



Policy Name:	Suspension and Service Termination – Licensed Programs
Policy Code:	409
Policy Purpose:	To ensure our procedures for temporary service suspension and service termination promote continuity of care and service coordination for persons receiving services.

I. Overview

There are specific procedures that must be followed when temporarily suspending or terminating Rise services of people served in licensed programs. Rise does not discriminate and will not require a person to have or obtain a guardian or conservator as a condition of receiving or continuing services regulated under this chapter.

II. Requirements

A. Rise is required to establish, enforce, and maintain policies and procedures in accordance with Minnesota Statutes, [Sec. 245D.10, Subdivision 1](#).

1. Minnesota license holders are required to use commissioner provided forms to report service suspensions and service terminations under [subdivisions 3 and 3a](#).
 - a. Rise is required to give a completed copy of the applicable form to the following:
 - The Person receiving services
 - The person’s Legal Representative(s), if applicable
 - The County Case Manager.

A license holder is prohibited from requiring a person to have or obtain a guardian or conservator as a condition of receiving or continuing to receive services regulated under this chapter.

III. Temporary Service Suspension

A. Procedures

1. The use of temporary service suspension will be limited to the following situations:
 - a. The persons conduct poses an imminent risk of harm to self or others and either:
 - 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.

- Less restrictive measures would not resolve the issues leading to the suspension.
- b. The person has emergent medical issues that exceed the license holder's ability to meet the person's needs.
 - c. The license holder has not been paid for services.
2. Prior to giving notice of temporary service suspension, the manager of the program (Program Supervisor, Program Managers, or Director) must document the actions taken by the program to minimize or eliminate the need for temporary service suspension. Action taken by the program must include, at a minimum:
 - a. The person's behavior that is prompting the temporary service suspension, including the frequency, intensity, and the duration of the behavior.
 - b. The events leading up to the temporary service suspension.
 - c. Consultation with the person's support team or expanded support team to identify and resolve issues leading to issuance of the notice.
 - d. A request to the case manager for intervention services identified, including behavioral support services, in-home or out-of-home crisis respite services, specialist services, or other professional consultation or intervention services to support the person in the program.
 3. If, based on the best interests of the person, the circumstances at the time of the notice were such that the program is unable to consult with the person's team or request intervention services, the program must document the specific circumstances and the reason for being unable to do so.
 4. During the period of temporary service suspension, the program will work with the appropriate county agency to develop reasonable alternatives to protect the person and others.
 5. The program must maintain information about the temporary service suspension in the person's record.
- B. The notice of temporary service suspension must meet the following requirements:
1. Rise must notify the Person, Legal Representative(s), if applicable and County Case Manager in writing of the intended temporary service suspension.
 2. Rise must notify the person or the person's legal representative and the case manager in writing of the intended temporary service suspension.

3. Notice of temporary service suspension must be given on or before 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.
 - c. Why these measures failed to prevent the suspension.
 5. During the temporary suspension period the program must:
 - a. Provide information requested by the person or case manager.
 - b. 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.
 - c. Maintain information about the service suspension, including the written notice of temporary service suspension in the person's record.
- C. A person 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 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.
 2. 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.
 3. 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 program must document the specific reasons why a contrary decision was made.

IV. Service Termination

A. Procedures

1. This program must permit each person to remain in the program or to continue receiving services and must not terminate services unless:
 - a. The termination is necessary for the person's welfare and the person's needs cannot be met by the license holder.
 - b. The safety of the person, others in the program, or team members is endangered, and positive support strategies were attempted and have not achieved and effectively maintained safety for the person or others.
 - c. The health of the person , others in the program, or team members would otherwise be endangered.
 - d. The license holder has not been paid for services.
 - e. The program or license holder ceases to operate.
 - f. The person has been terminated by the lead agency from waiver eligibility.
2. The program must provide information requested by the person or the person's legal representative or case manager upon notice of service termination.
3. Prior to giving the written notice of service termination, the program must document the actions taken by the program to minimize or eliminate the need for service termination.
 - a. Action taken by the license holder must include, at a minimum:
 - Consultation with the person's support team or expanded support team to identify and resolve issues leading to the issuance of the notice.
 - A request to the case manager for intervention services, including behavioral support services, in-home or out-of-home crisis respite services, specialist services, or other professional consultation or intervention services to support the person in the program.
 - **NOTE:** The request for intervention services will not be made for service termination notices issued because the license holder has not been paid for services.
 - b. If, based on the best interests of the person, the circumstances at the time of the notice were such that the program unable to consult with the person's team or request

interventions services, the program must document the specific circumstances and the reason for being unable to do so.

4. During the service termination notice period the program will work with the support team (aka IDT) or expanded support team to develop reasonable alternatives to protect the person and others.
 5. The program must maintain information about the service termination including the written termination notice in the person's record.
 6. The program must provide a copy of this policy to the person or the person's legal representative and case manager within five working days of service initiation.
 7. Prior to giving notice of service termination this program must document the actions taken to minimize or eliminate the need for termination.
- B. The notice of service termination must meet the following requirements:
1. Rise must notify the Person, Legal Representative(s), if applicable and County Case Manager. in writing of the intended service termination.
 2. 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 person's right to appeal the termination of services under Minnesota Statutes, section 256.045, subdivision 3, paragraph (a).
 - d. 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).
 3. 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.
 - a. For those persons receiving intensive supports and services, the notice must be provided at least 60 days before the proposed effective date of service termination.

- b. For those persons receiving other services, the notice must be provided at least 30 days before the proposed effective date of service termination.
 4. This notice may be given in conjunction with a notice of temporary service suspension.
- C. During the service termination notice period, the program must:
 1. 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.
 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 person's record.
 4. **NOTE:** All termination actions must be reviewed, prior to discharge, by the designated Program VP.

V. Discharge Summary

A. Procedure

1. Rise will prepare a written discharge summary report for all service terminations, regardless of reason (voluntary or involuntary).
2. The report will summarize services provided, results, and recommendations for future services/supports to continue the achievement of the participant's life goals.
3. This report will be completed within two weeks after discharge.

NOTE: It is the responsibility of the assigned manager (Program Supervisor, Program Manager, or Director) to ensure all 245D licensed program team members follow the procedures described herein and that appropriate documentation is recorded for administrative review. All information requested by the team will be provided.