



Midwest Special Services, Inc.

Midwest Special Services, Inc.
Policy and Procedure on Service Termination

Revised: August 2015
Reviewed: October 2016

PURPOSE

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

POLICY

It is the intent of Midwest Special Services, Inc. (MSS) 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. MSS restricts service termination to specific situations according to MN Statutes, section 245D.10, subdivision 3a.

PROCEDURE

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

- A. MSS 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.



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- B. Prior to giving notice of service termination, MSS must document actions taken to minimize or eliminate the need for termination. Action taken by MSS 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 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 termination notice were such that MSS was unable to take the actions listed above; MSS 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. MSS must notify the person or the person's legal representative and case manager in writing of the intended service termination; and
 - 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 services, including those situations that began with a temporary service suspension, must be given:
 - 1. At least 60 days prior to termination when MSS 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 service suspension.



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- E. During the service termination notice period, MSS must:
 - 1. Work with the expanded/support team to develop reasonable alternatives to protect the person and others and to support continuity of care; and
 - 2. Provide information requested by the person or case manager
 - 3. Maintain information about the service termination, including the written notice of intended service termination, in the service recipient record.