable to consult with the person’s team or request interventions services; the manager must document the specific circumstances and the reason for being unable to do so.

1. **Actions taken when terminating services:**
2. A written notice of an intended service termination, including those situations which began with a temporary service suspension, must be completed on the Notice of Service Termination form and given to the person, their legal representative, and the case manager before the proposed effective date of service termination.
	1. For California services, and for intensive services in Minnesota, the notice must be provided at least 60 days before the proposed effective date of service termination.
	2. For all other services, the notice must be provided at least 30 days before the proposed effective date of service termination.
	3. If the service termination is from supported living services or community residential services:
	* In Minnesota, the senior manager must notify the DHS Commissioner in writing. DHS notification will be provided by fax at 651-431-7406.
	* In California, the senior manager must notify the Case Management Supervisor in writing within 60 days.
3. This notice may be given in conjunction with a notice of temporary service suspension.
4. The written notice of a proposed service termination must include all of the following elements:
5. The reason for the action;
6. A summary of actions taken to minimize or eliminate the need for service termination, and why these measures failed to prevent the termination. A summary of actions is not required when service termination is a result of Mains’l no longer providing the service (ceasing operation);
7. The person's right to appeal the termination of services under Minnesota Statutes, section 256.045, subdivision 3, paragraph (a); and
8. In Minnesota, the person'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).
9. During the service termination notice period, the manager must:
10. 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;
11. Provide information requested by the person or case manager;
12. Complete a Starting Service/Change Form and Employee Status Change or Termination forms as applicable and distribute within the agency as the forms direct.
13. Assure that information about the service termination, including the written termination notice, is maintained in the person’s plan file.
14. Organize the person’s personal information according to the Record Retention Procedure, and scan the records for electronic storage.

References

Minnesota Statute [245D.10](https://www.revisor.mn.gov/statutes/?id=245D.10), subdivision 3 and subdivision 3a.

California Statute Title 17, division 2, chapter 3

Notice of Temporary Suspension of Services

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