

**DHS DIVISION OF LICENSING  
Self-Monitoring Checklist**

**Home and Community-Based Services Licensed under Minnesota Statutes, chapter 245D**

## **SERVICE SUSPENSION & TERMINATION INITIATED BY THE LICENSE HOLDER**

### **Basic Support Services vs. Intensive Support Services**

There are different licensing requirements regarding the timelines of a termination notice when a license holder is providing basic support services and intensive support services. The checklist designates when the licensing standards apply to a specific service type. When there is no designation, the licensing standards apply to both basic support services and intensive support services.

#### **Basic support services include:**

- In-home and out-of home respite care
- Adult companion services
- Personal support
- 24-hour emergency assistance
- Night supervision
- Homemaker

#### **Intensive support services include:**

- Intervention services, including
  - Behavioral support
  - In-home and out-of home crisis respite
  - Specialist services
- In-home support services, including
  - In-home family support and supported living services
  - Independent living skills training
  - Semi-independent living services
- Residential supports and services, including
  - Supported living services and foster care services provided in a child foster care residence, a family adult foster care residence, a community residential setting, or a supervised living facility
  - Residential services provided in an ICF/DD;
- Day services, including
  - Structured day services,
  - Day training and habilitation
  - Prevocational services
- Supported employment

### **Definitions:**

"Case manager" means the individual designated to provide waiver case management services, care coordination, or long-term care consultation, as specified in sections [256B.0913](#), [256B.0915](#), [256B.092](#), and [256B.49](#), or successor provisions [section 245D.02, subdivision 3].

"Expanded support team" means the members of the support team defined in subdivision 34 and a licensed health or mental health professional or other licensed, certified, or qualified professionals or consultants working with the person and included in the team at the request of the person or the person's legal representative [section 245D.02, subdivision 8b].

"Legal representative" means the parent of a person who is under 18 years of age, a court-appointed guardian, or other representative with legal authority to make decisions about services for a person. Other representatives with legal authority to make decisions include but are not limited to a health care agent or an attorney-in-fact authorized through a health care directive or power of attorney [section 245D.02, subdivision 12].

"Support team" means the service planning team identified in section [256B.49, subdivision 15](#); the interdisciplinary team identified in Minnesota Rules, part 9525.0004, subpart 14; or the case management team as defined in Minnesota Rules, part 9520.0902, subpart 6 [section 245D.02, subdivision

**SERVICE RECIPIENT SERVICE SUSPENSION & TERMINATION**

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LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
<a href="#">245D.10.</a> Subd. 3, (a)	<b>TEMPORARY SERVICE SUSPENSION</b> The license holder must establish policies and procedures for temporary service suspension that promote continuity of care and service coordination with the person and the case manager and with other licensed caregivers, if any, who also provide support to the person.				
<a href="#">245D.10.</a> Subd. 3, (b)	The license holder must limit temporary service suspension to situations in which:				
	(1) the person's conduct poses an imminent risk of physical harm to self or others and either 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 less restrictive measures would not resolve the issues leading to the suspension;				
	(2) the person has emergent medical issues that exceed the license holder's ability to meet the person's needs; or				
	(3) the program has not been paid for services.				
<a href="#">245D.10.</a> Subd. 3, (c)	Prior to giving notice of temporary service suspension, the license holder must document actions taken to minimize or eliminate the need for service suspension. Action taken by the license holder must include, at a minimum:  (1) consultation with the person's support team or expanded support team to identify and resolve issues leading to issuance of the notice; and  (2) 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 issued under paragraph (b), clause (3).  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.				

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<a href="#">245D.10.</a> Subd. 3, (d)	The notice of temporary service suspension must meet the following requirements:				
	(1) The license holder must notify the ___person or the legal representative and ___case manager in writing of the intended temporary service suspension. If the temporary service suspension is from residential supports and services as defined in section 245D.03, subdivision 1, paragraph (c), clause (3), the license holder must also notify the commissioner in writing;				
	(2) Notice of temporary service suspension must be given on the first day of service suspension; and				
	(3) 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.				
<a href="#">245D.10.</a> Subd. 3, (e)	During the temporary suspension period, the license holder must:				
	(1) provide information requested by the person or case manager;				
	(2) work with the support team or expanded support team to develop reasonable alternatives to protect the person and others and to support continuity of care; and				
	(3) maintain information about the service suspension, including the written notice of temporary service suspension, in the service recipient record.				
<a href="#">245D.10.</a> Subd. 3, (f)	If, based on a review by the person's support team or expanded support team, that team determines the person no longer poses an imminent risk of physical harm to self or others, the person was given the right to return to receiving services.				

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	<p>If, at the time of the service suspension or at any time during the suspension, the person is receiving treatment related to the conduct that resulted in the service suspension, the support team or expanded support team considered the recommendation of the licensed health professional, mental health professional, or other licensed professional involved in the person's care or treatment when determining whether the person no longer poses an imminent risk of physical harm to self or others and can return to the program.</p>				
	<p>If the support team or expanded support team makes a determination that is contrary to the recommendation of a licensed professional treating the person, the license holder must document the specific reasons why a contrary decision was made.</p>				
<p><a href="#">245D.10</a>, Subd. 3a, (a)</p>	<p><b><u>SERVICE TERMINATION</u></b> The license holder must establish policies and procedures for service termination that promote continuity of care and service coordination with the person and the case manager and with other licensed caregivers, if any, who also provide support to the person.</p>				
<p><a href="#">245D.10</a>, Subd. 3a, (b)</p>	<p>The license holder must permit each person to remain in the program and must not terminate services unless:</p>				
	<p>(1) the termination is necessary for the person's welfare and the person's needs cannot be met in the facility;</p>				
	<p>(2) 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;</p>				
	<p>(3) the health of the person or others in the program would otherwise be endangered;</p>				
	<p>(4) the program has not been paid for services;</p>				
	<p>(5) the program ceases to operate; or</p>				
	<p>(6) the person has been terminated by the lead agency from waiver eligibility.</p>				

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<a href="#">245D.10.</a> Subd. 3a, (c)	Prior to giving notice of service termination, the license holder must document actions taken to minimize or eliminate the need for termination. Action taken by the license holder must include, at a minimum:				
	(1) consultation with the person’s support team or expanded support team to identify and resolve issues leading to issuance of the notice; and				
	(2) 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 notices of service termination issued under paragraph (b), clause (4).				
	If, based on the best interest 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.				
<a href="#">245D.10.</a> Subd. 3a, (d)	The notice of service termination must meet the following requirements:				
	(1) the license holder must notify the ___person or the person’s___ legal representative and the ___case manager in writing of the intended service termination.				
	<ul style="list-style-type: none"> <li>• If the service termination is from a residential supports and services as defined in section 245D.03, subdivision 1, paragraph (c), clause (3), the license holder must also notify the commissioner in writing;</li> </ul>				
	(2) the notice must include:				
	i. the reason for the action;				
	ii. except for a service termination under paragraph (b), clause (5), a summary of actions taken to minimize or eliminate the need for service termination or temporary service suspension as required under paragraph (c), and why these measures failed to prevent termination or suspension;				

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	iii. the person's right to appeal the termination of services under section 256.045, subdivision 3, paragraph (a); and				
	iv. the person's right to seek a temporary order staying the termination of services according to the procedures in section 256.045, subdivision 4a or 6, paragraph (c).				
<a href="#">245D.10.</a> Subd. 3a, (e)	Notice of the proposed termination of service, including those situations that began with a temporary service suspension, must be given at least 60 days prior to termination when a license holder is providing intensive supports and services identified in section 245D.03, subdivision 1, paragraph (c), and 30 days prior to termination for all other services licensed under this chapter. This notice may be given in conjunction with a notice of temporary service suspension under subdivision 3.				
<a href="#">245D.10.</a> Subd. 3a, (f)	During the service termination notice period, the license holder must:				
	(1) work with the support team or expanded support team to develop reasonable alternatives to protect the person and others and to support continuity of care;				
	(2) provide information requested by the person or case manager; and				
	(3) maintain information about the service termination, including the written notice of intended service termination, in the service recipient record.				