

TEMPORARY IMMEDIATE SUSPENSION PROTOCOL

Minnesota Statutes, section 245A.07 SANCTIONS.

Subd. 2. **Temporary immediate suspension.** If the license holder's actions or failure to comply with applicable law or rule, or the actions of other individuals or conditions in the program pose an imminent risk of harm to the health, safety, or rights of persons served by the program, the commissioner shall act immediately to temporarily suspend the license. . . .

1. When you become aware of circumstances in a program that may pose an imminent risk of harm to persons in care, immediately call a DHS licenser to discuss or recommend a Temporary Immediate Suspension (TIS) of the license in a timely manner.
2. Consult with your county attorney.
3. The county agency faxes a TIS recommendation letter and any supporting documentation to DHS.
4. DHS reviews the information and requests any needed additional information.
5. Upon DHS approval of a TIS, DHS will fax an Order of Temporary Immediate Suspension to the county agency.
6. The Order of Temporary Immediate Suspension is personally served to the license holder. The license holder must cease operation as directed by the Order of Temporary Immediate Suspension, even if the action is appealed.
7. The county agency licenser or county representative who served the letter to the license holder signs an Affidavit of Personal Service citing: who the letter was delivered to, the date delivered, and where it was delivered. The server's signature on the Affidavit must be witnessed and signed by a Notary Public.
8. Immediately FAX the Affidavit of Personal Service to the licenser at DHS. Retain the original Affidavit of Personal Service in your file.
9. The provider may appeal the TIS. The letter of appeal must be sent by certified mail or personal service to the Commissioner. If sent by certified mail, it must be postmarked and sent within five (5) calendar days after the license holder receives notice. If sent by personal service, it must be received within five (5) calendar days after the license holder receives notice. The license holder may also fax the appeal to DHS.
10. Upon receipt of a TIS appeal, DHS will fax an appeal packet to the county agency. An expedited hearing is required. The scope of the hearing is limited solely to whether the TIS should remain in effect pending the Commissioner's final order. Given the expedited hearing, as well as the determination of imminent risk of harm, TIS' are not typically settled before hearing. If there are questions about whether there continues to be an imminent risk of harm, contact Karen Erickson or Mary Kelsey to discuss PRIOR TO the hearing.
11. The final sanction must be issued within 90 days of the Commissioner's final order on the TIS appeal, or within 90 days of when the TIS was issued if the license holder did not appeal the TIS.