

401 Service Termination Policy

Section	Initiated	Last Update	Last Review	Related Procedure/Form	Page
Program	November 2022		July 2024	See Appendix	1 of 2

Purpose:

To establish determination guidelines and notification procedures for service termination.

Scope:

All participants who receive services from ProAct

Policy:

It is ProAct’s intent to ensure continuity of care and service coordination between members of the support team including, but not limited to the participant, the legal representative and/or designated emergency contact, case manager, and other licensed caregivers during situations that may require or result in service termination. ProAct restricts service termination to specific situations according to MN Statutes, section 245D.10, subdivision 3a.

The Program Director will be notified of any impending service terminations.

ProAct recognizes that *temporary service suspension and service termination are two separate procedures*. ProAct must limit temporary service suspension to specific situations that are listed in the *Policy and Procedure on Temporary Service Suspension*. A temporary service suspension may lead to or include service termination or ProAct may do a temporary service suspension by itself. ProAct must limit service termination to specific situations that are listed below. A service termination may include a temporary service suspension or ProAct can do a service termination by itself.

ProAct must permit each participant to remain in the program and must not terminate services unless:

- The termination is necessary for the person’s welfare and the person’s needs cannot be met in the facility.
- 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.
- The health of the person or others in the program would otherwise be endangered.
- The program has not been paid for services.
- The program ceases to operate.
- The person has been terminated by the lead agency from waiver eligibility.
- The person has been on hold (internal process) for 90 days.

Prior to giving notice of service termination, ProAct must document actions taken to minimize or eliminate the need for service termination. Action taken by ProAct must include, at a minimum:

- Consultation with the person’s expanded/support team to identify and resolve issues leading to issuance of the termination notice; and
- A request to the case manager for intervention services as 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 notices of service termination issued due to the program not being paid for services.

- If based on the best interests of the person, the circumstances at the time of the termination notice were such that ProAct was unable to take the action specified above, ProAct must document the specific circumstances and the reason for being unable to do so.

The notice of service termination must meet the following requirements:

- ProAct must notify the person or the person's legal representative and the case manager in writing of the intended service termination; and
- The notice must include:
 - The reason for the action.
 - 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.
 - The person's right to appeal the termination of services under MN Statutes, section 256.045, subdivision 3, paragraph (a); and
 - 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).

Notice of the proposed service termination, including those situations that began with a temporary service suspension, must be given:

- At least 60 calendar days prior to termination when ProAct is providing intensive supports and services identified in section 245D.03, subdivision 1, paragraph (c).
- At least 30 days prior to termination for all other services licensed under Chapter 245D.
- This termination notice may be given in conjunction with a notice of temporary services suspension.

During the service termination notice period, ProAct must:

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