

65G-3.005 Rules for Termination, Reduction, or Suspension of Services by the Provider.

(1) TERMINATIONS AND REDUCTIONS

(a) If a provider determines that he or she must terminate or reduce services the provider gives to a client, the provider shall send written notice of intent to terminate or reduce services to the client and their individual representative by certified mail or electronic mail. The provider shall send the required notice to the Regional Office and Support Coordinator via electronic mail.

1. The provider may not terminate or reduce services until at least thirty calendar days after the receipt of the notification by the client, individual representative, Regional Office, and Support Coordinator.

2. If the client is not on the iBudget Waiver pursuant to section 393.0662, F.S., notification is only required to be given by the provider to the Regional Office, the client and the client's individual's representative.

(b) Upon receipt of the notice from the provider, the Support Coordinator shall:

1. Evaluate the circumstances that led to the proposed termination or reduction,

2. Determine what actions, if any, should be taken to resolve the situation,

3. Immediately assist the client or the client's individual representative in locating an alternate provider if resolution is not acceptable to the client or provider or otherwise not possible, and

4. Update the client's support plan, cost plan and relevant service authorizations accordingly.

(c) At the request of the client or the client's individual representative, the Support Coordinator shall arrange a meeting with the provider and the client or the client's individual representative, to offer any recommendations to the client and the provider in an effort to resolve the concerns that led to the issuance of the notice of intent to terminate or reduce service. The meeting must be arranged within five (5) calendar days of the client's or the individual representative's request for the meeting.

(d) The Support Coordinator shall contact the Regional Office immediately if the client and the client's individual representative need assistance in locating an alternate provider at least 25 days prior to the effective date of termination or reduction in services. The Regional Office will assist the client and the client's individual representative in meeting the client's needs.

(e) If the termination is for services provided in a licensed residential facility, the Regional Office shall immediately work with the client's Support Coordinator to assist the client or the client's individual representative in choosing an alternate place to live before the date of termination.

(f) If the client or the client's individual representative selects an individual or entity to render the services who is not qualified to be that client's provider, the Regional Office shall issue a notice to deny the client's selection of provider choice within 30 calendar days of the client's notification to the Regional Office. The notice shall identify:

1. Any alternate providers or service options for the client that the Agency has determined are readily available;

2. The reason the Agency is denying the client's selection of provider choice;

3. The specific statute or rule supporting the denial; and

4. An explanation of the client's administrative hearing rights pursuant to sections 393.125, 120.569, and 120.57, F.S.

(2) SUSPENSIONS

(a) *Emergency Suspension:* A service provider may suspend services provided to a client in a non-residential program when the behavior of the client constitutes an immediate danger to health, safety, or welfare of the client, another recipient of the provider's services, the provider, or a third party. If a service provider suspends a client's services for this reason, the provider shall give written notice of suspension to the client, the client's individual representative, the client's Support Coordinator, and Regional Office at the time of the suspension or thereafter, detailing reasons for the suspension.

(b) *Other Suspension:* A service provider may suspend services provided to a client in a non-residential program when the client's behavior interferes with services provided to other recipients of the provider's services. If a service provider initiates a suspension for this reason, the service provider shall provide written notice of suspension from a non-residential program to the client, the client's individual representative, the client's Support Coordinator, and the Regional Office at the time of the suspension or thereafter, detailing reasons for the suspension.

1. This type of suspension shall not exceed 3 service days.

2. If the client is not on the iBudget Waiver pursuant to section 393.0662, F.S., notification is only required to be given by the provider to the Regional Office, the client and the client's individual's representative.

(c) The Support Coordinator shall ensure that appropriate service coverage is available during the time of suspension and update the support plan, cost plan, and relevant service authorizations accordingly. The Support Coordinator shall contact the Regional office the day the Support Coordinator receives notice of the suspension if assistance is needed in securing alternate services or

providers. The Regional Office will assist the client and the client's individual representative in meeting the client's needs.

(3) This rule does not apply to fading or other reduction of care set forth in the client's plan of care.

Rulemaking Authority 393.125(2), 393.501(1) FS. Law Implemented 393.125(2) FS. History—New 12-10-91, Amended 5-19-93, Formerly 10F-8.031, 65B-8.031, Amended 6-4-19.