

## Service Limitation and Termination Policy

Last Revised: November 2022

This policy applies to Aging and Disability Resource Centers (ADRCs), Aging Service Providers, County Aging Unit (CAU), Tribal Aging Unit (TAU), and Tribal aging and disability resource specialists (ADRSs) herein referred to as “agency,” or “staff.”

### Policy

Service termination describes the discontinuation of agency services to an eligible customer before the issues and needs that the customer presented to the agency are fully resolved.

The decision to limit or terminate agency services to an eligible customer must be made in consultation between the staff and the local supervisor at the agency. Agencies may decide to limit services as an alternative to terminating services. This is at the discretion of the local agency, given the unique circumstances of each situation.

Terminating agency services should occur rarely and only after giving significant consideration to how services could be maintained. The agency may terminate agency services to an eligible customer under the following circumstances:

- The customer has committed or threatened to commit acts that pose a threat to agency staff, volunteers, or other customers.
- For benefit specialists, when the case no longer has merit.
- The customer is not providing needed information or not responding to the agency.
- Further services to the customer would require fraudulent behavior on the part of the agency or staff. Examples of this could include:
  - a. A nutrition program becomes aware that a customer no longer meets the eligibility criteria for a service.
  - b. A customer is receiving a duplicate service through another local, state, or federal source.
  - c. A customer reveals that they have an asset but refuses to list it on a Medicaid application.
- The customer moves out of the agency’s service area.



- The customer’s refusal to submit, or allow the benefit specialist to submit, evidence to the Social Security Administration (SSA) in accordance with adverse evidence rules (Code of Federal Regulations, Title 20, §§ [404.1512](#) and [416.912](#)).
- For benefit specialists, in certain situations involving a client who has a legal decision maker. For example:
  - a. Assisting the legal decision maker would create a conflict of interest. It is appropriate to decline or terminate services if there is a conflict of interest. The benefit specialist should consult with their supervisor or program attorney as soon as a conflict of interest is identified.
  - b. The customer’s objectives conflict with the legal decision maker’s goals. That is, the customer refuses the benefit specialist’s help or refuses to cooperate with the case. While the benefit specialist can continue to work with the legal guardian, if the customer’s non-cooperation hinders the benefit specialist’s ability to advocate for the customer, it may be appropriate to decline or terminate services. The benefit specialist should consult with their supervisor or program attorney to determine whether to terminate the case.

If an agency is operating at capacity, the agency must consult with DHS and the area agency on aging (AAA) to determine service priorities and implement its local waiting list policy for services before terminating or reducing services to any customer. This only applies to services in which a waiting list is allowable. ADRCs are prohibited from creating waiting lists for information and assistance, options counseling, eligibility determination, and enrollment or disenrollment counseling.

Aging units and service providers, whether they are stand-alone or integrated with the ADRC, are required to establish a code of conduct and behavioral policy for participants of Older Americans Act programs. These policies will, at a minimum:

- Prohibit obscene language, name calling, and harassment of other participants, program staff, and volunteers.
- Establish a zero-tolerance policy for bullying of other participants and program staff and volunteers.

- Remind individuals that all participants, staff, and volunteers will be treated with consideration, respect, and recognition of each individual's dignity; and disruptive and threatening behavior will not be tolerated.
- Prohibit actions that create the perception of exclusion, such as saving of seats in nutrition program dining centers.

Agencies must make their behavioral policy available to DHS or their AAA upon request.

## Procedure

1. Agencies that are considering limiting or terminating services to customer that is requesting eligibility determination for publicly funded long-term care programs must consult with their regional quality specialist prior to a final decision being made. The final decision to terminate services will be made by DHS.
2. Decisions to limit or terminate all other agency services to a customer may be made in consultation between the [regional quality specialist](#), AAA, DHS program managers, supervising attorneys, and/or the local supervisor at the agency. The final decision to terminate services will be made by the local supervisor.
3. Agency staff must document the reason for terminating services to a customer and a summary of the event(s) that led to the decision. ADRCs will document this information in their client-tracking system notes. For aging services, aging units and service providers will retain documentation on file according to recordkeeping requirements and may also document this information in the client tracking system.
4. Agency staff will send a written notice of service termination to the customer's last known address. The notice must include an explanation of the cause(s) for termination and the [Complaint Policy](#) (P-02923-02). Customers will have the right to appeal any termination of services in accordance with the process outlined in the Complaint Policy.
5. If the customer contacts the agency for services in the future, the agency has the discretion to reinstate services. Consultation with the appropriate local authority, program attorney for benefit specialist services, program manager, or the [regional quality specialist](#) and the AAA is strongly encouraged.