

# **PKT ENTERPRISES'**

## **TERMINATION/SUSPENSION OF SERVICES POLICY**

### **I. Policy**

PKT will only suspend or terminate persons receiving services for situations in which the client's behavior causes immediate and serious danger to the health and safety of the individual or others. The client will participate in the decision making process, applicable laws will be followed regarding this process and program staff will advocate for the best decision for the person.

### **II. Definitions**

1. "Suspension" means a temporary discontinuation of services to a client, which includes temporary removal of the client from the service site.
2. "Termination" means discharge from the program.

### **III. Procedure**

#### **Temporary Service Suspension**

- A. PKT will limit temporary service suspension to the following situations:
  1. The client's conduct poses an imminent risk of physical harm to self or others and either:
    - a. 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
    - b. less restrictive measures would not resolve the issues leading to the suspension; OR
  2. The person has emergent medical issues that exceed the license holder's ability to meet the person's needs; OR
  3. PKT has not been paid for services.
- B. Prior to giving notice of temporary service suspension, PKT must document actions taken to minimize or eliminate the need for service suspension.
  1. Action taken by PKT must include, at a minimum:
    - a. consultation with the client's support team or expanded support team to identify and resolve issues leading to issuance of the notice; and
    - b. 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.
  2. If, based on the best interest of the person, the circumstances at the time of the notice were such that PKT is unable to consult with the client's team or request intervention services, the program must document the specific circumstances and the reason for being unable to do so.
- C. The notice of temporary service suspension must meet the following requirements:
  1. PKT must notify the client or the client's legal representative and the case manager in writing of the intended temporary service suspension.
  2. If the temporary service suspension is from residential supports and services, including supported living services, foster care services, or residential services in a supervised living facility, including an ICF/DD, the program must also notify the Commissioner in writing. DHS notification will be provided by fax at 651-431-7406.

3. Notice of temporary service suspension must be given on 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 action taken to minimize or eliminate the need for temporary service suspension; and
    - c. why these measures failed to prevent the suspension.
  5. During the temporary suspension period PKT must:
    - a. provide information requested by the client or case manager;
    - b. work with the support team or expanded support team to develop reasonable alternatives to protect the client and others and to support continuity of care; and
    - c. maintain information about the service suspension, including the written notice of temporary service suspension in the client's records.
- D. A client 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 client's support team or expanded support team, the client no longer poses an imminent risk of physical harm to self or others, the client 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 client is receiving treatment related to the conduct that resulted in the service suspension, the support team or expanded support team must consider the recommendations of the licensed health professional, mental health professional, or other licensed professional involved in the client's care or treatment when determining whether the client no longer poses an imminent risk of physical harm to self or others and can return to PKT.
  3. If the support team or expanded support team make a determination that is contrary to the recommendation of a licensed professional treating the client, the program must document the specific reasons why a contrary decision was made.

### Service Termination

- A. PKT must permit each client to remain in PKT and must not terminate services unless:
1. The termination is necessary for the client's welfare and the client's needs cannot be met in the facility;
  2. The safety of the client or others at PKT is endangered and positive support strategies were attempted and have not achieved and effectively maintained safety for the client or others;
  3. The health of the client or others at PKT would otherwise be endangered;
  4. PKT has not been paid for services;
  5. PKT ceases to operate;
  6. The client has been terminated by the lead agency from waiver eligibility.
- B. Prior to giving notice of service termination PKT must document the actions taken to minimize or eliminate the need for terminations.
1. Action taken by PKT must include, at a minimum:
    - a. Consultation with the client's support team or expanded support team to identify and resolve issues leading to the issuance of the notice; and
    - b. 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 client at PKT. The request for intervention services will not be made for service termination notices issued because PKT has not been paid for services.

2. If, based on the best interests of the client, the circumstances at the time of the notice were such that the program is unable to consult with the client's team or request intervention services, PKT 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. PKT must notify the client or the client's legal representative and the case manager in writing of the intended service termination.
  2. If the service termination is from residential support services, including supported living services, foster care services, or residential services in a supervised living facility, including ICF/DD, the license holder must also notify the Department of Human Services in writing. DHS notification will be provided by fax at 651-431-7406.
  3. 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 action 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 when PKT is ceasing operation;
    - c. The client's right to appeal the termination of services under Minnesota Statutes, section 256.045, subd. 3 paragraph (a); and
    - d. The client's right to seek a temporary order staying the termination of services according to the procedures in section 245.045, subd. 4a or 6 paragraph (c).
  4. 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.
  5. This notice may be given in conjunction with notice of temporary service suspension.
- D. During the service termination period, PKT must:
  1. Work with the support team or expanded support team to develop reasonable alternatives to protect the client and others and to support continuity of care;
  2. Provide information requested by the client or case manager; and
  3. Maintain information about the service termination, including the written notice of intended service termination, in the client's record.

8 April 2004  
Revised: 15 May 2009  
Revised: 8 Nov 2010  
Revised: 3 Nov 2011  
Revised: 11 Feb 2013  
Revised: 19 July 2013  
Revised: 6 Oct 2015