

## **SERVICE TERMINATION NOTIFICATION POLICY**

### **Merrick, Inc.**

#### **1.00 PURPOSE**

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

#### **2.00 APPLICATION**

This policy applies to all recipients of service at Merrick, Inc., (hereinafter “the company”).

#### **3.00 POLICY**

It is the intent of the company 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 service termination.

#### **4.00 PROCEDURES**

The company recognizes that *temporary service suspension* and *service termination* are two separate procedures. The company must limit service termination to specific situations that are listed below. A temporary service suspension may eventually lead to service termination for specific situations that are listed in *Policy and Procedure on Temporary Service Suspension*.

- 4.10 The company must permit each person served to remain in the program and must not terminate services unless:
  - 4.11 The termination is necessary for the person’s welfare and the person’s needs cannot be met in the facility;
  - 4.12 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;
  - 4.13 The health of the person or others in the program would otherwise be endangered;
  - 4.14 The program has not been paid for services;
  - 4.15 The program ceases to operate; or
  - 4.16 The person has been terminated by the lead agency from waiver eligibility.
  
- 4.20 Prior to giving notice of service termination, the company must document actions taken to minimize or eliminate the need for termination. Action taken by the company must include, at a minimum:
  - 4.21 Consultation with the person’s expanded/support team to identify and resolve issues leading to issuance of the termination notice; and
  - 4.22 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 service termination issued due to non-payment of services.

- 4.23 If, based on the best interests of the person, the circumstances at the time of the termination notice were such that the company was unable to take the actions listed above, the company must document the specific circumstances and the reason for being unable to do so.
- 4.30 The notice of service termination must meet the following requirements:
  - 4.31 Company must notify the person or the person's legal representative and case manager in writing of the intended service termination;
  - 4.32 The notice must include:
    - 4.32.1 The reason for the action;
    - 4.32.2 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;
    - 4.32.3 The person's right to appeal the termination of services under MN Statutes, section 256.045, subdivision 3, paragraph (a); and
    - 4.32.4 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).
  - 4.33 Notice of the proposed termination of service, including those situations that began with a temporary service suspension, must be given as follows:
    - 4.33.1 At least 60 days prior to termination when the company is providing intensive supports and services identified in section 245D.03, subdivision 1, paragraph (c);
    - 4.33.2 At least 30 days prior to termination for all other services licensed under Chapter 245D; and
    - 4.33.3 This termination notice may be given in conjunction with a notice of temporary services suspension.
- 4.40 During the service termination notice period, the company must:
  - 4.41 Provide information requested by the person or case manager;
  - 4.42 Work with the expanded/support team to develop reasonable alternatives to protect the person and others and to support continuity of care; and
  - 4.43 Maintain information about the service termination, including the written notice of intended service termination, in the service recipient record.