

Resource: Case manager responsibilities and legal rights of the person or their legal representative

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This page is part of [CBSM – Guide to support a person with a residential service termination notice from a 245D-licensed provider](#), a toolkit to support a person on a disability waiver or in an ICF/DD with a residential service termination notice. To access other parts of this toolkit, refer to:

- [Overview of the process for residential service termination.](#)
- [Waiver service options to consider as additional supports.](#)
- [Non-waiver service support options to consider as additional supports.](#)
- [Mental health service options to consider as additional supports.](#)

General responsibilities

When a person receives a residential service termination notice, their case manager is responsible to:

- Communicate with the person, their family/legal representative and their provider to monitor, plan and coordinate support.
- Discuss the person's right to appeal the termination notice.
- Provide advocacy and appeals support, as needed.
- Provide information to help the person make an informed choice about services and supports, including options available in their own home (refer to [CBSM – Requirements for a person's own home](#)).

Legal rights of the person or their legal representative

The person/legal representative has the right to appeal and/or request a temporary stay of the termination notice.

Appeal

The person/legal representative files an appeal when they want to remain with the provider and continue receiving services. If the person/legal representative wins the appeal, the person does not have to move and can continue receiving residential services and supports from the provider who issued the service termination notice.

There are several options to submit an appeal. The person/legal representative may submit an appeal by completing [Appeal to State Agency, DHS-0033](#) online or by printing a copy and sending it to:

Department of Human Services, Appeals Division
P.O. Box 64941
St. Paul, MN 55164-0941
Phone: 651-431-3600
Fax: 651-431-7523

DHS must receive the appeal request within 30 days of receiving written notice of the provider's decision to terminate services. If the person/legal representative can show good cause for not appealing within this time limit, they may appeal up to 90 days.

After DHS receives the written request, it will set a date for a hearing. DHS will tell the person/legal representative the exact date, time and place. For more information about the appeals process, including a video and other resources, contact the DHS Appeals Division at 651-431-3600 or refer to [DHS – Appeals](#).

Note: Appeal preparation that is not related to helping the person is **not** billable as case management. It is considered an administrative activity.

Temporary stay of the termination

The person/legal representative files a temporary stay request with the DHS Appeals Division when they do **not** want to continue receiving services from the provider but need additional time to find a new residential service and support provider. If the person/legal representative receives a temporary stay of the termination, the provider adds an additional 30 days to the service termination notice period (i.e., the provider gives them 90 days to move).

The person/legal representative should send a short letter to their county of financial responsibility (CFR) to request a temporary order staying the termination. Then, the CFR submits the person's letter and recommendations to the DHS Appeals Division:

Department of Human Services, Appeals Division
P.O. Box 64941
St. Paul, MN 55164-0941
Phone: 651-431-3600
Fax: 651-431-7523

Responsibilities when the person chooses to move

If the person chooses to move, the case manager must:

- Document the person's plans and desires in their support plan.
- Review and follow the [Person-Centered, Informed Choice and Transition Protocol, DHS-3825 \(PDF\)](#). For more information about the protocol, refer to [CBSM – Person-Centered, Informed Choice and Transition Protocol](#).

The case manager may also review the Supporting A Person's Move: A Case Manager's Role training available on [TrainLink](#) (course code HOUSING_CM) to guide them through their role and responsibilities in supporting a person to find a new home.

Formal person-centered planning

The person or their family/legal representative can request a formal person-centered plan before they move. In this situation, the case manager may authorize the family training and counseling waiver service by following instructions on [CBSM – Family training and counseling](#). The person and their family/guardian can use this service to develop a person-centered transition plan with:

- A person-centered plan facilitator. For a list of facilitators by region, refer to [DHS – Person-centered practices](#).
- A case manager who completed a Picture of a Life, Person Centered Plan Facilitation Training (e.g., [University of Minnesota's training](#)).

New corporate foster care development

If the person chooses to continue receiving services from a residential service provider, does not live in their own home and is unable to find an opening in an existing corporate foster care home, the CFR can search for a provider willing to create a new development during the 60-day notice period.

However, this process will likely take longer than the 60-day notice period, so the case manager must arrange additional options until the person can move into the new home.

If the CFR identifies a provider, the case manager can start the process to recommend a new corporate foster care development. The case manager contacts the corporate foster care moratorium liaison where the setting would be located using information on [CBSM – Corporate foster care moratorium liaison contact list](#). The liaison uses [Request to Close or Develop New Corporate Foster Care and Community Residential Settings, DHS-6021](#) to submit a request to DHS.

Note: DHS' approval of a new development is subject to the statewide corporate foster care capacity threshold. For more information, refer to [CBSM – Moratorium on corporate foster care and community residential setting development](#).