



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

Developmental Disabilities Administration

Patrick Dooley, Acting Executive Director

TO: DDA Providers

FROM: Patrick Dooley, Acting Executive Director

RE: Interruption and Termination of Services Policy Review

DATE: February 4, 2014

Attached to this memo is the Development Disabilities Administration's (DDA) current policy on discharges and interruption of services for individuals. The attached reflects current regulations and provides guidance on the process by which services to an individual may be interrupted or terminated.

There have recently been concerns expressed by providers, however, regarding the current termination of services process. In order to evaluate the issue, DDA will be conducting a review of all discharges for Fiscal Years 2012 and 2013. In conducting the study, DDA will review:

- The number of discharge requests;
- The reasons for the discharge requests;
- The disposition of the requests;
- The length of time taken by the Regional Offices to make a determination;
- The length of time from request of discharge to new service placement for the individual; and
- Any barriers associated with effectively implementing the current discharge process

I have requested that the Regional Offices collect all of the information regarding discharges that have occurred over the past two fiscal years. The analysis will be shared with providers once the review is completed.



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FROM: Patrick Dooley, Acting Executive Director
RE: Interruption and Termination of Services Policies
DATE: February 4, 2014

This policy does not apply to RESOURCE COORDINATION services.

This memo seeks to clarify Code of Maryland (COMAR) requirements regarding the discharge and interruption of services of individuals from programs funded by the Developmental Disabilities Administration (DDA). Although COMAR does not explicitly address an interruption of services outside of the discharge process, its provisions for discharges can be adapted for interruption in services. DDA recognizes that there may be circumstances that warrant an interruption in service, and has included guidance for that situation in this memo.

Termination of Services

According to COMAR 10.22.02.02 (G), a licensee may terminate services to an individual only (a) for good cause and (b) with the written approval of the Director of DDA ("the Director"). Authority to grant written approval has been delegated to the Regional Directors by the Director.

A provider may also consider its services terminated if an individual is voluntarily absent from the service for 60 consecutive days, unless otherwise determined by the Director.

When requesting a discharge, providers should follow all of the requirements set forth in COMAR 10.22.02.02 (G) and COMAR 10.22.16. In order to meet the requirements as set out in the regulations, provider agencies shall, at least 90 days before the proposed date of discharge:

1. Notify the Regional Office of the request to terminate services to the individual and the reasons for the request. The request shall include the reasons for the intended termination, the steps taken to prevent the need for the termination, the team's recommendation regarding the proposed termination and all relevant documentation, such as meeting minutes, correspondence, etc. Termination may not take place until the Regional Director approves the request in writing.

2. Request a team meeting and document any steps taken to prevent the need for discharge as well as the results of those attempts; and
3. Send a notice of intent to discharge to the individual, the team, the resource coordinator, and the guardian, is applicable.

The notice of intent to discharge should include the reason(s) for the intended termination, the steps taken to avoid the need to discharge, and the proposed date that the termination will be effective. The notice shall include information regarding the individual's right to appeal through the agency's internal grievance procedure as required in COMAR 10.22.02.10 and 10.22.02.08. The notice shall inform the individual that, if the result of the internal grievance procedure is unsatisfactory, he or she may appeal the discharge under DDA's appeal procedures as set out in COMAR 10.22.16.

The Regional Office shall provide a written response to the request for discharge within ten business days after receipt of the written request from the provider. The Regional Office shall send a copy of its decision to the individual. If the Regional Office decides to permit the discharge, the letter from the Regional Office will include information as to Medicaid Fair Hearing rights, the possibility of a continuation of services pending the outcome of a Medicaid Fair Hearing, and relevant request forms.

If the Regional Office approves the termination of services under the conditions stated in COMAR:

1. The current provider will assist the resource coordinator in finding a new provider for the individual. This includes preparing information to be shared with potential providers, such as medical records, behavior plans, etc.; and
2. Services shall continue to be provided to the individual until a new service provider is located and new services begin in accordance with the new provider's approved Service Funding Plan.

Every effort will be made by DDA to facilitate the arrangements for alternative services to be implemented within the 90-day notification period but, if alternative services are not available, or if there is an appeal under COMAR 10.22.16, the DDA may delay the authorized date for discharge.

If the discharge is not completed fourteen days before the proposed discharge date, the Resource Coordinator will convene a team meeting to identify and address the barriers to transitioning the individual. The Regional Office will participate in this meeting.

Interruption of Services

In general, individuals should receive services without interruption and their health and safety must not be jeopardized. Occasionally, however, circumstances arise that may cause service interruptions. These circumstances usually fall into two categories:

1. Individual's needs or circumstances change, putting the individual or others at imminent risk of serious harm and the provider cannot immediately meet or address the individual's needs; and
2. Unexpected changes at the provider agency.

This policy is not intended to address interruptions in service caused by planned absences of the individual, which may include vacations, scheduled medical procedures, or other absences initiated by the individual or his or her family, or interruptions due to inclement weather.

Changes in Individual's Status

If an interruption of service is due to an unanticipated, significant change in medical, behavioral, or other status of the person receiving supports, the provider shall make every effort to notify the Regional Director and the resource coordinator before the disruption of service starts, but no later than 24 hours following the start of the disruption of service. The notification should be made by telephone call to the Regional Office. Changes in significant status include:

1. The person's health requires care in a different program or facility;
2. The provider cannot safely and appropriately meet the increased need for support; or
3. The individual is putting self or others in immediate jeopardy.

The provider and Regional Director shall work together to protect the individual's safety before, during and after the interruption of services. The resource coordinator should submit a Request for Change in Services, as necessary. The resource coordinator shall convene a team meeting to address the issues causing the interruption in service and to develop a plan to meet the individual's needs. The Regional Office, DDA clinical team, and the behavioral supports contractor shall be available upon request to consult with the team to develop a service plan.

Changes in Provider Agency

If an interruption of service occurs as a result of an unexpected change at the provider agency and lasts more than five consecutive operating days, the provider shall notify the Regional Director and the resource coordinator of the disruption, and the resource coordinator shall determine whether a team meeting should be held.

Threat to Health and Safety

If any interruption of service results in a threat to the person's health or safety, the provider shall immediately notify the Regional Director. The resource coordinator shall convene an emergency team meeting and work with the provider to develop an interim plan with the approval of the Regional Director. The Regional Office, DDA clinical team, and behavioral supports contractor shall be available upon request to consult with the team to develop a service plan.

Violation of the Regulations

Failure by a provider to comply with the regulations cited in this memorandum regarding discharge of an individual from services may violate:

1. State Medicaid regulations (COMAR 10.09.26.05, 10.09.26.05, and 10.09.26.08-4); and
2. DDA regulations (COMAR 10.22.02 – 10.22.14)

Providers determined to be in violation will be notified of the violation in writing by DDA and/or OHCQ and appropriate actions may be initiated.