

### **65G-3.005 Rules for Termination of Services by the Provider.**

(1) Written notice of intent to terminate services by the provider shall be received by certified mail fifteen business days prior to the proposed effective date. Certified written notice shall be given to the client, the authorized representative and the representatives of the area office.

(2) A review committee shall meet within three business days of the notification of the proposed termination.

(a) A review committee shall have the authority to evaluate the proposed termination. The methods used by the review committee to evaluate the proposed termination include, for example, personal interviews, telephone calls, review of documents and correspondence.

(b) A review committee shall have access to all files, documents, records and personnel deemed by a review committee to be relevant to its evaluation.

(3) A review committee shall evaluate the circumstances that led to the proposed termination, determine what actions should be taken to resolve the situation and consider possible changes in the client's habilitation plan to minimize the likelihood of reoccurrence of these episodes. A review committee shall meet with the provider and client or the client's authorized representative, to offer its recommendations to resolve the proposed termination.

(4) If the proposed termination is based on client behavior, the Agency will provide technical assistance in an effort to resolve the situation, if resources are available.

(5) The chair of a review committee shall prepare a written report containing a summary of the provider's proposed termination and a committee's findings and recommendations. The written report shall be completed within five business days of the last meeting of a review committee. The original report shall be filed in the client's central record.

(6) If the dispute is not resolved, the chair of a review committee shall immediately transmit the report to the Area Administrator, the provider, the client and the client's authorized representative.

(7) By written decision, the Area Administrator shall either approve the proposed action, determine if additional services are necessary to continue the client's services or reject the proposed action and identify specific alternative actions within five business days of receipt of the report.

(8) This written decision shall include all elements of adequate notice.

(9) Copies of a review committee report and the Area Administrator's written decision shall be sent by certified mail to the service provider, the client and the client's authorized representative.

(10) If the provider, client or the client's authorized representative is not satisfied with the Area Administrator's decision, any one of these may file a written request with the Agency Director for a review of the decision. The request shall be filed no later than ten business days after the party filing the request receives a copy of the Area Administrator's written decision.

(11) Upon receipt of such request, the Agency Director will reject the request in writing if the request for review is not filed within ten departmental working days of receipt of the Area Administrator's written decision.

(12) The Agency Director shall review the Area Administrator's written decision. The review shall include an evaluation of all reports, interviews and documents which were used by the Area Administrator to prepare the written decision, including the plan for alternative service arrangements, if applicable.

(13) The review shall be completed and a written report filed as soon as possible but no later than fifteen business days after the request for review is filed with the Agency Director. The written report shall summarize the findings, list the pertinent rules and other applicable laws and include a determination whether to accept, modify or reject the Area Administrator's written decision or plan for alternative service arrangements. The report shall be signed by the district administrator and dated.

(14) Copies of the Agency Director's written decision shall be sent by certified mail to the service provider, the client and the client's authorized representative.

(15) Adequate notice of the right to a formal administrative hearing shall be given by the Agency, both verbally and in writing, to the provider, the client and the client's authorized representative at the same time that the Agency gives notice of its decision or plan for alternative service arrangements.

(16) Any client the authorized representative or the provider shall have the right to request a formal administrative hearing.

(17) A request for a formal administrative hearing shall be received by the Area Administrator pursuant to Chapter 120, F.S.

(18) Services shall continue until all appeals are exhausted during the administrative hearing process.

(19) If the administrative hearing process results in termination, the client shall continue to receive services in the residential or the non-residential program for no more than twenty-five service days while appropriate alternative service arrangements are being

made.

(20) The Agency area office, involved providers and advocates will make every reasonable effort to assist the client in adjusting to the alternative service arrangements.

*Specific Authority 393.125(2) FS. Law Implemented 393.125(2), 120 FS. History—New 12-10-91, Amended 5-19-93, Formerly 10F-8.031, 65B-8.031.*