

C. Definitions for Health and Safety.

1. The Department shall adopt the following definitions of “health” and “safety”:

a. Health is the prevention of deterioration of one’s physical or mental health condition or cognitive functioning, or an increase in maladaptive behavior, and is related to the effects of one’s disability.

b. Safety is the prevention of criminal activity, destruction of property, or injury or harm to self or others.

2. The Department shall apply the following to adult DD participants and applicants in order to satisfy the “health” and “safety” standard:

a. Safety risks must be documented by the following: (1) current incident reports; (2) police reports; (3) assessments from a licensed practitioner of the healing arts as defined by IDAPA 16.03.10.521.14 or a professional licensed by the State of Idaho and whose assessment is within the scope of his or her license; or (4) status reports and implementation plans that reflect the type and frequency of intervention(s) in place to prevent the risk and the participant’s progress under such intervention(s). Such documentation must establish: (1) an imminent or likely safety risk; and (2) the specific supports or services that are being requested (including the type and frequency, if applicable) that are likely to prevent that risk.

b. Health risks must be established through written documentation and current treatment recommendations from a licensed practitioner of the healing arts as defined by IDAPA 16.03.10.521.14 or other professional licensed by the

State of Idaho whose recommendation is within the scope of his or her license. Such documentation must establish: (1) the current physical or mental condition or cognitive functioning that will likely deteriorate, or the current maladaptive behavior(s) that will likely increase; and (2) the specific supports or services being requested (including type and frequency, if applicable) that will address the identified need. In order to comply with the documentation requirement, the Department may require the participant to obtain additional consultation or assessment, available to the participant and covered by Medicaid, from a professional licensed by the State of Idaho acting within the scope of his or her license. If the Department requires additional consultation or assessment, the Department will specify the nature of the consultation or assessment and the necessary documentation.

- c. Services and supports that are identified to address health and safety risks:
 - i. Must be consistent with Department rule, including the Department's prior authorization criteria defined in IDAPA 16.03.10.507, 16.03.10.508.14, and 16.03.10.508.16-19; and
 - ii. Cannot duplicate other services available or provided to the participant; and
 - iii. Cannot be primarily for the economic benefit or convenience of the participant's provider(s) or caretaker(s);
 - iv. Cannot be experimental or cosmetic; and

v. Must be the most cost effective treatment, remedy, support, or Medicaid coverage available to the individual to reasonably address the health or safety risk (e.g., accessible non-paid supports or other Medicaid coverages). If the Department requires specific documentation from the participant in order to determine whether the requested services or supports are the most cost effective treatment, remedy, support or Medicaid coverage available to reasonably address the health or safety risk, the Department will request and consider such documentation from the participant.

d. In addition to the documentation requirements above, the supports or services to address a health or safety risk must be identified through the participant's person centered planning team and requested and agreed to by the participant or the participant's decision making authority (as defined in the pending rule IDAPA 16.03.10.311.01-04).

e. All supports and services identified to address health and safety risks must be medically necessary, as defined in IDAPA 16.03.10.012.14.