



# Temporary Service Suspension & Termination Policy and Procedure

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## Policy

It is the intent of Lifeworks Services, Inc. to ensure continuity of care and service coordination with the person, the case manager, and other licensed caregivers (if any), who also provide support to the person during situations that may require or result in temporary service suspension or service termination in accordance to the requirements in MN Statutes 256 and 245D.10 for basic and intensive support services.

## Procedure

Service Initiation: A person receiving services and their case manager will be notified of this policy, and be provided a copy, within five working days of service initiation.

### 1. Temporary Service Suspension:

- A. The use of temporary service suspension is limited to the following situations:
- i. the person has emergent medical issues that exceed Lifeworks ability to meet the person's needs;
  - ii. if Lifeworks has not been paid for services provided to the person; or
  - iii. the person's conduct poses an imminent risk of physical harm to self, staff 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; or
    - less restrictive measures would not resolve the issues leading to the suspension.

### 2. Service Termination:

- A. The use of a service termination is limited to the following situations:
- i. termination is necessary for the person's welfare and when the provider cannot meet the needs of the person;
  - ii. the safety of the person, staff, or others receiving service is endangered and when applicable, positive support strategies were attempted and have not achieved and effectively maintained safety for the person or others;
  - iii. the health of the person or others in the program would otherwise be endangered;



- iv. if Lifeworks has not been paid for services provided to the person;
- v. the program ceases to operate; or
- vi. the person has been terminated by the lead agency from waiver eligibility.

**3. Prior to Service Suspension or Termination:**

- A. Prior to giving a notice of temporary service suspension or termination, Lifeworks is required to document the actions taken on the DHS-2828C/DHS-2828D forms as applicable to minimize or eliminate the need for the service suspension or termination including:
  - i. consulting with the person's support team or expanded support team to identify and resolve issues leading to issuance of the notice; and
  - ii. request to the case manager for intervention services or other professional consultation or intervention services to support the person in the program unless Lifeworks has not been paid for services provided to the person; or
  - iii. if circumstances prevented Lifeworks from taking the required actions above, based on the best interests of the person, the circumstances, reasons, and actions taken are documented.

**4. During a Service Suspension or Termination:**

- A. During a service suspension or termination, Lifeworks is required to:
  - i. Utilize the required DHS form DHS-2828C for Service Suspension and DHS-2828D for Service Termination notifications.
  - ii. provide information requested by the person or case manager;
  - iii. maintain notices and information about the service suspension or termination in the service recipient record; and
  - iv. 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.

**5. Notification and Rights of a Person During a Service Suspension:**

- A. Lifeworks will notify the person or the person's legal representative and case manager in writing using the DHS-assigned form DHS-2828C: Notice of Temporary Service Suspension of the intended temporary service suspension;
- B. the notice of temporary service suspension must be given on the first day of the service suspension;
- C. the notice must include:
  - i. the reason for the action;
  - ii. a summary of actions taken to minimize or eliminate the need for the temporary service suspension; and

iii. why the measures failed to prevent the suspension.

D. The person has the right to return to receiving services if:

- i. it is determined the person no longer poses an imminent risk of physical harm to self, staff, or others based on a review by the person's support team or expanded support team and Lifeworks;
  - if receiving treatment related to the conduct that resulted in the service suspension, the recommendation by the professional must be considered in the determination of the person returning to the program;
  - if the support team, expanded support team or Lifeworks disagrees with the licensed professional recommendation, reasoning for this must be documented.

E. A service suspension may be given in conjunction with a service termination.

## **6. Notification and Rights of a Person During a Service Termination:**

A. Lifeworks will notify the person or the person's legal representative and case manager in writing using the DHS-assigned form DHS-2828D: Notice of Service Termination of the intended service termination.

B. The written notice of a proposed service termination, including those situations which began with a temporary service suspension, will be given before the proposed effective date of service termination:

- i. For those persons receiving intensive supports and services, the notice will be provided at least 60 days before the proposed effective date of service termination.
- ii. For those persons receiving other services licensed under Minnesota Statutes, chapter 245D, the notice will be provided at least 30 days before the proposed effective date of service termination.

C. The notice will include:

- i. the reason for the action;
- ii. a summary of actions taken to minimize or eliminate the need for the service termination;
- iii. why the measures failed to prevent the service termination;
- iv. the person's right to appeal the termination of services under section 256.045, subdivision 3, paragraph (a); and
- v. the person's right to seek a temporary order staying the termination of service according to the procedures in section 256.045, subdivision 4a or 6, paragraph (c).
- vi. this notice may be given in conjunction with a notice of temporary service suspension.



**7. Records:**

- A. Lifeworks will notify the person or the person's legal representative and case manager in writing using the DHS-assigned form DHS-2828D: Notice of Service Termination of the intended service termination.
- B. The written notice of a proposed service termination, including those situations which began with a temporary service suspension, will be given before the proposed effective date of service termination: