

**Policy Title: 245D Client Service Termination & Staff Unauthorized Hours**

<b>Policy Owner:</b> COO <b>Policy Originated by:</b> Program	<b>Date Written:</b> 10/1/13
<b>Applicable Programs:</b> All Programs governed by 245D (CBDS In-Home Services)	<b>Date Reviewed and Approved by PLT:</b> 3/11/14, 08/26/15, 05/17/16, 07/22/20, 3/24/21, 3/9/22, 3/10/23, 4/12/23
<b>Statutory or Regulatory Citation:</b> Minn. Stat. § 245D.10, subd. 3a	<b>Signature if needed:</b>

**Policy:** It is the policy of St. David's Center that notice of intended terminations will be given to the client and the client's case manager in writing at least sixty (60) days prior to the proposed termination becoming effective. The written notice will include the reasons for and projected date of the intended termination and resources and services recommended to meet the client's needs, including those situations that begin with temporary suspensions. This policy also includes the information on the consequences of staff working unauthorized hours.

**Procedure:**

**1. General Procedure**

- A. St. David's Center will notify the person, the person's legal representative and the case manager in writing of the intended service termination, the reason for that termination, the person's right to appeal, and the person's right to seek a temporary order staying the termination of service according to the procedures in Minnesota Statutes, section 256.045, subdivision 4a or 6, paragraph (c).
- B. 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.
  - i. 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.
  - ii. For those persons receiving other services licensed under Minnesota Statutes, chapter 245D, the notice must be provided at least 30 days before the proposed effective date of service termination.
- C. The program will limit service termination to the following situations: For the person's welfare due to the programs inability to meet their needs, the safety of

the person or others in the program, or staff is at risk and positive support strategies have not achieved or maintained safety, the health of the person, others in the program, or staff would otherwise be endangered, the license holder has not been paid for services, the program or license holder ceases to operate, or the person has been terminated from waiver eligibility.

- D. The program must provide information requested by the person or the person's legal representative or case manager upon notice of service termination.
- E. 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.
  - i. A request to the 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 temporary suspensions if St. David's Center has not billed and been paid for services.
  - ii. If, based on the best interests of the person, the circumstances at the time of the notice were such that the license holder was unable to take the action specified in clauses (1) and (2), the license holder must document the specific circumstances and the reason for being unable to do so.
- F. During the service termination notice period the program will work with the appropriate county agency to develop reasonable alternatives to protect the person and others and to support the continuity of care.
  - i. The notice must include the reason for the action, a summary of actions taken to minimize or eliminate the need for temporary service suspension as required under this paragraph, and why these measures failed to prevent the suspension.
- G. The program must maintain information about the service termination including the written termination notice in the person's record.
- H. 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.

## **2. Working Unauthorized Hours**

- A. Staff who work unauthorized hours will be subject to the St. David's Center discipline process, which could lead to termination of employment.
- B. Examples of unauthorized hours include:

- i. Unapproved over-time;
- ii. Working after a Supervisor has informed Staff that client services and/or when Staff's employment is currently suspended;
- iii. Working when a Client's Service Authorization units have been exhausted or has expired.

**Violation of this Policy or Procedure**

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to St. David's Center. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

**Reference or Attachment:**