

**Department of Health and Human Services (DHHS)  
Office of Adult Mental Health Services (OAMHS)**

**Interruption or Discontinuation of Services to Class Members  
August 2008**

**Introduction**

Agencies licensed or funded by the State who are providing services to Bates v. DHHS class members under a Service Agreement or treatment plan that is included as a component of the class member's Individualized Support Plan (ISP) must notify the Consent Decree Coordinator (CDC) assigned to their agency/region when they are considering either an interruption of or discontinuation of services to a class member and seek permission to do so. (Paragraph 69 of the Consent Decree; Licensing Standards, CS.16. A - E; and DHHS/OAMHS Contracts, Rider E, II B.4)

When an ISP-identified service to a class member is subject to review by APS Healthcare, denial by APS Healthcare of continued MaineCare authorization for the service does not authorize the provider to discontinue the service without following this procedure. When a provider receives notification from APS Healthcare that authorization has been denied, the provider must immediately initiate this procedure to request approval to discontinue the service and provide necessary notice to the class member if approval is given.

**Procedure**

1. The service provider will submit a request in writing to the appropriate CDC when any interruption or discontinuation of service is being contemplated, prior to a call to the CDC for a discussion of the issues.
2. The CDC will contact the consumer to discuss her or his understanding of the issues and obtain further information when:
  - Request to terminate states consumer is not aware of termination;
  - Request to terminate states consumer disagrees with termination; or
  - Consumer will not be transferred to another agency for services.
3. If the CDC is unable to reach the consumer, the CDC office will send a letter to the consumer asking that the consumer contact the CDC office within 2 weeks regarding the termination. If the CDC office does not hear from the consumer during that time, the termination request will be approved.
4. The CDC will follow up with the agency providing the service (and the agency picking the person up if there is a transfer) to confirm the transition of services.
5. The CDC will then process the request.
6. If the request is approved, the service provider will then give 30 days advance, written notice to the class member and the class member's guardian, if any, restating the reasons

for interruption or discontinuation of services. The provider will forward a copy of this letter to the responsible CDC. It is the responsibility of the service provider to assist the class member in securing an appropriate level of services from other providers or agencies, consistent with the services identified in the consumer's ISP or as identified in discussion with the class member and other necessary parties. At the end of the 30 days notice, the service provider may then interrupt or discontinue services to the client.

7. If the class member demonstrates by clear statements or behavior that the 30 day written notice would be ineffectual (e.g., the class member moves out of state, or the class member has knowingly determined and stated that he or she can no longer work productively with a particular agency), then the class member will be deemed to have waived the 30-day written notice requirement.
8. If the provider demonstrates that the class member poses a threat of imminent harm to individuals employed or served by the provider, the service provider may be granted permission by the CDC or the regional Mental Health Team Leader to give the class member the amount of notice which is reasonable under the given circumstances.
9. The CDC will then either grant written approval to the service provider or, if needed, work as an advocate or mediator to resolve any differences that have been identified between the class member and the service provider. The CDC will attempt to negotiate a solution agreeable to both the class member and the service provider, utilizing whatever resources are necessary (consultation from the Mental Health Team Leader, OAMHS's Medical Director, professional mediation, etc.), while ensuring that the provider adheres to community support policies and procedures as developed by the Department.
10. Issues that cannot be resolved will be referred to the Region's Mental Health Team Leader (MHTL). The MHTL has the final authority to approve or deny any request or decision to interrupt or discontinue services to a class member within his or her region.
  - The MHTL will be available to the CDC at all steps of this process for consultation and assistance, with the CDC having the responsibility to keep the MHTL informed of the actions the CDC is taking in regards to specific individuals.
11. All efforts undertaken by the CDC on behalf of the class member involved will be documented by the CDC in the DHHS Enterprise Information System (EIS). Copies of submitted materials and approvals/disapprovals will be filed in the class member's record at the Provider Agency and in the regional CDC office.

#### Requests Due to APS Healthcare Denial of Continued Authorization for a MaineCare service

1. CDCs will contact the provider for information about the interaction between the provider and APS Healthcare concerning the request for continuing services for the class member, the decision made by APS Healthcare and the provider's understanding of the class member's continuing needs.

2. CDCs will assure that the service provider has informed the class member of their right to appeal the denial of continued authorization for a service through MaineCare and APS Healthcare's grievances processes.
3. CDCs do not play a role in the clinical decision making of APS Healthcare and can not change, via this procedure, the decision made by APS Healthcare.

#### Requests Due to Class Member Incarceration

1. The consent decree by its terms does not apply to class members who are incarcerated and MaineCare does not fund services while an individual is incarcerated.
2. CDCs will inquire as to the length of sentence that the individual will be serving and will use this information deciding whether to approve an interruption in or termination of a class members services.
3. If the sentence is less than 90 days, the current Community Integration Worker should maintain the class member as an open, though inactive, client to assure a smooth transition back into service when released. ICMs in the correctional facilities can assist in the transition of the class member back to the community.
4. For sentences more than 90 days, the class member may be closed to service.
5. The CDC will remind the service provider that if a class member is due to have an ISP review and RDS completed while incarcerated, both must still be completed, with resource needs on the RDS marked as 'no longer needed'. When the class member is released, the ISP/RDS can be reviewed and updated to identify and address current resource needs.

#### Requests due to Agency Program Changes

Provider agencies may close programs that serve class members. Even if the reason for the termination or interruption request is program closure, the provider must nevertheless follow this protocol. When several class members are affected by a program closure, the provider may request overall permission to terminate the service and the class members served. The format of this request will be negotiated with the CDC and the Mental Health Team Leader. The CDC will need individual information in order to track the termination process as it affects particular class members.