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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4277

03/09/2020 Authored by Jordan
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; community-based services for individuals with complex
1.3 behavioral needs; modifying service termination provisions; amending Minnesota
1.4 Statutes 2018, section 245D.10, subdivision 3a.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 245D.10, subdivision 3a, is amended to read:

1.7 Subd. 3a. Service termination. (a) The license holder must establish policies and
1.8 procedures for service termination that promote continuity of care and service coordination
1.9 with the person and the case manager and with other licensed caregivers, if any, who also
1.10 provide support to the person. The policy must include the requirements specified in
1.11 paragraphs (b) to (f).

1.12 (b) The license holder must permit each person to remain in the program and must not
1.13 terminate services unless:

1.14 (1) the termination is necessary for the person's welfare and the facility cannot meet the
1.15 person's needs cannot be met in the facility;

1.16 (2) the safety of the person or others in the program is endangered and positive support
1.17 strategies were attempted and have not achieved and effectively maintained safety for the
1.18 person or others;

1.19 (3) the health of the person or others in the program would otherwise be endangered;

1.20 (4) the program has not been paid for services;

1.21 (5) the program ceases to operate; or

2.1 (6) the person has been terminated by the lead agency from waiver eligibility; or

2.2 (7) for state-operated community-based services, the person no longer demonstrates
 2.3 complex behavioral needs that cannot be met by private community-based providers
 2.4 identified in section 252.50, subdivision 5, paragraph (a), clause (1).

2.5 (c) Prior to giving notice of service termination, the license holder must document actions
 2.6 taken to minimize or eliminate the need for termination. Action taken by the license holder
 2.7 must include, at a minimum:

2.8 (1) consultation with the person's support team or expanded support team to identify
 2.9 and resolve issues leading to issuance of the termination notice; ~~and~~

2.10 (2) a request to the case manager for intervention services identified in section 245D.03,
 2.11 subdivision 1, paragraph (c), clause (1), or other professional consultation or intervention
 2.12 services to support the person in the program. This requirement does not apply to notices
 2.13 of service termination issued under paragraph (b), ~~clause (4)~~. clauses (4) and (7); and

2.14 (3) consultation with the person's support team or expanded support team to identify
 2.15 that the person no longer demonstrates complex behavioral needs that cannot be met by
 2.16 private community-based providers identified in section 252.50, subdivision 5, paragraph
 2.17 (a), clause (1).

2.18 If, based on the best interests of the person, the circumstances at the time of the notice were
 2.19 such that the license holder was unable to take the action specified in clauses (1) and (2),
 2.20 the license holder must document the specific circumstances and the reason for being unable
 2.21 to do so.

2.22 (d) The notice of service termination must meet the following requirements:

2.23 (1) the license holder must notify the person or the person's legal representative and the
 2.24 case manager in writing of the intended service termination. If the service termination is
 2.25 from residential supports and services as defined in section 245D.03, subdivision 1, paragraph
 2.26 (c), clause (3), the license holder must also notify the commissioner in writing; and

2.27 (2) the notice must include:

2.28 (i) the reason for the action;

2.29 (ii) except for a service termination under paragraph (b), clause (5), a summary of actions
 2.30 taken to minimize or eliminate the need for service termination or temporary service
 2.31 suspension as required under paragraph (c), and why these measures failed to prevent the
 2.32 termination or suspension;

3.1 (iii) the person's right to appeal the termination of services under section 256.045,
3.2 subdivision 3, paragraph (a); and

3.3 (iv) the person's right to seek a temporary order staying the termination of services
3.4 according to the procedures in section 256.045, subdivision 4a or 6, paragraph (c).

3.5 (e) Notice of the proposed termination of service, including those situations that began
3.6 with a temporary service suspension, must be given at least 60 days prior to termination
3.7 when a license holder is providing intensive supports and services identified in section
3.8 245D.03, subdivision 1, paragraph (c), 90 days prior to termination of services under section
3.9 245D.10, subdivision 3a, paragraph (b), clause (7), and 30 days prior to termination for all
3.10 other services licensed under this chapter. This notice may be given in conjunction with a
3.11 notice of temporary service suspension under subdivision 3.

3.12 (f) During the service termination notice period, the license holder must:

3.13 (1) work with the support team or expanded support team to develop reasonable
3.14 alternatives to protect the person and others and to support continuity of care;

3.15 (2) provide information requested by the person or case manager; and

3.16 (3) maintain information about the service termination, including the written notice of
3.17 intended service termination, in the service recipient record.