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APPENDIX A 140

**IDAPA 16
TITLE 03
CHAPTER 09**

16.03.09 - MEDICAID BASIC PLAN BENEFITS

000. LEGAL AUTHORITY.

01. Rulemaking Authority. The Idaho Department of Health and Welfare has the authority to promulgate public assistance rules under Section 56-202(b), Idaho Code. (3-30-07)

02. General Administrative Authority. Titles XIX and XXI of the Social Security Act, as amended, and the companion federal regulations, are the basic authority for administration of the federal program. General administrative duties for the Department are found under Section 56-202, Idaho Code. (3-30-07)

03. Administration of the Medical Assistance Program. (3-30-07)

a. Section 56-203(g), Idaho Code, empowers the Department to define persons entitled to medical assistance. (3-30-07)

b. Section 56-203(i), Idaho Code, empowers the Department to identify the amount, duration, scope of care, and services to be purchased as medical assistance on behalf of individuals eligible to receive benefits under the Medical Assistance Program. (3-30-07)

c. Sections 56-250 through 56-257, Idaho Code, establish minimum standards that enable these rules. (3-30-07)

04. Fiscal Administration. (3-30-07)

a. Fiscal administration of these rules is authorized by Titles XIX and XXI of the Social Security Act, as well as 42 CFR Part 447 and the Provider Reimbursement Manual (PRM) Part I and Part II found in CMS Publication 15-1 and 15-2. Provisions of the PRM, as incorporated in Section 004 of these rules, apply unless otherwise provided for in these rules. (3-30-07)

b. Title 56, Chapter 1, Idaho Code, establishes standards for provider payment for certain Medicaid providers. (3-30-07)

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (3-30-07)

02. Scope. This chapter of rules contains the general provisions regarding the administration of the Medical Assistance Program. All goods and services not specifically included in this chapter are excluded from coverage under the Medicaid Basic Plan. A guide to covered services is found under Section 399 of these rules. These rules also contain requirements for provider procurement and provider reimbursement. (3-30-07)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretations of the rules of this chapter. These documents are available for public inspection at the location identified under Subsection 005.03 of these rules and in accordance with Section 006 of these rules. (3-30-07)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

004. INCORPORATION BY REFERENCE.

The following are incorporated by reference in this chapter of rules: (3-30-07)

01. 42 CFR Part 447. 42 CFR Part 447, "Payment for Services," revised as of October 1, 2001, is available from CMS, 7500 Security Blvd, Baltimore, M.D., 21244-1850 or on the Code of Federal Regulations internet site at <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>. (3-30-07)

02. American Academy of Pediatrics (AAP) Periodicity Schedule. This document is available on the internet at: <http://aappolicy.aappublications.org/cgi/reprint/pediatrics;105/3/645.pdf>. The schedule is also available at the Division of Medicaid, 3232 Elder Street, Boise, ID 83705. (3-30-07)

03. CDC Child and Teen BMI Calculator. The Centers for Disease Control (CDC) Child and Teen Body Mass Index (BMI) Calculator is available on the internet at: <http://www.cdc.gov/nccdphp/dnpa/bmi/index.htm>. The Calculator is also available through the Division of Medicaid, 3232 Elder Street, Boise, ID 83705. (3-30-07)

04. DSM-IV-TR. American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR) Washington, DC, American Psychiatric Association, 2000. Copies of the manual are available from the American Psychiatric Association, 1400 K Street, N.W., Washington, DC, 20005. A copy of the manual is also available for public review at the Department of Health and Welfare, 450 West State Street, Boise, Idaho, 83702. (3-30-07)

05. Estimated Useful Lives of Depreciable Hospital Assets, 2004 Revised Edition, Guidelines Lives. This document may be obtained from American Hospital Publishing, Inc., 211 East Chicago Avenue, Chicago, IL, 60611. (3-30-07)

06. Idaho Infant Toddler Program Implementation Manual (Revised September 1999). The full text of the "Idaho Infant Toddler Program Implementation Manual," revised September 1999, is available at the Department of Health and Welfare, 450 West State Street, Boise, Idaho, 83702. (3-30-07)

07. Idaho Special Education Manual, September 2001. The full text of the "Idaho Special Education Manual, September 2001" is available on the Internet at <http://www.sde.state.id.us/SpecialEd/manual/sped.asp>. A copy is also available at the Idaho Department of Education, 650 West State Street, P.O. Box 83720, Boise, Idaho 83720-0027. (3-30-07)

08. Medicare Durable Medical Equipment (DME) Medicare Administrative Contractor (MAC) Jurisdiction D Supplier Manual 2007, As Amended. Since the supplier manual is amended on a quarterly basis by CMS, the current year's manual is being incorporated by reference, as amended, to allow for the incorporation of the most recent amendments to the manual. The full text of the Medicare. DME MAC Jurisdiction D Supplier Manual is available via the Internet at: www.noridianmedicare.com. (3-30-07)

09. Physician's Current Procedural Terminology (CPT® Manual). This document may be obtained from the American Medical Association, P.O. Box 10950, Chicago, Illinois 60610, or online at: <http://www.ama-assn.org/ama/pub/category/3113.html>. (3-30-07)

10. Provider Reimbursement Manual (PRM). The Provider Reimbursement Manual (PRM), Part I and Part II (CMS Publication 15-1 and 15-2), is available on the CMS internet site at <http://www.cms.hhs.gov/Manuals/PBM/itemdetail.asp?filterType=none&filterByDID=-99&sortByDID=1&sortOrder=ascending&itemID=CMS021929> and <http://www.cms.hhs.gov/Manuals/PBM/itemdetail.asp?filterType=none&filterByDID=0&sortByDID=1&sortOrder=ascending&itemID=CMS021935>. (3-30-07)

11. SIB-R Comprehensive Manual. Scales of Independent Behavior - Revised Comprehensive Manual, 1996, Riverside Publishing Co, 425 Spring Lake Drive, Itasca, IL 60143-2079. A copy is available for public review at the Department of Health and Welfare, 450 West State Street, Boise, Idaho 83702. (3-30-07)

12. Travel Policies and Procedures of the Idaho State Board of Examiners. The text of "Idaho State Travel Policies and Procedures of the Idaho State Board of Examiners," Appendices A and B, June 13, 2000, is available at the Office of the State Controller, 700 W. State St., 5th Fl., Box 83720, Boise, Idaho 83720-0011 or on the Internet at <http://www.sco.idaho.gov>. (3-30-07)

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-30-07)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (3-30-07)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (3-30-07)

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (3-30-07)

05. Internet Website. The Department's internet website is found at <http://www.healthandwelfare.idaho.gov>. (3-30-07)

06. Division of Medicaid. The Department's Division of Medicaid is located at 3232 Elder Street, Boise, ID 83705; Phone: (208) 334-5747. (3-30-07)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (3-30-07)

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (3-30-07)

007. (RESERVED).

008. AUDIT, INVESTIGATION, AND ENFORCEMENT.

In addition to any actions specified in these rules, the Department may audit, investigate, and take enforcement action under the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse, and Misconduct." (3-30-07)

009. MANDATORY CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance With Department Criminal History Check. Criminal history checks are required for certain types of providers under these rules. Providers who are required to have a criminal history check must comply with IDAPA 16.05.06, "Criminal History and Background Checks." (3-30-07)

02. Availability to Work or Provide Service. (3-30-07)

a. The employer, at its discretion, may allow an individual to provide care or services on a provisional basis once the application for a criminal history and background check is completed and notarized, and the employer has reviewed the application for any disqualifying crimes or relevant records. The employer determines whether the individual could pose a health and safety risk to the vulnerable participants it serves. The individual is not allowed to provide care or services when the employer determines the individual has disclosed a disqualifying crime or relevant records. (3-30-07)

b. Those individuals licensed or certified by the Department are not available to provide services or receive licensure or certification until the criminal history and background check is completed and a clearance issued by the Department. (3-30-07)

03. Additional Criminal Convictions. Once an individual has received a criminal history clearance, any additional criminal convictions must be reported by the agency to the Department when the agency learns of the

conviction. (3-30-07)

04. Providers Subject to Criminal History Check Requirements. The following providers must receive a criminal history clearance: (3-30-07)

a. Mental Health Clinics. The criminal history check requirements applicable to mental health clinic staff are found in Subsection 714.05 of these rules. (3-30-07)

b. Commercial Non-Emergency Transportation Providers. The criminal history check requirements applicable to commercial non-emergency transportation providers are found in Section 874 of these rules. (3-30-07)

010. DEFINITIONS -- A THROUGH H.

For the purposes of these rules, the following terms are used as defined below: (3-30-07)

01. AABD. Aid to the Aged, Blind, and Disabled. (3-30-07)

02. Abortion. The medical procedure necessary for the termination of pregnancy endangering the life of the woman, or the result of rape or incest, or determined to be medically necessary in order to save the health of the woman. (3-30-07)

03. Amortization. The systematic recognition of the declining utility value of certain assets, usually not owned by the organization or intangible in nature. (3-30-07)

04. Ambulatory Surgical Center (ASC). Any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, and which is certified by the U.S. Department of Health and Human Services as an ASC. (3-30-07)

05. Audit. An examination of provider records on the basis of which an opinion is expressed representing the compliance of a provider's financial statements and records with Medicaid law, regulations, and rules. (3-30-07)

06. Auditor. The individual or entity designated by the Department to conduct the audit of a provider's records. (3-30-07)

07. Audit Reports. (3-30-07)

a. Draft Audit Report. A preliminary report of the audit finding sent to the provider for the provider's review and comments. (3-30-07)

b. Final Audit Report. A final written report containing the results, findings, and recommendations, if any, from the audit of the provider, as approved by the Department. (3-30-07)

c. Interim Final Audit Report. A written report containing the results, findings, and recommendations, if any, from the audit of the provider, sent to the Department by the auditor. (3-30-07)

08. Bad Debts. Amounts due to provider as a result of services rendered, but which are considered uncollectible. (3-30-07)

09. Basic Plan. The medical assistance benefits included under this chapter of rules. (3-30-07)

10. Buy-In Coverage. The amount the State pays for Part B of Title XVIII of the Social Security Act on behalf of the participant. (3-30-07)

11. Certified Registered Nurse Anesthetist (CRNA). A Registered Nurse qualified by advanced training in an accredited program in the specialty of nurse anesthesia to manage the care of the patient during the administration of anesthesia in selected surgical situations. (3-30-07)

- 12. Claim.** An itemized bill for services rendered to one (1) participant by a provider and submitted to the Department for payment. (3-30-07)
- 13. CFR.** Code of Federal Regulations. (3-30-07)
- 14. Clinical Nurse Specialist.** A licensed professional nurse who meets all the applicable requirements to practice as clinical nurse specialist under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (3-30-07)
- 15. CMS.** Centers for Medicare and Medicaid Services. (3-30-07)
- 16. Collateral Contact.** Contact made with a parent, guardian, or other individual having a primary relationship to the patient by an appropriately qualified treatment professional. The contact must be ordered by a physician, contained in the treatment plan, directed at the medical treatment of the patient, and documented in the progress notes or continuous service record. (3-30-07)
- 17. Co-Payment.** The amount a participant is required to pay to the provider for specified services. (3-30-07)
- 18. Cost Report.** A fiscal year report of provider costs required by the Medicare program and any supplemental schedules required by the Department. (3-30-07)
- 19. Customary Charges.** Customary charges are the rates charged to Medicare participants and to patients liable for such charges, as reflected in the facility's records. Those charges are adjusted downward, when the provider does not impose such charges on most patients liable for payment on a charge basis or, when the provider fails to make reasonable collection efforts. The reasonable effort to collect such charges is the same effort necessary for Medicare reimbursement as is needed for unrecovered costs attributable to certain bad debt as described in Chapter 3, Sections 310 and 312, PRM. (3-30-07)
- 20. Department.** The Idaho Department of Health and Welfare or a person authorized to act on behalf of the Department. (3-30-07)
- 21. Director.** The Director of the Idaho Department of Health and Welfare or his designee. (3-30-07)
- 22. Dual Eligibles.** Medicaid participants who are also eligible for Medicare. (3-30-07)
- 23. Durable Medical Equipment (DME).** Equipment other than prosthetics or orthotics that can withstand repeated use by one (1) or more individuals, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of an illness or injury, is appropriate for use in the home, and is reasonable and necessary for the treatment of an illness or injury for a medical assistance participant. (3-30-07)
- 24. Emergency Medical Condition.** A medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in the following: (3-30-07)
- a.** Placing the health of the individual, or, with respect to a pregnant woman, the health of the woman or unborn child, in serious jeopardy. (3-30-07)
 - b.** Serious impairment to bodily functions. (3-30-07)
 - c.** Serious dysfunction of any bodily organ or part. (3-30-07)
- 25. EPSDT.** Early and Periodic Screening, Diagnosis, and Treatment. (3-30-07)
- 26. Facility.** Facility refers to a hospital, nursing facility, or intermediate care facility for persons with mental retardation. (3-30-07)

27. Federally Qualified Health Center (FQHC). An entity that meets the requirements of 42 U.S.C Section 1395x(aa)(4). The FQHC may be located in either a rural or urban area designated as a shortage area or in an area that has a medically underserved population. (3-30-07)

28. Fiscal Year. An accounting period that consists of twelve (12) consecutive months. (3-30-07)

29. Forced Sale. A forced sale is a sale required by a bankruptcy, foreclosure, the provisions of a will or estate settlement pursuant to the death of an owner, physical or mental incapacity of an owner which requires ownership transfer to an existing partner or partners, or a sale required by the ruling of a federal agency or by a court order. (3-30-07)

30. Healthy Connections. The primary care case management model of managed care under Idaho Medicaid. (3-30-07)

31. Home Health Services. Services ordered by a physician and performed by a licensed nurse, registered physical therapist, or home health aide as defined in IDAPA 16.03.07, "Rules for Home Health Agencies." (3-30-07)

32. Hospital. A hospital as defined in Section 39-1301, Idaho Code. (3-30-07)

33. Hospital-Based Facility. A nursing facility that is owned, managed, or operated by, or is otherwise a part of a licensed hospital. (3-30-07)

011. DEFINITIONS -- I THROUGH O.

For the purposes of these rules, the following terms are used as defined below: (3-30-07)

01. ICF/MR. Intermediate Care Facility for Persons with Mental Retardation. An ICF/MR is an entity licensed as an ICF/MR and federally certified to provide care to Medicaid and Medicare participants with developmental disabilities. (3-30-07)

02. In-Patient Hospital Services. Services that are ordinarily furnished in a hospital for the care and treatment of an in-patient under the direction of a physician or dentist except for those services provided in mental hospitals. (3-30-07)

03. Intermediary. Any organization that administers Title XIX or Title XXI; in this case the Department of Health and Welfare. (3-30-07)

04. Intermediate Care Facility Services. Those services furnished in an intermediate care facility as defined in 42 CFR 440.150, but excluding services provided in a Christian Science Sanatorium. (3-30-07)

05. Legal Representative. A parent with custody of a minor child, one who holds a legally-executed and effective power of attorney for health decisions, or a court-appointed guardian whose powers include the power to make health care decisions. (3-30-07)

06. Legend Drug. A drug that requires, by federal regulation or state rule, the order of a licensed medical practitioner before dispensing or administration to the patient. (3-30-07)

07. Level of Care. The classification in which a participant is placed, based on severity of need for institutional care. (3-30-07)

08. Licensed, Qualified Professionals. Individuals licensed, registered, or certified by national certification standards in their respective discipline, or otherwise qualified within the state of Idaho. (3-30-07)

09. Lock-In Program. An administrative sanction, required of a participant found to have misused the services provided by the Medical Assistance Program. The participant is required to select one (1) provider in the identified area(s) of misuse to serve as the primary provider. (3-30-07)

10. Locum Tenens/Reciprocal Billing. The practice of a physician to retain a substitute physician when the regular physician is absent for reasons such as illness, pregnancy, vacation, or continuing medical education. The substitute physician is called the "Locum Tenens" physician. Reimbursement to a Locum Tenens physician will be limited to a period of ninety (90) continuous days. Reciprocal billing occurs when a substitute physician covers the regular physician during an absence or on an on-call basis a period of fourteen (14) continuous days or less. (3-30-07)

11. Medical Assistance. Payments for part or all of the cost of services funded by Titles XIX or XXI of the federal Social Security Act, as amended. (3-30-07)

12. Medicaid. Idaho's Medical Assistance Program. (3-30-07)

13. Medicaid-Related Ancillary Costs. For the purpose of these rules, those services considered to be ancillary by Medicare cost reporting principles. Medicaid-related ancillary costs will be determined by apportioning direct and indirect costs associated with each ancillary service to Medicaid participants by dividing Medicaid charges into total charges for that service. The resulting percentage, when multiplied by the ancillary service cost, will be considered Medicaid-related ancillaries. (3-30-07)

14. Medical Necessity (Medically Necessary). A service is medically necessary if: (3-30-07)

a. It is reasonably calculated to prevent, diagnose, or treat conditions in the participant that endanger life, cause pain, or cause functionally significant deformity or malfunction; and (3-30-07)

b. There is no other equally effective course of treatment available or suitable for the participant requesting the service which is more conservative or substantially less costly. (3-30-07)

c. Medical services must be of a quality that meets professionally-recognized standards of health care and must be substantiated by records including evidence of such medical necessity and quality. Those records must be made available to the Department upon request. (3-30-07)

15. Medical Supplies. Items excluding drugs, biologicals, and equipment furnished incident to a physician's professional services commonly furnished in a physician's office or items ordered by a physician for the treatment of a specific medical condition. These items are generally not useful to an individual in the absence of an illness and are consumable, nonreusable, disposable, and generally have no salvage value. Surgical dressings, ace bandages, splints and casts, and other devices used for reduction of fractures or dislocations are considered supplies. (3-30-07)

16. Nominal Charges. A public provider's charges are nominal where aggregate charges amount to less than one-half (1/2) of the reasonable cost of the services provided. (3-30-07)

17. Nonambulatory. Unable to walk without assistance. (3-30-07)

18. Non-Legend Drug. Any drug the distribution of which is not subject to the ordering, dispensing, or administering by a licensed medical practitioner. (3-30-07)

19. Nurse Midwife (NM). A licensed professional nurse (RN) who meets all the applicable requirements to practice as nurse midwife under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (3-30-07)

20. Nurse Practitioner (NP). A licensed professional nurse (RN) who meets all the applicable requirements to practice as nurse practitioner under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (3-30-07)

21. Nursing Facility (NF). An institution, or distinct part of an institution, that is primarily engaged in providing skilled nursing care and related services for participants. It is an entity licensed as a nursing facility and federally certified to provide care to Medicaid and Medicare participants. Participants must require medical or

nursing care, or rehabilitation services for injuries, disabilities, or sickness. (3-30-07)

22. Orthotic. Pertaining to or promoting the support of an impaired joint or limb. (3-30-07)

23. Outpatient Hospital Services. Preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under the direction of a physician or dentist to a patient not in need of inpatient hospital care. (3-30-07)

24. Out-of-State Care. Medical service that is not provided in Idaho or bordering counties is considered out-of-state. Bordering counties outside Idaho are considered out-of-state for the purpose of authorizing long term care. (3-30-07)

25. Oxygen-Related Equipment. Equipment which is utilized or acquired for the routine administration of oxygen in the home. This includes oxygen tanks, regulators, humidification nebulizers, oxygen concentrators, and related equipment. Equipment which is used solely for the administration of medication into the lungs is excluded from this definition. (3-30-07)

012. DEFINITIONS -- P THROUGH Z.

For the purposes of these rules, the following terms are used as defined below: (3-30-07)

01. Participant. A person eligible for and enrolled in the Idaho Medical Assistance Program. (3-30-07)

02. Patient. The person undergoing treatment or receiving services from a provider. (3-30-07)

03. Physician. A person possessing a Doctorate of Medicine degree or a Doctor of Osteopathy degree and licensed to practice medicine by a State or United States territory. (3-30-07)

04. Physician Assistant (PA). A person who meets all the applicable requirements to practice as licensed physician assistant under Title 54, Chapter 18, Idaho Code, and IDAPA 22.01.03, "Rules for the Licensure of Physician Assistants." (3-30-07)

05. Plan of Care. A written description of medical, remedial, or rehabilitative services to be provided to a participant, developed by or under the direction and written approval of a physician. Medications, services and treatments are identified specifically as to amount, type and duration of service. (3-30-07)

06. Private Rate. Rate most frequently charged to private patients for a service or item. (3-30-07)

07. PRM. Provider Reimbursement Manual. (3-30-07)

08. Property. The homestead and all personal and real property in which the participant has a legal interest. (3-30-07)

09. Prosthetic Device. Replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts profession within the scope of his practice as defined by state law to: (3-30-07)

a. Artificially replace a missing portion of the body; or (3-30-07)

b. Prevent or correct physical deformities or malfunctions; or (3-30-07)

c. Support a weak or deformed portion of the body. (3-30-07)

d. Computerized communication devices are not included in this definition of a prosthetic device. (3-30-07)

10. Provider. Any individual, partnership, association, corporation or organization, public or private,

that furnishes medical goods or services in compliance with these rules and who has applied for and received a Medicaid provider number and who has entered into a written provider agreement with the Department in accordance with Section 205 of these rules. (3-30-07)

11. Provider Agreement. A written agreement between the provider and the Department, entered into in accordance with Section 205 of these rules. (3-30-07)

12. Provider Reimbursement Manual (PRM). A federal publication that specifies accounting treatments and standards for the Medicare program, CMS Publications 15-1 and 15-2, that are incorporated by reference in Section 004 of these rules. (3-30-07)

13. Prudent Layperson. A person who possesses an average knowledge of health and medicine. (3-30-07)

14. Psychologist, Licensed. A person licensed to practice psychology in Idaho under Title 54, Chapter 23, Idaho Code, and as outlined by IDAPA 24.12.01, "Rules of the Idaho State Board of Psychologist Examiners." (3-30-07)

15. Psychologist Extender. A person who practices psychology under the supervision of a licensed psychologist as required under Title 54, Chapter 23, Idaho Code, and as outlined by IDAPA 24.12.01, "Rules of the Idaho State Board of Psychologist Examiners," and who is registered with the Bureau of Occupational Licenses. (3-30-07)

16. Public Provider. A public provider is one operated by a federal, state, county, city, or other local government agency or instrumentality. (3-30-07)

17. Quality Improvement Organization (QIO). An organization that performs utilization and quality control review of health care furnished to Medicare and Medicaid participants. A QIO is formerly known as a Peer Review Organization (PRO). (3-30-07)

18. Related Entity. An organization with which the provider is associated or affiliated to a significant extent, or has control of, or is controlled by, that furnishes the services, facilities, or supplies for the provider. (3-30-07)

19. R.N. Registered Nurse, which in the State of Idaho is known as a Licensed Professional Nurse. (3-30-07)

20. Rural Health Clinic (RHC). An outpatient entity that meets the requirements of 42 U.S.C. Section 1395x(aa)(2). It is primarily engaged in furnishing physicians and other medical and health services in rural, federally-defined, medically underserved areas, or designated health professional shortage areas. (3-30-07)

21. Rural Hospital-Based Nursing Facilities. Hospital-based nursing facilities not located within a metropolitan statistical area (MSA) as defined by the United States Bureau of Census. (3-30-07)

22. Social Security Act. 42 U.S.C 101 et seq., authorizing, in part, federal grants to the states for medical assistance to low-income persons who meet certain criteria. (3-30-07)

23. Speech/Language Pathology and Audiology Services. Diagnostic, screening, preventative, or corrective services provided by a licensed speech pathologist or audiologist, unless exempted from licensure under Title 54, Chapter 29, Idaho Code, for which a patient is referred by a physician or other practitioner of the healing arts within the scope of his or her practice under state law. Speech, hearing and language services do not include equipment needed by the patient such as communication devices or environmental controls. (3-30-07)

24. State Plan. The contract between the state and federal government under 42 U.S.C. Section 1396a(a). (3-30-07)

25. Supervision. Procedural guidance by a qualified person and initial direction and periodic

inspection of the actual act, at the site of service delivery. (3-30-07)

26. Title XVIII. Title XVIII of the Social Security Act, known as Medicare, for aged, blind, and disabled individuals administered by the federal government. (3-30-07)

27. Title XIX. Title XIX of the Social Security Act, known as Medicaid, is a medical benefits program jointly financed by the federal and state governments and administered by the states. This program pays for medical assistance for certain individuals and families with low income and limited resources. (3-30-07)

28. Title XXI. Title XXI of the Social Security Act, known as the State Children's Health Insurance Program (SCHIP). This is a program that primarily pays for medical assistance for low-income children. (3-30-07)

29. Third Party. Includes a person, institution, corporation, public or private agency that is liable to pay all or part of the medical cost of injury, disease, or disability of a medical assistance participant. (3-30-07)

30. Transportation. The physical movement of a participant to and from a medical appointment or service by the participant, another person, taxi or common carrier. (3-30-07)

013. MEDICAL CARE ADVISORY COMMITTEE.

The Director of the Department will appoint a Medical Care Advisory Committee to advise and counsel on all aspects of health and medical services. (3-30-07)

01. Membership. The Medical Care Advisory Committee will include, but not be limited to, the following: (3-30-07)

a. Licensed physicians and other representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for their care; and (3-30-07)

b. Members of consumer groups, including medical assistance participants and consumer organizations. (3-30-07)

02. Organization. The Medical Care Advisory Committee will: (3-30-07)

a. Consist of not more than twenty-two (22) members; and (3-30-07)

b. Be appointed by the Director to the Medical Care Advisory Committee to serve three (3) year terms, whose terms are to overlap; and (3-30-07)

c. Elect a chairman and a vice-chairman to serve a two (2) year term; and (3-30-07)

d. Meet at least quarterly; and (3-30-07)

e. Submit a report of its activities and recommendations to the Director at least once each year. (3-30-07)

03. Policy Function. The Medical Care Advisory Committee must be given opportunity to participate in medical assistance policy development and program administration. (3-30-07)

04. Staff Assistance. The Medical Care Advisory Committee must be provided staff assistance from within the Department and independent technical assistance as needed to enable them to make effective recommendations, and will be provided with travel and per diem costs, where necessary. (3-30-07)

014. -- 099. (RESERVED).

GENERAL PARTICIPANT PROVISIONS

(Sections 100 Through 199)

100. ELIGIBILITY FOR MEDICAL ASSISTANCE.

Idaho Department of Health and Welfare Rules, IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children," and Idaho Department of Health and Welfare Rules, IDAPA 16.03.05, "Rules Governing Eligibility for the Aged, Blind and Disabled (AABD)," are applicable in determining eligibility for medical assistance.

(3-30-07)

101. -- 124. (RESERVED).

125. MEDICAL ASSISTANCE PROCEDURES.

01. Issuance of Identification Cards. When a person is determined eligible for medical assistance, the Department will issue a Medicaid identification card to the participant. When requested, the Department will give providers of medical services eligibility information regarding participants so that services may be provided.

(3-30-07)

02. Identification Card Information. An identification card will be issued to each participant and will contain the following information:

(3-30-07)

a. The name of the participant to whom the card was issued; and

(3-30-07)

b. The participant's Medicaid identification number; and

(3-30-07)

c. The card number.

(3-30-07)

03. Information Available for Participants. The following information will be available at each Field Office for use by each medical assistance participant:

(3-30-07)

a. The amount, duration and scope of the available care and services; and

(3-30-07)

b. The manner in which the care and services may be secured; and

(3-30-07)

c. How to use the identification card.

(3-30-07)

126. -- 149. (RESERVED).

150. CHOICE OF PROVIDERS.

01. Service Selection. Each participant may obtain any services available from any participating institution, agency, pharmacy, or practitioner of his choice, unless enrolled in Healthy Connections. This, however, does not prohibit the Department from establishing the fees which will be paid to providers for furnishing medical and remedial care available under the Medical Assistance Program, or from setting standards relating to the qualifications of providers of such care.

(3-30-07)

02. Lock-In Option.

(3-30-07)

a. The Department may implement a total or partial lock-in program for any participant found to be misusing the Medical Assistance Program according to provisions in Sections 910 through 918 of these rules.

(3-30-07)

b. In situations where the participant has been restricted to a participant lock-in program, that participant may choose the physician and pharmacy of his choice. The providers chosen by the lock-in participant will be identified in the Department's Eligibility Verification System (EVS). This information will be available to any Medicaid provider who accesses the EVS.

(3-30-07)

151. -- 159. (RESERVED).

160. RESPONSIBILITY FOR KEEPING APPOINTMENTS.

The participant is solely responsible for making and keeping an appointment with the provider. If a participant makes an appointment and subsequently does not keep it, the participant may be required to pay the provider an amount established by the provider's missed appointment policy that is applicable to all patients of the provider. (2-1-07)T

161. -- 164. (RESERVED).

165. COST-SHARING.

01. Co-Payments. When a participant accesses certain services inappropriately, the provider can require the participant to pay a co-payment as described in IDAPA 16.03.18, "Medicaid Cost-Sharing." (2-1-07)T

02. Premiums. A participant can be required to share in the cost of basic plan benefits in the form of a premium as described in IDAPA 16.03.18, "Medicaid Cost-Sharing." (3-30-07)

166. -- 199. (RESERVED).

GENERAL PROVIDER PROVISIONS

(Sections 200 Through 299)

200. PROVIDER APPLICATION PROCESS.

01. Provider Application. Providers may apply for provider numbers with the Department. Those in-state providers who have previously been assigned a Medicare number may retain that same number. The Department will confirm the status for all applicants with the appropriate licensing board and assign Medicaid provider numbers. (3-30-07)

02. Denial of Provider Application. The Department must not accept the application of a provider who is suspended from Medicare or Medicaid in another state. (3-30-07)

201. -- 204. (RESERVED).

205. AGREEMENTS WITH PROVIDERS.

01. In General. The Department will enter into written agreements with each provider or group of providers of supplies or services under the Program. Agreements may contain any terms or conditions deemed appropriate by the Department. Each agreement will contain, among others, the following terms and conditions requiring the provider: (3-30-07)

a. To retain for a minimum of six (6) years any records necessary for a determination of the services the provider furnishes to participants; and (3-30-07)

b. To furnish to the Department, the U.S. Department of Health and Human Services, the Fraud Investigation Unit, or the Idaho State Police any information requested regarding payments claimed by the provider for services; and (3-30-07)

c. To furnish to the Department, the U.S. Department of Health and Human Services, the Fraud Investigation Unit, or the Idaho State Police, information requested on business transactions as follows: (3-30-07)

i. Ownership of any subcontractor with whom the provider has had business transactions of more than twenty-five thousand dollars (\$25,000) during a twelve (12) month period ending on the date of request; and

(3-30-07)

ii. Any significant business transactions between the provider and any wholly owned supplier, or between the provider and any subcontractor during the five (5) year period ending on the date of request. (3-30-07)

02. Federal Disclosure Requirements. To comply with the disclosure requirements in 42 CFR 455, Subpart B, each provider, other than an individual practitioner or a group of practitioners, must disclose to the Department: (3-30-07)

a. The full name and address of each individual who has either direct or indirect ownership interest in the disclosing entity or in any subcontractor of five percent (5%) or more prior to entering into an agreement or at the time of survey and certification; and (3-30-07)

b. Whether any person named in the disclosure is related to another person named in the disclosure as a spouse, parent, or sibling. (3-30-07)

03. Termination of Provider Agreements. Provider agreements may be terminated with or without cause. (3-30-07)

a. The Department may, in its discretion, terminate a provider's agreement for cause based on its conduct or the conduct of its employees or agents, when the provider fails to comply with any term or provision of the provider agreement. Other action may also be taken, based on the conduct of the provider as provided in Section 205 of this chapter of rules, and notice of termination must be given as provided therein. Terminations for cause may be appealed as a contested case in accordance with the IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Ruling." (3-30-07)

b. Due to the need to respond quickly to state and federal mandates, as well as the changing needs of the State Plan, the Department may terminate provider agreements without cause by giving written notice to the provider as set forth in the agreement. If an agreement does not provide a notice period, the period is twenty-eight (28) days. Terminations without cause may result from, but are not limited to, elimination or change of programs or requirements, or the provider's inability to continue providing services due to the actions of another agency or board. Terminations without cause are not subject to contested case proceedings since the action will either affect a class of providers, or will result from the discretionary act of another regulatory body. (3-30-07)

04. Denial of Provider Agreement. The Department may deny provider status by refusing a request to enter into a provider agreement, refusing to extend an existing agreement, or refusing to enter into additional agreements with any individual or entity, that: (3-30-07)

a. Fails to meet the qualifications required by rule or by any applicable licensing board; (3-30-07)

b. Has previously been, or was a managing employee, or had an ownership interest, as defined in 42 C.F.R Section 455.101, in any entity which was previously found by the Department to have engaged in fraudulent conduct, or abusive conduct related to the Medicaid program or has demonstrated an inability to comply with the requirements related to the provider status for which application is made, including, but not limited to submitting false claims or violating provisions of any provider agreement; (3-30-07)

c. Has failed, or was a managing employee, or had an ownership interest, as defined in 42 C.F.R Section 455.101, in any entity that failed to repay the Department for any overpayments, or to repay claims previously found by the Department to have been paid improperly, whether the failure resulted from refusal, bankruptcy, or otherwise, unless prohibited by law; or (3-30-07)

d. Employs as a managing employee, contracts for any management services, shares any ownership interests, or would be considered a related party to any individual or entity identified in Subsections 205.04.a. through 205.04.c., of this rule. (3-30-07)

206. -- 209. (RESERVED).

210. CONDITIONS FOR PAYMENT.

01. Participant Eligibility. The Department will reimburse providers for medical care and services, regardless of the current eligibility status of the medical assistance participant in the month of payment, provided that each of the following conditions are met: (3-30-07)

a. The participant was found eligible for medical assistance for the month, day, and year during which the medical care and services were rendered; (3-30-07)

b. The participant received such medical care and services no earlier than the third month before the month in which application was made on such participant's behalf; and (3-30-07)

c. Not more than twelve (12) months have elapsed since the month of the latest participant services for which such payment is being made. Medicare cross-over claims are excluded from the twelve (12) month submittal limitation. (3-30-07)

02. Time Limits. The time limit set forth in Subsection 210.01.c. of this rule does not apply with respect to retroactive adjustment payments. (3-30-07)

03. Acceptance of State Payment. By participating in the Medical Assistance Program, providers agree to accept, as payment in full, the amounts paid by the Department for services to Medicaid participants. Providers also agree to provide all materials and services without unlawfully discriminating on the grounds of race, age, sex, creed, color, national origin, or physical or mental handicap. (3-30-07)

04. Payment in Full. If a provider accepts Medicaid payment for a covered service, the Medicaid payment must be accepted as full payment for that service, and the participant cannot be billed for the difference between the billed amount and the Medicaid allowed amount. (3-30-07)

05. Medical Care Provided Outside the State of Idaho. Out-of-state medical care is subject to the same utilization review and other Medicaid coverage requirements and restrictions as medical care received within the state of Idaho. (3-30-07)

211. -- 214. (RESERVED).

215. THIRD PARTY LIABILITY.

01. Determining Liability of Third Parties. The Department will take reasonable measures to determine any legal liability of third parties for medical care and services rendered to a participant. (3-30-07)

02. Third Party Liability as a Current Resource. The Department is to treat any third party liability as a current resource when such liability is found to exist and payment by the third party has been made or will be made within a reasonable time. (3-30-07)

03. Withholding Payment. The Department must not withhold payment on behalf of a participant because of the liability of a third party when such liability, or the amount thereof, cannot be currently established or is not currently available to pay the participant's medical expense. (3-30-07)

04. Seeking Third Party Reimbursement. The Department will seek reimbursement from a third party when the party's liability is established after reimbursement to the provider is made, and in any other case in which the liability of a third party existed, but was not treated as a current resource, with the exceptions of EPSDT and EPSDT-related services. (3-30-07)

a. The Department will seek reimbursement from a participant when a participant's liability is established after reimbursement to the provider is made; and (3-30-07)

b. In any other situation in which the participant has received direct payment from any third party resource and has not forwarded the money to the Department for services or items received. (3-30-07)

05. Billing Third Parties First. Medicaid providers must bill all other sources of direct third party payment, with the exception of absent parent (court ordered) without secondary resources, prenatal, EPSDT and EPSDT-related services before submitting the claim to the Department. If the resource is an absent parent (court ordered) and there are no other viable resources available or if the claims are for prenatal, EPSDT, or EPSDT-related services, the claims will be paid and the resources billed by the Department. (3-30-07)

06. Accident Determination. When the participant's Medicaid card indicates private insurance and/or when the diagnosis indicates an accident for which private insurance is often carried, the claim will be suspended or denied until it can be determined that there is no other source of payment. (3-30-07)

07. Third Party Payments in Excess of Medicaid Limits. The Department will not reimburse providers for services provided when the amount received by the provider from the third party payor is equal to or exceeds the level of reimbursement allowed by medical assistance for the services. (3-30-07)

08. Subrogation of Third Party Liability. In all cases where the Department will be required to pay medical expenses for a participant and that participant is entitled to recover any or all such medical expenses from any third party, the Department will be subrogated to the rights of the participant to the extent of the amount of medical assistance benefits paid by the Department as the result of the occurrence giving rise to the claim against the third party. (3-30-07)

a. If litigation or a settlement in such a claim is pursued by the medical assistance participant, the participant must notify the Department. (3-30-07)

b. If the participant recovers funds, either by settlement or judgment, from such a third party, the participant must repay the amount of benefits paid by the Department on his behalf. (3-30-07)

09. Subrogation of Legal Fees. (3-30-07)

a. If a medical assistance participant incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the Department is subrogated, the amount which the Department is entitled to recover, or any lesser amount which the Department may agree to accept in compromise of its claim, will be reduced by an amount which bears the same relation to the total amount of attorney fees and court costs actually paid by the participant as the amount actually recovered by the Department, exclusive of the reduction for attorney fees and court costs, bears to the total amount paid by the third party to the participant. (3-30-07)

b. If a settlement or judgment is received by the participant which does not specify portion of the settlement or judgment which is for payment of medical expenses, it will be presumed that the settlement or judgment applies first to the medical expenses incurred by the participant in an amount equal to the expenditure for benefits paid by the Department as a result of the payment or payments to the participant. (3-30-07)

216. -- 224. (RESERVED).

225. REPORTING TO THE INTERNAL REVENUE SERVICE (IRS).

In accordance with 26 U.S.C 6041, the Department must provide annual information returns to the IRS showing aggregate amounts paid to providers identified by name, address, and social security number or employer identification number. (3-30-07)

226. -- 229. (RESERVED).

230. GENERAL PAYMENT PROCEDURES.

01. Provided Services. (3-30-07)

a. Each participant may consult a participating physician or provider of his choice for care and receive covered services by presenting his identification card to the provider, subject to restrictions imposed by a participation in Healthy Connections. (3-30-07)

b. The provider must obtain the required information by using the Medicaid number on the identification card from the Electronic Verification System and transfer the required information onto the appropriate claim form. Where the Electronic Verification System (EVS) indicates that a participant is enrolled in Healthy Connections, the provider must obtain a referral from the primary care provider. Claims for services provided to participant designated as participating in Healthy Connections by other than the primary care provider, without proper referral, will not be paid. (3-30-07)

c. Upon providing the care and services to a participant, the provider or his agent must submit a properly completed claim to the Department. (3-30-07)

d. The Department is to process each claim received and make payment directly to the provider. (3-30-07)

e. The Department will not supply claim forms. Forms needed to comply with the Department's unique billing requirements are included in Appendix D of the Idaho Medicaid Provider Handbook. (3-30-07)

02. Individual Provider Reimbursement. The Department will not pay the individual provider more than the lowest of: (3-30-07)

a. The provider's actual charge for service; or (3-30-07)

b. The maximum allowable charge for the service as established by the Department on its pricing file, if the service or item does not have a specific price on file, the provider must submit documentation to the Department and reimbursement will be based on the documentation; or (3-30-07)

c. The Medicaid-allowed amount minus the Medicare payment or the Medicare co-insurance and deductible amounts added together when a participant has both Medicare and Medicaid. (3-30-07)

03. Services Normally Billed Directly to the Patient. If a provider delivers services and it is customary for the provider to bill patients directly for such services, the provider must complete the appropriate claim form and submit it to the Department. (3-30-07)

04. Reimbursement for Other Noninstitutional Services. The Department will reimburse for all noninstitutional services which are not included in other Idaho Department of Health and Welfare Rules, but allowed under Idaho's Medical Assistance Program according to the provisions of 42 CFR Section 447.325. (3-30-07)

05. Review of Records. (3-30-07)

a. The Department, or its duly authorized agent, the U.S. Department of Health and Human Services, and the Bureau of Audits and Investigations have the right to review pertinent records of providers receiving Medicaid reimbursement for covered services. (3-30-07)

b. The review of participants' medical and financial records must be conducted for the purposes of determining: (3-30-07)

i. The necessity for the care; or (3-30-07)

ii. That treatment was rendered in accordance with accepted medical standards of practice; or (3-30-07)

iii. That charges were not in excess of the provider's usual and customary rates; or (3-30-07)

iv. That fraudulent or abusive treatment and billing practices are not taking place. (3-30-07)

c. Refusal of a provider to permit the Department to review records pertinent to medical assistance will constitute grounds for: (3-30-07)

i. Withholding payments to the provider until access to the requested information is granted; or (3-30-07)

ii. Suspending the provider's number. (3-30-07)

06. Lower of Cost or Charges. Payment to providers, other than public providers furnishing such services free of charge or at nominal charges to the public, is the lesser of the reasonable cost of such services or the customary charges with respect to such services. Public providers that furnish services free of charge or at a nominal charge are reimbursed fair compensation which is the same as reasonable cost. (3-30-07)

07. Procedures for Medicare Cross-Over Claims. (3-30-07)

a. If a medical assistance participant is eligible for Medicare, the provider must first bill Medicare for the services rendered to the participant. (3-30-07)

b. If a provider accepts a Medicare assignment, the Department will pay the provider for the services, up to the Medicaid allowable amount minus the Medicare payment, and forward the payment to the provider automatically based upon the Medicare Summary Notice (MSN) information on the computer tape which is received from the Medicare Part B Carrier on a weekly basis. (3-30-07)

c. If a provider does not accept a Medicare assignment, a MSN must be attached to the appropriate claim form and submitted to the Department. The Department will pay the provider for the services, up to the Medicaid allowable amount minus the Medicare payment. (3-30-07)

d. For all other services, a MSN must be attached to the appropriate claim form and submitted to the Department. The Department will pay the provider for the services up to the Medicaid allowable amount minus the Medicare payment. (3-30-07)

08. Services Reimbursable After the Appeals Process. Reimbursement for services originally identified by the Department as not medically necessary will be made if such decision is reversed by the appeals process required in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

231. HANDLING OF OVERPAYMENTS AND UNDERPAYMENTS FOR SPECIFIED PROVIDERS.

The provisions in Subsections 231.01 and 231.02 of this rule apply only to hospitals, FQHCs, RHCs and Home Health providers. (3-30-07)

01. Interest Charges on Overpayments and Underpayments. The Medicaid program will charge interest on overpayments, and pay interest on underpayments, as follows: (3-30-07)

a. Interest After Sixty Days of Notice. If full repayment from the indebted party is not received within sixty (60) days after the provider has received the Department reimbursement notice, interest will accrue from the date of receipt of the Department reimbursement notice, and will be charged on the unpaid settlement balance for each thirty (30) day period that payment is delayed. Periods of less than thirty (30) days will be treated as a full thirty (30) day period, and the thirty (30) day interest charge will be applied to any unpaid balance. Each payment will be applied first to accrued interest, then to the principal. Interest accrued on overpayments and interest on funds borrowed by a provider to repay overpayments are not an allowable interest expense. (3-30-07)

b. Waiver of Interest Charges. When the Department determines an overpayment exists, it may waive interest charges if it determines that the administrative costs of collecting them exceed the charges. (3-30-07)

c. Rate of Interest. The interest rate on overpayments and underpayments will be the statutory rate as set forth in Section 28-22-104(1), Idaho Code, compounded monthly. (3-30-07)

d. Retroactive Adjustment. The balance and interest will be retroactively adjusted to equal the amounts that would have been due based on any changes which occur as a result of the final determination in the

administrative appeal and judicial appeal process. Interest penalties will only applied to unpaid amounts and will be subordinated to final interest determinations made in the judicial review process. (3-30-07)

02. Recovery Methods for Overpayments. One (1) of the following methods will be used for recovery of overpayments: (3-30-07)

a. Lump Sum Voluntary Repayment. Upon receipt of the notice of program reimbursement, the provider voluntarily refunds, in a lump sum, the entire overpayment to the Department. (3-30-07)

b. Periodic Voluntary Repayment. The provider must request in writing that recovery of the overpayment be made over a period of twelve (12) months or less. The provider must adequately document the request by demonstrating that the financial integrity of the provider would be irreparably compromised if repayments occurred over a shorter period of time than requested. (3-30-07)

c. Department Initiated Recovery. The Department will recover the entire unpaid balance of the overpayment of any settlement amount in which the provider does not respond to the notice of program reimbursement within thirty (30) days of receiving the notice. (3-30-07)

d. Recovery from Medicare Payments. The Department can request that Medicare payments be withheld in accordance with 42 CFR Section 405.377. (3-30-07)

232. -- 234. (RESERVED).

235. PATIENT "ADVANCE DIRECTIVES."

01. Provider Participation. Hospitals, nursing facilities, providers of home health care services (home health agencies, federally qualified health clinics, rural health clinics), hospice providers, and personal care R.N. supervisors must: (3-30-07)

a. Provide all adults receiving medical care written and oral information (the information provided must contain all material found in the Department's approved advance directive form "Your Rights As A Patient To Make Medical Treatment Decisions") which defines their rights under state law to make decisions concerning their medical care. (3-30-07)

i. The provider must explain that the participant has the right to make decisions regarding their medical care which includes the right to accept or refuse treatment. If the participant has any questions regarding treatment, the facility or agency will notify the physician of those concerns. Their physician can answer any questions they may have about the treatment. (3-30-07)

ii. The provider will inform the participant of their rights to formulate advance directives, such as "Living Will" and/or "Durable Power of Attorney For Health Care." (3-30-07)

iii. The provider must comply with Subsection 235.02 of this rule. (3-30-07)

b. Provide all adults receiving medical care written information on the providers' policies concerning the implementation of the participant's rights regarding "Durable Power of Attorney for Health Care," "Living Will," and the participant's right to accept or refuse medical and surgical treatment. (3-30-07)

c. Document in the participant's medical record whether the participant has executed an advance directive ("Living Will" and/or "Durable Power of Attorney for Health Care"), or have a copy of the Department's approved advance directive form ("Your Rights as a Patient to Make Medical Treatment Decisions") attached to the patient's medical record which has been completed acknowledging whether the patient/resident has executed an advance directive ("Living Will" and/or "Durable Power of Attorney for Health Care." (3-30-07)

d. The provider cannot condition the provision of care or otherwise discriminate against an individual based on whether that participant has executed an "Advance Directive." (3-30-07)

e. If the provider cannot comply with the patient's "Living Will" and/or "Durable Power of Attorney for Health Care" as a matter of conscience, the provider will assist the participant in transferring to a facility or agency that can comply. (3-30-07)

f. Provide education to their staff and the community on issues concerning advance directives. (3-30-07)

02. When "Advance Directives" Must Be Given. Hospitals, nursing facilities, providers of home health care (home health agencies, federally qualified health centers, rural health clinics), hospice agencies, and personal care R.N. supervisors, must give information concerning "Advance Directives" to adult participants in the following situations: (3-30-07)

a. Hospitals must give the information at the time of the participant's admission as an inpatient unless Subsection 235.03 of this rule applies. (3-30-07)

b. Nursing facilities must give the information at the time of the participant's admission as a resident. (3-30-07)

c. Home health providers must give the information to the participant in advance of the participant coming under the care of the provider. (3-30-07)

d. The personal care R.N. supervisors will inform the participant when the R.N. completes the R.N. Assessment and Care Plan. The R.N. supervisor will inform the Qualified Mental Retardation Professional (QMRP) and the personal care attendant of the participants decision regarding "Advance Directives." (3-30-07)

e. A hospice provider must give information at the time of initial receipt of hospice care by the participant. (3-30-07)

03. Information Concerning "Advance Directives" at the Time an Incapacitated Individual Is Admitted. An individual may be admitted to a facility in a comatose or otherwise incapacitated state and be unable to receive information or articulate whether he has executed an advance directive. In this case, to the extent that a facility issues materials about policies and procedures to the families or to the surrogates or other concerned persons of the incapacitated patient in accordance with state law, it must also include the information concerning advance directives. This does not relieve the facility from its obligation to provide this information to the patient once he is no longer incapacitated. (3-30-07)

04. Provider Agreement. A "Memorandum of Understanding Regarding Advance Directives" is incorporated within the provider agreement. By signing the Medicaid provider agreement, the provider is not excused from its obligation regarding advance directives to the general public per Section 1902(a) of the Social Security Act, as amended by Section 4751 of OBRA 1990. (3-30-07)

236. -- 239. (RESERVED).

240. QUALIFIED PROVIDERS OF PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.
The Department will enter into provider agreements allowing presumptive eligibility determination with providers who meet the qualifications of Section 1920(b)(2)(d) of the Social Security Act, and who employ individuals who have completed a course of training supplied by the Department. (3-30-07)

241. -- 244. (RESERVED).

245. PROVIDERS OF SCHOOL-BASED SERVICES.
Only school districts, charter schools, and the Idaho Infant Toddler Program can be reimbursed for the services described in Sections 850 through 856 of these rules. (3-30-07)

246. -- 249. (RESERVED).

250. SELECTIVE CONTRACTING.

The Department may contract with a limited number of providers of certain Medicaid products and services, including: dental services, eyeglasses, transportation, and some medical supplies. (3-30-07)

251. -- 299. (RESERVED).

GENERAL REIMBURSEMENT PROVISIONS FOR INSTITUTIONAL PROVIDERS

(Sections 300 Through 389)

300. COST REPORTING.

The provider's Medicaid cost report must be filed using the Department designated reporting forms, unless the Department has approved an exception. The request to use alternate forms must be sent to the Department in writing, with samples attached, a minimum of ninety (90) days prior to the due date for the cost report. The request for approval of alternate forms cannot be used as a reason for late filing. (3-30-07)

301. -- 304. (RESERVED).

305. REIMBURSEMENT SYSTEM AUDITS.

01. Scope of Reimbursement System Audits. The Department reserves the right to audit financial and other records of the provider, and, when warranted, the records of entities related to the provider. Audits consist of the following types of records: (3-30-07)

- a.** Cost verification of actual costs for providing goods and services; (3-30-07)
- b.** Evaluation of provider's compliance with the provider agreement, reporting form instructions, and any applicable law, rule, or regulation; (3-30-07)
- c.** Effectiveness of the service to achieve desired results or benefits; and (3-30-07)
- d.** Reimbursement rates or settlement calculated under this chapter. (3-30-07)

02. Exception to Scope for Audits and Investigations. Audits as described in these rules do not apply to the audit processes used in conducting investigations of fraud and abuse under IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse, and Misconduct." (3-30-07)

306. -- 329. (RESERVED).

330. PROVIDER'S RESPONSIBILITY TO MAINTAIN RECORDS.

The provider must maintain financial and other records in sufficient detail to allow the Department to audit them as described in Section 305 of these rules. (3-30-07)

01. Expenditure Documentation. Documentation of expenditures must include the amount, date, purpose, payee, and the invoice or other verifiable evidence supporting the expenditure. (3-30-07)

02. Cost Allocation Process. Costs such as depreciation or amortization of assets and indirect expenses are allocated to activities or functions based on the original identity of the costs. Documentation to support basis for allocation must be available for verification. The assets referred to in this Section of rule are economic resources of the provider recognized and measured in conformity with generally accepted accounting principles. (3-30-07)

03. Revenue Documentation. Documentation of revenues must include the amount, date, purpose, and source of the revenue. (3-30-07)

04. Availability of Records. Records must be available for and subject to audit by the auditor, with or

without prior notice, during any working day between the hours of 8:00 a.m. and 5:00 p.m. at the provider's principal place of business in the state of Idaho. (3-30-07)

a. The provider is given the opportunity to provide documentation before the interim final audit report is issued. (3-30-07)

b. The provider is not allowed to submit additional documentation in support of cost items after the issuance of the interim final audit report. (3-30-07)

05. Retention of Records. Records required in Subsections 330.01 through 330.03 of this rule must be retained by the provider for a period of five (5) years from the date of the final payment under the provider agreement. Failure to retain records for the required period can void the Department's obligation to make payment for the goods or services. (3-30-07)

331. -- 339. (RESERVED).

340. DRAFT AUDIT REPORT.

Following completion of the audit field work and before issuing the interim final audit report to the Department, the auditor will issue a draft audit report and forward a copy to the provider for review and comment. (3-30-07)

01. Review Period. The provider will have a period of sixty (60) days, beginning on the date of transmittal, to review and provide additional comments or evidence pertaining to the draft audit report. The review period may be extended when the provider: (3-30-07)

a. Requests an extension prior to the expiration of the original review period; and (3-30-07)

b. Clearly demonstrates the need for additional time to properly respond. (3-30-07)

02. Evaluation of Provider's Response. The auditor will evaluate the provider's response to the draft audit report and will delete, modify, or reaffirm the original findings, as deemed appropriate, in preparing the interim final audit report. (3-30-07)

341. FINAL AUDIT REPORT.

The auditor will incorporate the provider's response and an analysis of the response into the interim final report as appendices and transmit it to the Department. The Department will issue a final audit report and a notice of program reimbursement, if applicable, that sets forth settlement amounts due to the Department or the provider. The final audit report and notice of program reimbursement, if applicable, will take into account the findings made in the interim final audit report and the response of the provider to the draft audit report (3-30-07)

342. -- 349. (RESERVED).

350. CRITERIA FOR PARTICIPATION IN THE MEDICAID PROGRAM.

01. Application for Participation and Reimbursement. Prior to participation in the Medicaid Program, the Department must certify a facility for participation in the Program. Their recommendations are forwarded to the Division of Welfare, Division of Medicaid or its successor organization, for approval. The Division of Medicaid or its successor organization issues a provider number to the facility which becomes the primary provider identification number. The Division of Medicaid or its successor organization will need to establish an interim rate for the new applicant facility. This facility is now authorized to offer services at the level for which the provider agreement was issued. (3-30-07)

02. Reimbursement. The reimbursement mechanism for payment to providers that Medicaid reimburses under a cost-based methodology under Sections 300 through 389 of these rules. The Medical Assistance Program will not reimburse a facility until it is certified, has a signed agreement for participation and an established interim per diem rate. (3-30-07)

351. -- 359. (RESERVED).

360. RELATED PARTY TRANSACTIONS.

01. Principle. Costs applicable to services, facilities and supplies furnished to the provider by organizations or persons related to the provider by common ownership, control, etc., are allowable at the cost to the related party. Such costs are allowable to the extent that they relate to patient care, are reasonable, ordinary, and necessary, and are not in excess of those costs incurred by a prudent cost-conscious buyer. (3-30-07)

02. Cost Allowability - Regulation. Allowability of costs is subject to the regulations prescribing the treatment of specific items as outlined in 42 CFR 413.17, et al., and the Providers Reimbursement Manual, PRM Chapter 10 and other applicable chapters of the PRM. (3-30-07)

361. APPLICATION.

01. Determination of Common Ownership or Control in the Provider Organization and Supply Organization. In determining whether a provider organization is related to a supplying organization, the tests of common ownership and control are to be applied separately. If the elements of common ownership or control are not present in both organizations, the organizations are deemed not to be related to each other. (3-30-07)

a. Common Ownership Rule. A determination as to whether an individual(s) possesses ownership or equity in the provider organization and the supplying organization, so that the organizations will be considered to be related by common ownership, will be made on the basis of the facts and circumstances in each case. (3-30-07)

b. Control Rule. The term “control” includes any kind of control whether or not it is legally enforceable and however it is exercisable or exercised. It is the reality of the control which is decisive, not its form or the mode of its exercise. (3-30-07)

02. Cost to Related Organizations. The charges to the provider from related organizations may not exceed the billing to the related organization for these services. (3-30-07)

03. Costs Not Related to Patient Care. All home office costs not related to patient care are not allowable under the Program. (3-30-07)

04. Interest Expense. Generally, interest expense on loans between related entities will not be reimbursable. See Chapters 2, 10, and 12, PRM, for specifics. (3-30-07)

362. EXCEPTION TO THE RELATED ORGANIZATION PRINCIPLE.

An exception is provided to the general rule applicable to related organizations. The exception applies if the provider demonstrates by convincing evidence to the satisfaction of the intermediary: (3-30-07)

01. Supplying Organization. That the supplying organization is a bona fide separate organization; (3-30-07)

02. Nonexclusive Relationship. That a substantial part of the supplying organization’s business activity of the type carried on with the provider is transacted with other organizations not related to the provider and the supplier by common ownership or control and there is an open, competitive market. (3-30-07)

03. Lease or Rentals of Hospital. The exception is not applicable to sales, lease or rentals of hospitals. These transactions would not meet the requirement that there be an open, competitive market for the facilities furnished as described in Sections 1008 and 1012, PRM. (3-30-07)

a. Rentals. Rental expense for transactions between related entities will not be recognized. Costs of ownership will be allowed. (3-30-07)

b. Purchases. When a facility is purchased from a related entity, the purchaser's depreciable basis must not exceed the seller's net book value as described in Section 1005, PRM. (3-30-07)

363. -- 389. (RESERVED).

EXCLUDED SERVICES

(Section 390)

390. SERVICES, TREATMENTS, AND PROCEDURES NOT COVERED BY MEDICAL ASSISTANCE.

The following services, treatments, and procedures are not covered for payment by the Medical Assistance Program:
(3-30-07)

01. Service Categories Not Covered. The following service categories are not covered for payment by the Medical Assistance Program:
(3-30-07)

- a.** Acupuncture services; (3-30-07)
- b.** Naturopathic services; (3-30-07)
- c.** Bio-feedback therapy; (3-30-07)
- d.** Group exercise therapy; (3-30-07)
- e.** Group hydrotherapy; and (3-30-07)
- f.** Fertility-related services, including testing. (3-30-07)

02. Types of Treatments and Procedures Not Covered. The costs of physician and hospital services for the following types of treatments and procedures are not covered for payment by the Medical Assistance Program:
(3-30-07)

- a.** Elective medical and surgical treatment, except for family planning services, without Departmental approval. Procedures that are generally accepted by the medical community and are medically necessary may not require prior approval and may be eligible for payment; (3-30-07)
- b.** Cosmetic surgery, excluding reconstructive surgery that has prior approval by the Department; (3-30-07)
- c.** Acupuncture; (3-30-07)
- d.** Bio-feedback therapy; (3-30-07)
- e.** Laetrile therapy; (3-30-07)
- f.** Procedures and testing for the inducement of fertility. This includes, but is not limited to, artificial inseminations, consultations, counseling, office exams, tuboplasties, and vasovasostomies; (3-30-07)
- g.** New procedures of unproven value and established procedures of questionable current usefulness as identified by the Public Health Service and that are excluded by the Medicare program or major commercial carriers; (3-30-07)
- h.** Drugs supplied to patients for self-administration other than those allowed under the conditions of Section 662 of these rules; (3-30-07)
- i.** Services provided by psychologists and social workers who are employees or contract agents of a physician, or a physician's group practice association except for psychological testing on the order of the physician; (3-30-07)

j. The treatment of complications, consequences, or repair of any medical procedure where the original procedure was not covered by the Medical Assistance Program, unless the resultant condition is life-threatening as determined by the Department; (3-30-07)

k. Medical transportation costs incurred for travel to medical facilities for the purpose of receiving a noncovered medical service; (3-30-07)

l. Eye exercise therapy; or (3-30-07)

m. Surgical procedures on the cornea for myopia. (3-30-07)

03. Experimental Treatments or Procedures. Treatments and procedures used solely to gain further evidence or knowledge or to test the usefulness of a drug or type of therapy are not covered for payment by the Medical Assistance Program. This includes both the treatment or procedure itself, and the costs for all follow-up medical treatment directly associated with such a procedure. Treatments and procedures deemed experimental are not covered for payment by the Medical Assistance Program under the following circumstances: (3-30-07)

a. The treatment or procedure is in Phase I clinical trials in which the study drug or treatment is given to a small group of people for the first time to evaluate its safety, determine a safe dosage range, and identify side effects; (3-30-07)

b. There is inadequate available clinical or pre-clinical data to provide a reasonable expectation that the trial treatment or procedure will be at least as effective as non-investigational therapy; or (3-30-07)

c. Expert opinion suggests that additional information is needed to assess the safety or efficacy of the proposed treatment or procedure. (3-30-07)

391. -- 398. (RESERVED).

399. COVERED SERVICES UNDER BASIC PLAN BENEFITS.

Individuals who are eligible for Medicaid Basic Plan Benefits are eligible for the following benefits described in this chapter of rules. Those individuals eligible for services under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," are also eligible for the services covered under this chapter of rules, unless specifically exempted. (3-30-07)

01. Hospital Services. The range of hospital services covered is described in Sections 400 through 447 of these rules. (3-30-07)

a. Inpatient Hospital Services are described in Sections 400 through 406. (3-30-07)

b. Outpatient Hospital Services are described in Sections 410 through 416. (3-30-07)

c. Reconstructive Surgery services are described in Sections 420 through 426. (3-30-07)

d. Surgical procedures for weight loss are described in Sections 430 through 436. (3-30-07)

e. Investigational procedures or treatments are described in Sections 440 through 446. (3-30-07)

02. Ambulatory Surgical Centers. Ambulatory Surgical Center services are described in Sections 450 through 456 of these rules. (3-30-07)

03. Physician Services and Abortion Procedures. Physician services and abortion procedures are described in Sections 500 through 516 of these rules. (3-30-07)

a. Physician services are described in Sections 500 through 506. (3-30-07)

b. Abortion procedures are described in Sections 510 through 516. (3-30-07)

- 04. Other Practitioner Services.** Other practitioner services are described in Sections 520 through 556 of these rules. (3-30-07)
- a.** Midlevel practitioner services are described in Sections 520 through 526. (3-30-07)
 - b.** Chiropractic services are described in Sections 530 through 536. (3-30-07)
 - c.** Podiatrist services are described in Sections 540 through 546. (3-30-07)
 - d.** Optometrist services are described in Sections 550 through 556. (3-30-07)
- 05. Primary Care Case Management.** Primary Care Case Management services are described in Sections 560 through 566 of these rules. (3-30-07)
- 06. Prevention Services.** The range of prevention services covered is described in Sections 570 through 646 of these rules. (3-30-07)
- a.** Health Risk Assessment services are described in Sections 570 through 576. (3-30-07)
 - b.** Child wellness services are described in Sections 580 through 586. (3-30-07)
 - c.** Adult physical services are described in Sections 590 through 596. (3-30-07)
 - d.** Screening mammography services are described in Sections 600 through 606. (3-30-07)
 - e.** Diagnostic Screening Clinic services are described in Sections 610 through 616. (3-30-07)
 - f.** Personal Health Account services are described in Sections 620 through 626. (3-30-07)
 - g.** Nutritional services are described in Sections 630 through 636. (3-30-07)
 - h.** Diabetes Education and Training services are described in Sections 640 through 646. (3-30-07)
- 07. Laboratory and Radiology Services.** Laboratory and radiology services are described in Sections 650 through 656 of these rules. (3-30-07)
- 08. Prescription Drugs.** Prescription drug services are described in Sections 660 through 666 of these rules. (3-30-07)
- 09. Family Planning.** Family planning services are described in Sections 680 through 686 of these rules. (3-30-07)
- 10. Mental Health Services.** The range of covered Mental Health services are described in Sections 700 through 716 of these rules. (3-30-07)
- a.** Inpatient Psychiatric Hospital services are described in Sections 700 through 706. (3-30-07)
 - b.** Mental Health Clinic services are described in Sections 707 through 718. (3-30-07)
- 11. Home Health Services.** Home health services are described in Sections 720 through 726 of these rules. (3-30-07)
- 12. Therapies.** Physical therapy services are described in Sections 730 through 736 of these rules. Speech and Occupational Therapy services are referred to in Section 738 of these rules. (3-30-07)
- 13. Speech Language and Hearing Services.** Audiology services are described in Sections 740

through 746 of these rules. (3-30-07)

14. Durable Medical Equipment and Supplies. The range of covered durable medical equipment and supplies is described in Sections 750 through 776 of these rules. (3-30-07)

a. Durable Medical Equipment and supplies are described in Sections 750 through 756. (3-30-07)

b. Oxygen and related equipment and supplies are described in Sections 760 through 766. (3-30-07)

c. Prosthetic and orthotic services are described in Sections 770 through 776. (3-30-07)

15. Vision Services. Vision services are described in Sections 780 through 786 of these rules. (3-30-07)

16. Dental Services. The dental services covered under the Basic Plan are covered under a selective contract as described in Section 800 of these rules. (9-1-07)T

17. Essential Providers. The range of covered essential services is described in Sections 820 through 856 of these rules. (3-30-07)

a. Rural health clinic services are described in Sections 820 through 826. (3-30-07)

b. Federally Qualified Health Center services are described in Sections 830 through 836. (3-30-07)

c. Indian Health Services Clinic services are described in Sections 840 through 846. (3-30-07)

d. School-Based services are described in Sections 850 through 856. (3-30-07)

18. Transportation. The range of covered transportation services is described in Sections 860 through 876 of these rules. (3-30-07)

a. Emergency transportation services are described in Sections 860 through 866. (3-30-07)

b. Non-emergency transportation services are described in Sections 870 through 876. (3-30-07)

19. EPSDT Services. EPSDT services are described in Sections 880 through 886 of these rules. (3-30-07)

20. Specific Pregnancy-Related Services. Specific pregnancy-related services are described in Sections 890 through 896 of these rules. (3-30-07)

COVERED SERVICES
(Sections 400 through 899)

SUB AREA A: HOSPITAL SERVICES
(Sections 400 through 449)

400. INPATIENT HOSPITAL SERVICES - DEFINITIONS.

01. Administratively Necessary Day (AND). An Administratively Necessary Day (AND) is intended to allow a hospital time for an orderly transfer or discharge of participant inpatients who are no longer in need of a

continued acute level of care. ANDs may be authorized for inpatients who are awaiting placement for nursing facility level of care, or in-home services which are not available, or when catastrophic events prevent the scheduled discharge of an inpatient. (3-30-07)

02. Allowable Costs. The current year's Medicaid apportionment of a hospital's allowable costs determined at final or interim settlement consist of those costs permitted by the principles of reimbursement contained in the Provider Reimbursement Manual (PRM) and do not include costs already having payment limited by Medicaid rate file or any other Medicaid charge limitation. (3-30-07)

03. Apportioned Costs. Apportioned costs consist of the share of a hospital's total allowable costs attributed to Medicaid program participants and other patients so that the share borne by the program is based upon actual services received by program participants, as set forth in the applicable Title XVIII principles of cost reimbursement as specified in the PRM and in compliance with Medicaid reimbursement rules. (3-30-07)

04. Capital Costs. For the purposes of hospital reimbursement, capital costs are those allowable costs considered in the settlement that represent the cost to each hospital for its reasonable property related and financing expense, and property taxes. (3-30-07)

05. Case-Mix Index. The Case-Mix Index for a hospital is the average weight of values assigned to a range of diagnostic related groups, including but not limited to, those used in the Medicare system or adjoining states and applied to Medicaid discharges included in a hospital's fiscal year end settlement. The index will measure the relative resources required to treat Medicaid inpatients. The Case-Mix Index of the current year will be divided by the index of the principal year to assess the percent change between the years. (3-30-07)

06. Charity Care. Charity care is care provided to individuals who have no source of payment, third-party or personal resources. (3-30-07)

07. Children's Hospital. A Medicare-certified hospital as set forth in 42 CFR Section 412.23(d). (3-30-07)

08. Current Year. Any hospital cost reporting period for which reasonable cost is being determined will be termed the current year. (3-30-07)

09. Customary Hospital Charges. Customary hospital charges reflect the regular rates for inpatient or outpatient services charged to patient(s) liable for payment for their services on a charge basis. Implicit in the use of charges as the basis for comparability (or for apportionment under certain apportionment methods) is the objective that services are related to the cost of services billed to the Department. No more than ninety-six and a half percent (96.5%) of covered charges will be reimbursed for the separate operating costs for either total inpatient services or total outpatient services at the time of final cost settlement for any fiscal year with the exception set forth in Subsection 405.03.b. of these rules. (3-30-07)

10. Disproportionate Share Hospital (DSH) Allotment Amount. The DSH allotment amount determined by CMS that is eligible for federal matching funds in any federal fiscal period for disproportionate share payments. (3-30-07)

11. Disproportionate Share Hospital (DSH) Survey. The DSH survey is an annual data request from the Department to the hospitals to obtain the information necessary to compute DSH in accordance with Subsection 405.09.a. of these rules. (3-30-07)

12. Disproportionate Share Threshold. The disproportionate share threshold is: (3-30-07)

a. The arithmetic mean plus one (1) standard deviation of the Medicaid Utilization Rates of all Idaho Hospitals; or (3-30-07)

b. A Low Income Revenue Rate exceeding twenty-five percent (25%). (3-30-07)

13. Excluded Units. Excluded units are distinct units in hospitals which are certified by Medicare

according to 42 CFR Sections 412.25, 412.27 and 412.29 for exclusion from the Medicare prospective payment system. (3-30-07)

14. Hospital Inflation Index. An index calculated through Department studies and used to adjust inpatient operating cost limits and interim rates for the current year. (3-30-07)

15. Low Income Revenue Rate. The Low Income Revenue Rate is the sum of the following fractions, expressed as a percentage, calculated as follows: (3-30-07)

a. Total Medicaid inpatient revenues paid to the hospital, plus the amount of the cash subsidies received directly from state and local governments in a cost reporting period, divided by the total amount of revenues and cash subsidies of the hospital for inpatient services in the same cost reporting period; plus (3-30-07)

b. The total amount of the hospital's charges for inpatient hospital services attributable to charity care in the same cost reporting period, divided by the total amount of the hospital's charges for inpatient services in the hospital in the same period. The total inpatient charges attributed to charity care must not include contractual allowances and discounts and reduction in charges given to Medicare, Medicaid, other third-party payors, or cash for patient services received directly from state and local governments county assistance programs. (3-30-07)

16. Medicaid Inpatient Day. For purposes of DSH payments, an inpatient day is defined as a Medicaid inpatient day in a hospital for which there is also no Medicare inpatient day counted. (3-30-07)

17. Medicaid Utilization Rate (MUR). The MUR for each hospital will be computed using the Department's record of paid inpatient days for the fiscal year divided by the total inpatient days for the same fiscal year as reported in the DSH survey. In this paragraph, the term "inpatient days" includes Medicaid swing-bed days, administratively necessary days, newborn days, days in specialized wards, days provided at an inappropriate level of care, and Medicaid inpatient days from other states. In this paragraph, "Medicaid inpatient days" includes paid days not counted in prior DSH threshold computations. (3-30-07)

18. Obstetricians. For purposes of an adjustment for hospitals serving a disproportionate share of low income patients, and in the case of a hospital located in a rural area, as defined by the federal Executive Office of Management and Budget, the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. (3-30-07)

19. On-Site. A service location over which the hospital exercises financial and administrative control. "Financial and administrative control" means a location whose relation to budgeting, cost reporting, staffing, policy-making, record keeping, business licensure, goodwill and decision-making are so interrelated to those of the hospital that the hospital has ultimate financial and administrative control over the service location. The service location must be in close proximity to the hospital where it is based, and both facilities serve the same patient population (e.g. from the same area, or catchment, within Medicare's defined Metropolitan Statistical Area (MSA) for urban hospitals or thirty-five (35) miles from a rural hospital). (3-30-07)

20. Operating Costs. For the purposes of hospital reimbursement, operating costs are the allowable costs included in the cost centers established in the finalized Medicare cost report to accumulate costs applicable to providing routine and ancillary services to patients for the purposes of cost assignment and allocation in the step-down process. (3-30-07)

21. Other Allowable Costs. Other allowable costs are those reasonable costs recognized under the Medicaid reasonable cost principles for services not subject to Medicaid limitations of coverage or reimbursement limits. Costs which are not reimbursed as operating costs, but recognized by Medicare principles as allowable costs will be included in the total reasonable costs. Other allowable costs include, but are not necessarily limited to, physician's component which was combined-billed, capital costs, ambulance costs, excess costs, carry-forwards and medical education costs. (3-30-07)

22. Principal Year. The principal year is the period from which the Medicaid Inpatient Operating Cost Limit is derived. (3-30-07)

a. For inpatient services rendered on or after November 1, 2002, the principal year is the provider's fiscal year ending in calendar year 1998 in which a finalized Medicare cost report or its equivalent is prepared for Medicaid cost settlement. (3-30-07)

b. For inpatient services rendered on or after January 1, 2007, the principal year is the provider's fiscal year ending in calendar year 2003 and every subsequent fiscal year-end in which a finalized Medicare cost report, or its equivalent, is prepared for Medicaid cost settlement. (3-30-07)

23. Public Hospital. For purposes of Subsection 405.03.b. of these rules, a Public Hospital is a hospital operated by a federal, state, county, city, or other local government agency or instrumentality. (3-30-07)

24. Reasonable Costs. Except as otherwise provided in Section 405.03 of these rules, reasonable costs include all necessary and ordinary costs incurred in rendering the services related to patient care which a prudent and cost-conscious hospital would pay for a given item or service which do not exceed the Medicaid cost limit. (3-30-07)

25. Reimbursement Floor Percentage. The percentage of allowable Medicaid costs guaranteed to all hospitals licensed and Medicare certified for State Fiscal Year Ending November 1, 2002, and thereafter - eighty one and a half percent (81.5%). (3-30-07)

26. TEFRA. TEFRA is the Tax Equity and Fiscal Responsibility Act of 1982, Public Law 97-248. (3-30-07)

27. Uninsured Patient Costs. For the purposes of determining the additional costs beyond uncompensated Medicaid costs that may be reimbursed as a DSH payment without exceeding the state Allotment Amount, only inpatient costs of uninsured patients will be considered. An inpatient with insurance but no covered benefit for the particular medically necessary service, procedure or treatment provided is an uninsured patient. (3-30-07)

28. Upper Payment Limit. The Upper Payment Limit for hospital services is defined in the Code of Federal Regulations. (3-30-07)

401. (RESERVED).

402. INPATIENT HOSPITAL SERVICES - COVERAGE AND LIMITATIONS.

The policy, rules and regulations to be followed will be those cited in 42 CFR 456.50 through 42 CFR 456.145. (3-30-07)

01. Exceptions and Limitations. The following exceptions and limitations apply to in-patient hospital services: (3-30-07)

a. Payment for accommodations is limited to the hospital's all-inclusive rate. The all-inclusive rate is a flat fee charge incurred on a daily basis that covers both room and board. (3-30-07)

b. The Department must not authorize reimbursement above the all-inclusive rate unless the attending physician orders a room that is not an all-inclusive rate room for the patient because of medical necessity. (3-30-07)

02. Limitation of Administratively Necessary Days (ANDs). Each participant is limited to no more than three (3) ANDs per discharge. In the event that a nursing facility level of care is required, an AND may be authorized provided that the hospital documents that no nursing facility bed is available within twenty-five (25) miles of the hospital. (3-30-07)

403. INPATIENT HOSPITAL SERVICES - PROCEDURAL REQUIREMENTS.

When Administratively Necessary Days are requested, the hospital must provide the Department with complete and timely documentation prior to the participant's anticipated discharge date in order to be considered. Authorization for reimbursement will be denied for all untimely requests and tardy submittal of requested documentation. All requests for AND must be made in writing or by telephone. Hospitals must make the documentation and related information requested by the Department available within ten (10) working days of the date of the request in order for subsequent

payment to be granted. The documentation provided by the hospital will include, but is not limited to: (3-30-07)

01. A Brief Summary. A brief summary of the participant's medical condition; and (3-30-07)

02. Statements. Statements as to why the participant cannot receive the necessary medical services in a nonhospital setting; and (3-30-07)

03. Documentation. Documentation that the hospital has diligently made every effort to locate, without success, a facility or organization which is able and willing to deliver the appropriate care. Such evidence must include a list of facilities and organizations, the dates of contact, the names of the persons contacted, and the result of each contact. (3-30-07)

404. INPATIENT HOSPITAL SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

In addition to the provider enrollment agreement, each claim submitted by a hospital constitutes an agreement by which the hospital agrees to accept and abide by the Department's rules. Only a Medicare certified hospital, licensed by the state in which it operates, may enroll in the Idaho Medicaid program. Hospitals not participating as a Medicaid swing-bed provider, which are licensed for long-term care or as a specialty hospital which provides a nursing home level of care, will be reimbursed as a nursing facility. Hospitals not eligible for enrollment which render emergency care will be paid rates established in these rules. (3-30-07)

405. INPATIENT HOSPITAL SERVICES - PROVIDER REIMBURSEMENT.

Under the Medicaid provisions of the Social Security Act, in reimbursing hospitals, the Department will pay the lesser of customary hospital charges or the reasonable cost of inpatient services in accordance with the procedures detailed under this Section of rule. The upper limits observed by the Department in reimbursing each individual hospital must not exceed the payment that would be determined as a reasonable cost under the policies, definitions and procedures observed under Medicare (Title XVIII) principles of cost reimbursement. (3-30-07)

01. Exemption of New Hospitals. A hospital that has operated as the type of facility for which it is certified (or the equivalent thereof) under present and previous ownership for less than three (3) full years will be paid in accordance with the Title XVIII principles of reasonable cost reimbursement, including those provisions applicable to new providers for the carryover and recovery of unreimbursed costs, in accordance with 42 CFR Section 413.64. (3-30-07)

02. Medicaid Inpatient Operating Cost Limits. The following describe the determination of inpatient operating cost limits. (3-30-07)

a. Medicaid Cost Limits for Dates of Service Prior to a Current Year. The reimbursable reasonable costs for services rendered prior to the beginning of the principal year, but included as prior period claims in a subsequent period's cost report, will be subject to the same operating cost limits as the claims under settlement. (3-30-07)

b. Application of the Medicaid Cost Limit. In the determination of a hospital's reasonable costs for inpatient services rendered after the effective date of a principal year, a Hospital Inflation Index, computed for each hospital's fiscal year end, will be applied to the operating costs, excluding capital costs and other allowable costs as defined for the principal year and adjusted on a per diem basis for each subsequent year under the Hospital Inflation Index. (3-30-07)

i. Each inpatient routine service cost center, as reported in the finalized principal year end Medicare cost report, will be segregated in the Medicaid cost limit calculation and assigned a share of total Medicaid inpatient ancillary costs. The prorated ancillary costs will be determined by the ratio of each Medicaid routine cost center's reported costs to total Medicaid inpatient routine service costs in the principal year. (3-30-07)

ii. Each routine cost center's total Medicaid routine service costs plus the assigned share of Medicaid inpatient ancillary costs of the principal year will be divided by the related Medicaid patient days to identify the total costs per diem in the principal year. (3-30-07)

(1) The related inpatient routine service cost center's per diem capital and graduate medical education

costs plus the prorated share of inpatient ancillary capital costs will be subtracted from the per diem amount identified in Subsection 405.02.b.ii. of this rule to identify each inpatient routine service cost center per diem cost limit in the principal year. (3-30-07)

(2) If a provider did not have any Medicaid inpatient utilization or render any Medicaid inpatient services in an individual inpatient routine service cost center in the fiscal year serving as the principal year, the principal year for only those routine cost centers without utilization in the provider's principal year will be appropriately calculated using the information available in the next subsequent year in which Medicaid utilization occurred. (3-30-07)

iii. Each routine cost center's cost per diem for the principal year will be multiplied by the Hospital Inflation Index for each subsequent fiscal year. (3-30-07)

iv. The sum of the per diem cost limits for the Medicaid inpatient routine service cost centers of a hospital during the principal year, as adjusted by the Hospital Inflation Index, will be the Medicaid cost limit for operating costs in the current year. (3-30-07)

(1) At the date of final settlement, reimbursement of the Medicaid current year inpatient routine cost centers plus the assigned ancillary costs will be limited to the total per diem operating costs as adjusted for each subsequent fiscal year after the principal year through the current year by the Hospital Inflation Cost Index. (3-30-07)

(2) Providers will be notified of the estimated inflation index periodically or Hospital Inflation Index (CMS Market Basket Index) prior to final settlement only upon written request. (3-30-07)

03. Adjustments to the Medicaid Cost Limit. A hospital's request for review by the Department concerning an adjustment to or exemption from the cost limits imposed under the provisions set forth in Section 405 of this chapter of rules, must be granted under the following circumstances: (3-30-07)

a. Adjustments. Because of Extraordinary Circumstances. Where a provider's costs exceed the Medicaid limit due to extraordinary circumstances beyond the control of the provider, the provider can request an adjustment to the cost limit to the extent the provider proves such higher costs result from the extraordinary circumstances including, but not limited to, increased costs attributable to strikes, fires, earthquake, flood, or similar, unusual occurrences with substantial cost effects. (3-30-07)

b. Reimbursement to Public Hospitals. A Public Hospital that provides services free or at a nominal charge, which is less than, or equal to fifty percent (50%) of its total allowable costs, will be reimbursed at the same rate that would be used if the hospital's charges were equal to, or greater than, its costs. (3-30-07)

c. Adjustment to Cost Limits. A hospital is entitled to a reasonable increase in its Medicaid Cost limits if the hospital shows that its per diem costs of providing services have increased due to increases in case-mix, the adoption of new or changed services, the discontinuation of services or decrease in average length of stay for Medicaid inpatients since the principal year. Any hospital making such showing is entitled to an increase commensurate with the increase in per diem costs. (3-30-07)

i. The Medicaid operating cost limit may be adjusted by multiplying cost limit by the ratio of the current year's Case-Mix Index divided by the principal year's Case-Mix Index. (3-30-07)

ii. The contested case procedure set forth in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings," is available to larger hospitals seeking such adjustments to their Medicaid Cost Limits. (3-30-07)

d. Medicaid Operating and Capital and Medical Education Costs. All hospitals will be guaranteed at least eighty percent (80%) of their total allowable Medicaid Operating and Capital and medical education costs upon final settlement excluding DSH payments. (3-30-07)

i. With the exception of Subsection 405.03.d.ii. of this rule, at the time of final settlement, the allowable Medicaid costs related to each hospital's fiscal year end will be according to the Reimbursement Floor

Percentage. (3-30-07)

ii. In the event that CMS informs the Department that total hospital payments under the Inpatient Operating Cost Limits exceed the inpatient Upper Payment Limit, the Department may reduce the guaranteed percentage defined as the Reimbursement Floor Percentage to hospitals. (3-30-07)

e. Adjustment to the Proration of Ancillary Costs in the principal year. Where the provider asserts that the proration of ancillary costs does not adequately reflect the total Medicaid cost per diem calculated for the inpatient routine service cost centers in the principal year, the provider may submit a detailed analysis of ancillary services provided to each participant for each type of patient day during each participant's stay during the principal year. The provider will be granted this adjustment only once upon appeal for the first cost reporting year that the limits are in effect. (3-30-07)

04. Payment Procedures. The following procedures are applicable to in-patient hospitals: (3-30-07)

a. The participant's admission and length of stay is subject to preadmission, concurrent and retrospective review by a Quality Improvement Organization (QIO) designated by the Department. QIO review will be governed by provisions of the QIO Idaho Medicaid Provider Manual as amended. If such review identifies that an admission or continued stay is not medically necessary, then no Medicaid payment will be made. Failure to obtain a timely QIO review as required by Section 405 of this chapter of rules, and as outlined in the QIO Idaho Medicaid Provider Manual as amended, will result in the QIO conducting a late review. After a QIO review has determined that the hospital stay was medically necessary, Medicaid will assess a late review penalty to the hospital as outlined in Subsection 405.05 of this rule. (3-30-07)

i. All admissions are subject to QIO review to determine if continued stay in inpatient status is medically necessary. A QIO continued stay review is required when the participant's length of stay exceeds the number of days certified by the QIO. If no initial length of stay certification was issued by the QIO, a QIO continued stay review is required when the admission exceeds a number of days as specified by the Department. (3-30-07)

ii. Reimbursement for services originally identified as not medically necessary by the QIO will be made if such decision is reversed by the appeals process required in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

iii. Absent the Medicaid participant's informed decision to incur services deemed unnecessary by the QIO, or not authorized by the QIO due to the negligence of the provider, no payment for denied services may be obtained from the participant. (3-30-07)

b. In reimbursing licensed hospitals, the Department will pay the lesser of customary hospital charges or the reasonable cost of semi-private rates for in-patient hospital care as set forth in this rule, unless an exception applies as stated in Section 402 of these rules. The upper limits for payment must not exceed the payment which would be determined as reasonable cost using the Title XVIII standards and principles. (3-30-07)

05. Hospital Penalty Schedule. (3-30-07)

a. A request for a preadmission and/or continued stay QIO review that is one (1) day late will result in a penalty of two hundred and sixty dollars (\$260), from the total Medicaid paid amount of the inpatient hospital stay. (3-30-07)

b. A request for a preadmission and/or continued stay QIO review that is two (2) days late will result in a penalty of five hundred and twenty dollars (\$520), from the total Medicaid paid amount of the inpatient hospital stay. (3-30-07)

c. A request for a preadmission and/or continued stay QIO review that is three (3) days late will result in a penalty of seven hundred and eighty dollars (\$780), from the total Medicaid paid amount of the inpatient hospital stay. (3-30-07)

d. A request for a preadmission and/or continued stay QIO review that is four (4) days late will result

in a penalty of one thousand and forty dollars (\$1,040), from the total Medicaid paid amount of the inpatient hospital stay. (3-30-07)

e. A request for a preadmission and/or continued stay QIO review that is five (5) days late or greater will result in a penalty of one thousand three hundred dollars (\$1,300), from the total Medicaid paid amount of the inpatient hospital stay. (3-30-07)

06. AND Reimbursement Rate. Reimbursement for an AND will be made at the weighted average Medicaid payment rate for all Idaho nursing facilities for routine services, as defined per 42 CFR 447.280(a)(1), furnished during the previous calendar year. ICF/MR rates are excluded from this calculation. (3-30-07)

a. The AND reimbursement rate will be calculated by the Department by March 15 of each calendar year and made effective retroactively for dates of service on or after January 1 of the respective calendar year. (3-30-07)

b. Hospitals with an attached nursing facility will be reimbursed the lesser of their Medicaid per diem routine rate or the established average rate for an AND; and (3-30-07)

c. The Department will pay the lesser of the established AND rate or a facility's customary hospital charge to private pay patients for an AND. (3-30-07)

07. Reimbursement for Services. Routine services as addressed in Subsection 405.08 of this rule include all medical care, supplies, and services which are included in the calculation of nursing facility property and nonproperty costs as described in these rules. Reimbursement of ancillary services will be determined in the same manner as hospital outpatient reasonable costs in accordance with Medicare reasonable cost principles, except that reimbursement for prescription drugs will be in accord with Section 665 of these rules. (3-30-07)

08. Hospital Swing-Bed Reimbursement. The Department will pay for nursing facility care in certain rural hospitals. Following approval by the Department, such hospitals may provide service to participants in licensed hospital ("swing") beds who require nursing facility level of care. (3-30-07)

a. Facility Requirements. The Department will approve hospitals for nursing facility care provided to eligible participants under the following conditions: (3-30-07)

i. The Department's Licensure and Certification Section finds the hospital in conformance with the requirements of 42 CFR 482.66 "Special Requirements" for hospital providers of long-term care services ("swingbeds"); and (3-30-07)

ii. The hospital is approved by the Medicare program for the provision of "swing-bed" services; and (3-30-07)

iii. The facility does not have a twenty-four (24) hour nursing waiver granted under 42 CFR 488.54(c); and (3-30-07)

iv. The hospital must not have had a swing-bed approval terminated within the two (2) years previous to application for swing-bed participation; and (3-30-07)

v. The hospital must be licensed for less than one hundred (100) beds as defined by 42 CFR 482.66(a)(1) for swing-bed purposes; and (3-30-07)

vi. Nursing facility services in swing-beds must be rendered in beds used interchangeably to furnish hospital or nursing facility-type services. (3-30-07)

b. Participant Requirements. The Department will reimburse hospitals for participants under the following conditions: (3-30-07)

i. The participant is determined to be entitled to such services in accordance with IDAPA 16.03.05,

“Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled”; and (3-30-07)

ii. The participant is authorized for payment in accordance with IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” Subsection 222.02. (3-30-07)

c. Reimbursement for “Swing-Bed” Patient Days. The Department will reimburse swing-bed hospitals on a per diem basis utilizing a rate established as follows: (3-30-07)

i. Payment rates for routine nursing facility services will be at the weighted average Medicaid rate per patient day paid to hospital-based nursing facility/ICF facilities for routine services furnished during the previous calendar year. ICF/MR facilities’ rates are excluded from the calculations. (3-30-07)

ii. The rate will be calculated by the Department by March 15 of each calendar year. The rate will be based on the previous calendar year and effective retroactively for dates of service on or after January 1 of the respective year. (3-30-07)

iii. The weighted average rate for nursing facility swing-bed days will be calculated by dividing total payments for routine services, including patient contribution amounts but excluding miscellaneous financial transactions relating to prior years, by total patient days for each respective level of care occurring in the previous calendar year. (3-30-07)

iv. Routine services include all medical care, supplies, and services which are included in the calculation of nursing facility property and nonproperty costs as described in IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” Subsection 225.01. (3-30-07)

v. The Department will pay the lesser of the established rate, the facility’s charge, or the facility’s charge to private pay patients for “swing-bed” services. (3-30-07)

vi. Reimbursement of ancillary services not included in the nursing facility rates furnished for extended care services will be billed and determined in the same manner as hospital outpatient reasonable costs in accordance with Medicare reasonable cost principles, except that reimbursement for prescription drugs will be in accord with Section 665 of these rules. (3-30-07)

vii. The number of swing-bed days that may be reimbursed to a provider in a twelve (12) month period will be limited to the greater of one thousand ninety five (1,095) days which may be prorated over a shorter fiscal period or, fifteen percent (15%) of the product of the average number of available licensed beds in the hospital in the period and the number of days in the fiscal period. (3-30-07)

d. Computation of “Swing-Bed” Patient Contribution. The computation of the patient’s contribution of swing-bed payment will be in accordance with IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” Section 224. (3-30-07)

09. Adjustment for Disproportionate Share Hospitals (DSH). All hospitals serving a disproportionate share of low income patients must qualify either as a Mandatory DSH or as Deemed DSH to receive a DSH payment. (3-30-07)

a. DSH Survey Requirements. The Department will send each hospital a DSH survey on or before January 31 of each calendar year. The DSH survey must be returned to the Department on or before May 31 of the same calendar year. A hospital will not receive a DSH payment if the survey is not returned by the deadline, unless good cause is determined by the Department. No later than July 15 of each calendar year, the Department must notify each hospital of their calculated DSH payment and notify each hospital of its preliminary calculated distribution amount. A hospital may file an amended survey to complete, correct, or revise the original DSH survey by submitting the amended survey and supporting documentation to the Department no later than thirty (30) days after the notice of the preliminary DSH calculation is mailed to the hospital. The state’s annual DSH allotment payment will be made by September 30 of the same calendar year based on the final DSH surveys and Department data. (3-30-07)

b. Mandatory Eligibility. Mandatory Eligibility for DSH status will be provided for hospitals which:

(3-30-07)

- i. Meet or exceed the disproportionate share threshold as defined in Subsection 400.13 of these rules. (3-30-07)
- ii. Have at least two (2) obstetricians with staff privileges at the hospital who have agreed to provide obstetric services, and have provided such services to individuals entitled to such services under the Idaho Medical Assistance Program for the reporting period. (3-30-07)
- (1) Subsection 405.09.b.ii. of this rule does not apply to a hospital in which the inpatients are predominantly individuals under eighteen (18) years of age; or (3-30-07)
- (2) Does not offer nonemergency inpatient obstetric services as of December 21, 1987. (3-30-07)
- iii. The MUR will not be less than one percent (1%). (3-30-07)
- iv. If a hospital exceeds both disproportionate share thresholds, as described in Subsection 400.13 of these rules, and the criteria of Subsections 405.09.b.ii. and 405.09.b.iii. of this rule are met, the payment adjustment will be the greater of the amounts calculated using the methods identified in Subsections 405.09.b.vi. through 405.09.b.x. of this rule. (3-30-07)
- v. In order to qualify for a DSH payment, a hospital located outside the state of Idaho must: (3-30-07)
- rules; (1) Qualify under the Mandatory DSH requirements set forth in Subsection 405.09 of this chapter of (3-30-07)
- (2) Qualify for DSH payments from the state in which the hospital is located; and (3-30-07)
- (3) Have fifty thousand dollars (\$50,000) or more in covered charges for services provided to Idaho participants during the year covered by the applicable DSH survey. (3-30-07)
- vi. Hospitals qualifying for Mandatory DSH eligibility with Medicaid Inpatient Utilization Rates equal to or exceeding one (1) standard deviation and less than one and one-half (1 1/2) standard deviations above the mean of all Idaho hospitals will receive a DSH payment equal to two percent (2%) of the payments related to the Medicaid inpatient days included in the MUR computation. (3-30-07)
- vii. Hospitals qualifying for Mandatory DSH eligibility with Medicaid Inpatient Utilization Rates equal to or exceeding one and one-half (1 1/2) standard deviations and less than two (2) standard deviations of the mean of all Idaho hospitals will receive a DSH payment equal to four percent (4%) of the payments related to the Medicaid inpatient days included in the MUR computation. (3-30-07)
- viii. Hospitals qualifying for Mandatory DSH eligibility with Medicaid Inpatient Utilization Rates exceeding two (2) standard deviations of the mean of all Idaho hospitals will receive a DSH payment equal to six percent (6%) of the payments related to the Medicaid inpatient days included in the MUR computation. (3-30-07)
- ix. Hospitals qualifying for Mandatory DSH eligibility with Low Income Utilization Rates equal to or exceeding twenty-five percent (25%) will receive a DSH payment equal to four percent (4%) of the payments related to the Medicaid inpatient days included in the MUR computation. (3-30-07)
- x. Hospitals qualifying for Mandatory DSH eligibility with Low Income Utilization Rates equal to, or exceeding, thirty percent (30%) will receive a DSH payment equal to six percent (6%) of the payments related to the Medicaid inpatient days included in the MUR computation. (3-30-07)
- c. Out-of-State Hospitals Eligible for Mandatory DSH Payments. Out-of-state hospitals eligible for Mandatory DSH payments will receive DSH payments equal to one half (1/2) of the percentages provided for Idaho hospitals in Subsections 405.09.b.iv. through 405.09.b.x. of this rule. (3-30-07)

d. Deemed Disproportionate Share Hospital (DSH). All hospitals in Idaho which have inpatient utilization rates of at least one percent (1%) only in Idaho inpatient days, and meet the requirements unrelated to patient day utilization specified in Subsection 405.09.b. of this rule, will be designated a Deemed Disproportionate Share Hospital. Out of state hospitals will not be designated as Deemed DSH. The disproportionate share payment to a Deemed DSH hospital will be the greater of: (3-30-07)

i. Five dollars (\$5) per Idaho Medicaid inpatient day included in the hospital's MUR computation; or (3-30-07)

ii. An amount per Medicaid inpatient day used in the hospital's MUR computation that equals the DSH allotment amount, less the Mandatory DSH payment amount, divided by the number of Medicaid inpatient days used in the MUR computation for all Idaho DSH hospitals. (3-30-07)

e. Insufficient DSH Allotment Amounts. When the DSH allotment amount is insufficient to make the aggregate amount of DSH payments to each DSH hospital, payments to each hospital will be reduced by the percentage by which the DSH allotment amount was exceeded. (3-30-07)

f. DSH Payments Will Not Exceed Costs. A DSH payment will not exceed the costs incurred during the year of furnishing services to individuals who are either eligible for medical assistance under the State Plan or were uninsured for health care services provided during the year. (3-30-07)

i. Payments made to a hospital for services provided to indigent patients by a state or a unit of local government within a state will not be considered a source of third party payment. (3-30-07)

ii. Claims of uninsured costs which increase the maximum amount which a hospital may receive as a DSH payment must be documented. (3-30-07)

g. DSH Will be Calculated on an Annual Basis. A change in a provider's allowable costs as a result of a reopening or appeal will not result in the recomputation of the provider's annual DSH payment. (3-30-07)

10. Out-of-State Hospitals. (3-30-07)

a. Cost Settlements for Certain Out-of-State Hospitals. Hospitals not located in the state of Idaho will have a cost settlement computed with the state of Idaho if the following conditions are met: (3-30-07)

i. Total inpatient and outpatient covered charges are more than fifty thousand dollars (\$50,000) in the fiscal year; or (3-30-07)

ii. When less than fifty thousand dollars (\$50,000) of covered charges are billed to the state by the provider, and a probable significant underpayment or overpayment is identifiable, and the amount makes it administratively economical and efficient for cost settlement to be requested by either the provider or the state, a cost settlement will be made between the hospital and the Department. (3-30-07)

b. Payment for Hospitals Without Cost Settlement. Those out-of-state hospitals not cost settling with the state will have annually adjusted rates of payment no greater than seventy-five percent (75%) for inpatient covered charges and no greater than eighty percent (80%) of outpatient covered charges or, the Department's established fee schedule for certain outpatient services. These rates represent average inpatient and outpatient reimbursement rates paid to Idaho hospitals. (3-30-07)

11. Institutions for Mental Disease (IMD). Except for individuals under twenty-two (22) years of age which are contracted with the Department under the authority of the Division of Family and Community Services and certified by the Health Care Financing Administration, no services related to inpatient care will be covered when admitted to a freestanding psychiatric hospital. (3-30-07)

12. Audit Function. Under a common audit agreement, the Medicare Intermediary may perform any audit required for both Title XVIII and Medicaid purposes. The Department may elect to perform an audit even though the Medicare Intermediary does not choose to audit the facility. (3-30-07)

13. Adequacy of Cost Information. Cost information as developed by the provider must be current, accurate, and in sufficient detail and in such form as needed to support payments made for services rendered to participants. This includes all ledgers, books, reports, records and original evidences of cost (purchase requisitions, purchase orders, vouchers, requisitions for materials, inventories, labor time cards, payrolls, bases for apportioning costs, etc.), which pertain to the determination of reasonable costs, leaving an audit trail capable of being audited. Financial and statistical records will be maintained in a consistent manner from one (1) settlement period to another. (3-30-07)

14. Availability of Records of Hospital Providers. A participating hospital provider of services must make available to the Department in the state in which the facility is licensed, the provider's fiscal and other necessary records for the purpose of determining its ongoing record keeping capability and to ascertain information pertinent to the determination of the proper amount of program payments due the provider. (3-30-07)

15. Interim Cost Settlements. The Department may initiate or a hospital may request an interim cost settlement based on the Medicare cost report as submitted to the Medicare Intermediary. (3-30-07)

a. Cost Report Data. Interim settlement cost report data will be adjusted to reflect Medicaid payments and statistical summary reports sent to providers before the filing deadline. (3-30-07)

b. Hard Copy of Cost Report. Hospitals which request to undergo interim cost settlement with Idaho Medicaid must submit a hard copy of the Medicare cost report to the Department upon filing with the Intermediary. (3-30-07)

c. Limit or Recovery of Payment. The Department may limit a recovery or payment of an interim settlement amount up to twenty-five percent (25%) of the total settlement amount when the cost report information is in dispute. (3-30-07)

16. Notice of Program Reimbursement. Following receipt of the finalized Medicare cost report and the timely receipt of any other information requested by the Department to fairly cost settle with the provider, a certified letter with the return receipt requested will be sent to the provider which sets forth the amounts of underpayment or overpayment made to the provider. The notice of the results of the final retroactive adjustment will be sent even though the provider intends to request a hearing on the determination, or has appealed the Medicare Intermediary's determination of cost settlement. Where the determination shows that the provider is indebted to the Medicaid program because total interim and other payments exceed cost limits, the state will take the necessary action to recover overpayment, including the suspension of interim payments sixty (60) days after the provider's receipt of the notice. Such action of recovery or suspension will continue even after a request for an informal conference or hearing is filed with the state. If the hearing results in a revised determination, appropriate adjustments will be made to the settlement amount. (3-30-07)

a. Timing of Notice. The Department will make every effort to issue a notice of program reimbursement within twelve (12) months of receipt of the cost report from the Medicare Intermediary. (3-30-07)

b. Reopening of Completed Settlements. A Medicaid completed cost settlement may be reopened by the provider or the state within a three (3) year period from the date of the letter of notice of program reimbursement. The issues must have been raised, appealed and resolved through the reopening of the cost report by the Medicare Intermediary. Issues previously addressed and resolved by the Department's appeal process are not cause for reopening of the finalized cost settlement. (3-30-07)

17. Nonappealable Items. The formula for the determination of the Hospital Inflation Index, the principles of reimbursement which define allowable cost, non-Medicaid program issues, interim rates which are in compliance with state and federal rules, and the preliminary adjustments prior to final cost settlement determinations as supported by properly completed cost reports and audits must not be accepted as appealable items. (3-30-07)

18. Interim Reimbursement Rates. The interim reimbursement rates are reasonable and adequate to meet the necessary costs which must be incurred by economically and efficiently operated providers which provide services in conformity with applicable state and federal laws, rules, and quality and safety standards. (3-30-07)

a. Annual Adjustments. Interim rates will be adjusted at least annually based on the best information available to the Department. The interim rate will reflect the Medicaid Inpatient Operating Cost Limits used to set inpatient rates and the Reimbursement Floor Percentage. (3-30-07)

b. Retrospective Adjustments. Interim rates will not be adjusted retrospectively upon request for rate review by the provider. (3-30-07)

c. Basis for Adjustments. The Department may make an adjustment based on the Medicare cost report as submitted and accepted by the Intermediary after the provider's reporting year to bring interim payments made during the period into agreement with the tentative reimbursable amount due the provider at final settlement. If the settlement amount is equal to or greater than ten percent (10%) of the payments received or paid and equal to or greater than one hundred thousand dollars (\$100,000), the interim rate will be adjusted to account for half (½) of the difference. (3-30-07)

d. Unadjusted Rate. The Medicaid interim reimbursement rate on file is synonymous with the term unadjusted rate used by other payors. (3-30-07)

19. Audits. All financial reports are subject to audit by Departmental representatives in accordance with Section 305 of these rules. (3-30-07)

20. Interim Reimbursement Rates. The interim reimbursement rates are reasonable and adequate to meet the necessary costs which must be incurred by economically and efficiently operated providers which provide services in conformity with applicable state and federal laws, rules, and quality and safety standards. (3-30-07)

a. Annual Adjustments. Interim rates will be adjusted at least annually based on the best information available to the Department. The interim rate will reflect the Medicaid Inpatient Operating Cost Limits used to set inpatient rates and the Reimbursement Floor Percentage. (3-30-07)

b. Retrospective Adjustments. Interim rates will not be adjusted retrospectively upon request for rate review by the provider. (3-30-07)

c. Basis for Adjustments. The Department may make an adjustment based on the Medicare cost report as submitted and accepted by the Intermediary after the provider's reporting year to bring interim payments made during the period into agreement with the tentative reimbursable amount due the provider at final settlement. If the settlement amount is equal to or greater than ten percent (10%) of the payments received or paid and equal to or greater than one hundred thousand dollars (\$100,000), the interim rate will be adjusted to account for half (½) of the difference. (3-30-07)

d. Unadjusted Rate. The Medicaid interim reimbursement rate on file is synonymous with the term unadjusted rate used by other payors. (3-30-07)

21. Audits. All financial reports are subject to audit by Departmental representatives in accordance with Section 305 of these rules. (3-30-07)

406. INPATIENT HOSPITAL SERVICES - QUALITY ASSURANCE.

The designated QIO must prepare, distribute and maintain a provider manual, that must be periodically updated. The manual will include the following: (3-30-07)

01. QIO Information. The QIO's policies, criteria, standards, operating procedures, and forms for performing: preadmission monitoring, assessment reviews, continued stay requests, and requests for retroactive medical reviews. (3-30-07)

02. Department Provisions. Department-selected diagnoses and elective procedures in which a hospital will request preauthorization of an admission, transfer, or continuing stay. (3-30-07)

03. Approval Timeframe. A provision that the QIO will inform the hospital of a certification within

five (5) days, or other time frame as determined by the Department, of an approved admission, transfer, or continuing stay. (3-30-07)

04. Method of Notice. The method of notice to hospitals of QIO denials for specific admissions, transfers, continuing stays, or services rendered in post-payment reviews. (3-30-07)

05. Procedural Information. The procedures which providers or participants will use to obtain reconsideration of a denial by the QIO prior to appeal to the Department. Such requests for reconsideration by the QIO must be made in writing to the QIO within one hundred eighty (180) days of the issuance of the "Notice of Non-Certification of Hospital Days." (3-30-07)

407. -- 409. (RESERVED).

410. OUTPATIENT HOSPITAL SERVICES - DEFINITIONS.

Outpatient hospital services include preventive, diagnostic, therapeutic, rehabilitative or palliative items, and services furnished by or under the direction of a physician or dentist, unless excluded by any other provisions of this chapter. (3-30-07)

411. (RESERVED).

412. OUTPATIENT HOSPITAL SERVICES - COVERAGE AND LIMITATIONS.

01. Services Provided On-Site. Outpatient hospital services must be provided on-site. (3-30-07)

02. Exceptions and Limitations. (3-30-07)

a. Payment for emergency room service is limited to six (6) visits per calendar year. (3-30-07)

b. Emergency room services which are followed immediately by admission to inpatient status will be excluded from the six (6) visit limit. (3-30-07)

03. Co-Payments. (2-1-07)T

a. When an emergency room physician conducts a medical screening and determines that an emergency condition does not exist, the hospital can require the participant to pay a co-payment as described in IDAPA 16.03.18, "Medicaid Cost-Sharing." (2-1-07)T

b. A hospital may refuse to provide services to a participant when a medical screening has determined that an emergency condition does not exist and the participant does not make the required co-payment at the time of service. Under these circumstances, the hospital must provide notification to the participant as specified in Section 1916A(e) of the Social Security Act. (2-1-07)T

413. OUTPATIENT HOSPITAL SERVICES - PROCEDURAL REQUIREMENTS.

Failure to obtain a timely review from the Department prior to delivery of outpatient services, listed on the select procedure and diagnosis list in the QIO Idaho Medicaid Providers Manual and the Hospital Provider Handbook, as amended, for participants who are eligible at the time of service, will result in a retrospective review. The Department will assess a late review penalty, as outlined in Subsection 405.05 of these rules, when a review is conducted due to an untimely request. (3-30-07)

414. (RESERVED).

415. OUTPATIENT HOSPITAL SERVICES - PROVIDER REIMBURSEMENT.

01. Outpatient Hospital. The Department will not pay more than the combined payments the provider is allowed to receive from the participants and carriers or intermediaries for providing comparable services under comparable circumstances under Medicare. Outpatient hospital services identified below that are not listed in the Department's fee schedules will be reimbursed reasonable costs based on a year end cost settlement. (3-30-07)

a. Maximum payment for hospital outpatient diagnostic laboratory services will be limited to the Department's established fee schedule. (3-30-07)

b. Maximum payment for hospital outpatient partial care services will be limited to the Department's established fee schedule. (3-30-07)

c. Hospital-based ambulance services will be reimbursed at the lower of either the provider's actual charge for the service or the maximum allowable charge for the service as established by the Department in its pricing file. (3-30-07)

d. Hospital Outpatient Surgery. Those items furnished by a hospital to an outpatient in connection with Ambulatory Surgical Center must be surgical procedures covered by Idaho Medicaid. The aggregate amount of payments for related facility services, furnished in a hospital on an outpatient basis, is equal to the lesser of: (3-30-07)

i. The hospital's reasonable costs as reduced by federal mandates for certain operating costs, capital costs, customary hospital charges; or (3-30-07)

ii. The blended payment amount which is based on hospital specific cost and charge data and Medicaid rates paid to free-standing Ambulatory Surgical Centers (ASC); or (3-30-07)

iii. The blended rate of costs and the Department's fee schedule for ambulatory surgical centers at the time of cost settlement; or (3-30-07)

iv. The blended rate for outpatient surgical procedures is equal to the sum of forty-two percent (42%) of the hospital specific amount and fifty-eight percent (58%) of the ASC amount. (3-30-07)

e. Hospital Outpatient Radiology Services include diagnostic and therapeutic radiology, CAT scan procedures, magnetic resonance imaging, ultrasound and other imaging services. The aggregate payment for hospital outpatient radiology services furnished will be equal to the lesser of: (3-30-07)

i. The hospital's reasonable costs; or (3-30-07)

ii. The hospital's customary charges; or (3-30-07)

iii. The blended payment amount for hospital outpatient radiology equal to the sum of forty-two percent (42%) of the hospital specific amount and fifty-eight percent (58%) of the Department's fee schedule amount. (3-30-07)

02. Reduction to Outpatient Hospital Costs. With the exception of Medicare designated sole community hospitals and rural primary care hospitals, all other hospital outpatient costs not paid according to the Department's established fee schedule, including the hospital specific component used in the blended rates, will be reduced by five and eight-tenths percent (5.8%) of operating costs and ten percent (10%) of each hospital's capital costs component. (3-30-07)

416. -- 421. (RESERVED).

422. RECONSTRUCTIVE SURGERY - COVERAGE AND LIMITATIONS.

Reconstruction or restorative procedures that may be rendered with prior approval by the Department include procedures that restore function of the affected or related body part(s). Approvable procedures include breast reconstruction after mastectomy, or the repair of other injuries resulting from physical trauma. (3-30-07)

423. -- 430. (RESERVED).

431. SURGICAL PROCEDURES FOR WEIGHT LOSS - PARTICIPANT ELIGIBILITY.

Surgery for the correction of obesity is covered when all of the following conditions are met: (3-30-07)

01. Participant Medical Condition. The participant must meet criteria for clinically severe obesity with a Body Mass Index (BMI) equal to or greater than forty (40), or a BMI equal to or greater than thirty-five (35) with comorbid conditions such as type 2 diabetes, hypothyroidism, atherosclerotic cardiovascular disease, or osteoarthritis of the lower extremities. The serious comorbid medical condition must be documented by the primary physician who refers the patient for the procedure, or a physician specializing in the participant's comorbid condition who is not associated by clinic or other affiliation with the surgeons who will perform the surgery. (3-30-07)

02. Other Medical Condition Exists. The obesity is caused by the serious comorbid condition, or the obesity could aggravate the participant's cardiac, respiratory or other systemic disease. (3-30-07)

03. Psychiatric Evaluation. The participant must have a psychiatric evaluation to determine the stability of personality at least ninety (90) days prior to the date a request for prior authorization is submitted to Medicaid. (3-30-07)

432. SURGICAL PROCEDURES FOR WEIGHT LOSS - COVERAGE AND LIMITATIONS.

01. Non-Surgical Treatment for Obesity. Services in connection with non-surgical treatment of obesity are covered only when such services are an integral and necessary part of treatment for another medical condition that is covered by Medicaid. (3-30-07)

02. Abdominoplasty or Panniculectomy. Abdominoplasty or panniculectomy is covered when medically necessary, as defined in Section 011 of these rules, and when the surgery is prior authorized by the Department. The request for prior authorization must include the following documentation: (3-30-07)

- a.** Photographs of the front, side and underside of the participant's abdomen; (3-30-07)
- b.** Treatment of any ulceration and skin infections involving the panniculus; (3-30-07)
- c.** Failure of conservative treatment, including weight loss; (3-30-07)
- d.** That the panniculus severely inhibits the participant's walking; (3-30-07)
- e.** That the participant is unable to wear a garment to hold the panniculus up; and (3-30-07)
- f.** Other detrimental effects of the panniculus on the participant's health such as severe arthritis in the lower body. (3-30-07)

433. SURGICAL PROCEDURES FOR WEIGHT LOSS - PROCEDURAL REQUIREMENTS.

01. Medically Necessary. The Department must determine the surgery to be medically necessary, as defined in Section 011 of these rules. (3-30-07)

02. Prior Authorization. The surgery must be prior authorized by the Department. The Department will consider the guidelines of private and public payors, evidence-based national standards of medical practice, and the medical necessity of each participant's case when determining whether surgical correction of obesity will be prior authorized. (3-30-07)

434. SURGICAL PROCEDURES FOR WEIGHT LOSS - PROVIDER QUALIFICATIONS AND DUTIES.

Physicians and hospitals must meet national medical standards for weight loss surgery. (3-30-07)

435. -- 442. (RESERVED).

443. INVESTIGATIONAL PROCEDURES OR TREATMENTS - PROCEDURAL REQUIREMENTS.

The Department may consider Medicaid coverage for investigational procedures or treatments on a case-by-case basis for life-threatening medical illnesses when no other treatment options are available. For these cases, a focused

case review is completed by a professional medical review organization to determine if an investigational procedure would be beneficial to the participant. The Department will perform a cost-benefit analysis on the procedure or treatment in question. The Department will determine coverage based on this review and analysis. (3-30-07)

- 01. Focused Case Review.** A focused case review consists of assessment of the following: (3-30-07)
 - a.** Health benefit to the participant of the proposed procedure or treatment; (3-30-07)
 - b.** Risk to the participant associated with the proposed procedure or treatment; (3-30-07)
 - c.** Result of standard treatment for the participant's condition, including alternative treatments other than the requested procedure or treatment; (3-30-07)
 - d.** Specific inclusion or exclusion by Medicare national coverage guidelines of the proposed procedure or treatment; (3-30-07)
 - e.** Phase of the clinical trial of the proposed procedure or treatment; (3-30-07)
 - f.** Guidance regarding the proposed procedure or treatment by national organizations; (3-30-07)
 - g.** Clinical data and peer-reviewed literature pertaining to the proposed procedure or treatment; and (3-30-07)
 - h.** Ethics Committee review, if appropriate. (3-30-07)
- 02. Additional Clinical Information.** For cases in which the Department determines that there is insufficient information from the focused case review to render a coverage decision, the Department may, at its discretion, seek an independent professional opinion. (3-30-07)
- 03. Cost-Benefit Analysis.** The Department will perform a cost-benefit analysis that will include at least the following: (3-30-07)
 - a.** Estimated costs of the procedure or treatment in question. (3-30-07)
 - b.** Estimated long-term medical costs if this procedure or treatment is allowed. (3-30-07)
 - c.** Estimated long-term medical costs if this procedure is not allowed. (3-30-07)
 - d.** Potential long-term impacts approval of this procedure or treatment may have on the Medical Assistance Program. (3-30-07)
- 04. Coverage Determination.** The Department will make a decision about coverage of the investigational procedure or treatment after consideration of the focused case review, cost-benefit analysis, and any additional information received during the review process. (3-30-07)

444. -- 449. (RESERVED).

SUB AREA B: AMBULATORY SURGICAL CENTERS

(Sections 450 through 499)

450. -- 451. (RESERVED).

452. AMBULATORY SURGICAL CENTER SERVICES - COVERAGE AND LIMITATIONS.

Those surgical procedures identified by the Medicare program as appropriately and safely performed in an ASC will be reimbursed by the Department. In addition, the Department may add surgical procedures to the list developed by the Medicare program as required by 42 CFR 416.65 if the procedures meet the criteria identified in 42 CFR 416.65 (a) and (b). (3-30-07)

453. RESERVED.

454. AMBULATORY SURGICAL CENTER SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Provider Approval. The ASC must be surveyed by the Department's Bureau of Facility Standards as required by 42 CFR 416.25 through 416.49 and be approved by the U.S. Department of Health and Human Services for participation as a Medicare ASC provider. (3-30-07)

02. Cancellation. Grounds for cancellation of the provider agreement include: (3-30-07)

a. The loss of Medicare program approval; (3-30-07)

b. Identification of any condition that threatens the health or safety of patients by the Department's Bureau of Facility Standards. (3-30-07)

455. AMBULATORY SURGICAL CENTER SERVICES - PROVIDER REIMBURSEMENT.

01. Payment Methodology. ASC services reimbursement is designed to pay for use of facilities and supplies necessary to safely care for the patient. Such services are reimbursed as follows: (3-30-07)

a. ASC service payments represent reimbursement for the costs of goods and services recognized by the Medicare program as described in 42 CFR, Part 416. Payment levels will be determined by the Department. Any surgical procedure covered by the Department, but which is not covered by Medicare will have a reimbursement rate established by the Department. (3-30-07)

b. ASC services include the following: (3-30-07)

i. Nursing, technician, and related services; (3-30-07)

ii. Use of ASC facilities; (3-30-07)

iii. Drugs, biologicals, surgical dressings, supplies, splints, casts, and appliances and equipment directly related to the provision of surgical procedures; (3-30-07)

iv. Diagnostic or therapeutic services or items directly related to the provision of a surgical procedure; (3-30-07)

v. Administration, record-keeping and housekeeping items and services; and (3-30-07)

vi. Materials for anesthesia. (3-30-07)

c. ASC services do not include the following services: (3-30-07)

i. Physician services; (3-30-07)

ii. Laboratory services, x-ray or diagnostic procedures (other than those directly related to the performance of the surgical procedure); (3-30-07)

iii. Prosthetic and orthotic devices; (3-30-07)

iv. Ambulance services; (3-30-07)

v. Durable medical equipment for use in the patient's home; and (3-30-07)

vi. Any other service not specified in Subsection 455.01.b. of this rule. (3-30-07)

02. Payment for Ambulatory Surgical Center Services. Payment is made at a rate established in accordance with Section 230 of these rules. (3-30-07)

456. -- 499. (RESERVED).

SUB AREA C: PHYSICIAN SERVICES AND ABORTION PROCEDURES

(Sections 500 through 519)

500. PHYSICIAN SERVICES - DEFINITIONS.

01. Physician Services. Physician services include the treatment of medical and surgical conditions by doctors of medicine or osteopathy subject to the limitations of practice imposed by state law, and to the restrictions and exclusions of coverage contained in Section 390 and Subsection 502.01 of these rules. Physician services as defined in Subsection 500.01 of this rule will be reimbursed by the Department. (1-1-08)T

02. Psychiatric Telehealth. Psychiatric Telehealth is an electronic real time synchronous audio-visual contact between a physician and participant related to the treatment of the participant. The participant is in one (1) location, called the hub site, with specialized equipment including a video camera and monitor, and with the hosting provider. The physician is at another location, called the spoke site, with specialized equipment. The physician and participant interact as if they were having a face-to-face service. (1-1-08)T

501. (RESERVED).

502. PHYSICIAN SERVICES - COVERAGE AND LIMITATIONS.

01. Outpatient Psychiatric Mental Health Services. Outpatient psychiatric mental health services are limited to twelve (12) hours of psychiatric evaluations per eligible participant in any twelve (12) month period; and any combination of individual or group psychotherapy services provided by a physician up to a maximum of forty-five (45) hours of service in the consecutive twelve (12) months period beginning with the first such service. (3-30-07)

02. Sterilization Procedures. Particular restrictions pertaining to payment for sterilization procedures are contained in Sections 680 through 686 of these rules. (3-30-07)

03. Abortions. Restrictions governing payment for abortions are contained in Sections 511 through 514 of these rules. (3-30-07)

04. Tonometry. Payment for tonometry is limited to one (1) examination for individuals over the age of forty (40) years during any twelve (12) month period (in addition to tonometry as a component of examination to determine visual acuity). In the event examination to determine visual acuity is not done, two (2) tonometry examinations per twelve (12) month period are allowed participants over the age of forty (40). This limitation does not apply to participants receiving continuing treatment for glaucoma. (3-30-07)

05. Physical Therapy Services. Payment for physical therapy services performed in the physician's office is limited to those services which are described and supported by the diagnosis. (3-30-07)

06. Injectable Vitamins. Payment for allowable injectable vitamins will be allowed when supported by the diagnosis. Injectable vitamin therapy is limited to Vitamin B12 (and analogues), Vitamin K (and analogues),

folic acid, and mixtures consisting of Vitamin B12, folic acid, and iron salts in any combination. (3-30-07)

07. Corneal Transplants and Kidney Transplants. Corneal transplants and kidney transplants are covered by the Medical Assistance Program. (3-30-07)

08. Psychiatric Telehealth. Payment for telehealth services is limited to psychiatric services for diagnostic assessments, pharmacological management, and psychotherapy with evaluation and management services twenty (20) to thirty (30) minutes in duration. Reimbursement is not available for a telephone conversation, electronic mail message (e-mail), or facsimile transmission (fax) between a physician and a participant. Service will not be reimbursed when provided via a videophone or webcam. (1-1-08)T

503. (RESERVED).

504. PHYSICIAN SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Misrepresentation of Services. Any representation that a service provided by a nurse practitioner, nurse midwife, physical therapist, physician assistant, psychologist, social worker, or other nonphysician professional as a physician service is prohibited. (3-30-07)

02. Locum Tenens Claims and Reciprocal Billing. (3-30-07)

a. In reimbursement for Locum Tenens/reciprocal billing, the patient's regular physician may submit the claim and receive payment for covered physician services (including emergency visits and related services) provided by a Locum Tenens physician who is not an employee of the regular physician if: (3-30-07)

i. The regular physician is unavailable to provide the visit services. (3-30-07)

ii. The Medicaid patient has arranged for or seeks to receive services from the regular physician. (3-30-07)

iii. The regular physician pays the Locum Tenens for his services on a per diem or similar fee-for-time basis. (3-30-07)

iv. The substitute physician does not provide the visit services to Medicaid patients over a continuous period of longer than ninety (90) days for Locum Tenens and over a continuous period of fourteen (14) days for reciprocal billing. (3-30-07)

v. The regular physician identifies the services as substitute physician services meeting the requirements of Section 504 of this chapter of rules by appending modifier-Q6 (service furnished by a Locum Tenens physician) to the procedure code or Q5 (services furnished by a substitute physician under reciprocal billing arrangements). (3-30-07)

vi. The regular physician must keep on file a record of each service provided by the substitute physician associated with the substitute physician's UPIN, and make this record available to the department upon request. (3-30-07)

vii. The claim identifies, in a manner specified by the Department, the physician who furnished the services. (3-30-07)

b. If the only Locum Tenens/reciprocal billing services a physician performs in connection with an operation are post-operative services furnished during the period covered by the global fee, those services must not be reported separately on the claim as substitution services, but must be deemed as included in the global fee payment. (3-30-07)

c. A physician may have Locum Tenens/reciprocal billing arrangements with more than one (1) physician. The arrangements need not be in writing. Locum Tenens/reciprocal billing services need not be provided in the office of the regular physician. (3-30-07)

505. PHYSICIAN SERVICES - PROVIDER REIMBURSEMENT.

01. Physician Penalties for Late QIO Review. Medicaid will assess the physician a penalty for failure to request a preadmission review from the Department, for procedures and diagnosis listed on the select list in the Department's Physician Provider Handbook and the QIO Idaho Medicaid Provider Manual. If a retrospective review determines the procedure was medically necessary, and the physician was late in obtaining a preadmission review the Department will assess a penalty according to Subsection 505.02 of this rule. The penalty will be assessed after payment for physician services has occurred. (3-30-07)

02. Physician Penalty Schedule. (3-30-07)

a. A request for preadmission QIO review that is one (1) day late will result in a penalty of fifty dollars (\$50). (3-30-07)

b. A request for preadmission QIO review that is two (2) days late will result in a penalty of one hundred dollars (\$100). (3-30-07)

c. A request for preadmission QIO review that is three (3) days late will result in a penalty of one hundred and fifty dollars (\$150). (3-30-07)

d. A request for preadmission QIO review that is four (4) days late will result in a penalty of two hundred dollars (\$200). (3-30-07)

e. A request for preadmission QIO review that is five (5) days late or later will result in a penalty of two hundred and fifty dollars (\$250). (3-30-07)

03. Physician Excluded From the Penalty. Any physician who provides care but has no control over the admission, continued stay, or discharge of the patient will not be penalized. Assistant surgeons and multi-surgeons are not excluded from the penalty. (3-30-07)

506. -- 510. (RESERVED).

511. ABORTION PROCEDURES - PARTICIPANT ELIGIBILITY.

The Department will fund abortions under the Medical Assistance Program only under circumstances where the abortion is necessary to save the life of the woman, or in cases of rape or incest as determined by the courts, or, where no court determination has been made, if reported to a law enforcement agency. (3-30-07)

512. -- 513. (RESERVED).

514. ABORTION PROCEDURES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Required Documentation in the Case of Rape or Incest. In the case of rape or incest, the following documentation must be provided to the Department: (3-30-07)

a. A copy of the court determination of rape or incest must be provided; or (3-30-07)

b. Where no court determination has been made, documentation that the rape or incest was reported to a law enforcement agency. (3-30-07)

c. Where the rape or incest was not reported to a law enforcement agency, a licensed physician must certify in writing that, in the physician's professional opinion, the woman was unable, for reasons related to her health, to report the rape or incest to a law enforcement agency. The certification must contain the name and address of the woman; or (3-30-07)

d. Documentation that the woman was under the age of eighteen (18) at the time of sexual intercourse. (3-30-07)

02. Required Documentation in the Case Where the Abortion is Necessary to Save the Life of the Woman. In the case where the abortion is necessary to save the life of the woman, a licensed physician must certify in writing that the woman may die if the fetus is carried to term. The certification must contain the name and address of the woman. (3-30-07)

515. -- 519. (RESERVED).

SUB AREA D: OTHER PRACTITIONER SERVICES

(Sections 520 through 559)

520. -- 521. (RESERVED).

522. MIDLEVEL PRACTITIONER SERVICES - COVERAGE AND LIMITATIONS.

The Medicaid Program will pay for services provided by certified registered nurse anesthetists (CRNA), nurse practitioners (NP), nurse midwives (NM), and physician assistants (PA), as defined in Sections 010, 011, 012 of these rules and in accordance with the provisions found under Sections 523 through 525 of these rules. (3-30-07)

523. (RESERVED).

524. MIDLEVEL PRACTITIONER SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Identification of Services. The required services must be covered under the legal scope of practice as identified by the appropriate State rules of the CRNA, NP, NM, or PA. (3-30-07)

02. Deliverance of Services. The services must be delivered under physician supervision, if required by Idaho Statute. (3-30-07)

525. MIDLEVEL PRACTITIONER SERVICES - PROVIDER REIMBURSEMENT.

01. Billing of Services. Billing for the services must be as provided by the CRNA, NP, NM, or PA, and not represented as a physician service. (3-30-07)

02. Payments Made Directly to CRNA. Payments under the fee schedule must be made directly to the CRNA under the individual provider number assigned to the CRNA. Rural hospitals that qualify for a Medicare exception and employ or contract CRNAs may be reimbursed on a reasonable cost basis. (3-30-07)

03. Reimbursement Limits. The Department will reimburse for each service to be delivered by the NP, NM, or PA as either the billed charge or reimbursement limit established by the Department, whichever is less. (3-30-07)

526. -- 529. (RESERVED).

530. CHIROPRACTIC SERVICES - DEFINITIONS.

Subluxation is partial or incomplete dislocation of the spine. (3-30-07)

531. (RESERVED).

532. CHIROPRACTIC SERVICES - COVERAGE AND LIMITATIONS.

The Department will pay for a total of twenty-four (24) manipulation visits during any calendar year for remedial care by a chiropractor but only for treatment involving manipulation of the spine to correct a subluxation condition. (3-30-07)

533. -- 539. (RESERVED).

540. PODIATRIST SERVICES - DEFINITIONS.

The Department will reimburse podiatrists for treatment of acute foot conditions. Acute foot conditions, for the purpose of this provision, means any condition that hinders normal function, threatens the individual, or complicates any disease. Preventive foot care may be provided if vascular restrictions or other systemic disease is threatened.

(3-30-07)

541. -- 553. (RESERVED).

554. OPTOMETRIST SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

Optometrist services are provided to the extent specified in the individual provider agreements entered into under the provisions of Section 205 of these rules.

(3-30-07)

01. Payment Availability. Payment for services included in Subsection 502.04 and Sections 780 through 786 of these rules is available to all licensed optometrists.

(3-30-07)

02. Provider Agreement Qualifications. Optometrists who have been issued and who maintain certification under the provisions of Sections 54-1501 and 54-1509, Idaho Code, qualify for provider agreements allowing payment for the diagnosis and treatment of injury or disease of the eye to the extent allowed under Section 54-1501, Idaho Code, and to the extent payment is available to physicians as defined in these rules.

(3-30-07)

555. -- 559. (RESERVED).

SUB AREA E: PRIMARY CARE CASE MANAGEMENT

(Sections 560 through 569)

560. HEALTHY CONNECTIONS - DEFINITIONS.

For purposes of this Sub Area, unless the context clearly requires otherwise, the following words and terms have the following meanings:

(3-30-07)

01. Best Practices Protocol. A regimen of proven, effective and evidence-based practices.

(4-1-07)T

02. Chronic Disease Management. The process of applying best practices protocol to manage a chronic disease in order to produce the best health outcomes for a participant with the targeted chronic disease.

(4-1-07)T

03. Clinic. Two (2) or more qualified medical professionals who provide services jointly through an organization for which an individual is given authority to act on its behalf. It also includes Federally Qualified Health Centers (FQHCs), Certified Rural Health Clinics, and Indian Health Clinics.

(3-30-07)

04. Covered Services. Those medical services and supplies for which reimbursement is available under the State Plan.

(3-30-07)

05. Grievance. The formal process by which problems and complaints related to Healthy Connections are addressed and resolved. Grievance decisions may be appealed as provided herein.

(3-30-07)

06. Healthy Connections. The provision of health care services through a single point of entry for the purposes of managing participant care with an emphasis on preventative and primary care and reducing inappropriate utilization of services and resulting costs. This is sometimes referred to as managed care. Healthy Connections is a primary care case management model.

(4-1-07)T

07. Pay-for-Performance. The use of incentives to encourage and reinforce the delivery of evidence-

based practices that promote better outcomes as efficiently as possible. (4-1-07)T

08. Primary Care Case Management. The process in which a primary care provider is responsible for direct care of a participant, and for coordinating and controlling access to or initiating and/or supervising other health care services needed by the participant. (4-1-07)T

09. Primary Care Provider (PCP). A qualified medical professional who contracts with Medicaid to coordinate the care of certain participants. (4-1-07)T

10. Qualified Medical Professional. A duly licensed physician in the following specialties: Pediatrics, Internal Medicine, Family Practice, General Practice, General Surgery, Obstetrics/Gynecology, or a physician in any other specialty who chooses to assume the function of primary care case management. It also includes nurse practitioners, and physician assistants. Licenses must be held in the state(s) where services are being rendered. (3-30-07)

11. Referral. The process by which participants gain access to those covered services subject to primary care case management, but not provided by the primary care provider. It is the authorization for such services. (3-30-07)

12. Targeted Chronic Disease. One (1) of the diseases included in the chronic disease management pay-for-performance program. The specific targeted chronic diseases are diabetes, asthma, hypertension, hyperlipidemia, and depression. The Department may change the diseases included in the program after appropriate notification to PCPs. (4-1-07)T

561. HEALTHY CONNECTIONS - PARTICIPANT ELIGIBILITY.

01. Voluntary County. In a county where participation in Healthy Connections is voluntary, the participant will be given an opportunity to choose a PCP. If the participant is unable to choose a provider but wishes to participate, a provider will be assigned by the Department. If a voluntary county subsequently becomes a mandatory county, provider selection and assignment will remain unchanged where possible. (4-1-07)T

02. Mandatory County. In a county where participation in Healthy Connections is mandatory, a PCP will be assigned if the participant fails to choose a participating provider after given the opportunity to do so. Members of the same family do not have to choose the same provider. All participants in the county are required to participate unless individually granted an exception. Exceptions from participation in a mandatory county are available for participants who: (4-1-07)T

- a.** Have to travel more than thirty (30) miles, or thirty (30) minutes to obtain primary care services; (3-30-07)
- b.** Have an eligibility period that is less than three (3) months; (3-30-07)
- c.** Have an eligibility period that is only retroactive; (3-30-07)
- d.** Are eligible only as Qualified Medicare Beneficiary; (3-30-07)
- e.** Have an existing relationship with a primary care physician or clinic who is not participating with the Healthy Connections; or (3-30-07)
- f.** Has incompatible third party liability. (3-30-07)
- g.** Are enrolled in the Medicare/Medicaid Coordinated Plan. (4-1-07)T

562. HEALTHY CONNECTIONS - COVERAGE AND LIMITATIONS.

01. Exempted Services. All services are subject to primary care case management unless specifically exempted. The following services are exempt: (3-30-07)

- a. Family planning services; (3-30-07)
- b. Emergency care (as defined by the Department for the purpose of payment and performed in an emergency department); (3-30-07)
- c. Dental care; (4-1-07)T
- d. Podiatry (performed in the office); (3-30-07)
- e. Audiology (hearing tests or screening, does not include ear/nose/throat services); (3-30-07)
- f. Optical/Ophthalmology/Optomtrist services (performed in the office); (3-30-07)
- g. Chiropractic (performed in the office); (3-30-07)
- h. Pharmacy (prescription drugs only); (3-30-07)
- i. Nursing home; (3-30-07)
- j. ICF/MR services; (3-30-07)
- k. Immunizations (not requiring an office visit); (4-1-07)T
- l. Flu shots and/or pneumococcal vaccine (not requiring an office visit); (3-30-07)
- m. Diagnosis and/or treatment for sexually transmitted diseases; (3-30-07)
- n. One screening mammography per calendar year for women age forty (40) or older; (3-30-07)
- o. Indian Health Clinic/638 Clinic services provided to individuals eligible for Indian Health Services; (4-1-07)T
- p. In-home services, known as Personal Care Services and Personal Care Services Case Management; (4-1-07)T
- q. Laboratory services, including pathology; (4-1-07)T
- r. Anesthesiology services; and (4-1-07)T
- s. Radiology services. (4-1-07)T

02. Change in Services That Require a Referral. The Department may change the services that require a referral after appropriate notification of Medicaid eligible individuals and providers. (3-30-07)

563. HEALTHY CONNECTIONS - PROCEDURAL REQUIREMENTS.

01. Primary Care Case Management. Under the Healthy Connections model of managed care, each participant obtains medical services through a PCP. This provider either provides the needed service, or makes a referral for needed services. This management function neither reduces nor expands the scope of covered services. (4-1-07)T

a. Referrals. The primary care provider is responsible for making all reasonable efforts to monitor and manage the participant's care, providing primary care services, and making referrals for services when medically necessary. All services not specifically exempted in Section 562 of these rules require a referral. Services that require referral, but are provided without a referral will not be paid. All referrals must be documented in participant's patient record. (3-30-07)

b. Changing PCPs. If a participant is dissatisfied with his PCP, he may change providers effective the first day of any month by contacting his designated Healthy Connections Representative to do so no later than fifteen (15) days in advance. This advance notice requirement may be waived by the Department. (4-1-07)T

c. Changing Service Areas. Participants who move from the area where they are enrolled must disenroll in the same manner as provided in the preceding paragraph for changing PCPs, and may obtain a referral from their PCP pending the transfer. Such referrals are valid not to exceed thirty (30) days. (4-1-07)T

02. Problem Resolution. (3-30-07)

a. Intent. To help assure the success of Healthy Connections, the Department intends to provide a mechanism for timely and personal attention to problems and complaints related to the program. (3-30-07)

b. Local Program Representative. To facilitate problem resolution, each area will have a designated representative who will receive and attempt to resolve all complaints and problems related to the program and function as a liaison between participants and providers. It is anticipated that most problems and complaints will be resolved informally at this level. (4-1-07)T

c. Registering a Complaint. Both participants and providers may register a complaint or notify the Department of a problem related to Healthy Connections either by writing or telephoning the local program representative. The health representative will attempt to resolve conflicts and disputes whenever possible and refer the complainant to alternative forums where appropriate. (3-30-07)

d. Grievance. If a participant or provider is not satisfied with the resolution of a problem or complaint addressed by the program representative, he may file a formal grievance in writing to the representative. The manager of the managed care program may, where appropriate, refer the matter to a review committee designated by the Department to address issues such as quality of care or medical necessity. However, such decisions are not binding on the Department. The Department will respond in writing to grievances within thirty (30) days of receipt. (3-30-07)

e. Appeal. Decisions in response to grievances may be appealed. Appeals by participants are considered as fair hearings and appeals by providers as contested cases under the Rules Governing Contested Case Proceedings and Declaratory Rulings, IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings," and must be filed in accordance with the provisions of that chapter. (3-30-07)

03. Chronic Disease Management Registration. A participating PCP must initially register each participant eligible for chronic disease management reimbursement with the Department. (4-1-07)T

04. Chronic Disease Management Reporting. A participating PCP must annually report on all identified quality indicators for each targeted chronic disease that he seeks reimbursement as specified in the provider agreement. The reporting schedule is established by the Department in the provider agreement. (4-1-07)T

564. HEALTHY CONNECTIONS - PROVIDER QUALIFICATIONS AND DUTIES.

01. Provider Participation Qualifications. Primary care case management services may be provided by qualified medical professionals, licensed to practice in the state where services are being rendered. (3-30-07)

02. Provider Participation Conditions and Restrictions. (3-30-07)

a. Quality of Services. Provider must maintain and provide services in accordance with community standards of care. Provider must exercise his best efforts to effectively control utilization of services. Providers must provide twenty-four (24) hour coverage by telephone to assure participant access to services. (3-30-07)

b. Provider Agreements. Providers participating in primary care case management must sign an agreement. Clinics may sign an agreement on behalf of their qualified medical professionals. Providers participating in the chronic disease management pay-for-performance program must sign an addendum to the primary care case management provider agreement. (4-1-07)T

c. Patient Limits. Providers may limit the number of participants they wish to manage. Subject to this limit, the provider must accept all participants who either elect or are assigned to provider, unless disenrolled in accordance with Subsection 564.02.d. of this rule. Providers may change their limit effective the first day of any month by written request thirty (30) days prior to the effective date of change. Requirement maybe waived by the Department. (3-30-07)

d. Disenrollment. Instances may arise where the provider-patient relationship breaks down due to failure of the participant to follow the plan of care or for other reasons. Accordingly, a provider may choose to withdraw as participant's primary care provider effective the first day of any month by written notice to the participant and the Department thirty (30) days prior to the date of withdrawal. This advance notice requirement may be waived by the Department. (3-30-07)

e. Record Retention. Providers must retain patient and financial records and provide the Department access to those records for a minimum of six (6) years from the date of service. Upon the reassignment of a participant to another PCP, the provider must transfer (if a request is made) a copy of the patient's medical record to the new PCP. Provider must also disclose information required by Subsection 205.01 of these rules, when applicable. (4-1-07)T

f. Termination or Amendment of Provider Agreements. The Department may terminate a provider's agreement as provided in Subsection 205.03 of these rules. An agreement may be amended for the same reasons. (3-30-07)

565. HEALTHY CONNECTIONS - PROVIDER REIMBURSEMENT.

01. Case Management Fee. Reimbursement is as follows: (4-1-07)T

a. PCPs will be paid a case management fee for primary care case management services. (4-1-07)T

b. PCPs enrolled in the chronic disease management pay-for-performance program will be paid an enhanced case management fee. (4-1-07)T

c. The amount of the fees is determined by the Department and specified in the provider agreement. (4-1-07)T

d. The amount of the fee is fixed and the same for all participating PCPs. (4-1-07)T

02. Primary Care Case Management. Reimbursement is based on the number of participants enrolled under the provider on the first day of each month multiplied by the amount of the case management fee. (4-1-07)T

03. Chronic Disease Management. Reimbursement is based on: (4-1-07)T

a. The number of participants who have a targeted chronic disease multiplied by the amount of the enhanced case management fee for patient identification; and (4-1-07)T

b. The number of instances that the PCP achieved Department specified best practices protocol for the disease being managed multiplied by the amount of the enhanced case management fee for reported quality indicators. (4-1-07)T

566. HEALTHY CONNECTIONS - QUALITY ASSURANCE.

The Department will establish performance measurements to evaluate the effectiveness of Chronic Disease Management. The performance measurements will be reviewed at least annually and adjusted as necessary to provide quality assurance. (4-1-07)T

567. -- 569. (RESERVED).

SUB AREA F: PREVENTION SERVICES

(Sections 570 through 649)

570. HEALTH QUESTIONNAIRE.

The Health Questionnaire assesses the general health status and health behaviors of a participant. The information collected is used to provide customized health education to the participant. The Health Questionnaire is administered at initial program entry and at periodic intervals thereafter. Participant responses to the issues addressed in the Health Questionnaire may identify a participant's interest in the Preventive Health Assistance benefits described in Section 620 of these rules. (3-30-07)

571. -- 579. (RESERVED).

580. CHILD WELLNESS SERVICES - DEFINITIONS.

01. Interperiodic Medical Screens. Interperiodic medical screens are screens that are done at intervals other than those identified in the American Academy of Pediatrics periodicity schedule. (3-30-07)

02. Periodic Medical Screens. Interperiodic medical screens are screens done at intervals identified in the American Academy of Pediatrics periodicity schedule. (3-30-07)

581. CHILD WELLNESS SERVICES - PARTICIPANT ELIGIBILITY.

Child Wellness Services are available to all participants up to, and including, the month of their twenty-first (21st) birthday. (3-30-07)

582. CHILD WELLNESS SERVICES - COVERAGE AND LIMITATIONS.

01. Periodic Medical Screens. Periodic medical screens are to be completed according to the American Academy of Pediatrics periodicity schedule including blood lead tests at age twelve (12) months and twenty-four (24) months. The medical screen must include a blood lead test when the participant is age two (2) through age twenty-one (21) and has not been previously tested. (3-30-07)

02. Interperiodic Screens. Interperiodic screens will be performed when there are indications that it is medically necessary to determine whether a child has a physical or mental illness or condition that may require further assessment, diagnosis, or treatment. Interperiodic screens may occur in children who have already been diagnosed with an illness or condition, and there is indication that the illness or condition may have become more severe or changed sufficiently, so that the further examination is medically necessary (3-30-07)

03. Developmental Screens. Developmental screening is considered part of every routine initial and periodic examination. If the screening identifies a developmental problem, then a developmental assessment will be ordered by the physician and be conducted by qualified professionals. (3-30-07)

583. CHILD WELLNESS SERVICES - PROCEDURAL REQUIREMENTS.

EPSDT RN screeners will routinely refer all participants to primary care providers. EPSDT participants ages two (2) weeks to two (2) years will receive at least one (1) of their periodic or interperiodic screens annually from a physician, NP, or PA, unless otherwise medically indicated. A parent or guardian may choose to waive the requirement for a physician, NP, or PA, to perform the screen. EPSDT RN screeners will refer participants for further evaluation, diagnosis, and treatment to appropriate services such as physician, registered dietitian, developmental evaluation, speech, hearing, and vision evaluation, and blood lead level evaluation. Efforts will be made to assure that routine screening will not be duplicated for children who receive primary care services from a physician. (3-30-07)

584. CHILD WELLNESS SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Interperiodic Medical Screens. Interperiod medical screens must be performed by a physician, NP, or PA. (3-30-07)

02. Periodic Medical Screens. Periodic medical screens can be performed by a physician, NP, PA, or a Registered Nurse Screener. (3-30-07)

03. EPSDT Registered Nurse Screener. A licensed professional nurse (RN) who is currently licensed to practice in Idaho, and who meets the following provisions: (3-30-07)

a. Training Requirements. Can produce proof of completion of the Medicaid Child Health Assessment training course (or equivalent as approved by Medicaid) that: (3-30-07)

i. Prepares the RN to identify the difference between screening, diagnosis, and treatment and prepares the RN to appropriately screen and differentiate between normal and abnormal findings. (3-30-07)

ii. Includes at least five (5) days of didactic instruction in child health assessment, accompanied by a component of supervised clinical practice. (3-30-07)

b. Linkage to Primary Care Services. Is employed by a physician, district health department, rural health clinic, Indian Health Clinic, or Federally Qualified Health Center (FQHC) in order to provide linkage to primary care services. The employers must have a signed Medicaid provider agreement and provider number. (3-30-07)

c. Consultation. Has an established agreement with a physician or nurse practitioner for consultation on an as-needed basis. (3-30-07)

585. -- 589. (RESERVED).

590. ADULT PHYSICALS.
Adult preventive physical examinations are limited to one (1) per year. (3-30-07)

591. -- 601. (RESERVED).

602. SCREENING MAMMOGRAPHIES - COVERAGE AND LIMITATIONS.

01. Screening Mammographies. Screening mammographies are limited to one (1) per year for women who are forty (40) or more years of age. (3-30-07)

02. Diagnostic Mammographies. Diagnostic mammographies are not subject to the limitations of screening mammographies. Diagnostic mammographies are covered when a physician orders the procedure for a participant of any age. (3-30-07)

603. (RESERVED).

604. SCREENING MAMMOGRAPHIES - PROVIDER QUALIFICATIONS AND DUTIES.
Idaho Medicaid will cover screening or diagnostic mammographies performed with mammography equipment and staff considered certifiable or certified by the Bureau of Laboratories. (3-30-07)

605. -- 609. (RESERVED).

610. CLINIC SERVICES - DIAGNOSTIC SCREENING CLINICS.
The Department will reimburse medical social service visits to clinics which coordinate the treatment between physicians and other medical professionals for participants which are diagnosed with cerebral palsy, myelomeningitis or other neurological diseases and injuries with comparable outcomes. (3-30-07)

01. Multidisciplinary Assessments and Consultations. The clinic must perform on site multidisciplinary assessments and consultations with each participant and responsible parent or guardian. Diagnostic and consultative services related to the diagnosis and treatment of the participant will be provided by board certified physician specialists in physical medicine, neurology and orthopedics. (3-30-07)

02. Billings. No more than five (5) hours of medical social services per participant may be billed by the specialty clinic each state fiscal year for which the medical social worker monitors and arranges participant treatments and provides medical information to providers which have agreed to coordinate the care of their participant. (3-30-07)

03. Services Performed. Services performed or arranged by the clinic will be subject to the amount, scope and duration for each service as set forth elsewhere in this chapter. (3-30-07)

04. The Clinic. The clinic is established as a separate and distinct entity from the hospital, physician or other provider practices. (3-30-07)

611. -- 614. (RESERVED).

615. ADDITIONAL ASSESSMENT AND EVALUATION SERVICES.

In addition to evaluations for services as defined in this Chapter, the Department will reimburse for the following evaluations if needed to determine eligibility for Medicaid Enhanced Plan Benefits. (3-30-07)

01. Enhanced Mental Health Services. Enhanced mental health services are not covered under the Basic Plan with the exception of assessment services. The assessment for determination of need for Enhanced mental health services is subject to the requirements for comprehensive assessments at IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 113, and provider qualifications under Section 715 of these rules and under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 130 and 131. (3-30-07)

02. Developmental Disability Agency Services (DDA). DDA services are not covered under the Basic Plan with the exception of assessment and evaluation services. The assessment and/or evaluation for the need for DDA services is subject to the requirements for DDA services under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Subsection 653.02, and IDAPA 16.04.11, "Developmental Disabilities Agencies," Sections 600 through 604. (3-30-07)

03. Service Coordination Services. Service coordination services are not covered under the Basic Plan, with the exception of assessment services. The assessment for the need for service coordination services is subject to the requirements for service coordination under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Subsection 727.03, as applicable to the service being requested, and provider qualifications under IDAPA 10.03.10, "Medicaid Enhanced Plan Benefits," Section 729. (3-30-07)

616. -- 619. (RESERVED).

620. PREVENTIVE HEALTH ASSISTANCE (PHA) - DEFINITIONS.

01. Behavioral PHA. Benefits available to a participant specifically to support tobacco cessation or weight control. (3-30-07)

02. Benefit Year. A benefit year is twelve (12) continuous months. A participant's PHA benefit year begins the date his initial points are earned. (3-30-07)

03. PHA Benefit. A mechanism to reward healthy behaviors and good health choices of a participant eligible for preventive health assistance. (3-30-07)

04. Wellness PHA. Benefits available to a participant to support wellness and safety. (3-30-07)

621. PREVENTIVE HEALTH ASSISTANCE (PHA) - PARTICIPANT ELIGIBILITY.

01. Behavioral PHA. The participant must have a Health Questionnaire on file with the Department. The Health Questionnaire is used to determine eligibility for a Behavioral PHA. The participant must indicate on the Health Questionnaire that he wants to change a behavior related to weight management or tobacco cessation. The participant must meet one of the following criteria: (3-30-07)

a. For an adult, a body mass index (BMI) of thirty (30) or higher or eighteen and one-half (18 1/2) or lower. (3-30-07)

b. For a child, a body mass index (BMI) that falls in either the overweight or the underweight category as calculated using the Centers for Disease Control (CDC) Child and Teen BMI Calculator. (3-30-07)

c. For either an adult or a child, use of tobacco products. (3-30-07)

02. Wellness PHA. A participant who is required to pay premiums to maintain eligibility under IDAPA 16.03.01, "Eligibility for Health Assistance for Families and Children," is eligible for Wellness PHA. (3-30-07)

622. PREVENTIVE HEALTH ASSISTANCE (PHA) - COVERAGE AND LIMITATIONS.

01. Point System. The PHA benefit uses a point system to track points earned and used by a participant. Points earned by a participant can be exchanged for a voucher to purchase products or services as specified in Subsections 622.02 through 622.06 of this rule. Each point equals one (1) dollar. (3-30-07)

a. Maximum Benefit Points. (3-30-07)

i. The maximum number of points that can be earned for a Behavioral PHA is two hundred (200) points each benefit year. (3-30-07)

ii. The maximum number of points that can be earned for a Wellness PHA benefit is one hundred twenty (120) points each benefit year. (3-30-07)

iii. The total maximum number of points that can be earned by a participant who has both a Behavioral and a Wellness PHA is two hundred (200) points each benefit year. (3-30-07)

b. Each participant is limited to one (1) Behavioral PHA benefit at any point in time. (3-30-07)

c. Points expire and are removed from a participant's PHA benefit at the end of the participant's benefit year. (3-30-07)

d. Points earned for a specific participant's PHA benefit cannot be transferred to or combined with points in another participant's PHA benefit. (3-30-07)

02. Medications and Pharmaceutical Supplies. Medications and pharmaceutical supplies must be purchased from a licensed pharmacy. (3-30-07)

a. Each medication and pharmaceutical supply must have a primary purpose directly related to weight management or tobacco cessation. (3-30-07)

b. Each medication and pharmaceutical supply must be approved by the FDA, or specifically recommended by the participant's PCP, or a referred physician specialist. (3-30-07)

03. Sporting or Fitness Program. (3-30-07)

a. Each program must emphasize safety and improved physical health. (3-30-07)

b. Each program must be approved by any and all applicable regulatory bodies. (3-30-07)

04. Sports Safety Equipment. Each piece of sports safety equipment must afford protection or otherwise support safe participation in a sport with an expected outcome of improved physical health, and meet any and all established, applicable independent standards related to the product. (3-30-07)

05. Weight Management Program. Each program must provide weight management services and must include a curriculum that includes at least one (1) of the three (3) following areas: (3-30-07)

- a.** Physical fitness; (3-30-07)
- b.** Balanced diet; or (3-30-07)
- c.** Personal health education. (3-30-07)

06. Participant Request for Coverage. A participant can request that a previously unidentified product or service be covered. The Department will approve a request if the product or service meets the requirements described in this section of rule and the vendor meets the requirements in Section 624 of these rules. (3-30-07)

07. Premiums. (3-30-07)

a. PHA benefit points must be used to pay a participant's delinquent premiums, if any, before a voucher can be issued for products or services. (3-30-07)

b. Only premiums that must be paid to maintain eligibility under IDAPA 16.03.01, "Eligibility for Health Assistance for Families and Children" can be offset by PHA benefit points. (3-30-07)

08. Hearing Rights. A participant does not have hearing rights for issues arising between the participant and a chosen vendor. (3-30-07)

623. PREVENTIVE HEALTH ASSISTANCE (PHA) - PROCEDURAL REQUIREMENTS.

01. Behavioral PHA. (3-30-07)

a. A PHA benefit will be established for each participant who meets the eligibility criteria for Behavioral PHA. A participant must complete a PHA Benefit Agreement Form prior to earning any points. (3-30-07)

b. Each participant who chooses a goal of tobacco cessation must enroll in a tobacco cessation program. (3-30-07)

c. Each participant who chooses a goal of weight management must participate in a physician approved or monitored weight management program. (3-30-07)

d. An initial one hundred (100) points are earned when the agreement form is received by the Department and the benefit is established. (3-30-07)

e. An additional one hundred (100) points can be earned by a participant who completes his program or reaches a chosen, defined goal. The vendor monitoring the participant's progress must verify that the program was completed or the goal was reached. (3-30-07)

02. Wellness PHA. (3-30-07)

a. A PHA benefit will be established for each participant who meets the eligibility criteria for Wellness PHA. Each participant must demonstrate that he has received recommended wellness visits and immunizations for his age prior to earning any points. (3-30-07)

b. An initial thirty (30) points are earned when the benefit is established. (3-30-07)

c. An additional thirty (30) points can be earned each quarter by a participant who receives all recommended wellness visits and immunizations for his age during the benefit year. (3-30-07)

03. Vouchers. The participant must contact the Department to request a voucher to purchase selected products or services. The participant must deliver the voucher to the vendor prior to receiving products or services. (3-30-07)

04. Approved Products and Services. The reimbursable products and services of each vendor must be prior approved by the Department. (3-30-07)

624. PREVENTIVE HEALTH ASSISTANCE (PHA) - PROVIDER QUALIFICATIONS AND DUTIES.

01. Voucher Acceptance. Each vendor must be willing to accept PHA vouchers and bill the Department for reimbursement. (3-30-07)

02. Voucher Expiration. The vendor must accept a voucher prior to the expiration date printed on the voucher. (3-30-07)

03. Provider Agreement. A voucher signed by a vendor and presented to the Department for reimbursement constitutes a fully-executed provider agreement. (3-30-07)

04. Medications and Pharmaceutical Supplies Vendor. Each vendor must be a licensed pharmacy. (3-30-07)

05. Sporting or Fitness Program Vendor. Each vendor must be able to provide a sporting or fitness program as described in Section 622 of these rules. (3-30-07)

06. Sports Safety Equipment Vendor. (3-30-07)

a. Each vendor must be established as a business serving the general public that provides sports safety equipment. (3-30-07)

b. Each vendor must meets all state, county, and local business licensing requirements. (3-30-07)

c. Each vendor must be able to provide sports safety equipment as described in Section 622 of these rules. (3-30-07)

07. Weight Management Program Vendor. (3-30-07)

a. Each vendor must be established as a business that serves the general public. (3-30-07)

b. Each vendor must meet all state, county, and local business licensing requirements. (3-30-07)

c. Each vendor must be able to provide a weight management program as described in Section 622 of these rules. (3-30-07)

625. PREVENTIVE HEALTH ASSISTANCE (PHA) - PROVIDER REIMBURSEMENT.

01. Voucher Must Be Signed. The Department, the participant, and the vendor must sign each PHA voucher for which a vendor requests reimbursement. (3-30-07)

02. Voucher Amount. The vendor must agree to accept the amount stated on each PHA voucher as full or partial payment of approved products and services. (3-30-07)

03. Voucher Redemption. Each voucher must be redeemed by the vendor within ninety (90) days of providing the product or service to the participant. (3-30-07)

626. PREVENTIVE HEALTH ASSISTANCE (PHA) - QUALITY ASSURANCE.

The Department will establish performance measurements to evaluate the effectiveness of PHA. The performance measurements will be reviewed at least annually and adjusted as necessary to provide quality assurance. (3-30-07)

627. -- 629. (RESERVED).

630. NUTRITIONAL SERVICES - DEFINITIONS.

Nutritional services include intensive nutritional education, counseling, and monitoring. (3-30-07)

631. NUTRITIONAL SERVICES - PARTICIPANT ELIGIBILITY.

Nutritional services are only available to a participant who is a child or a pregnant woman. (3-30-07)

632. NUTRITIONAL SERVICES - COVERAGE AND LIMITATIONS.

01. Physician Referral. The need for nutritional services must be discovered by the screening services and ordered by the physician. (3-30-07)

02. Medically Necessary. The services must be medically necessary. (3-30-07)

633. NUTRITIONAL SERVICES - PROCEDURAL REQUIREMENTS.

If over two (2) nutritional services visits per year are needed, they must be authorized by the Department prior to the delivery of additional visits. (3-30-07)

634. NUTRITIONAL SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

Nutritional services must be performed by a registered dietitian or an individual who has a baccalaureate degree from a U.S. regionally accredited college or university and has met the academic and professional requirements in dietetics as approved by the American Dietetic Association. (3-30-07)

635. NUTRITIONAL SERVICES - PROVIDER REIMBURSEMENT.

Payment for nutritional services is made at a rate established in accordance with Section 230 of these rules. (3-30-07)

636. -- 639. (RESERVED).

640. DIABETES EDUCATION AND TRAINING SERVICES - DEFINITIONS.

For purposes of these rules, a Certified Diabetes Educator is a state-licensed health professional who is identified as a Certified Diabetes Educator according to the national standards of the National Certification Board for Diabetes Educators. (3-30-07)

641. DIABETES EDUCATION AND TRAINING SERVICES - PARTICIPANT ELIGIBILITY.

The medical necessity for diabetes education and training are evidenced by the following: (3-30-07)

01. Recent Diagnosis. A recent diagnosis of diabetes within ninety (90) days of enrollment with no history of prior diabetes education; or (3-30-07)

02. Uncontrolled Diabetes. Uncontrolled diabetes manifested by two (2) or more fasting blood sugar of greater than one hundred forty milligrams per decaliter (140 mg/dL), hemoglobin A1c greater than eight percent (8%), or random blood sugar greater than one hundred eighty milligrams per decaliter (180 mg/dL), in addition to the manifestations; or (3-30-07)

03. Recent Manifestations. Recent manifestations resulting from poor diabetes control including neuropathy, retinopathy, recurrent hypoglycemia, repeated infections, or nonhealing wounds. (3-30-07)

642. DIABETES EDUCATION AND TRAINING SERVICES - COVERAGE AND LIMITATIONS.

01. Concurrent Diagnosis. Only training and education services which are reasonable and necessary for treatment of a current injury or illness will be covered. Covered professional and educational services will address each participant's medical needs through scheduled outpatient group or individual training or counseling concerning diet and nutrition, medications, home glucose monitoring, insulin administration, foot care, or the effects of other current illnesses and complications. (3-30-07)

02. No Substitutions. The physician may not use the formally structured program, or a Certified Diabetes Educator, as a substitute for basic diabetic care and instruction the physician must furnish to the participant, which includes the disease process and pathophysiology of diabetes mellitus, and dosage administration of oral

hypoglycemic agents. (3-30-07)

03. Services Limited. Diabetes education and training services will be limited to twenty-four (24) hours of group sessions and twelve (12) hours of individual counseling every five (5) calendar years. (3-30-07)

643. DIABETES EDUCATION AND TRAINING SERVICES - PROCEDURAL REQUIREMENTS.
To receive diabetes counseling, the participant must have a written order from the primary care provider who referred the participant to the program. (3-30-07)

644. DIABETES EDUCATION AND TRAINING SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

Outpatient diabetes education and training services will be covered under the following conditions: (3-30-07)

01. Meets Program Standards of the ADA. The education and training services are provided through a diabetes management program recognized as meeting the program standards of the American Diabetes Association. (3-30-07)

02. Conducted by a Certified Diabetic Educator. The education and training services are provided by a Certified Diabetic Educator through a formal program conducted in a hospital outpatient department, or in a physician's office. (3-30-07)

645. DIABETES EDUCATION AND TRAINING SERVICES - PROVIDER REIMBURSEMENT.
Diabetes education and training services will be reimbursed according to the Department's established fee schedule in accordance with Section 230 of these rules. (3-30-07)

646. -- 649. (RESERVED).

SUB AREA G: Laboratory And Radiology Services
(Sections 650 through 659)

650. LABORATORY AND RADIOLOGY SERVICES - DEFINITIONS.

01. Independent Laboratory. A laboratory that is not located in a physician's office. (3-30-07)

02. Reference Laboratory. A laboratory that only accepts specimens from other laboratories and does not receive specimens directly from patients. (3-30-07)

651. -- 653. (RESERVED).

654. LABORATORY AND RADIOLOGY SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.
Laboratories in a physician's office or a physician's group practice association, except when physicians personally perform their own patients' laboratory tests, must be certified by the Idaho Bureau of Laboratories and be eligible for Medicare certification for participation. All other Idaho laboratories must fulfill these requirements. (3-30-07)

655. LABORATORY AND RADIOLOGY SERVICES - PROVIDER REIMBURSEMENT.
Payment for laboratory tests can only be made to the actual provider of that service. An exception to the preceding is made in the case of an independent laboratory that can bill for a reference laboratory. A physician is not an independent laboratory. (3-30-07)

01. Tests Performed by or Personally Supervised by a Physician. The payment level for clinical diagnostic laboratory tests performed by or personally supervised by a physician will be at a rate established by the Department that is no higher than Medicare's fee schedule. The payment level for other laboratory tests will be a rate established by the Department. (3-30-07)

02. Tests Performed by an Independent Laboratory. The payment level for clinical diagnostic laboratory tests performed by an independent laboratory will be at a rate established by the Department that is no higher than Medicare's fee schedule. The payment level for other laboratory tests will be at a rate established by the Department. (3-30-07)

03. Tests Performed by a Hospital Laboratory. The payment level for clinical diagnostic laboratory tests performed by a hospital laboratory for anyone who is not an inpatient will be at a rate established by the Department that is no higher than Medicare's fee schedule. The payment level for other laboratory tests will be at a rate established by the Department. (3-30-07)

04. Specimen Collection Fee. Collection fees for specimens drawn by veinpuncture or catheterization are payable only to the physician or laboratory who draws the specimen. (3-30-07)

656. -- 659. (RESERVED).

SUB AREA H: PRESCRIPTION DRUGS

(Sections 660 through 679)

660. (RESERVED).

661. PRESCRIPTION DRUGS - PARTICIPANT ELIGIBILITY.

01. Obtaining a Prescription Drug. To obtain a prescription drug, a Medicaid participant or authorized agent must present the participant's Medicaid identification card to a participating pharmacy together with a prescription from a licensed prescriber. (3-30-07)

02. Drug Coverage for Dual Eligibles. For Medicaid participants who are also eligible for Medicare ("dual eligibles"), the Department will pay for Medicaid-covered drugs that are not covered by Medicare Part D. Dual eligibles will be subject to the same limits and processes used for any other Medicaid participants. (3-30-07)

662. PRESCRIPTION DRUGS - COVERAGE AND LIMITATIONS.

01. General Drug Coverage. The Department will pay for those prescription drugs not excluded by Subsection 662.04 of these rules which are legally obtainable by the order of a licensed prescriber whose licensing allows for the prescribing of legend drugs, as defined under Section 54-1705(28), Idaho Code, and which are deemed medically necessary as defined in Section 011 of these rules. (3-30-07)

02. Dispensing Fee. Dispensing Fee is defined as the cost of filling a prescription including direct pharmacy overhead and is one (1) of two (2) types: (3-30-07)

a. Regular Dose Fee. For services pertaining to the usual practice of pharmacy, including but not limited to: (3-30-07)

i. Interpretation, evaluation, compounding, and dispensing of prescription drug orders; (3-30-07)

ii. Participation in drug selection; (3-30-07)

iii. Drug administration; (3-30-07)

iv. Drug regimen and research reviews; (3-30-07)

v. Proper storage of drugs; (3-30-07)

- vi. Maintenance of proper records; (3-30-07)
- vii. Prescriber interaction; and (3-30-07)
- viii. Patient counseling. (3-30-07)

b. Unit Dose Fee. Unit-dose dispensing is defined as a system of providing individually sealed and appropriately labeled unit dose medication that ensures no more than a twenty-four (24) hour supply in any participant's drug tray at any given time. These drug trays, which contain a twenty-four (24) hour supply of medication, must be delivered to the facility at a minimum of five (5) days per week. (3-30-07)

03. Limitations on Payment. Medicaid payment for prescription drugs will be limited as follows: (3-30-07)

a. Days' Supply. Medicaid will not cover any days' supply of prescription drugs that exceeds the quantity or dosage allowed by these rules. (3-30-07)

b. Brand Name Drugs. Medicaid will not pay for a brand name product that is part of the federal upper limit (FUL) or state maximum allowable cost (SMAC) listing when the physician has not specified the brand name drug to be medically necessary. (3-30-07)

c. Medication for Multiple Persons. When the medication dispensed is for more than one (1) person, Medicaid will only pay for the amount prescribed for the person or persons covered by Medicaid. (3-30-07)

d. No Prior Authorization. Medicaid will not pay for a covered drug or pharmacy item that requires, but has not received, prior authorization for Medicaid payment as required in Section 663 of these rules. (3-30-07)

e. Limitations to Discourage Waste. Medicaid may conduct drug utilization reviews and impose limitations for participants whose drug utilization exceeds the standard participant profile or disease management guidelines determined by the Department. (3-30-07)

04. Excluded Drug Products. The following categories and specific products are excluded from coverage by Medicaid: (3-30-07)

a. Non-Legend Medications. Federal legend medications that change to non-legend status, as well as their therapeutic equivalents regardless of prescription, status unless: (3-30-07)

i. They are included in Subsection 662.05.b. of these rules; or (3-30-07)

ii. The Director determines that non-legend drug products are covered based upon appropriate criteria including the following: safety, effectiveness, clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, cost, and the recommendation of the Pharmacy And Therapeutics Committee. Therapeutically interchangeable is defined in Subsection 663.01.e. of these rules. (3-30-07)

b. Legend Drugs. Any legend drugs for which federal financial participation is not available. (3-30-07)

c. Diet Supplements. Diet supplements and weight loss products, except lipase inhibitors when prior authorized as outlined in Section 663 of these rules. (3-30-07)

d. Amphetamines and Related Products. Amphetamines and related products for cosmetic purposes or weight loss. Amphetamines and related products which are deemed to be medically necessary may be covered if prior authorized as outlined in Section 663 of these rules. (3-30-07)

e. Ovulation/Fertility Drugs. Ovulation stimulants, fertility drugs, and similar products. (3-30-07)

- f.** Impotency Aids. Impotency aids, either as medication or prosthesis. (3-30-07)
 - g.** Tobacco Cessation Products. Nicotine chewing gum, sprays, inhalers, transdermal patches and related products. (3-30-07)
 - h.** Medications Utilized for Cosmetic Purposes. Medications utilized for cosmetic purposes or hair growth. Prior authorization may be granted for these medications if the Department finds other medically necessary indications. (3-30-07)
 - i.** Vitamins. Vitamins unless included in Subsection 662.05.a. of these rules. (3-30-07)
 - j.** Dual Eligibles. Drug classes covered under Medicare, Part D, for Medicaid participants who are also eligible for Medicare. (3-30-07)
- 05. Additional Covered Drug Products.** Additional drug products will be allowed as follows: (3-30-07)
 - a.** Therapeutic Vitamins. Therapeutic vitamins may include: (3-30-07)
 - i.** Injectable vitamin B12 (cyanocobalamin and analogues); (3-30-07)
 - ii.** Vitamin K and analogues; (3-30-07)
 - iii.** Pediatric legend vitamin-fluoride preparations; (3-30-07)
 - iv.** Legend prenatal vitamins for pregnant or lactating women; (3-30-07)
 - v.** Legend folic acid; (3-30-07)
 - vi.** Oral legend drugs containing folic acid in combination with Vitamin B12 and/or iron salts, without additional ingredients; and (3-30-07)
 - vii.** Legend vitamin D and analogues. (3-30-07)
 - b.** Prescriptions for Nonlegend Products. Prescriptions for nonlegend products may include: (3-30-07)
 - i.** Insulin; (3-30-07)
 - ii.** Disposable insulin syringes and needles; (3-30-07)
 - iii.** Oral iron salts; and (3-30-07)
 - iv.** Permethrin. (3-30-07)
- 06. Limitation of Quantities.** Medication refills provided before at least seventy-five percent (75%) of the estimated days' supply has been utilized are not covered, unless an increase in dosage is ordered. Days' supply is the number of days a medication is expected to last when used at the dosage prescribed for the participant. No more than a thirty-four (34) days' supply of continuously required medication is to be purchased in a calendar month as a result of a single prescription with the following exceptions: (3-30-07)
 - a.** Doses of Medication. Up to one hundred (100) doses of medication may be dispensed, not to exceed a one hundred (100) day supply for: (3-30-07)
 - i.** Cardiac glycosides; (3-30-07)
 - ii.** Thyroid replacement hormones; (3-30-07)

- iii. Prenatal vitamins; (3-30-07)
- iv. Nitroglycerin products - oral or sublingual; (3-30-07)
- v. Fluoride and vitamin/fluoride combination products; and (3-30-07)
- vi. Nonlegend oral iron salts. (3-30-07)

b. Oral Contraceptive Products. Oral contraceptive products may be dispensed in a quantity sufficient for one (1), two (2), or three (3) cycles. (3-30-07)

663. PRESCRIPTION DRUGS - PROCEDURAL REQUIREMENTS.

01. Items Requiring Prior Authorization. Pharmaceutical items requiring prior authorization include: (3-30-07)

- a.** Amphetamines and related CNS stimulants; (3-30-07)
- b.** Growth hormones; (3-30-07)
- c.** Retinoids; (3-30-07)
- d.** Brand name drugs when an acceptable generic form exists; (3-30-07)

e. Medication otherwise covered by the Department for which there is a therapeutically interchangeable alternate medication identified by the Department. Therapeutically interchangeable means a medication that is interchangeable with another medication within the same pharmacologic or therapeutic class and is at least as effective as the medication for which it is being interchanged. The Director may exempt a drug from the prior authorization requirement described in Section 663 of this chapter of rules, based upon appropriate criteria, including the following: safety, effectiveness, clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, cost, and the recommendation of the Pharmacy And Therapeutics Committee (P&T Committee). The Department determines, and will make available to providers, which drugs are therapeutically interchangeable using a number of resources that may include: (3-30-07)

- i. Peer-reviewed medical literature; (3-30-07)
- ii. Randomized clinical trials; (3-30-07)
- iii. Drug comparison studies; (3-30-07)
- iv. Pharmacoeconomic studies; (3-30-07)
- v. Outcomes research data; (3-30-07)
- vi. Idaho practice guidelines; and (3-30-07)
- vii. Consultation with practicing physicians, pharmacists, and the Idaho Medicaid Medical Director. (3-30-07)

f. Medications prescribed in quantities which exceed the Food and Drug Administration (FDA) dosage guidelines. (3-30-07)

g. Lipase inhibitors. (3-30-07)

h. Medications prescribed outside of the Food and Drug Administration approved indications. (3-30-07)

i. Medications excluded in Subsection 662.04 of these rules that the Department accepts for other medically-approved indications. (3-30-07)

02. Request for Prior Authorization. The prior authorization procedure is initiated by the prescriber who must submit the request to the Department in the format prescribed by the Department. (3-30-07)

03. Notice of Decision. The Department will determine coverage based on this request, and will notify the participant of a denial. (3-30-07)

04. Emergency Situation. The Department will provide for the dispensing of at least a seventy two (72) hour supply of a covered outpatient prescription drug in an emergency situation as required in 42 U.S.C 1396r-8(d)(5)(B). (3-30-07)

05. Response to Request. The Department will respond within twenty four (24) hours to a request for prior authorization of a covered outpatient prescription drug as required in 42 U.S.C 1396r-8(d)(5)(A). (3-30-07)

06. Supplemental Rebates. (3-30-07)

a. Purpose. The purpose of supplemental rebates is to enable the Department to purchase prescription drugs provided to Medicaid participants in a cost effective manner, whether or not these drugs are subject to prior authorization by the Department. The supplemental rebate may be one factor considered in exempting a prescription drug from prior authorization, but is secondary to considerations of the safety, effectiveness, and clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs. (3-30-07)

b. Rebate Amount. The Department may negotiate with manufacturers supplemental rebates for prescription drugs that are in addition to those required by Title XIX of the Social Security Act. There is no upper limit on the dollar amounts of the supplemental rebates the Department may negotiate. (3-30-07)

07. Comparative Costs to be Considered. Whenever possible, physicians and pharmacists are encouraged to utilize less expensive drugs and drug therapies. (3-30-07)

664. PRESCRIPTION DRUGS - PROVIDER QUALIFICATIONS AND DUTIES.

01. Payment for Covered Drugs. Payment will be made, as provided in Section 665 of these rules, only to pharmacies registered with the Department as a provider for the specific location where the service was performed. An out of the state pharmacy shipping or mailing a prescription into Idaho must have a valid mail order license issued by the Idaho Board of Pharmacy and be properly enrolled as a Medicaid provider. (3-30-07)

02. Dispensing Procedures. The following protocol must be followed for proper prescription filling. (3-30-07)

a. Prescription Drug Refills. Refills of prescription drugs must be authorized by the prescriber on the original or new prescription order on file and each refill must be recorded on the prescription or logbook, or computer print-out, or on the participant's medication profile. (3-30-07)

b. Dispensing Prescription Drugs. Prescriptions must be dispensed according to: (3-30-07)

i. 21 CFR Section 1300, et seq.; (3-30-07)

ii. Title 54, Chapter 17, and Title 37, Chapter 1, 27, and 32, Idaho Code; (3-30-07)

iii. IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy"; (3-30-07)

iv. Sections 660 through 666 of these rules. (3-30-07)

c. Prescriptions on File. Prescriptions must be maintained on file in pharmacies in such a manner that

they are available for immediate review by the Department upon written request. (3-30-07)

03. Return of Unused Prescription Drugs. When prescription drugs were dispensed in unit dose packaging, as defined by IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," Subsection 156.05, and the participant for whom the drugs were prescribed no longer uses them: (3-30-07)

a. A licensed skilled nursing care facility may return unused drugs dispensed in unit dose packaging to the pharmacy provider that dispensed the medication. (3-30-07)

b. A residential or assisted living facility may return unused drugs dispensed in unit dose packaging to the pharmacy provider that dispensed the medication. (3-30-07)

04. Pharmacy Provider Receiving Unused Prescription Drugs. In order for a pharmacy provider to receive unused prescription drugs that it dispensed in unit dose packaging and that are being returned by a facility identified in Subsection 664.03 of this rule, the pharmacy provider: (3-30-07)

a. Must comply with IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," Subsection 156.05, regarding unit dose packaging; (3-30-07)

b. Must credit the Department the amount billed for the cost of the drug less the dispensing fee; and (3-30-07)

c. May receive a fee for acceptance of returned unused prescription drugs. The value of the unused prescription drug being returned must be such that return of the drug is cost-effective as determined by the Department. (3-30-07)

665. PRESCRIPTION DRUGS - PROVIDER REIMBURSEMENT.

01. Nonpayment of Prescriptions. Prescriptions not filled in accordance with the provisions of Subsection 664.02 of these rules will be subject to nonpayment or recoupment. (3-30-07)

02. Payment Procedures. The following protocol must be followed for proper reimbursement. (3-30-07)

a. Filing Claims. Pharmacists must file claims electronically with Department-approved software or by submitting the appropriate claim form to the fiscal contractor. Upon request, the contractor will provide pharmacies with a supply of claim forms. The form must include information described in the pharmacy guidelines issued by the Department. (3-30-07)

b. Claim Form Review. Each claim form may be subject to review by a contract claim examiner, a pharmaceutical consultant, or a medical consultant. (3-30-07)

c. Billed Charges. A pharmacy's billed charges are not to exceed the usual and customary charges defined as the lowest charge by the provider to the general public for the same service including advertised specials. (3-30-07)

d. Reimbursement. Reimbursement to pharmacies is limited to the lowest of the following: (3-30-07)

i. Federal Upper Limit (FUL), as established by the Centers for Medicare and Medicaid Services (CMS) of the U.S. Department of Health and Human Services, plus the dispensing fee assigned by the Department; (3-30-07)

ii. State Maximum Allowable Cost (SMAC), as established by the Department, plus the assigned dispensing fee; (3-30-07)

iii. Estimated Acquisition Cost (EAC), as established by the Department following negotiations with representatives of the Idaho pharmacy profession defined as an approximation of the net cost of the drug and a

reasonable operating margin, plus the assigned dispensing fee; or (3-30-07)

iv. The pharmacy's usual and customary charge to the general public as defined in Subsection 665.02.c. of this rule. (3-30-07)

e. Dispensing Fees. Only one (1) dispensing fee per month will be allowed for the dispensing of each maintenance drug to any participant as an outpatient or a resident in a care facility except: (3-30-07)

i. Multiple dispensing of topical and injectable medication when dispensed in manufacturer's original package sizes, unless evidence exists, as determined by the Department, that the quantity dispensed does not relate to the prescriber's order; (3-30-07)

ii. Multiple dispensing of oral liquid maintenance medication if a reasonable quantity, as determined by the Department, is dispensed at each filling; (3-30-07)

iii. Multiple dispensing of tablets or capsules if the quantity needed for a thirty-four (34) day supply is excessively large or unduly expensive, in the judgment of the Department; or (3-30-07)

iv. When the dose is being titrated for maximum therapeutic response with a minimum of adverse effects. (3-30-07)

f. Remittance Advice. Claims are processed by computer, and payments are made directly to the pharmacy or its designated bank through electronic claims transfer. A remittance advice with detailed information of each claim transaction will accompany each payment made by the Department. (3-30-07)

g. Return of Drugs. Drugs dispensed in unit dose packaging as defined by IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," Subsection 156.05, must be returned to the dispensing pharmacy when the participant no longer uses the medication as follows: (3-30-07)

i. A pharmacy provider using unit dose packaging must comply with IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy," Subsection 156.05. (3-30-07)

ii. The pharmacy provider that receives the returned drugs must credit the Department the amount billed for the cost of the drug less the dispensing fee. (3-30-07)

iii. The pharmacy provider may receive a fee for acceptance of returned unused drugs. The value of the unused drug being returned must be cost effective as determined by the Department. (3-30-07)

666. PRESCRIPTION DRUGS - QUALITY ASSURANCE.

01. Pharmacy And Therapeutics Committee (P&T Committee). (3-30-07)

a. Membership. The P&T Committee is appointed by the Director and is composed of practicing pharmacists, physicians and other licensed health care professionals with authority to prescribe medications. (3-30-07)

b. Function. The P&T Committee has the following responsibilities for the prior authorization of drugs under Section 663 of these rules: (3-30-07)

i. To serve in evaluational, educational and advisory capacities to the Idaho Medicaid Program specific to the prior authorization of drugs with therapeutically interchangeable alternatives. (3-30-07)

ii. To receive evidence-based clinical and pharmacoeconomic data and recommend to the Department the agents to be exempt from prior authorization in selected classes of drugs with therapeutically interchangeable alternatives. The recommendation of items to be exempt from prior authorization will be based primarily on objective evaluations of their relative safety, effectiveness, and clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, and secondarily on cost. (3-30-07)

iii. To recommend to the Department the classes of medications to be reviewed through evidence-based evaluation. (3-30-07)

iv. To review drug utilization outcome studies and intervention reports from the Drug Utilization Review Board as part of the process of reviewing and developing recommendations to the Department. (3-30-07)

c. Meetings. The P&T Committee meetings will be open to the public and a portion of each meeting will be set aside to hear and review public comment. The P&T Committee may adjourn to executive session to consider the following: (3-30-07)

i. Relative cost information for prescription drugs that could be used by representatives of pharmaceutical manufacturers or other people to derive the proprietary information of other pharmaceutical manufacturers; or (3-30-07)

ii. Participant-specific or provider-specific information. (3-30-07)

667. -- 679. (RESERVED).

SUB AREA I: Family Planning
(Sections 680 through 699)

680. (RESERVED).

681. FAMILY PLANNING SERVICES - PARTICIPANT ELIGIBILITY.

01. Sterilization Procedures -- General Restrictions. The following restrictions govern payment for sterilization procedures for eligible persons. (3-30-07)

a. No sterilization procedures will be paid on behalf of a participant who is not at least twenty-one (21) years of age at the time he or she signs the informed consent. (3-30-07)

b. No sterilization procedures will be paid on behalf of any participant who is twenty-one (21) years of age or over and who is incapable of giving informed consent. (3-30-07)

c. Each participant must voluntarily sign the properly completed "Consent Form" HW 0034, or its equivalent, in the presence of the person obtaining consent in accordance with Section 683 of these rules. (3-30-07)

d. Each participant must sign the "Consent Form" at least thirty (30) days but not more than one hundred eighty (180) days, prior to the sterilization procedures. Exceptions to these time requirements are described under Subsection 682.03 of these rules. (3-30-07)

02. Circumstances Under Which Payment Can be Made for a Hysterectomy. Payment can be made for a hysterectomy only if: (3-30-07)

a. It is medically necessary. A document must be attached to the claim to substantiate this requirement; and (3-30-07)

b. There was more than one (1) purpose in performing the hysterectomy, and the hysterectomy would not have been performed for the sole purpose of rendering an individual permanently incapable of reproducing; and (3-30-07)

c. The participant was advised orally and in writing that sterility would result and that she would no

longer be able to bear children; and (3-30-07)

d. The participant signs and dates an "Authorization for Hysterectomy" form. The form must state "I have been informed orally and in writing that a hysterectomy will render me permanently incapable of reproducing. I was informed of these consequences prior to the surgery being performed." (3-30-07)

682. FAMILY PLANNING SERVICES - COVERAGE AND LIMITATIONS.

Family planning includes counseling and medical services prescribed or performed by an independent licensed physician, or a qualified certified nurse practitioner or physician's assistant. Specific items covered are diagnosis, treatment, contraceptive supplies, related counseling, and restricted sterilization. (3-30-07)

01. Contraceptive Supplies. (3-30-07)

a. Contraceptive supplies include condoms, foams, creams and jellies, prescription diaphragms, intrauterine devices, or oral contraceptives. (3-30-07)

b. Contraceptives requiring a prescription are payable subject to Section 662 of these rules. (3-30-07)

c. Payment for oral contraceptives is limited to purchase of a three (3) month supply. (3-30-07)

02. Sterilization. (3-30-07)

a. No sterilizations for individuals institutionalized in correctional facilities, mental hospitals, or other rehabilitative facilities are eligible for payment unless such sterilizations are ordered by a court of law. (3-30-07)

b. Hysterectomies performed solely for sterilization purposes are not eligible for payment (see Subsection 681.02 of these rules for those conditions under which a hysterectomy can be eligible for payment). (3-30-07)

c. All requirements of state or local law for obtaining consent, except for spousal consent, must be followed. (3-30-07)

d. Suitable arrangements must be made to insure that information as specified in Subsection 681.01 of these rules is effectively communicated to any individual to be sterilized who is blind, deaf, or otherwise handicapped. (3-30-07)

03. Exceptions to Sterilization Time Requirements. If premature delivery occurs or emergency abdominal surgery is required, the physician must certify that the sterilization was performed because of the premature delivery or emergency abdominal surgery less than thirty (30) days, but no less than seventy-two (72) hours after the date of the participant's signature on the consent form; and (3-30-07)

a. In the case of premature delivery, the physician must also state the expected date of delivery and describe the emergency in detail; and (3-30-07)

b. Describe, in writing to the Department, the nature of any emergency necessitating emergency abdominal surgery; and (3-30-07)

c. Under no circumstance can the period between consent and sterilization exceed one hundred eighty (180) days. (3-30-07)

04. Requirements for Sterilization Performed Due to a Court Order. When a sterilization is performed after a court order is issued, the physician performing the sterilization must have been provided with a copy of the court order prior to the performance of the sterilization. In addition he must: (3-30-07)

a. Certify, by signing a properly completed "Consent Form" HW 0034, or its equivalent, and submitting the consent form with his claim, that all requirements have been met concerning sterilizations; and (3-30-07)

- b. Submit to the Department a copy of the court order together with the "Consent Form" and claim. (3-30-07)

683. FAMILY PLANNING SERVICES - PROCEDURAL REQUIREMENTS.

01. Sterilization Consent Form Requirements. Informed consent exists when a properly completed "Consent Form" HW 0034, or its equivalent, is submitted to the Department together with the physician's claim for the sterilization. (3-30-07)

- a. The consent form must be signed and dated by: (3-30-07)
 - i. The participant to be sterilized; and (3-30-07)
 - ii. The interpreter, if one (1) is provided; and (3-30-07)
 - iii. The individual who obtains the consent; and (3-30-07)
 - iv. The physician who will perform the sterilization procedure. (3-30-07)
 - v. If the individual obtaining the consent and the physician who will perform the sterilization procedure are the same person, that person must sign both statements on the consent form. (3-30-07)
- b. Informed consent must not be obtained while the participant in question is: (3-30-07)
 - i. In labor or childbirth; or (3-30-07)
 - ii. Seeking to obtain or obtaining an abortion; or (3-30-07)
 - iii. Under the influence of alcohol or other substances that affect the individual's state of awareness. (3-30-07)
- c. An interpreter must be provided if the participant does not understand the language used on the consent form or the language used by the person obtaining the consent. (3-30-07)
- d. The person obtaining consent must: (3-30-07)
 - i. Offer to answer any questions the participant may have concerning the procedure; and (3-30-07)
 - ii. Orally advise the participant that he is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting his right to future care or treatment, and without loss or withdrawal of any federally funded program benefits to which the individual might otherwise be entitled; and (3-30-07)
 - iii. Provide a description of available alternative methods of family planning and birth control; and (3-30-07)
 - iv. Orally advise the participant that the sterilization procedure is considered to be irreversible; and (3-30-07)
 - v. Provide a thorough explanation of the specific sterilization procedure to be performed; and (3-30-07)
 - vi. Provide a full description of the discomfort and risks that may accompany and follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used; and (3-30-07)
 - vii. Provide a full description of the benefits or advantages that can be expected as a result of the

sterilization; and (3-30-07)

viii. Advise that the sterilization procedure will not be performed for at least thirty (30) days except under extreme circumstances as specified in Subsection 682.03 of these rules. (3-30-07)

e. The person securing the consent from the participant must certify by signing the "Consent Form" that: (3-30-07)

i. Before the participant signed the consent form, he or she was advised that no federal benefits would be withheld because of the decision to be or not to be sterilized; and (3-30-07)

ii. The requirements for informed consent as set forth on the consent form were orally explained; and (3-30-07)

iii. To the best of his knowledge and belief, the participant appeared mentally competent and knowingly and voluntarily consented to the sterilization. (3-30-07)

f. The physician performing the sterilization must certify by signing the "Consent Form" that: (3-30-07)

i. At least thirty (30) days have passed between the participant's signature on that form and the date the sterilization was performed; and (3-30-07)

ii. To the best of the physician's knowledge the participant is at least twenty-one (21) years of age; and (3-30-07)

iii. Before the performance of the sterilization the physician advised the participant that no federal benefits will be withdrawn because of the decision to be or not to be sterilized; and (3-30-07)

iv. The physician explained orally the requirement for informed consent as set forth in the "Consent Form"; and (3-30-07)

v. To the best of his knowledge and belief the participant to be sterilized appeared mentally competent and knowingly and voluntarily consented to the sterilization. (3-30-07)

g. If an interpreter is provided, he must certify by signing the "Consent Form" that: (3-30-07)

i. He accurately translated the information and advice presented orally to the participant; and (3-30-07)

ii. He read the "Consent Form" and accurately explained its contents; and (3-30-07)

iii. To the best of his knowledge and belief, the participant understood the interpreter. (3-30-07)

h. The person obtaining consent must sign the "Consent Form" and certify that he or she has fulfilled specific requirements in obtaining the participant's consent. (3-30-07)

i. The physician who performs the sterilization must sign the "Consent Form" HW 0034, certifying that the requirements of Section 683 of this chapter of rules have been fulfilled. (3-30-07)

684. (RESERVED).

685. FAMILY PLANNING SERVICES - PROVIDER REIMBURSEMENT.

Payment to providers of family planning services for contraceptive supplies is limited to estimated acquisition cost. (3-30-07)

686. -- 699. (RESERVED).

SUB AREA J: MENTAL HEALTH SERVICES

(Sections 700 through 719)

700. (RESERVED).

701. INPATIENT PSYCHIATRIC HOSPITAL SERVICES - PARTICIPANT ELIGIBILITY.

Participants must have a DSM IV diagnosis with substantial impairment in thought, mood, perception or behavior. (3-30-07)

01. Medical Necessity Criteria. Both severity of illness and intensity of services criteria must be met for admission to an IMD or psychiatric unit of a general hospital. (3-30-07)

a. Severity of illness criteria. The child must meet one (1) of the following criteria related to the severity of his psychiatric illness: (3-30-07)

i. Is currently dangerous to self as indicated by at least one (1) of the following: (3-30-07)

(1) Has actually made an attempt to take his own life in the last seventy-two (72) hours (details of the attempt must be documented); or (3-30-07)

(2) Has demonstrated self-mutilative behavior within the past seventy-two (72) hours (details of the behavior must be documented); or (3-30-07)

(3) Has a clear plan to seriously harm himself, overt suicidal intent, and lethal means available to follow the plan (this information can be from the child or a reliable source and details of the child's plan must be documented); or (3-30-07)

(4) A mental health professional has information from the child or a reliable source that the child has a current plan, specific intent, or recurrent thoughts to seriously harm himself and is at significant risk to making an attempt to carry out the plan without immediate intervention (details must be documented); or (3-30-07)

ii. Child is actively violent or aggressive and exhibits homicidal ideation or other symptoms which indicate he is a probable danger to others as indicated by one (1) of the following: (3-30-07)

(1) The child has actually engaged in behavior harmful or potentially harmful to others or caused serious damage to property which would pose a serious threat of injury or harm to others within the last twenty-four (24) hours (description of the behavior and extent of injury or damage must be documented, as well as the time the behavior occurred relative to the present); or (3-30-07)

(2) The child has made threats to kill or seriously injure others or to cause serious damage to property which would pose a threat of injury or harm to others and has effective means to carry out the threats (details of threats must be documented); or (3-30-07)

(3) A mental health professional has information from the child or a reliable source that the child has a current plan, specific intent, or recurrent thoughts to seriously harm others or property and is at significant risk of making the attempt without immediate intervention (details must be documented); or (3-30-07)

iii. Child is gravely impaired as indicated by at least one (1) of the following criteria: (3-30-07)

(1) The child has such limited functioning that his physical safety and well being are in jeopardy due to his inability for basic self-care, judgment and decision making (details of the functional limitations must be documented); or (3-30-07)

(2) The acute onset of psychosis or severe thought disorganization or clinical deterioration has rendered the child unmanageable and unable to cooperate in non-hospital treatment (details of the child's behaviors must be documented); or (3-30-07)

(3) There is a need for treatment, evaluation or complex diagnostic testing where the child's level of functioning or communication precludes assessment and/or treatment in a non-hospital based setting, and may require close supervision of medication or behavior or both. (3-30-07)

b. Intensity of service criteria. The child must meet all of the following criteria related to the intensity of services needed to treat his mental illness: (3-30-07)

i. It is documented by the Regional Mental Health Authority that less restrictive services in the community do not exist or do not meet the treatment or diagnostic needs of the child, or the child has been unresponsive to treatment at a less intensive level of care. The services considered, tried, and/or needed must be documented; and (3-30-07)

ii. The services provided in the hospital can reasonably be expected to improve the child's condition or prevent further regression so that inpatient services will no longer be needed; and (3-30-07)

iii. Treatment of the child's psychiatric condition requires services on an inpatient basis, including twenty-four (24) hour nursing observation, under the direction of a psychiatrist. The child requiring this treatment must not be eligible for independent passes or unit passes without observation or being accompanied by hospital personnel or a responsible other. (3-30-07)

c. Exceptions. The requirement to meet intensity of service criteria may be waived for first time admissions if severity of illness is met and the physician is unable to make a diagnosis or treatment decision while the child is in his current living situation. The waiver of the intensity of services requirement can be for no longer than forty-eight (48) hours and is not waivable for repeat hospitalizations. (3-30-07)

02. Exclusions. If a child meets one (1) or more of the following criteria, Medicaid reimbursement will be denied: (3-30-07)

a. The child is unable to actively participate in an outpatient psychiatric treatment program solely because of a major medical condition, surgical illness or injury; or (3-30-07)

b. The child demonstrates anti-social or criminal behavior or has criminal or legal charges against him and does not meet the severity of illness or intensity of service criteria; or (3-30-07)

c. The child has anti-social behaviors or conduct problems that are a danger to others but are not attributable to a mental illness (DSM IV) with substantial impairment in thought, mood or perception; or (3-30-07)

d. The child has a primary diagnosis of mental retardation and the primary treatment need is related to the mental retardation; or (3-30-07)

e. The child lacks a place to live and/or family supports and does not meet severity of illness and intensity of service criteria; or (3-30-07)

f. The child has been suspended or expelled from school and does not meet severity of illness and intensity of service criteria. (3-30-07)

702. INPATIENT PSYCHIATRIC HOSPITAL SERVICES - COVERAGE AND LIMITATIONS.

01. Emergency Admissions. An emergency for purposes of a waiver of the prior authorization requirement is defined as the sudden onset of acute psychiatric symptoms of such severity that the absence of immediate medical attention could reasonably be expected to result in serious dysfunction of any bodily organ/part or death of the individual or harm to another person. A court-ordered admission or physician's emergency certificate

does not, in itself, justify characterizing the admission as an emergency admission. The severity of illness and intensity of services criteria must be met. The hospital medical record of the admission must include documentation to support that the participant's status upon admission meets the definition of an emergency, as defined in Section 702 of this chapter of rules. The information for authorization of services must be FAXED, or otherwise delivered to the Department on the next business day following the emergency admission. Requests for authorization of emergency admissions must include the same information as required for elective admissions. (3-30-07)

02. Length of Stay. An initial length of stay will be established by the Department. An initial length of stay will usually be for no longer than five (5) days. For first time admissions where intensity of services criteria is not met the initial length of stay may not exceed forty-eight (48) hours. A hospital may request a continued stay review from the Department when the appropriate care of the participant indicates the need for hospital days in excess of the originally approved number. The continued stay review request may be made no later than the date authorized by the Department. Approval of additional days will be based on the following criteria: (3-30-07)

- a.** Documentation sufficient to demonstrate the medical necessity criteria is still met; (3-30-07)
- b.** A plan of care that includes documentation sufficient to demonstrate that the child's psychiatric condition continues to require services which can only be provided on an in-patient basis, including twenty-four (24) hour nursing observation, under the direction of a psychiatrist or other physician qualified to treat mental disease; and (3-30-07)
- c.** Documentation sufficient to demonstrate the need for continued hospitalization, and that additional days at in-patient level of care will improve the participant's condition. (3-30-07)

03. Services Limited. Inpatient psychiatric hospital services are limited to ten (10) days per year. (3-30-07)

703. INPATIENT PSYCHIATRIC HOSPITAL SERVICES - PROCEDURAL REQUIREMENTS.
Admissions must be authorized by the Department. (3-30-07)

01. Prior Authorization for Elective Admissions. To qualify for reimbursement, prior authorization must be obtained from the Department prior to an elective admission. An elective admission is defined as one that is planned and scheduled in advance, and is not emergency in nature, as "emergency" is defined in Subsection 702.01 of these rules. Requests for prior authorization must include: (3-30-07)

- a.** Diagnosis; and (3-30-07)
- b.** Summary of present medical findings including symptoms, complaints and complications indicating the need for admission; and (3-30-07)
- c.** Medical history; and (3-30-07)
- d.** Mental and physical functional capacity; and (3-30-07)
- e.** Prognosis; and (3-30-07)
- f.** Recommendation by a physician for admission, preferably the primary care physician. If the child is enrolled in the Healthy Connection (HC) program, a HC referral is required. (3-30-07)

02. Individual Plan of Care. The individual plan of care is a written plan developed for the participant upon admission to an in-patient psychiatric hospital to improve his condition to the extent that acute psychiatric care is no longer necessary. The plan of care must be developed and implemented within seventy-two (72) hours of admission, reviewed at least every three (3) days, and must: (3-30-07)

- a.** Be based on a diagnostic evaluation that includes examination of the medical, behavioral, and developmental aspects of the participant's situation and reflects the need (medical necessity criteria) for in-patient care; and (3-30-07)

b. Be developed by an interdisciplinary team capable of assessing the child's immediate and long range therapeutic needs, developmental priorities and personal strengths and liabilities, assessing the potential resources of the child's family, setting the treatment objectives, and prescribing therapeutic modalities to achieve the plan's objectives. The team must include at a minimum: (3-30-07)

i. Board-certified psychiatrist (preferably with a specialty in child psychiatry); or (3-30-07)

ii. A licensed psychologist and a physician licensed to practice medicine or osteopathy; or (3-30-07)

iii. A physician licensed to practice medicine or osteopathy with specialized training and experience in the diagnosis and treatment of mental disease and a licensed clinical professional counselor; and (3-30-07)

iv. Either a licensed, clinical or masters social worker or a registered nurse with specialized training or one (1) year's experience in treating mentally ill individuals (preferably children); or (3-30-07)

v. A licensed occupational therapist who has had specialized training or one (1) year of experience in treating mentally ill individuals (preferably children); and (3-30-07)

vi. The participant and his parents, legal guardians, or others into whose care he will be released after discharge. (3-30-07)

c. State treatment objectives (related to conditions that necessitated the admission); and (3-30-07)

d. Prescribe an integrated program of therapies, treatments (including medications), activities (including special procedures to assure the health and safety of the child), and experiences designed to meet the objectives; and (3-30-07)

e. Include a discharge and post discharge plan designed to achieve the child's discharge at the earliest possible time and include plans for coordination of community services to ensure continuity of care with the participant's family, school and community upon discharge. (3-30-07)

704. INPATIENT PSYCHIATRIC HOSPITAL SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Provider Qualifications. Inpatient hospital psychiatric services for individuals under age twenty-one (21) must be provided under the direction of a physician in a facility accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and licensed by the state of Idaho or the state in which they provide services. Facilities currently providing psychiatric hospital services under the authority of Family and Community Services that are certified by the Health Care Financing Administration have until October 1, 1998 to comply with this requirement. To provide services beyond emergency medical screening and stabilization treatment, the hospital must have a separate psychiatric unit with staff qualified to provide psychiatric services to children. General hospitals licensed to provide services in Idaho which are not JCAHO certified may not bill for psychiatric services beyond emergency screening and stabilization. (3-30-07)

02. Record Keeping. A written report of each evaluation and the plan of care must be entered into the child's record at the time of admission or if the child is already in the facility, immediately upon completion of the evaluation or plan. (3-30-07)

03. Utilization Review (UR). The facility must have in effect a written utilization review plan that provides for review of each child's need for the services that the hospital furnishes him. The UR plan must meet the requirements under 42 CFR 456.201 through 456.245. (3-30-07)

705. INPATIENT PSYCHIATRIC HOSPITAL SERVICES - PROVIDER REIMBURSEMENT.

Failure to request a preadmission or continued stay review in a timely manner will result in a retrospective review being conducted by the Department. If the retrospective review determines the admission is medically necessary, the Department will assess a penalty to the hospital as specified in Subsection 705.02 of this rule. The primary care

physician will be assessed a penalty for failure to request a preadmission review in a timely manner as specified in Subsection 705.03 of this rule. A physician who provides hospital care but has no control over the admission, continued stay, or discharge of the participant is not subject to this penalty. (3-30-07)

01. Payment. Reimbursement for the participant's admission and length of stay is subject to preadmission, concurrent or retrospective review by the Department. The hospital and the participant's physician are responsible for obtaining the required review. If such review identifies that an admission or continued stay is not medically necessary, then no Medicaid payment will be made. (3-30-07)

a. In reimbursing for inpatient hospital psychiatric services the Department will pay the lesser of customary charges or the reasonable cost of semi-private rates for inpatient hospital care in accordance with the rules set forth in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-30-07)

b. The cost of services that would be the responsibility of the Department of Education for school age children cannot be considered in the cost of inpatient psychiatric hospital services. (3-30-07)

c. The participant may be charged for services only when he or she has made an informed decision to incur expenses for services deemed not medically necessary by the Department. (3-30-07)

02. Hospital Penalty Schedule. Failure to request a preadmission or continued stay review from the Department in a timely manner will result in the hospital being assessed a penalty as follows. The penalty will be assessed after payment for hospital services for a medically necessary hospital admission: (3-30-07)

a. A request for a preadmission or continued stay review that is one (1) day late will result in a penalty of two hundred sixty dollars (\$260). (3-30-07)

b. A request for a preadmission or continued stay review that is two (2) days late will result in a penalty of five hundred twenty dollars (\$520). (3-30-07)

c. A request for a preadmission or continued stay review that is three (3) days late will result in a penalty of seven hundred eighty dollars (\$780). (3-30-07)

d. A request for a preadmission or continued stay review that is four days (4) late will result in a penalty of one thousand forty dollars (\$1,040). (3-30-07)

e. A request for a preadmission or continued stay review that is five (5) or more days late will result in a penalty of one thousand three hundred dollars (\$1,300). (3-30-07)

03. Physician Penalty Schedule. Failure to request a preadmission review from the Department in a timely manner will result in the primary care physician being assessed a penalty as follows. The penalty will not be assessed against a physician who provides hospital care but has no control over the admission, continued stay, or discharge of the participant. The penalty will be assessed after payment for physician services for a medically necessary hospital admission: (3-30-07)

a. A request for a preadmission review that is one (1) day late will result in a penalty of fifty dollars (\$50). (3-30-07)

b. A request for a preadmission review that is two (2) days late will result in a penalty of one hundred dollars (\$100). (3-30-07)

c. A request for a preadmission review that is three (3) days late will result in a penalty of one hundred fifty dollars (\$150). (3-30-07)

d. A request for a preadmission review that is four (4) days late will result in a penalty of two hundred dollars (\$200). (3-30-07)

e. A request for a preadmission review that is five (5) or more days late will result in a penalty of two

hundred fifty dollars (\$250). (3-30-07)

706. INPATIENT PSYCHIATRIC HOSPITAL SERVICES - QUALITY ASSURANCE.

The policy, rules and regulations to be followed must be those cited in 42 CFR 456.480 through 42 CFR 456.482. (3-30-07)

707. MENTAL HEALTH CLINIC SERVICES - DEFINITIONS.

01. Adult. An adult is an individual who is eighteen (18) years of age or older for the purposes of Mental Health Clinic and other outpatient mental health services. (3-30-07)

02. Mental Health Clinic. A mental health clinic, also referred to as “agency,” must be a proprietorship, partnership, corporation, or other entity, in a distinct location, employing at least two (2) staff qualified to deliver clinic services under this rule and operating under the direction of a physician. (3-30-07)

03. Psychiatric Nurse, Licensed Master's Level. A certified psychiatric nurse, Clinical Nurse Specialist or Psychiatric Nurse Practitioner, must be licensed in accordance with Title 54, Chapter 14, Idaho Code, or certified by a recognized national certification organization, and have a minimum of a master's degree. (3-30-07)

04. Psychological Testing. Psychological testing refers to any measurement procedure for assessing psychological characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. This does not refer to assessments that are otherwise conducted by a professional within the scope of his license for the purposes of determining a participant's mental status, diagnoses or functional impairments. (3-30-07)

05. Social History. A social history contains a description of the reason(s) the participant is seeking services, a description of his current symptoms, present life circumstances, recent events, his resources, and barriers to mental health treatment. (3-30-07)

708. MENTAL HEALTH CLINIC SERVICES - PARTICIPANT ELIGIBILITY.

If an individual who is not eligible for medical assistance receives intake services from any staff not having the required degree(s) as provided in Subsection 715.03 of these rules, and later becomes eligible for medical assistance, a new intake assessment and individualized treatment plan will be required which must be developed by a qualified staff person and authorized prior to any reimbursement. (3-30-07)

709. MENTAL HEALTH CLINIC SERVICES - WRITTEN INDIVIDUALIZED TREATMENT PLAN.

A written individualized treatment plan is a medically-ordered plan of care. An individualized treatment plan must be developed and implemented for each participant receiving mental health clinic services. Treatment planning is reimbursable if conducted by a qualified professional identified in Subsection 715.03 of these rules. (3-30-07)

01. Individualized Treatment Plan Development. The individualized treatment plan must be developed by the following: (3-30-07)

a. The clinic staff providing the services; and (3-30-07)

b. The adult participant, if capable, and the adult participant's legal guardian, or in the case of a minor the minor's parent or legal guardian. The participant or his parent or legal guardian may also choose others to participate in the development of the plan. (3-30-07)

02. Individualized Treatment Plan Requirements. An individualized treatment plan must include, at a minimum, the following: (3-30-07)

a. Statement of the overall goals and concrete, measurable treatment objectives to be achieved by the participant, including time frames for completion. The goals and objectives must be individualized and must be directly related to the clinic service needs that are identified in the assessment. (3-30-07)

b. Documentation of who participated in the development of the individualized treatment plan.

(3-30-07)

i. The authorizing physician must sign and date the plan within thirty (30) calendar days of the initiation of treatment. (3-30-07)

ii. The adult participant, the adult participant's legal guardian, or in the case of a minor the minor's parent or legal guardian must sign the treatment plan indicating their participation in its development. If these signatures indicating participation in the development of the treatment plan are not obtained, then the agency must document in the participant's record the reason the signatures were not obtained, including the reason for the participant's refusal to sign. A copy of the treatment plan must be given to the adult participant and his legal guardian or to his parent or legal guardian if the participant is a minor. (3-30-07)

iii. Other individuals who participated in the development of the treatment plan must sign the plan. (3-30-07)

iv. The author of the treatment plan must sign the plan and include his title and credentials. (3-30-07)

c. The diagnosis of the participant must be documented by an examination and be made by a licensed physician or other licensed practitioner of the healing arts, licensed psychologist, licensed clinical professional counselor, licensed clinical social worker, or licensed marriage and family therapist within the scope of his practice under state law; and (3-30-07)

d. A problem list, and the type, frequency, and duration of treatment estimated to achieve all objectives based on the ability of the participant to effectively utilize services. (3-30-07)

03. Treatment Plan Review. The treatment plan review by the clinic and the participant must occur within one hundred twenty (120) days and every one hundred twenty (120) days thereafter. During the review, the clinic staff providing the services and the participant must review progress made on objectives and identify objectives that may be added, amended, or deleted from the individualized treatment plan. The attendees of the treatment plan review are determined by the adult participant or his legal guardian, or in the case of a minor his parent or legal guardian and clinic staff providing the services. (3-30-07)

04. Physician Review of Treatment Plan. Each individualized treatment plan must be reviewed and be completely rewritten and signed by a physician at least annually. Changes in the types or amount of services that are determined during treatment plan reviews must be reviewed and signed by a physician. Projected dates for the participant's reevaluation and the rewrite of the individualized treatment plan must be recorded on the treatment plan. (3-30-07)

05. Continuation of Services. Continuation of services after the first year must be based on documentation of the following: (3-30-07)

a. Description of the ways the participant has specifically benefited from clinic services, and why he continues to need additional clinical services; and (3-30-07)

b. The participant's progress toward the achievement of therapeutic goals that would eliminate the need for the service to continue. (3-30-07)

710. MENTAL HEALTH CLINIC SERVICES - COVERAGE AND LIMITATIONS.

All mental health clinic services must be provided at the clinic unless provided to an eligible homeless individual. (3-30-07)

01. Clinic Services -- Mental Health Clinics (MHC). Under 42 CFR 440.90, the Department will pay for preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services provided by a mental health clinic to a participant who is not an inpatient in a hospital or nursing home or correctional facility except as specified under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 229. (3-30-07)

02. Services or Supplies in Mental Health Clinics That Are Not Reimbursed. Any service or

supplies not included as part of the allowable scope of the Medical Assistance Program. (3-30-07)

03. Evaluation and Diagnostic Services in Mental Health Clinics. (3-30-07)

a. Social History is a reimbursable evaluation and diagnostic service. (1-1-08)T

b. Psychological testing may be provided as a reimbursable service when provided in direct response to a specific evaluation question. The psychological report must contain the reason for the performance of this service. Agency staff may deliver this service if they meet one (1) of the following qualifications: (1-1-08)T

i. Licensed Psychologist; (3-30-07)

ii. Psychologist extenders as described in IDAPA 24.12.01, "Rules of the Idaho State Board of Psychologist Examiners"; or (3-30-07)

iii. A qualified therapist listed in Subsection 715.03 of these rules who has documented evidence of education or training qualifying him to administer, score, interpret, and report findings for the psychological test he will be performing. (3-30-07)

c. A psychiatric diagnostic interview exam may be provided as a reimbursable service when delivered by one (1) of the following licensed professionals: (1-1-08)T

i. Psychiatrist; (3-30-07)

ii. Physician; (3-30-07)

iii. Practitioner of the healing arts; (3-30-07)

iv. Psychologist; (3-30-07)

v. Clinical Social Worker; (3-30-07)

vi. Clinical Professional Counselor; or (3-30-07)

vii. Licensed Marriage and Family Therapist. (3-30-07)

d. Evaluations performed by qualified registered occupational therapists, O.T.R., performed in conjunction with the development of an individualized treatment plan are reimbursable. (1-1-08)T

04. Psychotherapy Treatment Services in Mental Health Clinics. Individual and group psychotherapy must be provided in accordance with the goals specified in the individualized treatment plan as described in Section 709 of these rules. (1-1-08)T

05. Family Psychotherapy. Family psychotherapy services must be delivered in accordance with the goals of treatment as specified in the individualized treatment plan. The focus of family psychotherapy is on the dynamics within the family structure as it relates to the participant. (1-1-08)T

a. Family psychotherapy services with the participant present must: (1-1-08)T

i. Be face-to-face with at least one (1) family member present in addition to the participant; (1-1-08)T

and ii. Focus the treatment services on goals identified in the participant's individualized treatment plan; (1-1-08)T

iii. Utilize an evidence-based treatment model. (1-1-08)T

- b.** Family psychotherapy without the participant present must: (1-1-08)T
- i.** Be face-to-face with at least one (1) family member present; (1-1-08)T
- ii.** Focus the services on the participant; and (1-1-08)T
- iii.** Utilize an evidence-based treatment model. (1-1-08)T

06. Emergency Psychotherapy Services. Individual emergency psychotherapy services can be provided by qualified clinic staff at any time. (1-1-08)T

a. Emergency services provided to an eligible participant prior to intake and evaluation is a reimbursable service but must be fully documented in the participant's record; and (3-30-07)

b. Each emergency service will be counted as a unit of service and part of the allowable limit per participant unless the contact results in hospitalization. Provider agencies may submit claims for the provision of psychotherapy in emergency situations even when contact does not result in the hospitalization of the participant. (3-30-07)

07. Collateral Contact. Collateral contact, as defined in Section 010 of these rules, is covered by Medicaid if it is included on the individualized treatment plan and it is necessary to gather and exchange information, provide interpretation or explanation of results of psychiatric evaluations, medical examinations and procedures, other accumulated data to family or other responsible persons, or advise them how to assist the participant. (1-1-08)T

a. Collateral contact may be provided face-to-face by agency staff qualified to deliver clinical services. Face-to-face contact is defined as two (2) people meeting in person at the same time: (1-1-08)T

b. Collateral contact may be provided by telephone by agency staff qualified to deliver clinical services when this is the most expeditious and effective way to exchange information. (1-1-08)T

08. Pharmacological Management. Pharmacological management consultations must be provided by a physician or other practitioner of the healing arts within the scope of practice defined in their license in direct contact with the participant. (3-30-07)

a. Consultation must be for the purpose of prescribing, monitoring, and/or administering medication as part of the individualized treatment plan; and (3-30-07)

b. Pharmacological management, if provided, must be part of the individualized treatment plan and frequency and duration of the treatment must be specified. (3-30-07)

09. Nursing Services. Nursing services, when physician ordered and supervised, can be part of the participant's individualized treatment plan. (3-30-07)

a. Licensed and qualified nursing personnel can supervise, monitor, and administer medication within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code; and (3-30-07)

b. The frequency and duration of the treatment must be specified on the participant's individualized treatment plan. (3-30-07)

10. Limits on Mental Health Clinic Services. Services provided by Mental Health Clinics are limited to twenty-six (26) services per calendar year. This is for any combination of evaluation, diagnosis and treatment services. A total of twelve (12) hours is the maximum time allowed for a combination of any evaluative or diagnostic services and individualized treatment plan development provided to an eligible participant in a calendar year. (1-1-08)T

711. MENTAL HEALTH CLINIC SERVICES - EXCLUDED SERVICES NOT REIMBURSABLE UNDER MEDICAID.

01. Inpatient Medical Facilities. The Medical Assistance Program will not pay for mental health clinic services rendered to medical assistance participants residing in inpatient medical facilities including nursing homes, hospitals, or public institutions as defined in 42 CFR 435.1009; or (3-30-07)

02. Non-Reimbursable. Any service not adequately documented in the participant's record by the signature of the therapist providing the therapy or participant contact, the length of the therapy session, and the date of the contact, will not be reimbursed by the Department. (3-30-07)

03. Non-Eligible Staff. Any treatment or contact provided as a result of an individualized treatment plan that is performed by any staff other than those qualified to deliver services under Subsection 715.03 of these rules is not be eligible for reimbursement by the Department. (3-30-07)

04. Recoupment. If a record is determined not to meet minimum requirements as set forth herein, any payments made on behalf of the participant are subject to recoupment. (3-30-07)

712. MENTAL HEALTH CLINIC SERVICES - CREDENTIALING RESPONSIBILITIES OF THE DEPARTMENT.

The Department is phasing in the Credentialing Program in 2006. During the first three (3) years of development the following will take place: (3-30-07)

01. Reimbursement. A mental health clinic must be designated as credentialed or provisionally credentialed in order to receive Medicaid reimbursement for services. Any agency that fails to maintain credentialed status will have its Medicaid provider agreement terminated. (3-30-07)

02. Application. All existing providers and new provider applicants must submit an application for credentialing that will be reviewed in order to proceed with the credentialing process and obtain the required credential by the Department. All initial applications will be responded to within thirty (30) days. If the application is incomplete, the applicant must submit the additional information for the application to be considered further. The application will be reviewed up to three (3) times. If the applicant has not provided the required information by the third submittal, then the application will be denied and the application will not be considered again for twelve (12) months. (3-30-07)

03. Temporary Credentialed Status. In order for existing providers to be able to continue to provide services during these first three (3) years the Department will grant a one-time temporary credential to all existing providers. (3-30-07)

04. New Providers. Once the Credentialing Program is initiated new provider applicants will be required to submit an application and successfully complete the credentialing process as a condition for Department approval as a Medicaid provider. (3-30-07)

05. Elements of Credentialing. The initial credentialing process consists of the application and an on-site review for compliance with the requirements of these rules. (3-30-07)

06. Deemed Status. Providers accredited by private accreditation agencies, such as the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) or Commission on the Accreditation of Rehabilitation Facilities (CARF), will be exempt from credentialing processes that the Department deems redundant. (3-30-07)

07. Expiration and Renewal of Credentialed Status. Credentials issued under these rules will be issued for a period up to three (3) years. Unless suspended or revoked, the agency's credential will expire on the date designated by the Department. No later than ninety (90) days before expiration, an agency must apply for renewal of credentials. A site review may be conducted by the Department for renewal applications. (3-30-07)

08. Provisional Credentialed Status. If a new or renewal applicant is found deficient in one (1) or more of the requirements for credentialing, but does not have deficiencies that jeopardize the health and safety of the participants or substantially affect the provider's ability to provide services, a provisional credential may be issued.

Provisional credentials will be issued for a period not to exceed one hundred eighty (180) days. During that time, the Department will determine whether the deficiencies have been corrected. If so, then the agency will be credentialed. If not, then the credential will be denied or revoked. (3-30-07)

09. Denial or Revocation of Credentialed Status. The Department may deny or revoke credentials when conditions exist that endanger the health, safety, or welfare of any participant or when the agency is not in substantial compliance with these rules. Additional causes for denial of credentials include the following: (3-30-07)

a. The provider agency or provider agency applicant has willfully misrepresented or omitted information on the application or other documents pertinent to obtaining credentialed status; (3-30-07)

b. The provider agency or provider agency applicant has been convicted of or is currently under investigation for fraud, gross negligence, abuse, assault, battery or exploitation; (3-30-07)

c. The provider agency or provider agency applicant has been convicted of a criminal offense within the past five (5) years other than a minor traffic violation or similar minor offense; (3-30-07)

d. The provider agency or provider agency applicant has been denied or has had revoked any health facility license or certificate; (3-30-07)

e. A court has ordered that any provider agency owner or provider agency applicant must not operate a health facility, residential care or assisted living facility, or certified family home; (3-30-07)

f. Any owners, employees, or contractors of the provider agency or provider agency applicant are listed on the statewide Child Abuse Registry, Adult Protection Registry, Sexual Offender Registry, or Medicaid exclusion lists; (3-30-07)

g. The provider agency or provider agency applicant is directly under the control or influence, whether financial or other, of any person who is described in Subsections 712.09.a. through 712.09.f. of this rule. (3-30-07)

10. Procedure for Appeal of Denial or Revocation of Credentials. Immediately upon denial or revocation of credentials, the Department will notify the applicant or provider in writing by certified mail or by personal service of its decision, the reason for its decision, and how to appeal the decision. The appeal is subject to the hearing provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

713. MENTAL HEALTH CLINIC SERVICES - PROVIDER RESPONSIBILITIES.

01. Effectiveness of Services. Effectiveness of services, as measured by a participant's achievement of his plan objectives, must be monitored by the provider and changes to the individualized treatment plan must be initiated when service needs change or interventions are shown to be ineffective. These measures must be included on the participant's one hundred twenty (120) day review. (3-30-07)

02. Healthy Connections Referral. Providers must obtain a Healthy Connections referral if the participant is enrolled in the Healthy Connections program. (3-30-07)

714. MENTAL HEALTH CLINIC SERVICES - PROVIDER AGENCY REQUIREMENTS.

Each agency that enters into a provider agreement with the Department for the provision of mental health clinic services must meet the following requirements: (3-30-07)

01. Mental Health Clinic. Each location of the agency must meet the requirements under this rule. (3-30-07)

02. Physician Requirement for Clinic Supervision. In order to fulfill the requirement that the clinic be under the direction of a physician, the clinic must have a contract with the physician. (3-30-07)

a. The contract must specifically require that the physician spend as much time in the clinic as is necessary to assure that participants are receiving services in a safe and efficient manner in accordance with accepted standards of medical practice. (3-30-07)

b. The supervising physician of the clinic may also serve as the supervising physician of a participant's care. (3-30-07)

03. Physician Requirement for Supervision of a Participant's Care. Each participant's care must be under the supervision of a physician directly affiliated with the clinic. Documentation of the affiliation must be kept in the clinic location. The clinic may have as many physician affiliations as is necessary in order to meet the needs of the volume of participants served in that location. The physician who supervises a participant's care does not have to deliver this service at the clinic nor does the physician have to be present at the clinic when the participant receives services at the clinic. In order to fulfill the requirement for physician supervision of a participant's care, the following conditions must also be met: (3-30-07)

a. The clinic and the physician must enter into a formal arrangement in which the physician must assume professional responsibility for the services provided; (3-30-07)

b. The physician must see the participant at least once to determine the medical necessity and appropriateness of clinic services; (3-30-07)

c. The physician must review and sign the individualized treatment plan as an indicator that the services are prescribed; and (3-30-07)

d. The physician must review and sign all updates to the individualized treatment plan that involve changes in the types or amounts of services. (3-30-07)

04. Assessment. All treatment in mental health clinics must be based on an individualized assessment of the participant's needs, including a current mental status examination, and provided under the direction of a licensed physician. (3-30-07)

05. Criminal History Checks. (3-30-07)

a. The agency must verify that all employees, subcontractors, or agents of the agency providing direct care or clinical services have complied with IDAPA 16.05.06, "Criminal History and Background Checks." (3-30-07)

b. Once an employee, subcontractor, or agent of the agency has met the requirements specified in Subsection 009.02.a. of these rules, he may begin working for the agency on a provisional basis. (3-30-07)

c. Once an employee, subcontractor, or agent of the agency has received a criminal history clearance, any additional criminal convictions must be reported to the Department when the agency learns of the conviction. (3-30-07)

06. Agency Employees and Subcontractors. Employees and subcontractors of the agency are subject to the same conditions, restrictions, qualifications and rules as the agency. (3-30-07)

07. Supervision. The agency must ensure that staff providing clinical services are supervised according to the following guidelines: (3-30-07)

a. Standards and requirements for supervision set by the Bureau of Occupational Licenses are met; (3-30-07)

b. Case-specific supervisory contact must be made weekly, at a minimum, with staff for whom supervision is a requirement; and (3-30-07)

c. Documentation of supervision must be maintained by the agency and be available for review by the Department. (3-30-07)

08. Continuing Education. The agency must ensure that all staff complete twenty (20) hours of continuing education annually in the field in which they are licensed. Documentation of the continuing education hours must be maintained by the agency and be available for review by the Department. Nothing in these rules will affect professional licensing continuing education standards and requirements set by the Bureau of Occupational Licenses. (3-30-07)

09. Ethics. (3-30-07)

a. The provider must adopt, adhere to and enforce a Code of Ethics on its staff who are providing Medicaid reimbursable services. The Code of Ethics must be similar to or patterned after one (1) of the following: (3-30-07)

i. US Psychiatric Rehabilitation Association Code of Ethics found at <http://www.uspra.org/i4a/pages/index.cfm?pageid=3601>; (3-30-07)

ii. National Association of Social Workers Code of Ethics found at <http://www.naswdc.org/pubs/code/default.asp>; (3-30-07)

iii. American Psychological Association Code of Ethics found at <http://www.apa.org/ethics/code.html>; (3-30-07)

iv. American Counseling Association Code of Ethics found at <http://www.counseling.org/Resources/CodeOfEthics/TP/Home/CT2.aspx>. (3-30-07)

v. Marriage and Family Therapists Code of Ethics found at www.aamft.org/resources/Irmp/ethics/ethicscode2001.asp. (3-30-07)

b. The Provider must develop a schedule for providing ethics training to its staff. (3-30-07)

c. The ethics training schedule must provide that new employees receive the training during their first year of employment, and that all staff receive ethics training no less than four (4) hours every four (4) years thereafter. (3-30-07)

d. Evidence of the Agency's Code of Ethics, the discipline(s) upon which it is modeled, and each staff member's training on the Code must be submitted to the Department upon request. (3-30-07)

10. Building Standards For Mental Health Clinics. (3-30-07)

a. Accessibility. Mental health clinic service providers must be responsive to the needs of the service area and persons receiving services and accessible to persons with disabilities as defined in Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act, and the uniform federal accessibility standard. (3-30-07)

b. Environment. Clinics must be designed and equipped to meet the needs of each participant including, but not limited to, factors such as sufficient space, equipment, lighting and noise control. (3-30-07)

c. Capacity. Clinics must provide qualified staff as listed in Subsection 715.01 of this rule to meet a staff to participant ratio that ensures safe, effective and clinically appropriate interventions. (3-30-07)

d. Fire and Safety Standards. (3-30-07)

i. Clinic facilities must meet all local and state codes concerning fire and life safety. The owner/operator must have the facility inspected at least annually by the local fire authority. In the absence of a local fire authority, such inspections must be obtained from the Idaho State Fire Marshall's office. A copy of the inspection must be made available upon request and must include documentation of any necessary corrective action taken on violations cited; and (3-30-07)

- ii. The clinic facility must be structurally sound and must be maintained and equipped to assure the safety of participants, employees and the public; and (3-30-07)
- iii. In clinic facilities where natural or man-made hazards are present, suitable fences, guards or railings must be provided to protect participants; and (3-30-07)
- iv. Clinic facilities must be kept free from the accumulation of weeds, trash and rubbish; and (3-30-07)
- v. Portable heating devices are prohibited except units that have heating elements that are limited to not more than two hundred twelve (212F) degrees Fahrenheit. The use of unvented, fuel-fired heating devices of any kind are prohibited. All portable space heaters must be U.L. approved as well as approved by the local fire or building authority; and (3-30-07)
- vi. Flammable or combustible materials must not be stored in the clinic facility; and (3-30-07)
- vii. All hazardous or toxic substances must be properly labeled and stored under lock and key; and (3-30-07)
- viii. Water temperatures in areas accessed by participants must not exceed one hundred twenty (120) degrees Fahrenheit; and (3-30-07)
- ix. Portable fire extinguishers must be installed throughout the clinic facility. Numbers, types and location must be directed by the applicable fire authority noted in Subsection 714.10.d. of this rule; and (3-30-07)
- x. Electrical installations and equipment must comply with all applicable local or state electrical requirements. In addition, equipment designed to be grounded must be maintained in a grounded condition and extension cords and multiple electrical outlet adapters must not be utilized unless U.L. approved and the numbers, location, and use of them are approved in writing by the local fire or building authority. (3-30-07)
- xi. There must be a telephone available on the premises for use in the event of an emergency. Emergency telephone numbers must be posted near the telephone or where they can be easily accessed; and (3-30-07)
- xii. Furnishings, decorations or other objects must not obstruct exits or access to exits. (3-30-07)
- e. Emergency Plans and Training Requirements.** (3-30-07)
 - i. Evacuation plans must be posted throughout the facility. Plans must indicate point of orientation, location of all fire extinguishers, location of all fire exits, and designated meeting area outside of building. (3-30-07)
 - ii. There must be written policies and procedures covering the protection of all persons in the event of fire or other emergencies; and (3-30-07)
 - iii. All employees must participate in fire and safety training upon employment and at least annually thereafter; and (3-30-07)
 - iv. All employees and partial care participants must engage in quarterly fire drills. At least two (2) of these fire drills must include evacuation of the building; and (3-30-07)
 - v. A brief summary of the fire drill and the response of the employees and partial care participants must be written and maintained on file. The summary must indicate the date and time the drill occurred, problems encountered and corrective action taken. (3-30-07)
- f. Food Preparation and Storage.** (3-30-07)
 - i. If foods are prepared in the clinic facility, they must be stored in such a manner as to prevent

contamination and be prepared using sanitary methods. (3-30-07)

ii. Except during actual preparation time, cold perishable foods must be stored and served under forty-five (45F) degrees Fahrenheit and hot perishable foods must be stored and served over one hundred forty (140F) degrees Fahrenheit. (3-30-07)

iii. Refrigerators and freezers used to store participant lunches and other perishable foods used by participants, must be equipped with a reliable, easily-readable thermometer. Refrigerators must be maintained at forty-five (45F) degrees Fahrenheit or below. Freezers must be maintained at zero (0F) to ten (10F) degrees Fahrenheit or below. (3-30-07)

iv. When meals are prepared or provided for by the clinic, meals must be nutritional. (3-30-07)

g. Housekeeping and Maintenance Services. (3-30-07)

i. The interior and exterior of the clinic facility must be maintained in a clean, safe and orderly manner and must be kept in good repair; and (3-30-07)

and ii. Deodorizers cannot be used to cover odors caused by poor housekeeping or unsanitary conditions; (3-30-07)

iii. All housekeeping equipment must be in good repair and maintained in a clean, safe and sanitary manner; and (3-30-07)

iv. The clinic facility must be maintained free from infestations of insects, rodents and other pests; and (3-30-07)

v. The clinic facility must maintain the temperature and humidity within a normal comfort range by heating, air conditioning, or other means. (3-30-07)

vi. Garbage will be disposed of in a sanitary manner. It must not be allowed to accumulate and must be placed in leak-proof bags. (3-30-07)

h. Firearms. No firearms are permitted in the clinic facility. (3-30-07)

i. Plumbing. Restroom facilities must be maintained in good working order and available and accessible to participants while at the clinic in accordance with the Americans with Disabilities Act. This includes the presence of running water for operation of the toilet and washing hands. (3-30-07)

j. Lighting. Lighting levels must be maintained throughout the clinic facility which are appropriate to the service being provided. (3-30-07)

k. Drinking Water. Where the source is other than a public water system or commercially bottled, water quality must be tested and approved annually by the district health department. (3-30-07)

715. MENTAL HEALTH CLINIC SERVICES - AGENCY STAFF QUALIFICATIONS.

01. Staff Qualifications. The mental health clinic must assure that each agency staff person delivering clinical services to eligible medical assistance participants has, at a minimum, one (1) or more of the following qualifications: (3-30-07)

a. Licensed Psychiatrist; (3-30-07)

b. Licensed Physician or Licensed Practitioner of the healing arts; (3-30-07)

c. Licensed Psychologist; (3-30-07)

- d.** Psychologist Extender, registered with the Bureau of Occupational Licenses; (3-30-07)
- e.** Licensed Masters Social Worker; (3-30-07)
- f.** Licensed Clinical Social Worker; (3-30-07)
- g.** Licensed Social Worker; (3-30-07)
- h.** Licensed Clinical Professional Counselor; (3-30-07)
- i.** Licensed Professional Counselor; (3-30-07)
- j.** Licensed Marriage and Family Therapist; (3-30-07)
- k.** Certified Psychiatric Nurse, R.N., as described in Subsection 707.03 of these rules; (3-30-07)
- l.** Licensed Professional Nurse, R.N.; or (3-30-07)
- m.** Registered Occupational Therapist, O.T.R. (3-30-07)

02. Support Staff. For the purposes of this rule, support staff is any person who does not meet the qualifications of professionals as listed in Subsection 715.01 of this rule. The agency may elect to employ support staff to provide support services to participants. Such support services may include providing transportation, cooking and serving meals, cleaning and maintaining the physical plant, or providing general, non-professional supervision. Support staff must not deliver or assist in the delivery of services that are reimbursable by Medicaid. (3-30-07)

03. Qualified Therapist. The social history and individualized treatment plan development is reimbursable if conducted by a primary therapist who, at a minimum, has one (1) or more of the following qualifications: (3-30-07)

- a.** Licensed Psychologist; (3-30-07)
- b.** Psychologist Extender, registered with the Bureau of Occupational Licenses; (3-30-07)
- c.** Licensed Masters Social Worker, or Licensed Clinical Social Worker, or Licensed Social Worker; (3-30-07)
- d.** Certified Psychiatric Nurse, R.N.; (3-30-07)
- e.** Licensed Clinical Professional Counselor or Licensed Professional Counselor; (3-30-07)
- f.** Licensed Physician or Licensed Psychiatrist; (3-30-07)
- g.** Licensed Marriage and Family Therapist; or (3-30-07)
- h.** Licensed Professional Nurse (RN). (3-30-07)

04. Non-Qualified Staff. Any delivery of evaluation, diagnostic service, or treatment designed by any person other than an agency staff person designated as qualified under Sections 710 or 715 of these rules, is not eligible for reimbursement under the Medical Assistance Program. (3-30-07)

05. Staff Qualifications for Psychotherapy Services. Licensed, qualified professionals providing psychotherapy services as set forth in Subsections 710.05.a. through 710.05.c. of these rules must have, at a minimum, one (1) or more of the following degrees: (3-30-07)

- a.** Licensed Psychiatrist; (3-30-07)

- b.** Licensed Physician; (3-30-07)
- c.** Licensed Psychologist; (3-30-07)
- d.** Licensed Clinical Social Worker; (3-30-07)
- e.** Licensed Clinical Professional Counselor; (3-30-07)
- f.** Licensed Marriage and Family Therapist; (3-30-07)
- g.** Certified Psychiatric Nurse (RN), as described in Subsection 707.03 of these rules; (3-30-07)
- h.** Licensed Professional Counselor whose provision of psychotherapy is supervised by persons qualified under Subsections 715.15.a. through 715.15.g. of this rule; (3-30-07)
- i.** Licensed Masters Social Worker whose provision of psychotherapy is supervised as described in IDAPA 24.14.01, "Rules of the State Board of Social Work Examiners"; or (3-30-07)
- j.** A Psychologist Extender, registered with the Bureau of Occupational Licenses. (3-30-07)

716. MENTAL HEALTH CLINIC SERVICES - RECORD REQUIREMENTS FOR PROVIDERS.

- 01. Social Histories.** Social histories must be contained in all participant medical records. (3-30-07)
- 02. Informed Consent.** The agency must ensure that participants who receive services through the agency have obtained informed consent from the participant or his legal guardian indicating agreement with all of the elements on the individualized treatment plan including choice of the provider agency, designated services, times, dates, frequencies, objectives, goals, and exit criteria. For minors, informed consent must be obtained from the minor's parent or legal guardian. (3-30-07)
- 03. Documentation.** All intake histories, psychiatric evaluations, psychological testing, or specialty evaluations must be in written form, dated, and fully signed to certify when completed and by whom, and retained in the participant's file for documentation purposes. (3-30-07)
- 04. Data.** All data gathered must be directed towards formulation of a written diagnosis, problem list, and individualized treatment plan which specifies the type, frequency, and anticipated duration of treatment. (3-30-07)
- 05. Mental Health Clinic Record-Keeping Requirements.** (3-30-07)
 - a.** Maintenance. Each mental health clinic will be required to maintain records on all services provided to medical assistance participants. (3-30-07)
 - b.** Record Contents. The records must contain the current individualized treatment plan ordered by a physician and must meet the requirements as set forth in Section 709 of this rule. (3-30-07)
 - c.** Requirements. The records must: (3-30-07)
 - i.** Specify the exact type of treatment provided; and (3-30-07)
 - ii.** Who the treatment was provided by; and (3-30-07)
 - iii.** Specify the duration of the treatment and the time of day delivered; and (3-30-07)
 - iv.** Contain detailed records which outline exactly what occurred during the therapy session or participant contact documented by the person who delivered the service; and (3-30-07)

v. Contain the legible, dated signature, with degree credentials listed, of the staff member performing the service. (3-30-07)

717. MENTAL HEALTH CLINIC SERVICES - PROVIDER REIMBURSEMENT.

01. Services. Payment for clinic services will be made directly to the clinic and will be in accordance with rates established by the Department for the specific services. (3-30-07)

02. Payment in Full. Each provider of clinic services must accept the Department's payment for such services as payment in full and must not bill the medical assistance participant for any portion of any charges incurred for the cost of his care. (3-30-07)

03. Third Party. All available third party payment resources, such as Medicare and private insurance, must be exhausted before the Department is billed for services provided to an eligible participant. Proof of billing other third party payers will be required by the Department. (3-30-07)

04. Injections. Payment for the administration of injections must be in accordance with rates established by the Department. (3-30-07)

718. MENTAL HEALTH CLINIC SERVICES - QUALITY OF SERVICES.

The Department must monitor the quality and outcomes of mental health clinic services provided to participants, in coordination with the Divisions of Medicaid, Management Services, Family and Community Services (FACS), and Behavioral Health. (3-30-07)

719. (RESERVED).

SUB AREA K: HOME HEALTH SERVICES

(Sections 720 through 729)

720. HOME HEALTH SERVICES - DEFINITIONS.

Home health services encompass services ordered by the participant's attending physician as a part of a plan of care, that include nursing services, home health aide, physical therapy, and occupational therapy. (3-30-07)

721. (RESERVED).

722. HOME HEALTH SERVICES - COVERAGE AND LIMITATIONS.

Home health visits are limited to one hundred (100) visits per calendar year per person. (3-30-07)

723. HOME HEALTH SERVICES - PROCEDURAL REQUIREMENTS.

01. Plan of Care Review. All plans of care must be reviewed by the participant's physician at least every sixty (60) days; and (3-30-07)

02. Review for Necessity. The need for medical supplies and equipment ordered by the participant's physician as required in the care of the participant and suitable for use in the home must be reviewed at least once every sixty (60) days. (3-30-07)

724. HOME HEALTH SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

In order to participate as a Home Health Agency (HHA) provider for Medicaid-eligible persons, the provider must be licensed as required by the state, and be certified to participate in the Medicare Program. Loss of either state license or Medicare Program certification is cause for termination of Medicaid provider status. (3-30-07)

725. HOME HEALTH SERVICES - PROVIDER REIMBURSEMENT.

01. Mileage Included in Cost. Payment by the Department for home health services will include mileage as part of the cost of the visit. (3-30-07)

02. Payment Procedures. Payment for home health services will be limited to the services authorized in Sections 720 through 722 of these rules and must not exceed the lesser of reasonable cost as determined by Medicare or the Medicaid percentile cap. (3-30-07)

a. For visits performed in the first state fiscal year for which this Subsection is in effect, the Medicaid percentile cap will be established at the seventy fifth percentile of the ranked costs per visit as determined by the Department using the data from the most recent finalized Medicare cost reports on hand in the Department on June 1, 1987. Thereafter, the percentile cap will be revised annually, effective at the beginning of each state fiscal year. Revisions will be made using the data from the most recent finalized Medicare cost reports on hand thirty (30) days prior to the effective date. (3-30-07)

b. When determining reasonable costs of rented medical equipment ordered by a physician and used for the care of the participant, the total rental cost of a Durable Medical Equipment (DME) item must not exceed one-twelfth (1/12) of the total purchase price of the item. A minimum rental rate of fifteen dollars (\$15) per month is allowed on all DME items. (3-30-07)

c. The Department may enter into lease/purchase agreements with providers in order to purchase medical equipment when the rental charges total the purchase price of the equipment. (3-30-07)

d. The Department will not pay for services at a cost in excess of prevailing Medicare rates. (3-30-07)

e. If a person is eligible for Medicare, all services ordered by the physician will be purchased by Medicare, except for the deductible and co-insurance amounts which the Department will pay. (3-30-07)

726. -- 729. (RESERVED).

SUB AREA L: THERAPIES

(Sections 730 through 739)

730. PHYSICAL THERAPY SERVICES - DEFINITIONS.

01. Modalities. Modalities are any physical agent applied to produce therapeutic changes to biological tissue, including the application of thermal, acoustic, light, mechanical or electrical energy. (3-30-07)

02. Therapeutic Procedures. Therapeutic procedures are the application of clinical skills, services, or both that attempt to improve function. (3-30-07)

731. (RESERVED).

732. PHYSICAL THERAPY SERVICES - COVERAGE AND LIMITATIONS.

01. Service Description. The following modalities, therapeutic procedures, tests, and measurements as described in the Physical Medicine and Rehabilitation Subsection and the Neurology and Neuromuscular Procedures Subsection of the Physician's Current Procedural Terminology are covered. (3-30-07)

a. CPT procedure code range 97032 through 97036 require direct, one to one, patient contact by the therapist. CPT procedure code range 97010 through 97028 may be performed under the supervision of the physical therapist. Any modality which is not contained in these procedure code ranges must be billed using CPT code 97039 for an unlisted modality, and requires authorization by the Department prior to payment. In this case, physician and

therapist information documenting the medical necessity of the modality requested for payment must be provided in writing to the Department. (3-30-07)

b. All therapeutic procedures require the therapist to have direct, one to one, patient contact. CPT procedure code range 97110 through 97602, but excluding CPT procedure code 97124, massage, and 97545 and 97546, work hardening and conditioning, are eligible for Medicaid payment. Any procedure not described by these procedure codes must be billed using CPT procedure code 97139 as an unlisted procedure, and requires authorization by the Department prior to payment. In this case, physician and therapist documentation of the medical necessity of the therapeutic procedure must be provided in writing to the Department. (3-30-07)

c. The provision of tests or measurements as described by CPT procedure codes 97750 through 97755 may be reimbursed. The physical therapist may be reimbursed for the technical component of muscle testing, joint range of motion, electromyography or nerve velocity determinations as described in CPT procedure codes 95831 through 95904 when ordered by a physician. (3-30-07)

d. The equipment used by the physical therapists to provide services is up to the discretion of the therapist and physician. All therapeutic equipment used by the therapist is included in the fee for service payment and no separate charge may be made to either the Medicaid program or participant. (3-30-07)

02. Service Limited. Each participant is limited to twenty-five (25) visits of outpatient physical therapy during any calendar year. The Department may authorize additional visits if such services are determined to be medically necessary. Visits to outpatient departments of hospitals and services provided by developmental disability agencies, or independent physical therapists providing physical therapy are included in the limit on the total outpatient physical therapy visits. (3-30-07)

733. PHYSICAL THERAPY SERVICES - PROCEDURAL REQUIREMENTS.

The Department will pay for physical therapy rendered by or under the supervision of a licensed physical therapist if such services are ordered by the attending physician as part of a plan of care. (3-30-07)

01. Physician Orders. All physical therapy must be ordered by a physician and such orders must include at a minimum, the service to be provided, frequency, and, where applicable, the duration of each therapeutic session. In the event that services are required for extended periods, these services must be reordered as necessary, but at least every thirty (30) days for all participants except those receiving home health agency services and participants with chronic conditions which require on-going physical therapy. Physical therapy provided by home health agencies must be included in the home health plan of care and be reordered not less often than every sixty (60) days. Individuals with chronic medical conditions, as documented by physician, may be reordered up to every six (6) months. Documentation including the physician orders, care plans, progress or other notes documenting each assessment, therapy session and testing or measurement results must be maintained in the files of the therapist. The absence of such documentation is cause for recoupment of Medicaid payment. (3-30-07)

734. (RESERVED).

735. PHYSICAL THERAPY SERVICES - PROVIDER REIMBURSEMENT.

01. Payment for Physical Therapy Services. The payment for physical therapy includes the use of therapeutic equipment to provide the modality or therapy. No additional charge may be made to either the Medicaid program or the participant for the use of such equipment. (3-30-07)

02. Payment Procedures. Payment procedures are as follows: (3-30-07)

a. Physical therapy rendered by home health agencies must have, at least every sixty (60) days, physician recertification in writing that those services were medically necessary. The physician recertification must be on the copy of the physician's order and must be kept on file with the provider. Physical therapy provided by home health agencies will be paid at a rate per visit as described in Section 725 of these rules and subject to the home health visit limitations contained in Section 722 of these rules. (3-30-07)

b. Physical therapists identified by Medicare as independent practitioners and enrolled as Medicaid

providers will be paid on a fee-for-service basis. The maximum fee paid will be based upon the Department's fee schedule. Only these practitioners can bill the Department directly for their services. (3-30-07)

c. Physical therapy rendered on-site to hospital inpatients or outpatients will be paid at a rate not to exceed the payment determined as reasonable cost using Title XVIII (Medicare) standards and principles. (3-30-07)

d. Payment for physical therapy services rendered to participants in long-term care facilities or Developmental Disabilities Agencies is included in the facility or agency reimbursement as described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-30-07)

736. -- 737. (RESERVED).

738. SPEECH AND OCCUPATIONAL THERAPY SERVICES.

Speech Therapy services are covered under these rules when provided by outpatient hospitals and school-based services providers. Occupational Therapy services are covered under these rules when provided by outpatient hospitals, home health agencies, and school-based services providers. (3-30-07)

739. (RESERVED).

SUB AREA M: SPEECH LANGUAGE AND HEARING SERVICES

(Sections 740 through 749)

740. (RESERVED).

741. AUDIOLOGY SERVICES - PARTICIPANT ELIGIBILITY.

When specifically ordered by a physician, all participants are eligible for audiometric examination and testing once in each calendar year. (3-30-07)

742. AUDIOLOGY SERVICES - COVERAGE AND LIMITATIONS.

The Department will pay for audiometric services and supplies in accordance with the following guidelines and limitations: (3-30-07)

01. Hearing Aids. The Department will cover the purchase of one (1) hearing aid per participant per lifetime with the following requirements and limitations: (3-30-07)

a. The following information must be documented and kept on file with the provider: the participant's diagnosis, the results of the basic comprehensive audiometric exam which includes pure tone, air and bone conduction, speech reception threshold, most comfortable loudness, discrimination and impedance testing, the brand name and model type needed. However, the Department will allow medical doctors to forego the impedance test based on their documented judgement. (3-30-07)

b. Covered services included with the purchase of the hearing aid include proper fitting and refitting of the ear mold or aid, or both, during the first year, instructions related to the aid's use, and extended insurance coverage for two (2) years. (3-30-07)

c. The following services may be covered in addition to the purchase of the hearing aid: batteries purchased on a monthly basis, follow-up testing, necessary repairs resulting from normal use after the second year, and the refitting of the hearing aid or additional ear molds no more often than forty-eight (48) months from the last fitting. (3-30-07)

d. Lost, misplaced, stolen or destroyed hearing aids are the responsibility of the participant. The Department has no responsibility for the replacement of any hearing aid. In addition, the Department has no

responsibility for the repair of hearing aids that have been damaged as a result of neglect, abuse or use of the aid in a manner for which it was not intended. (3-30-07)

743. AUDIOLOGY SERVICES - PROCEDURAL REQUIREMENTS.

01. Audiology Examinations. Basic audiometric testing by licensed audiologists or licensed physicians will be covered without prior approval. (3-30-07)

02. Additional Testing. Any hearing testing beyond the basic comprehensive audiometry and impedance testing must be ordered in writing before the testing is done and kept on file by the provider. (3-30-07)

744. AUDIOLOGY SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

The following are qualified to provide audiology services as Medicaid providers: (3-30-07)

01. Audiologist, Licensed. A person licensed to conduct hearing assessment and therapy, in accordance with the Speech and Hearing Services Practice Act, Title 54, Chapter 29, Idaho Code, who either possesses a certificate of clinical competence in audiology from the American Speech, Language and Hearing Association (ASHA) or will be eligible for certification within one (1) year of employment. (3-30-07)

02. Speech-Language Pathologist, Licensed. A person licensed to conduct speech-language assessment and therapy in accordance with the Speech and Hearing Services Practice Act, Title 54, Chapter 29, Idaho Code, who possesses a certificate of clinical competence in speech-language pathology from the American Speech, Language and Hearing Association (ASHA) or who will be eligible for certification within one (1) year of employment. (3-30-07)

745. AUDIOLOGY SERVICES - PROVIDER REIMBURSEMENT.

01. Payment Procedures. The following procedures must be followed when billing the Department: (3-30-07)

a. The Department will only pay the hearing aid provider for an eligible Medicaid participant if a properly completed claim is submitted to the Department within the one (1) year billing limitation. (3-30-07)

b. Payment will be based upon the Department's fee schedule in accordance with Section 230 of these rules). (3-30-07)

02. Limitations. The following limitations apply to audiometric services and supplies: (3-30-07)

a. Hearing aid selection is restricted to the most cost-effective type and model which meets the participant's medical needs. (3-30-07)

b. Follow-up services are included in the purchase of the hearing aid for the first two (2) years including, but not limited to, repair, servicing and refitting of ear molds. (3-30-07)

c. Providers are required to maintain warranty and insurance information on file on each hearing aid purchased from them by the Department and are responsible for exercising the use of the warranty or insurance during the first year following the purchase of the hearing aid. (3-30-07)

d. Providers must not bill participants for charges in excess of the fees allowed by the Department for materials and services. (3-30-07)

746. -- 749. (RESERVED).

SUB AREA N: DURABLE MEDICAL EQUIPMENT AND SUPPLIES

(Sections 750 through 779)

750. (RESERVED).

751. DURABLE MEDICAL EQUIPMENT AND SUPPLIES - PARTICIPANT ELIGIBILITY.

The participant has a responsibility to reasonably protect and preserve equipment issued to him. Replacement of medical equipment or supplies that are lost, damaged or broken due to participant misuse or abuse are the responsibility of the participant. (3-30-07)

752. DURABLE MEDICAL EQUIPMENT AND SUPPLIES - COVERAGE AND LIMITATIONS.

The Department will purchase or rent, when medically necessary, reasonable, and cost effective, durable medical equipment (DME) and medical supplies for participants residing in community settings including those provided by qualified home health providers under home health agency plans of care that meet the requirements found in Sections 720 through 724 of these rules. (3-30-07)

01. Medical Necessity Criteria. Department standards for medical necessity are those national standards set by Centers for Medicare and Medicaid Services (CMS) in the Medicare DME MAC Jurisdiction D Supplier Manual. Exceptions to Medicare coverage are contained in Section 752 of this chapter of rules. DME/medical supplies will be purchased or rented only if ordered in writing (signed and dated) by a physician as listed in the Medicare DME MAC Jurisdiction D Supplier Manual. Date of delivery is considered the date of service. The following information to support the medical necessity of the item(s) must be included in the physician's order and accompany all requests for prior authorization or be kept on file with the DME provider for items that do not require prior authorization: (3-30-07)

a. The participant's medical diagnosis including current information on the medical condition which requires the use of the supplies and/or medical equipment; and (3-30-07)

b. An estimate of the time period that the medical equipment or supply item will be necessary and frequency of use. As needed (PRN) orders must include the conditions for use and the expected frequency; and (3-30-07)

c. For medical equipment, a full description of the equipment needed. All modifications or attachments to basic equipment must be supported; and (3-30-07)

d. For medical supplies, the type and quantity of supplies necessary must be identified; and (3-30-07)

e. Documentation of the participant's medical necessity for the item, that meets coverage criteria in the CMS/Medicare DME coverage manual. (3-30-07)

f. Additional information may be requested by the Department for specific equipment and/or supplies such as, but not limited to, wheelchairs, apnea monitors, oximeters, hospital beds or equipment for which CMS/Medicare has established no coverage criteria. (3-30-07)

g. Items for convenience, comfort or cosmetic reasons are not covered. (3-30-07)

02. Coverage Conditions - Equipment. Medical equipment is subject to coverage limitations in the CMS/Medicare DME coverage manual. Additional documentation requirements or coverage beyond those in the CMS/Medicare DME coverage manual include: (3-30-07)

a. Wheelchairs. The Department will provide the least costly wheelchair that is appropriate to meet the participant's medical needs. Wheelchair rental or purchase requires prior authorization by the Department. (3-30-07)

i. In addition to the physician's information, each request for purchase of a wheelchair must be

accompanied by a written evaluation by a physical therapist or an occupational therapist. The evaluation must include documentation of the appropriateness and cost effectiveness of the specific wheelchair and all modifications and/or attachments and its ability to meet the participant's long-term medical needs. For each request for a rental of a wheelchair, a physical therapist or an occupational therapist evaluation may be required on a case-by-case basis, to be determined by the Department; (3-30-07)

ii. Additional wheelchairs or seating systems may be considered within the five (5) year limitation with written documentation from the physician and a written evaluation from a physical therapist or an occupational therapist indicating the reason the current wheelchair no longer meets the participant's medical needs and cannot be modified to meet the participant's needs. All documentation required for a wheelchair or seating system purchase is required. (3-30-07)

b. Semi-electric hospital beds must be prior authorized by the Department and will be approved only when the physician documents that the participant meets the criteria set by the CMS/Medicare DME coverage manual and the participant lives in an independent living situation where there is no one available to provide assistance with a manual bed a major portion of the day. (3-30-07)

c. Communication devices will be considered for purchase by the Department under the following conditions. (3-30-07)

i. The need for the device must be based on a comprehensive history and physical. (3-30-07)

ii. The individual must lack the ability to communicate needs with the primary care physician or caregiver. (3-30-07)

iii. If the individual knows sign language or is capable of learning sign language a communication device would not be considered medically necessary. (3-30-07)

iv. The assessment and evaluation for the communication device must include comprehensive information as related to the individual's ability to communicate and review of the most cost effective devices to meet the individuals needs. Documentation must include: (3-30-07)

(1) Demographic and biographic summary; (3-30-07)

(2) Inventory of skills and sensory function; (3-30-07)

(3) Inventory of present and anticipated future communication needs; (3-30-07)

(4) Summary of device options; (3-30-07)

(5) Recommendation for device; and (3-30-07)

(6) Copy of individual treatment plan. (3-30-07)

v. Repairs to the device must be prior authorized and must not include modifications, technological improvements or upgrades. (3-30-07)

vi. Reimbursable supplies include rechargeable batteries, overlays, and symbols. (3-30-07)

vii. The use or provision of the system by any individual other than the participant for which the system was authorized is prohibited (3-30-07)

viii. Training and orientation of the communication device may be billed as speech therapy by Medicaid-approved providers such as a Developmental Disability Agency, or a Hospital that employs a speech therapist. (3-30-07)

d. Maternity abdominal supports will be covered if the participant has: (3-30-07)

- i. Vulvular varicosities; (3-30-07)
 - ii. Perineal edema; (3-30-07)
 - iii. Lymphedema; (3-30-07)
 - iv. External prolapse of the uterus or bladder; (3-30-07)
 - v. Hip separation; (3-30-07)
 - vi. Pubic symphysis separation; or (3-30-07)
 - vii. Severe abdominal or back strain. (3-30-07)
 - e. Apnea monitors when there is documented apneic episodes in the last two (2) months. (3-30-07)
- 03. Medical Supply Program Requirements.** The Department will purchase no more than a one (1) month supply of necessary medical supplies per calendar month for the treatment or amelioration of a medical condition identified by the attending physician. Limitations for supplies follow the CMS/Medicare DME coverage manual. Supplies in excess of those limitations must be prior authorized by the Department. (3-30-07)
- a. Each request for prior authorization must include all information required in Subsection 752.01 of this rule. (3-30-07)
 - b. Supplies other than those listed below will require prior authorization: (3-30-07)
 - i. Catheter supplies including catheters, drainage tubes, collection bags, and other incidental supplies; (3-30-07)
 - ii. Cervical collars; (3-30-07)
 - iii. Colostomy and/or urostomy supplies; (3-30-07)
 - iv. Cotton tip applicators; (3-30-07)
 - v. Disposable supplies necessary to operate Department-approved medical equipment such as suction catheters, syringes, saline solution, etc.; (3-30-07)
 - vi. Dressings and bandages to treat wounds, burns, or provide support to a body part; (3-30-07)
 - vii. Fluids for irrigation; (3-30-07)
 - viii. Incontinence supplies (See Subsection 752.04.b. of this rule for limitations); (3-30-07)
 - ix. Injectable supplies including normal saline and Heparin but excluding all other prescription drug items; (3-30-07)
 - x. Blood glucose or urine glucose checking/monitoring materials (tablets, tapes, strips, etc.), lancets; and (3-30-07)
 - xi. Therapeutic drug level home monitoring kits. (3-30-07)
 - xii. Oral, enteral, or parenteral nutritional products, see Subsection 752.04.a. of this rule additional documentation requirements. (3-30-07)
- 04. Coverage Conditions - Supplies.** Medical supplies are covered when medical necessity criteria

per the CMS/Medicare DME coverage manual or the following medical supply items are subject to the following limitations and additional documentation requirements: (3-30-07)

a. Nutritional products. Nutritional products will be purchased for participants who meet the CMS/Medicare DME coverage manual criteria, when the supplement is given by tube feeding or orally to meet caloric needs of the participant who cannot maintain growth, weight, and strength commensurate with his general condition from traditional foods alone. (3-30-07)

i. A nutritional plan must be developed and be on file with the provider and must include appropriate nutritional history, the participant's current height, weight, age and medical diagnosis. For participants under the age of twenty-one (21), a growth chart including weight/height percentile must be included; (3-30-07)

ii. The plan must include goals for either weight maintenance and/or weight gain and must outline steps to be taken to decrease the participant's dependence on continuing use of nutritional supplements; (3-30-07)

iii. Documentation of evaluation and updating of the nutritional plan and assessment by a physician as needed but at least annually. (3-30-07)

b. Incontinent supplies. Incontinent supplies are covered for persons over four (4) years of age only and do not require prior authorization unless the participant needs supplies in excess of the following limitations: (3-30-07)

i. Diapers are restricted in number to two hundred forty (240) per month. If the physician documents that additional diapers are medically necessary, the Department may authorize additional amounts on an individual basis. (3-30-07)

ii. Disposable underpads are restricted to one hundred fifty (150) per month. (3-30-07)

iii. Pullups are only allowed when the participant is participating in a formal toilet training program written by an Occupational Therapist, Qualified Mental Retardation Professional (QMRP), or Developmental Specialist. Documentation for toilet training program must be updated on a yearly basis. (3-30-07)

753. DURABLE MEDICAL EQUIPMENT AND SUPPLIES - PROCEDURAL REQUIREMENTS.

01. Medical Equipment Program Requirements. All claims for durable medical equipment are subject to the following guidelines: (3-30-07)

a. Unless specified by the Department, durable medical equipment requires prior authorization by the Department. (3-30-07)

i. Prior authorization means a written, faxed, or electronic approval from the Department that permits payment or coverage of a medical item or service that is covered only by such authorization. Medicaid payment will be denied for the medical item or service or portions thereof which were provided prior to the submission of a valid prior authorization request. The provider may not bill the Medicaid participant for services not reimbursed by Medicaid solely because the authorization was not requested or obtained in a timely manner. An exception may be allowed on a case-by-case basis where, despite diligent efforts on the part of the provider to submit a request, or events beyond the provider's control prevented it. An item or service will be deemed prior approved where the individual to whom the service was provided was not eligible for Medicaid at the time the service was provided, but was subsequently found eligible pursuant to IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled," and the medical item or service provided is approved by the Department by the same guidance that applies to other prior authorization requests. (3-30-07)

ii. A valid prior authorization request is a written, faxed, or electronic request from a provider of Medicaid for services that contains all information and documentation as required by these rules to justify the medical necessity, amount of and duration for the item or service. (3-30-07)

b. Unless specified by the Department, all equipment must be rented except when it would be more

cost effective to purchase it. Rentals are subject to the following guidelines: (3-30-07)

i. Rental payments, including intermittent payments, are to be automatically applied to the purchase of the equipment. (3-30-07)

ii. The Department may choose to continue to rent certain equipment without purchasing it. Such items include apnea monitors, ventilators, and other respiratory equipment. (3-30-07)

iii. The total monthly rental cost of a DME item must not exceed one-tenth (1/10) of the total purchase price of the item. (3-30-07)

c. For codes that are manually priced, including miscellaneous codes, a copy of the manufacturer's suggested retail pricing (MSRP) or an invoice or quote from the manufacturer is required. Reimbursement will be seventy-five percent (75%) of MSRP. If pricing documentation is the invoice, reimbursement will be at cost plus ten percent (10%), plus shipping (if that documentation is provided). (3-30-07)

d. No reimbursement will be made for the cost of repairs (materials or labor) covered under the manufacturer's warranty. The date of purchase and the warranty period must be kept on file by the DME vendor. The following warranty periods are required to be provided on equipment purchased by the Department: (3-30-07)

i. A power drive wheelchair must have a minimum one (1) year warranty period; (3-30-07)

ii. An ultra light or high-strength lightweight wheelchair must have a lifetime warranty period on the frame and crossbraces; (3-30-07)

iii. All other wheelchairs must have a minimum one (1) year warranty period; (3-30-07)

iv. All electrical components and new or replacement parts must have a minimum six (6) month warranty period; (3-30-07)

v. All other DME not specified above must have a minimum one (1) year warranty period; (3-30-07)

vi. If the manufacturer denies the warranty due to user misuse/abuse, that information must be forwarded to the Department at the time of the request for repair or replacement; (3-30-07)

vii. The monthly rental payment must include a full service warranty. All routine maintenance, repairs, and replacement of rental equipment are the responsibility of the provider. (3-30-07)

e. Covered equipment must meet the definition of durable medical equipment and be medically necessary as defined in Section 011 of these rules. All equipment must be prior authorized by the Department except for the following: (3-30-07)

i. Bilirubin lights (require prior authorization after fourteen (14) days); (3-30-07)

ii. Commode chairs and toilet seat extenders; (3-30-07)

iii. Crutches and canes; (3-30-07)

iv. Electric or hydraulic patient lift devices designed to transfer a person to and from bed to wheelchair or bathtub, but excluding lift chairs, devices attached to motor vehicles, and wall mounted chairs which lift persons up and down stairs; (3-30-07)

v. Grab bars for the bathroom adjacent to the toilet and/or bathtub; (3-30-07)

vi. Hand-held showers; (3-30-07)

vii. Head gear (protective); (3-30-07)

- viii. Hearing aids (see Section 742 of these rules for coverage and limitations); (3-30-07)
- ix. Home blood glucose monitoring equipment; (3-30-07)
- x. Non-implantable intravenous infusion pumps, and/or NG/gastric tube feeding pumps, IV poles/stands, intrathecal administration kits; (3-30-07)
- xi. Hand-held nebulizers and manual or electric percussor; (3-30-07)
- xii. Medication organizers; (3-30-07)
- xiii. Oxygen equipment; (3-30-07)
- xiv. Compressors and breathing circuits, humidifiers used with IPPB or oxygen; (3-30-07)
- xv. Sliding boards and bath benches/chairs; (3-30-07)
- xvi. Suction pumps; (3-30-07)
- xvii. Sheep skins, foam or gel pads or alternating pressure pad with pump for the prevention or treatment of decubitus ulcers; (3-30-07)
- xviii. Traction equipment; and (3-30-07)
- xix. Walkers. (3-30-07)

02. Notice of Decision. A Notice of Decision approving or denying a requested item will be issued to the participant by the Department. The participant has twenty-eight (28) days from the date of the denial to request an administrative hearing on the decision. Hearings will be conducted in accordance with IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

754. (RESERVED).

755. DURABLE MEDICAL EQUIPMENT AND SUPPLIES - PROVIDER REIMBURSEMENT.

01. Items Included in Per Diem Excluded. No payment will be made for any participant's DME or medical supplies that are included in the per diem payment while such an individual is an inpatient in a hospital nursing facility or ICF/MR. (3-30-07)

02. Least Costly Limitation. When multiple features, models or brands of equipment or supplies are available, coverage will be limited to the least costly version that will reasonably and effectively meet the minimum requirements of the individual's medical needs. (3-30-07)

03. Billing Procedures. The Department will provide billing instructions to providers of DME/medical supplies. When prior authorization by the Department is required, the authorization number must be included on the claim form. (3-30-07)

04. Fees and Upper Limits. The Department will reimburse according to Section 230 of these rules. (3-30-07)

05. Date of Service. Unless specifically authorized by the Department the date of services for durable medical equipment and supplies is the date of delivery of the equipment and/or supply(s). The date of service cannot be prior to the vendor receiving all medical necessity documentation (3-30-07)

756. DURABLE MEDICAL EQUIPMENT AND SUPPLIES - QUALITY ASSURANCE.

The use or provision of DME/medical supply items to an individual other than the participant for which such items

were ordered is prohibited. The provision of DME/medical supply items that is not supported by required medical necessity documentation is prohibited and subject to recoupment. Violators are subject to penalties for program fraud and/or abuse which will be enforced by the Department. The Department has no obligation to repair or replace any piece of durable medical equipment that has been damaged, defaced, lost, or destroyed as a result of neglect, abuse, or misuse of the equipment. Participants suspected of the same will be reported to the Surveillance and Utilization Review (SUR/S) committee. (3-30-07)

757. -- 760. (RESERVED).

761. OXYGEN AND RELATED EQUIPMENT - PARTICIPANT ELIGIBILITY.

Such services are considered reasonable and necessary only for participants with significant hypoxemia and certain related conditions. (3-30-07)

762. (RESERVED).

763. OXYGEN AND RELATED EQUIPMENT - PROCEDURAL REQUIREMENTS.

01. Medical Necessity Documentation. Oxygen and related equipment are provided only upon the written order of a physician that includes the medical necessity documentation listed in the Medicare the CMS/Medicare DME coverage manual, with the following exceptions: (3-30-07)

a. A diagnosis of cluster headaches which has not responded to medications and there is documentation of successful treatment on a trial basis in the emergency room or physician's office. (3-30-07)

b. Lab studies are not required for participants age zero (0) to six (6) months. (3-30-07)

02. Prior Authorization. Prior authorization for oxygen is required by the Department for the following: (3-30-07)

a. Participants age seven (7) months to twenty (20) years of age if there is a physician's order but lab study requirements are not met. (3-30-07)

b. When the diagnosis is cluster headaches. (3-30-07)

764. OXYGEN AND RELATED EQUIPMENT - PROVIDER QUALIFICATIONS AND DUTIES.

Providers must be eligible for Medicare program participation prior to the issuance of a Medicaid provider number. (3-30-07)

765. OXYGEN AND RELATED EQUIPMENT - PROVIDER REIMBURSEMENT.

Medicaid will provide payment for oxygen and oxygen-related equipment based upon the Department's fee schedule in accordance with Section 230 of these rules. (3-30-07)

766. -- 770. (RESERVED).

771. PROSTHETIC AND ORTHOTIC SERVICES - PARTICIPANT ELIGIBILITY.

The Medical Assistance Program will purchase and/or repair medically necessary prosthetic and orthotic devices and related services which artificially replace a missing portion of the body or support a weak or deformed portion of the body within the limitations established by the Department. (3-30-07)

772. PROSTHETIC AND ORTHOTIC SERVICES - COVERAGE AND LIMITATIONS.

01. Program Requirements. The following program requirements will be applicable for all prosthetic and orthotic devices or services purchased by the Department: (3-30-07)

a. A temporary lower limb prosthesis will be purchased when documented by the attending physician that it is in the best interest of the participant's rehabilitation to have a temporary lower limb prosthesis prior to a permanent limb prosthesis. A new permanent limb prosthesis will only be requested after the residual limb size is

considered stable; (3-30-07)

b. A request for a replacement prosthesis or orthotic device must be justified to be the least costly alternative as opposed to repairing or modifying the current prosthesis or orthotic device; (3-30-07)

c. All prosthetic and orthotic devices that require fitting must be provided by an individual who is certified or registered by the American Board for Certification in Orthotics and/or Prosthetics; (3-30-07)

d. All equipment that is purchased must be new at the time of purchase. Modification to existing prosthetic and/or orthotic equipment will be covered by the Department; (3-30-07)

e. Prosthetic limbs purchased by the Department must be guaranteed to fit properly for three (3) months from the date of service; therefore, any modifications, adjustments, or replacements within the three (3) months are the responsibility of the provider that supplied the item at no additional cost to the Department or the participant; (3-30-07)

f. Not more than ninety (90) days may elapse between the time the attending physician orders the equipment and the preauthorization request is presented to the Department for consideration; (3-30-07)

g. A reusable prosthetic or orthotic device purchased by the Department will remain the property of the Department and return of the device to the Department may be required when: (3-30-07)

i. The participant no longer requires the use of the device; or (3-30-07)

ii. The participant expires. (3-30-07)

02. Program Limitations. The following limitations apply to all prosthetic and orthotic services and equipment: (3-30-07)

a. No replacement will be allowed for prosthetic or orthotic devices within sixty (60) months of the date of purchase except in cases where there is clear documentation that there has been major physical change to the residual limb, and ordered by the attending physician; (3-30-07)

b. Refitting, repairs or additional parts must be limited to once per calendar year for all prosthetics and/or orthotics unless it has been documented that a major medical change has occurred to the limb, and ordered by the attending physician; (3-30-07)

c. All refitting, repairs or alterations require preauthorization based on medical justification by the participant's attending physician; (3-30-07)

d. Prosthetic and orthotic devices provided for cosmetic or convenience purposes are not covered by the Department. (3-30-07)

e. Electronically powered or enhanced prosthetic devices are not covered; (3-30-07)

f. The Department will only authorize corrective shoes or modification to an existing shoe owned by the participant when they are attached to an orthosis or prosthesis or when specially constructed to provide for a totally or partially missing foot; (3-30-07)

g. Shoes and accessories such as mismatch shoes, comfort shoes following surgery, shoes to support an overweight individual, or shoes used as bandage following foot surgery, arch supports, foot pads, metatarsal head appliances or foot supports are not covered; and (3-30-07)

h. Corsets are not a benefit nor are canvas braces with plastic or metal bones. However, special braces enabling a participant to ambulate will be covered when the attending physician documents that the only other method of treatment for this condition would be application of a cast. (3-30-07)

773. PROSTHETIC AND ORTHOTIC SERVICES - PROCEDURAL REQUIREMENTS.

Prosthetic and orthotic devices and services will be paid for only if prescribed by a physician. The following information must be included in the physician's order and must be kept on file by the provider: (3-30-07)

01. Full Description of the Services Requested. A full description of the services requested; (3-30-07)

02. Number of Months the Equipment Will Be Needed and the Participant's Prognosis. Number of months the equipment will be needed and the participant's prognosis; (3-30-07)

03. Participant's Medical Diagnosis and Condition. The participant's medical diagnosis and the condition which requires the use of the prosthetic and/or orthotic services, supplies, equipment and/or modifications; and (3-30-07)

04. Modifications to the Prosthetic or Orthotic Device. All modifications to the prosthetic or orthotic device must be supported by the attending physician's description on the prescription. (3-30-07)

774. (RESERVED).

775. PROSTHETIC AND ORTHOTIC SERVICES - PROVIDER REIMBURSEMENT.

The Department will reimburse according to Section 230 of these rules. (3-30-07)

776. -- 779. (RESERVED).

SUB AREA O: VISION SERVICES

(Sections 780 through 789)

780. (RESERVED).

781. VISION SERVICES - PARTICIPANT ELIGIBILITY.

Replacement of broken, lost, or missing glasses is the responsibility of the participant. (3-30-07)

782. VISION SERVICES - COVERAGE AND LIMITATIONS.

The Department will pay for vision services and supplies in accordance with the guidelines and limitations listed below. (3-30-07)

01. Eye Examinations. The Department will pay participating physicians and optometrists for one (1) eye examination during any twelve (12) month period for each eligible Medicaid participant to determine the need for glasses to correct a refractive error. Each eligible Medicaid participant, following a diagnosis of visual defects and a recommendation that eyeglasses are needed for correction of a refractive error, can receive eyeglasses within Department guidelines. (3-30-07)

02. Lenses. Lenses, single vision or bifocal, will be purchased by the Department not more often than once every four (4) years except when there is documentation of a major visual change as defined by the Department. (3-30-07)

a. Polycarbonate lenses will be purchased only when there is clear documented evidence that the thickness of the plastic lenses precludes their use (prescriptions above plus or minus two (2) diopters of correction). Documentation must be kept on file by both the examining and supplying providers. (3-30-07)

b. Scratch resistant coating is required for all plastic and polycarbonate lenses. (3-30-07)

c. Payment for tinted lenses will only be made when there is a diagnosis of albinism or in the case of

other extreme medical conditions as defined by the Department as defined in the Medical Vendor Provider Handbook. Documentation must be kept on file by both the examining and supplying providers. (3-30-07)

d. Contact lenses will be covered only with documentation that an extreme myopic condition requiring a correction equal to or greater than minus four (-4) diopters, cataract surgery, keratoconus, or other extreme conditions as defined by the Department that preclude the use of conventional lenses. Prior authorization is required by the Department. (3-30-07)

03. Replacement Lenses. Replacement lenses will be purchased prior to the four (4) year limitation only with documentation of a major visual change as defined by the Department in the Idaho Medicaid Provider Handbook. (3-30-07)

04. Frames. Frames will be purchased according to the following guidelines: (3-30-07)

a. One (1) set of frames will be purchased by the Department not more often than once every four (4) years for eligible participants; (3-30-07)

b. Except when it is documented by the physician that there has been a major change in visual acuity that cannot be accommodated in lenses that will fit in the existing frames, new frames also may be authorized. (3-30-07)

05. Non-Covered Items. A Medicaid Provider may receive payment from a Medicaid participant for vision services that are either not covered by the State Plan, or include special features or characteristics that are desired by the participant but are not medically necessary. Non covered items include Trifocal lenses, Progressive lenses, photo gray, and tint. (3-30-07)

783 -- 784. (RESERVED).

785. VISION SERVICES - PROVIDER REIMBURSEMENT.

All eyeglass frames and lenses provided to Medicaid participants and paid for by the Medicaid Program will be purchased from the supplier designated by the Department. (3-30-07)

786. -- 799. (RESERVED).

SUB AREA P: Dental Services

(Sections 800 through 819)

800. SELECTIVE CONTRACT FOR DENTAL COVERAGE UNDER THE BASIC PLAN.

01. Dental Coverage Under the Selective Contract. Children and adults under the Medicaid Basic Plan are covered under a selective contract with Blue Cross of Idaho for preventative dental visits, treatments, and restorative services. For more details on covered dental services, go to http://www.bcidaho.com/about_us/idaho_smiles.asp. (9-1-07)T

02. Limitations on Orthodontics. Orthodontics are limited to participants from birth to twenty-one (21) years of age who meet the eligibility requirements, and the Idaho Medicaid Handicapping Malocclusion Index as evaluated by the state Medicaid dental consultant. The Malocclusion Index may be found in Appendix A of these rules. (9-1-07)T

801. -- 819. (RESERVED).

SUB AREA Q: ESSENTIAL PROVIDERS

(Sections 820 through 859)

820. RURAL HEALTH CLINIC (RHC) SERVICES.

A Rural Health Clinic is located in a rural area designated as a physician shortage area, and is neither a rehabilitation agency nor does it primarily provide for the care and treatment of mental diseases. (3-30-07)

821. -- 822. (RESERVED).

823. RURAL HEALTH CLINIC (RHC) SERVICES - COVERAGE AND LIMITATIONS.

RHC services are defined as follows: (3-30-07)

01. Physician Services. Physician services; (3-30-07)

02. Services and Supplies Incident to a Physician Service. Services and supplies incident to a physician service, which cannot be self administered; (3-30-07)

03. Physician Assistant Services. Physician assistant services; (3-30-07)

04. Nurse Practitioner or Clinical Nurse Specialist Services. Nurse practitioner or clinical nurse specialist services; (3-30-07)

05. Clinical Psychologist Services. Clinical psychologist services; (3-30-07)

06. Clinical Social Worker Services. Clinical social worker services; (3-30-07)

07. Other Services and Supplies. Services and supplies incident to a nurse practitioner, physician's assistant, clinical psychologist, or clinical social worker as would otherwise be covered by a physician service; or (3-30-07)

08. Home Health Agency Shortage Area Services. Part-time or intermittent nursing care, and related medical services to a home bound individual, when an RHC located in an area with a shortage of home health agencies. (3-30-07)

824. (RESERVED).

825. RURAL HEALTH CLINIC (RHC) SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

A qualified RHC will be recognized a Medicaid provider. (3-30-07)

826. RURAL HEALTH CLINIC (RHC) SERVICES - REIMBURSEMENT METHODOLOGY.

01. Payment. Payment for Federally Qualified Health Center and Rural Health Clinic services must be made in accordance with Section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, P.L. 106-554, 42USC Section 1396a(bb), Subsections (1) through (4). (3-30-07)

02. RHC Encounter. An encounter, for RHC payment purposes, is a face-to-face contact for the provision of a medical or mental service between a clinic patient and a provider as specified in 823.01 through 823.06 of these rules. (3-30-07)

a. Each contact with a separate discipline of health professional (medical or mental) on the same day at the same location is considered a separate encounter. (3-30-07)

b. Reimbursement for services is limited to two (2) encounters per participant per day. (3-30-07)

c. As an exception to Subsection 826.02.a. of these rules, a second encounter with the same

professional on the same day may be reimbursed; or (3-30-07)

d. As an exception to Subsection 826.02.b. of these rules, an additional encounter may be reimbursed, if the encounter is caused by an illness or injury that occurs later in time than the first encounter and requires additional diagnosis or treatment. (3-30-07)

e. A core service ordered by a health professional who did not perform the service but was performed by support staff is considered a single encounter. (3-30-07)

f. Multiple contacts with clinic staff of the same discipline (medical, mental) on the same day related to the same illness or injury are considered a single encounter. (3-30-07)

827. -- 829. (RESERVED).

830. FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES - DEFINITIONS.

Federally qualified health centers are defined in federal law at 42 U.S.C Section 1396d(1)(2), which incorporates the definition at 42 U.S.C Section 1395x(aa)(1), and includes community health centers, migrant health centers or providers of care for the homeless, outpatient health programs or clinics operated by a tribe or tribal organization under the Indian Self-Determination Act (P.L. 93-638), and clinics that qualify, but are not actually receiving grant funds according to Sections 329, 330, or 340 of the Public Health Service Act (42 U.S.C. Sections 201, et seq.) that may provide ambulatory services to medical assistance participants. (3-30-07)

831. (RESERVED).

832. FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES - COVERAGE AND LIMITATIONS.

FQHC services are defined as follows: (3-30-07)

- 01. Physician Services.** Physician services; or (3-30-07)
- 02. Incidental Services and Supplies to Physician Services.** Services and supplies incidental to physician services including drugs and pharmaceuticals which cannot be self-administered; or (3-30-07)
- 03. Physician Assistant Services.** Physician assistant services; or (3-30-07)
- 04. Nurse Practitioner or Clinical Nurse Specialist Services.** Nurse practitioner or clinical nurse specialist services; or (3-30-07)
- 05. Clinical Psychologist Services.** Clinical psychologist services; or (3-30-07)
- 06. Clinical Social Worker Services.** Clinical social worker services; or (3-30-07)
- 07. Licensed Dentist and Dental Hygienist Services.** Licensed dentist and dental hygienist services; or (3-30-07)
- 08. Incidental Services and Supplies to Non-Physicians.** Services and supplies incident to a nurse practitioner, physician's assistant, clinical psychologist, clinical social worker, or dentist or dental hygienist services that would otherwise be covered if furnished by or incident to physician services; or (3-30-07)
- 09. FQHC Services.** In the case of an FQHC that is located in an area that has a shortage of home health agencies, FQHC services are part-time or intermittent nursing care and related medical services to a home-bound individual; and (3-30-07)
- 10. Other Payable Medical Assistance Ambulatory Services.** Other payable medical assistance ambulatory services offered by the Idaho Medicaid program that the FQHC undertakes to provide, including pneumococcal or immunization vaccine and its administration. (3-30-07)

833. (RESERVED).

834. FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

A qualified FQHC will be recognized as a Medicaid provider. (3-30-07)

835. FEDERALLY QUALIFIED HEALTH CENTER (FQHC) SERVICES - REIMBURSEMENT METHODOLOGY.

01. Payment. Payment for Federally Qualified Health Center and Rural Health Clinic services must be made in accordance with Section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, P.L. 106-554, 42 USC Section 1396a(bb), Subsections (1) through (4). (3-30-07)

02. FQHC Encounter. An encounter, for FQHC payment purposes, is a face-to-face contact for the provision of medical, mental, or dental service between a center patient and a provider as specified in Subsections 832.01 through 832.07 of these rules. (3-30-07)

a. Each contact with a separate discipline of health professional (medical, mental, or dental), on the same day at the same location, is considered a separate encounter. All contacts with all practitioners within a disciplinary category (medical, mental, dental) on the same day is one (1) encounter. (3-30-07)

b. Reimbursement for services is limited to three (3) encounters per participant per day. (3-30-07)

c. As an exception to Subsection 835.02.a. of these rules, a second encounter with the same professional on the same day may be reimbursed; or (3-30-07)

d. As an exception to Subsection 835.02.b. of these rules, an additional encounter may be reimbursed, if the encounter is caused by an illness or injury that occurs later in time than the first encounter and requires additional diagnosis or treatment. (3-30-07)

836. -- 841. (RESERVED).

842. INDIAN HEALTH SERVICE (IHS) CLINIC SERVICES - COVERAGE AND LIMITATIONS.

Payment will be available to Indian Health Service (IHS) clinics for any service provided within the conditions of the scope of care and services described in Subsection 835.02 of these rules. (3-30-07)

843. -- 844. (RESERVED).

845. INDIAN HEALTH SERVICE (IHS) CLINIC SERVICES - PROVIDER REIMBURSEMENT.

01. Payment Procedure. Payment for services other than prescribed drugs will be made on a per visit basis at a rate not exceeding the outpatient visit rate established by the Federal Office of Management and Budget as published annually in the Federal Register. (3-30-07)

02. Payment for Prescribed Drugs. Payment for prescribed drugs will be available as described in Subsection 662.01 of these rules. (3-30-07)

03. Dispensing Fee for Prescriptions. The allowed dispensing fee used to compute maximum payment for each prescription will be the midpoint dispensing fee of the range of fees in effect at the date of service unless a higher fee is justified by a pharmacy cost of operations report on file with the Department. (3-30-07)

04. Third Party Liability Not Applicable. The provisions of Section 215 of these rules are not applicable to Indian health service clinics. (3-30-07)

846. -- 849. (RESERVED).

850. SCHOOL-BASED SERVICES - DEFINITIONS.

01. Activities of Daily Living (ADL). The performance of basic self-care activities in meeting an individual's needs for sustaining him in a daily living environment, including, but not limited to, bathing, washing, dressing, toileting, grooming, eating, communication, continence, mobility, and associated tasks. (3-30-07)

02. Educational Services. Services that are provided in buildings, rooms, or areas designated or used as a school or as educational facilities, which are provided during the specific hours and time periods in which the educational instruction takes place in the normal school day and period of time for these students, and which are included in the individual educational plan for the participant or required by federal and state educational statutes or regulations. (3-30-07)

03. School-Based Services. School-based services are health-related and rehabilitative services provided by Idaho public school districts, charter schools, and the Idaho Infant Toddler program under the Individuals with Disabilities Education Act (IDEA). (3-30-07)

851. SCHOOL-BASED SERVICES - PARTICIPANT ELIGIBILITY.

To be eligible for medical assistance reimbursement for covered services, school districts, charter schools, and the Idaho Infant Toddler Program must ensure the student is: (3-30-07)

01. Medicaid Eligible. Eligible for Medicaid and the service for which the school district, charter school, or Idaho Infant Toddler Program is seeking reimbursement; (3-30-07)

02. School Enrollment. Enrolled in an Idaho school district, charter school, or the Idaho Infant Toddler Program; (3-30-07)

03. Age. Twenty-one (21) years of age or younger and the semester in which his twenty-first birthday falls is not finished; (3-30-07)

04. Educational Disability. (3-30-07)

a. Identified as having an educational disability under the Department of Education standards in IDAPA 08.02.03, "Rules Governing Thoroughness"; or (3-30-07)

b. A child from birth to three (3) years of age, who has been identified as needing early intervention services due to a developmental delay or disability or who meets the eligibility criteria of the Idaho Infant Toddler Program; (3-30-07)

05. Inpatients in Hospitals or Nursing Homes. Payment for school-related or Infant Toddler-based services will not be provided to students who are inpatients in nursing homes or hospitals. Health-related services for students residing in an ICF/MR are eligible for reimbursement. (3-30-07)

06. Service-Specific Eligibility. Psychosocial Rehabilitation (PSR), Developmental Therapy, and Intensive Behavioral Intervention (IBI) have additional eligibility requirements. (3-30-07)

a. Psychosocial Rehabilitation (PSR). To be eligible for PSR, the student must meet the PSR eligibility criteria for children in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 112, or the Department of Education's criteria for emotional disturbance found in the Idaho Special Education Manual available online at: <http://www.sde.state.id.us/SpecialEd/manual/sped.asp>. Districts are to coordinate the delivery of services if the student is receiving PSR services authorized by the Department. (3-30-07)

b. Developmental Therapy. To be eligible for developmental therapy, the student must meet the criteria for developmental disabilities as identified in Section 66-402(5), Idaho Code, and have documentation to support eligibility using the standards under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 501. (3-30-07)

c. Intensive Behavioral Intervention (IBI). To be eligible for IBI services the student must: (3-30-07)

i. Meet the criteria for developmental disabilities as identified in Section 66-402(5), Idaho Code, and have documentation to support eligibility using the standards under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 501; and (3-30-07)

ii. Display self-injurious, aggressive or severely maladaptive behavior evidenced by a score of minus twenty-two (-22) or below on the Scales of Independent Behavior-Revised (SIB-R), and demonstrate functional abilities that are fifty percent (50%) or less of his chronological age in at least one (1) of the following: verbal or nonverbal communication, social interaction, or leisure and play skills. (3-30-07)

iii. Be a child birth through the last day of the month of his twenty-first birthday who has self-injurious, aggressive, or severely maladaptive behavior and severe deficits in the areas of verbal and nonverbal communication, social interaction, or leisure and play skills. (3-30-07)

852. SCHOOL-BASED SERVICES - COVERAGE AND LIMITATIONS.

The Department will pay school districts, charter schools, and the Idaho Infant Toddler Program, for covered rehabilitative and health-related services. Services include medical or remedial services provided by school districts or other cooperative service agencies, as defined in Section 33-317, Idaho Code. (3-30-07)

01. Excluded Services. The following services are excluded from Medicaid payments to school-based programs: (3-30-07)

a. Vocational Services. (3-30-07)

b. Educational Services. Educational services (other than health related services) or education-based costs normally incurred to operate a school and provide an education. Evaluations completed for educational services only cannot be billed. (3-30-07)

c. Recreational Services. (3-30-07)

02. Evaluation And Diagnostic Services. Evaluations to determine eligibility or the need for health-related services may be reimbursed even if the student is not found eligible for health-related services. Evaluations completed for educational services only cannot be billed. Evaluations completed must: (3-30-07)

a. Recommended or Referred by a Physician or Other Practitioner of the Healing Arts. Be recommended or referred by a physician or other practitioner of the healing arts licensed and approved by the state of Idaho to make such recommendations or referrals; (3-30-07)

b. Conducted by Qualified Professionals. Be conducted by qualified professionals for the respective discipline as defined in Section 854 of these rules; (3-30-07)

c. Directed Toward Diagnosis. Be directed toward a diagnosis; and (3-30-07)

d. Recommend Interventions. Include recommended interventions to address each need. (3-30-07)

03. Reimbursable Services. School districts, charter schools, and the Idaho Infant Toddler program can bill for the following health-related services provided to eligible students when the services are provided under the recommendation of a physician or other practitioner of the healing arts licensed and approved by the state of Idaho to make such recommendations or referrals for the Medicaid services for which the school district, charter school, or Idaho Infant Toddler Program is seeking reimbursement. (3-30-07)

a. Collateral Contact. Consultation or treatment direction about the student to a significant other in the student's life may be face-to-face or by telephone contact. Collateral contact for general staff training, regularly scheduled parent-teacher conferences, general parent education, or for treatment team meetings, even when the parent is present, is not reimbursed. (3-30-07)

b. Developmental Therapy and Evaluation. Developmental therapy may be billed, including evaluation and instruction in daily living skills the student has not gained at the normal developmental stages in his

life, or is not likely to develop without training or therapy beyond age-appropriate learning situations. Developmental therapy does not include tutorial activities or assistance with educational tasks associated with educational needs that result from the student's disability. (3-30-07)

c. Medical Equipment and Supplies. Medical equipment and supplies that are covered by Medicaid must be ordered by a physician and prior authorized, based on medical necessity, in order to be billed. Authorized items must be used at school or for the Idaho Infant Toddler Program at the location where the service is provided. Equipment that is too large or unsanitary to transport from home to school may be covered if prior authorized. The equipment and supplies must be used for the student's exclusive use and transfer with the student if the student changes schools. Equipment no longer usable by the student, may be donated to the school or Idaho Infant Toddler Program by the student. (3-30-07)

d. Nursing Services. Skilled nursing services must be provided by a licensed nurse, within the scope of his practice. Emergency, first aid, or non-routine medications not identified on the plan as a health-related service are not reimbursed. (3-30-07)

e. Occupational Therapy and Evaluation. Occupational therapy and evaluation services for vocational assessment, training or vocational rehabilitation are not reimbursed. (3-30-07)

f. Personal Care Services. School based personal care services include medically oriented tasks having to do with the student's physical or functional requirements such as basic personal care and grooming; assistance with bladder or bowel requirements; assistance with eating (including feeding), or other tasks delegated by a licensed professional nurse (RN). (3-30-07)

g. Physical Therapy and Evaluation. (3-30-07)

h. Psychological Evaluation. (3-30-07)

i. Psychotherapy. (3-30-07)

j. Psychosocial Rehabilitation (PSR) and Evaluation. Psychosocial rehabilitation (PSR) and evaluation services to assist the student in gaining and utilizing skills necessary to participate in school such as training in behavior control, social skills, communication skills, appropriate interpersonal behavior, symptom management, activities of daily living, study skills, and coping skills are reimbursed. This service is to prevent placement of the student into a more restrictive educational situation. See IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 123 for a description of individual and group PSR services. (3-30-07)

k. Intensive Behavioral Intervention (IBI). Intensive behavioral interventions are individualized, comprehensive, proven interventions used on a short term, one-to-one basis that produce measurable outcomes which diminish behaviors that interfere with the development and use of language and appropriate social interaction skills or broaden an otherwise severely restricted range of interest. Professionals may provide consultation to parents and to other staff who provide therapy for the child in other disciplines to assure successful integration and transition from IBI to other therapies and environments. (3-30-07)

l. Speech/Audiological Therapy and Evaluation. (3-30-07)

m. Social History and Evaluation. (3-30-07)

n. Transportation Services. School districts, charter schools, and the Idaho Infant Toddler programs can receive reimbursement for mileage for transporting a student to and from home, school, or location of services when: (3-30-07)

i. The student requires special transportation assistance such as a wheelchair lift, an attendant, or both, when medically necessary for the health and safety of the student and ordered by a physician; (3-30-07)

ii. The transportation occurs in a vehicle specifically adapted to meet the needs of a student with a disability; (3-30-07)

- iii. The student requires and receives another Medicaid reimbursable service billed by the school-based services provider, other than transportation, on the day that transportation is being provided; (3-30-07)
- iv. Both the Medicaid-covered service and the need for the special transportation are included on the student's plan; and (3-30-07)
- v. The mileage, as well as the services performed by the attendant, are documented. See Section 854 of these rules for documentation requirements. (3-30-07)
- o. Interpretive Services. Interpretive services needed by a student who does not adequately speak or understand English and requires an interpreter to communicate with the professional or paraprofessional providing the student with a health-related service may be billed with the following limitations: (3-30-07)
 - i. Payment for interpretive services is limited to the specific time that the student is receiving the health-related service; (3-30-07)
 - ii. Both the Medicaid-covered service and the need for interpretive services must be included on the student's plan; and (3-30-07)
 - iii. Interpretive services are not covered if the professional or paraprofessional providing services is able to communicate in the student's primary language. (3-30-07)

853. SCHOOL-BASED SERVICES - PROCEDURAL REQUIREMENTS.

01. Individualized Education Program (IEP) and Other Service Plans. Covered by a current Individualized Education Program (IEP), Individualized Family Service Plan (IFSP), or Services Plan (SP), developed within the previous three hundred sixty-five (365) days which indicates the need for one (1) or more medically-necessary health-related services and lists all the Medicaid reimbursable services for which the school district or agency is requesting reimbursement; and (3-30-07)

02. Referred by a Physician or Other Practitioner of the Healing Arts. Recommended or referred by a physician or other practitioner of the healing arts such as a nurse practitioner, clinical nurse specialist, or physician's assistant, who is licensed and approved by the state of Idaho to make such recommendations or referrals, for all Medicaid services for which the school district, charter school, or the Idaho Infant Toddler Program is receiving reimbursement. (3-30-07)

854. SCHOOL-BASED SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

In addition to the evaluations and maintenance of the plans, the following documentation must be maintained by the provider and retained for a period of six (6) years: (3-30-07)

- 01. Service Detail Reports.** A service detail report which includes: (3-30-07)
 - a. Name of student; (3-30-07)
 - b. Name and title of the person providing the service; (3-30-07)
 - c. Date, time, and duration of service; (3-30-07)
 - d. Place of service, if provided in a location other than school; and (3-30-07)
 - e. Student's response to the service. (3-30-07)
- 02. One Hundred Twenty Day Review.** A documented review of progress toward each service plan goal completed at least every one hundred twenty (120) days from the date of the annual plan. (3-30-07)
- 03. Documentation of Qualifications of Providers.** (3-30-07)

04. Copies of Required Referrals and Recommendations. Copies of required referrals and recommendations. (3-30-07)

05. Parental Notification. School districts, charter schools, and the Idaho Infant Toddler programs must document that parents were notified of the health-related services and equipment for which they will bill Medicaid. Notification must comply with the requirements in Subsection 854.06 of this rule. (3-30-07)

06. Requirements for Cooperation with and Notification of Parents and Agencies. Each school district, charter school, or Idaho Infant Toddler Program billing for Medicaid services must act in cooperation with students' parents and with community and state agencies and professionals who provide like Medicaid services to the student. (3-30-07)

a. Notification of Parents. For all students who are receiving Medicaid reimbursed services, school districts, charter schools, and the Idaho Infant Toddler program must ensure that parents are notified of the Medicaid services and equipment for which they will bill Medicaid. Notification must describe the service(s), service provider(s), and state the type, location, frequency, and duration of the service(s). The school district must provide the student's parent or guardian with a current copy of the child's plan and any pertinent addenda; and (3-30-07)

b. Notification to Primary Care Physician. School districts, charter schools, and the Idaho Infant Toddler program must request the name of the student's primary care physician from the parent or guardian so the school program can share health-related information with the physician with written consent from the parent or guardian. The following information must be sent to the student's primary care physician: (3-30-07)

- i. Results of evaluations within sixty (60) days of completion; (3-30-07)
- ii. A copy of the cover sheet and services page within thirty (30) days of the plan meeting; and (3-30-07)
- iii. A copy of progress notes, if requested by the physician, within sixty (60) days of completion. (3-30-07)

c. Other Community and State Agencies. Upon receiving a request for a copy of the evaluations or the current plan, the school district, charter school, or Idaho Infant Toddler Program must furnish the requesting agency or professional with a copy of the plan or appropriate evaluation after obtaining consent for release of information from the student's parent or guardian. (3-30-07)

d. Parental Consent to Release Information. School districts, charter schools, and the Idaho Infant Toddler program: (3-30-07)

- i. Must obtain consent from the parent to release information regarding education-related services, in accordance with Federal Education Rights and Privacy Act (FERPA) regulations; (3-30-07)
- ii. Must document the parent's denial of consent if the parent refuses to consent to the release of information regarding education-related services, including release of the name of the student's primary care physician. (3-30-07)

07. Provider Staff Qualifications. Medicaid will only reimburse for services provided by qualified staff. See Subsection 854.08 of this rule for the limitations and requirements for paraprofessional service providers. The following are the minimum qualifications for professional providers of covered services: (3-30-07)

a. Collateral Contact. Contact and direction must be provided by the professional who provides the treatment to the student. (3-30-07)

b. Developmental Therapy and Evaluation. Must be provided by or under the direction of a developmental specialist, as set forth in IDAPA 16.04.11, "Developmental Disabilities Agencies." Certified special education teachers are not required to take the Department-approved course indicated in IDAPA 16.04.11 and be

certified as a Developmental Specialist, Child. Only those school personnel who are working under a Letter of Authorization or as a Specialty Consultant must meet the certification requirements in IDAPA 16.04.11. (3-30-07)

- c.** Medical Equipment and Supplies. See Subsection 852.03 of these rules. (3-30-07)
- d.** Nursing Services. Must be provided by a licensed professional nurse (RN) or licensed practical nurse (LPN) licensed to practice in Idaho. (3-30-07)
- e.** Occupational Therapy and Evaluation. Must be provided by or under the supervision of an individual qualified and registered to practice in Idaho. (3-30-07)
- f.** Personal Care Services. Must be provided by or under the direction of, a licensed professional nurse (RN) or licensed practical nurse (LPN), licensed by the State of Idaho. When services are provided by a CNA, the CNA must be supervised by an RN. Medically-oriented services having to do with the student's physical or functional requirements, such as basic personal care and grooming, assistance with bladder or bowel requirements, and assistance with eating (including feeding), must be identified on the plan of care and may be delegated to an aide in accordance with IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." (3-30-07)
- g.** Physical Therapy and Evaluation. Must be provided by an individual qualified and licensed as a physical therapist to practice in Idaho. (3-30-07)
- h.** Psychological Evaluation. Must be provided by a:

 - i. Licensed psychiatrist; (3-30-07)
 - ii. Licensed physician; (3-30-07)
 - iii. Licensed psychologist; (3-30-07)
 - iv. Psychologist extender registered with the Bureau of Occupational Licenses; or (3-30-07)
 - v. Certified school psychologist. (3-30-07)
- i.** Psychotherapy. Provision of psychotherapy services must have, at a minimum, one (1) or more of the following credentials: (3-30-07)

 - i. Psychiatrist, M.D.; (3-30-07)
 - ii. Physician, M.D.; (3-30-07)
 - iii. Licensed psychologist; (3-30-07)
 - iv. Licensed clinical social worker; (3-30-07)
 - v. Licensed clinical professional counselor; (3-30-07)
 - vi. Licensed marriage and family therapist; (3-30-07)
 - vii. Certified psychiatric nurse (R.N.), as described in Subsection 707.03 of these rules; (3-30-07)
 - viii. Licensed professional counselor whose provision of psychotherapy is supervised by persons qualified under Subsections 854.07.i.i. through 854.07.i.vii. of this rule; (3-30-07)
 - ix. Licensed masters social worker whose provision of psychotherapy is supervised as described in IDAPA 24.14.01, "Rules of the State Board of Social Work Examiners"; or (3-30-07)
 - x. Psychologist extender registered with the Bureau of Occupational Licenses. (3-30-07)

- j.** Psychosocial Rehabilitation. Must be provided by a: (3-30-07)
 - i.** Licensed physician or psychiatrist; (3-30-07)
 - ii.** Licensed master's level psychiatric nurse; (3-30-07)
 - iii.** Licensed psychologist; (3-30-07)
 - iv.** Licensed clinical professional counselor or professional counselor; (3-30-07)
 - v.** Licensed marriage and family therapist; (3-30-07)
 - vi.** Licensed masters social worker, licensed clinical social worker, or licensed social worker; (3-30-07)
 - vii.** Psychologist extender registered with the Bureau of Occupational Licenses; (3-30-07)
 - viii.** Clinician; (3-30-07)
 - ix.** Licensed pastoral counselor; (3-30-07)
 - x.** Licensed professional nurse (RN); (3-30-07)
 - xi.** Psychosocial rehabilitation specialist as defined in Section 456 in these rules; (3-30-07)
 - xii.** Licensed occupational therapist; (3-30-07)
 - xiii.** Certified school psychologist; or (3-30-07)
 - xiv.** Certified school social worker. (3-30-07)
 - k.** Intensive Behavioral Intervention. Must be provided by or under the direction of a qualified professional who meets the requirements set forth in IDAPA 16.04.11 "Developmental Disabilities Agencies." (3-30-07)
 - l.** Speech/Audiological Therapy and Evaluation. Must be provided by or under the direction of a speech pathologist or audiologist who possesses a certificate of clinical competence from the American Speech, Language and Hearing Association (ASHA); or who will be eligible for certification within one (1) year of employment. Personnel records must reflect the expected date of certification. (3-30-07)
 - m.** Social History and Evaluation. Must be provided by a licensed professional nurse (RN), psychologist, M.D, school psychologist, certified school social worker, or by a person who is licensed and qualified to provide social work in the state of Idaho. (3-30-07)
 - n.** Transportation. Must be provided by an individual who has a current Idaho driver's license and is covered under vehicle liability insurance that covers passengers for business use. (3-30-07)
- 08. Paraprofessionals.** Paraprofessionals, such as aides or therapy technicians, may be used by the school/Infant Toddler program to provide developmental therapy; occupational therapy; physical therapy; and speech therapy if they are under the supervision of the appropriate professional. The services provided by paraprofessionals must be within the scope of practice of an aide or therapy technician as defined by the scope of practice of the therapy professional. The portions of the treatment plan which can be delegated to the paraprofessional must be identified in the IEP or IFSP. (3-30-07)
 - a.** Competency of Paraprofessional. The professional must have assessed the competence of the paraprofessional or aide to perform assigned tasks. (3-30-07)

b. Monthly Orientation. The paraprofessional, on a monthly basis, must be given orientation and training on the program and procedures to be followed. (3-30-07)

c. Reevaluation. The professional must reevaluate the student and adjust the treatment plan as their individual practice dictates. (3-30-07)

d. Changes in Condition. Any changes in the student's condition not consistent with planned progress or treatment goals necessitates a documented reevaluation by the professional before further treatment is carried out. (3-30-07)

e. Review of Independent Paraprofessional. If the paraprofessional works independently there must be a review conducted by the appropriate professional at least once per month. This review will include the dated initials of the professional conducting the review. (3-30-07)

f. Utilizing Paraprofessional to Assist in Provision of Physical Therapy. In addition to the above, if a paraprofessional is utilized to assist in the provision of actual physical therapy they may do so only when the following conditions are met: (3-30-07)

i. Student reevaluation must be performed and documented by the supervising PT every five (5) visits or once a week if treatment is performed more than once per day. (3-30-07)

ii. The number of PTAs utilized in any practice or site, must not exceed twice in number the full time equivalent licensed PTs. (3-30-07)

855. SCHOOL-BASED SERVICES - PROVIDER REIMBURSEMENT.

Payment for health-related services provided by school districts, charter schools, and the Idaho Infant Toddler program must be in accordance with rates established by the Department. (3-30-07)

01. Payment in Full. Providers of services must accept as payment in full the school district, charter school, or Idaho Infant Toddler Program payment for such services and must not bill Medicaid or Medicaid participants for any portion of any charges. (3-30-07)

02. Third Party. For requirements regarding third party billing, see Section 215 of these rules. (3-30-07)

03. Contracted Providers. When an employee of a school district, charter school, or Idaho Infant Toddler program does not deliver the services identified on the plan, the school district, charter school, or Idaho Infant Toddler Program must contract with a service provider to deliver the services and bill Medicaid for the contracted services. The contracted service provider must not bill Medicaid or the Medicaid participant. (3-30-07)

04. Recoupment of Federal Share. Failure to provide services for which reimbursement has been received or to comply with these rules will be cause for recoupment of the Federal share of payments for services, sanctions, or both. (3-30-07)

05. Matching Funds. Federal funds cannot be used as the State's portion of match for Medicaid service reimbursement. School districts and charter schools must, for their own internal record keeping, calculate and document the non-federal funds (maintenance of effort assurance) that have been designated as their certified match. This documentation needs to include the source of all funds that have been submitted to the State and the original source of those dollars. The appropriate matching funds will be handled in the following manner: (3-30-07)

a. Schools will estimate the amount needed to meet match requirements based on their anticipated monthly billings. (3-30-07)

b. School districts and charter schools will send the Department the matching funds, either by check or automated clearing house (ACH) electronic funds transfers. (3-30-07)

- c.** The Department will hold matching funds in an interest bearing trust account. The average daily balance during a month must exceed one hundred dollars (\$100) in order to receive interest for that month. (3-30-07)
- d.** The payments to the districts will include both the federal and non-federal share (matching funds). (3-30-07)
- e.** Matching fund payments must be received and posted in advance of the weekly Medicaid payment cycle. (3-30-07)
- f.** If sufficient matching funds are not received in advance, all Medicaid payments to the school district will be suspended and the school district will be notified of the shortage. Once sufficient matching funds are received, suspended payments will be processed and reimbursement will be made during the next payment cycle. (3-30-07)
- g.** The Department will provide the school districts a monthly statement which will show the matching amounts received, interest earned, total claims paid, the matching funds used for the paid claims, and the balance of their funds in the trust account. (3-30-07)
- h.** The school districts will estimate the amount of their next billing and the amount of matching funds needed to pay the Department. (3-30-07)
- i.** The estimated match requirement may be adjusted up or down based on the remaining balance held in the trust account. (3-30-07)

856. SCHOOL-BASED SERVICES - QUALITY ASSURANCE.

The provider will grant the Department immediate access to all information required to review compliance with these rules. (3-30-07)

857. -- 859. (RESERVED).

SUB AREA R: MEDICAL TRANSPORTATION SERVICES

(Sections 860 through 879)

860. (RESERVED).

861. EMERGENCY TRANSPORTATION SERVICES - PARTICIPANT ELIGIBILITY.

Ambulance services are medically necessary when an emergency condition exists. For purposes of reimbursement, an emergency condition exists when a participant manifests acute symptoms and/or signs which, by reasonable medical judgement of the Department, represent a condition of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in death, serious impairment of a bodily function or major organ, and/or serious jeopardy to the overall health of the participant. If such condition exists, and treatment is required at the participant's location, or transport of the participant for treatment in another location by ambulance is the only appropriate mode of travel, the Department will review such claims and consider authorization for emergency ambulance services. (3-30-07)

862. EMERGENCY TRANSPORTATION SERVICES - COVERAGE AND LIMITATIONS.

01. Prior Authorization. Medically necessary ambulance services are reimbursable in emergency situations or when prior authorization has been obtained from the Department. (3-30-07)

02. Local Transport Only. Only local transportation by ambulance is covered. In exceptional situations where the ambulance transportation originates beyond the locality to which the participant was transported, payment may be made for such services only if the evidence clearly establishes that such institution is the nearest one

with appropriate facilities and the service is authorized by the Department. (3-30-07)

03. Air Ambulance Service. In some areas, transportation by airplane or helicopter may qualify as ambulance services. Air ambulance services are covered only when: (3-30-07)

a. The point of pickup is inaccessible by land vehicle; or (3-30-07)

b. Great distances or other obstacles are involved in getting the participant to the nearest appropriate facility and speedy admission is essential; and (3-30-07)

c. Air ambulance service will be covered where the participant's condition and other circumstances necessitate the use of this type of transportation; however, where land ambulance service will suffice, payment will be based on the amount payable for land ambulance, or the lowest cost. (3-30-07)

04. Co-Payments. When the Department determines that the participant did not require emergency transportation, the provider can bill the participant for the co-payment amount as described in IDAPA 16.03.18, "Medicaid Cost-Sharing." (2-1-07)T

863. EMERGENCY TRANSPORTATION SERVICES - PROCEDURAL REQUIREMENTS.

01. Services Subject to Review. Ambulance services are subject to review by the Department prior to the service being rendered, and on a retrospective basis. (3-30-07)

02. Non-Emergency Transport Prior Authorization Required. If an emergency does not exist, prior written authorization to transport by ambulance must be secured from the Department. (3-30-07)

03. Air Ambulance. Air ambulance services must be approved in advance by the Department, except in emergency situations. Emergency air ambulance services will be authorized by the Department on a retrospective basis. (3-30-07)

864. EMERGENCY TRANSPORTATION SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Medically Necessary. For purposes of reimbursement, in non-emergency situations, the provider must provide justification to the Department that travel by ambulance is medically necessary due to the medical condition of the participant, and that any other mode of travel would, by reasonable medical judgement of the Department, result in death, serious impairment of a bodily function or major organ, and/or serious jeopardy to the overall health of the participant. (3-30-07)

02. Licensure Required. All Emergency Medical Services (EMS) Providers that provide services to Medicaid participants in Idaho must hold a current license issued by the Emergency Medical Services Bureau of the Department, and must be governed by IDAPA 16.02.03, "Rules Governing Emergency Medical Services." Ambulances based outside the state of Idaho must hold a current license issued by their states' EMS licensing authority when the transport is initiated outside the state of Idaho. Payment will not be made to ambulances that do not hold a current license. (3-30-07)

03. Usual Charges. Ambulance services providers cannot charge Medicaid participants more than is charged to the general public for the same service. (3-30-07)

04. Air Ambulance. The operator of the air service must bill the air ambulance service rather than the hospital or other facility receiving the participant. (3-30-07)

865. EMERGENCY TRANSPORTATION SERVICES - PROVIDER REIMBURSEMENT.

01. Scope of Coverage and General Requirements for Ambulance Services. Ambulance service review is governed by provisions of the Transportation Policies and Procedures Manual as amended. If such review identifies that an ambulance service is not covered, then no Medicaid payment will be made for the ambulance

service. Reimbursement for ambulance services originally denied by the Department will be made if such decision is reversed by the appeals process required in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." Payment for ambulance services is subject to the following limitations: (3-30-07)

02. Ambulance Reimbursement. (3-30-07)

a. The base rate for ambulance services includes customary patient care equipment and items such as stretchers, clean linens, reusable devices and equipment. The base rate also includes nonreusable items, and disposable supplies such as oxygen, triangular bandages and dressings that may be required for the care of the participant during transport. In addition to the base rate, the Department will reimburse mileage. (3-30-07)

b. Charges for extra attendants are not covered except for justified situations and must be authorized by the Department. (3-30-07)

c. If a physician is in attendance during transport, he is responsible for the billing of his services. (3-30-07)

d. Reimbursement for waiting time will not be considered unless documentation submitted to the Department identifies the length of the waiting time and establishes its medical necessity or indicates that it was physician ordered. Limited waiting time will be allowed for round trips. (3-30-07)

e. Ambulance units are licensed by the EMS Bureau of the Department, or other states' EMS licensing authority according to the level of training and expertise its personnel maintain. At least this level of personnel is required to be in the patient compartment of the vehicle for every ambulance trip. The Department will reimburse a base rate according to the following: (3-30-07)

i. The level of personnel required to be in the patient compartment of the ambulance; (3-30-07)

ii. The level of ambulance license the unit has been issued; and (3-30-07)

iii. The level of life support authorized by the Department. (3-30-07)

f. Units with Emergency Medical Technician - Basic (EMT-B) or equivalent personnel in the patient compartment of the vehicle will be reimbursed up to the Basic Life Support (BLS) rate. Units with Advanced Emergency Medical Technician-Ambulance (AEMT-A) or equivalent personnel in the patient compartment of the vehicle will be reimbursed up to the Advanced Life Support, Level I (ALSI) rate. Units with Emergency Medical Technician - Paramedic (EMT-P) or equivalent personnel in the patient compartment of the vehicle will be reimbursed up to the Advanced Life Support, Level II (ALSII) rate. When a participant's condition requires hospital-to-hospital transport with ongoing care that must be furnished by one (1) or more health care professionals in an appropriate specialty area, including emergency or critical care nursing, emergency medicine, or a paramedic with additional training, Specialty Care Transport (SCT) may be authorized by the Department. (3-30-07)

g. If multiple licensed EMS providers are involved in the transport of a participant, only the ambulance provider which actually transports the participant will be reimbursed for the services. In situations where personnel and equipment from a licensed ALSII provider boards an ALSI or BLS ambulance, the transporting ambulance may bill for ALSII services as authorized by the Department. In situations where personnel and equipment from a licensed ALSI provider boards an ALSII or BLS ambulance, the transporting ambulance may bill for ALSI services as authorized by the Department. In situations where medical personnel and equipment from a medical facility are present during the transport of the participant, the transporting ambulance may bill at the ALSI or ALSII level of service. The transporting provider must arrange to pay the other provider for their services. The only exception to the preceding policy is in situations where medical personnel employed by a licensed air ambulance provider boards an ALSI, ALSII, or BLS ground ambulance at some point, and the air ambulance medical personnel also accompany and treat the participant during the air ambulance trip. In this situation, the air ambulance provider may bill the appropriate base rate for the air ambulance trip, and may also bill the charges associated with their medical personnel and equipment as authorized by the Department. The ground ambulance provider may also bill for their part of the trip as authorized by the Department. (3-30-07)

h. If multiple licensed EMS providers transport a participant for different legs of a trip, each provider must bill his base rate and mileage, as authorized by the Department. (3-30-07)

i. If a licensed transporting EMS provider responds to an emergency situation and treats the participant, but does not transport the participant, the Department may reimburse for the treat and release service. The Department will reimburse the appropriate base rate. This service requires authorization from the Department, usually on a retrospective basis. (3-30-07)

j. If an ambulance vehicle and crew have returned to a base station after having transported a participant to a facility and the participant's physician orders the participant to be transferred from this facility to another facility because of medical need, two (2) base rate charges, in addition to the mileage, will be considered for reimbursement. If an ambulance vehicle and crew do not return to a base station and the patient is transferred from one (1) facility to another facility, charges for only one (1) base rate, waiting time, and mileage will be considered. (3-30-07)

k. Round trip charges will be allowed only in circumstances when a facility in-patient is transported to another facility to obtain specialized services not available in the facility in which the participant is an in-patient. The transport must be to and from a facility that is the nearest one with the specialized services. (3-30-07)

l. If a licensed transporting EMS provider responds to a participant's location and upon examination and evaluation of the participant, finds that his condition is such that no treatment or transport is necessary, the Department will pay for the response and evaluation service. This service requires authorization by the Department, usually on a retrospective basis. No payment will be made if the EMS provider responds and no evaluation is done, or the participant has left the scene. No payment will be made to an EMS provider who is licensed as a non-transporting provider. (3-30-07)

m. All ambulance providers will be reimbursed at the lower of either the provider's actual charge for the service or the maximum allowable charge for the service as established by the Department in its pricing file. (3-30-07)

03. Payment Subject to Third Party Liability Requirements. Before payment is made by the Department, a Medicaid participant must utilize any available insurance benefits to pay for ambulance services. (3-30-07)

866. -- 869. (RESERVED).

870. NON-EMERGENCY TRANSPORTATION SERVICES - DEFINITIONS.

01. Commercial Transportation Provider. A commercial transportation provider is an entity in the business of transportation that is organized to provide, that publicly holds itself out to provide, and that actually provides personal transportation services to the general public. By "holding itself out" to the general public, the provider vigorously and diligently solicits riders from the general populace, as opposed to primarily serving riders from one (1) or more congregate living facilities. By "actually providing" services to the general public, the provider's riders include substantial numbers of persons whose travel is funded by a source other than Medicaid. (3-30-07)

02. Non-Commercial Transportation Provider. Any transportation provider that does not meet the definition of a commercial transportation provider is a non-commercial transportation provider (3-30-07)

03. Agency Transporters. Agency transporters are entities that provide transportation as well as at least one other service to one or more Medicaid participants. Individual transporters are non-commercial providers who transport a family member, acquaintance or other person in a personal vehicle. (3-30-07)

871. (RESERVED).

872. NON-EMERGENCY TRANSPORTATION SERVICES - COVERAGE AND LIMITATIONS.

01. General Coverage for Non-Emergency Transportation. Non-emergency transportation is all transportation that is not of an emergency nature, including non-medical transportation under waiver programs. An emergency is a condition described in Section 861 of these rules. Medicaid will reimburse non-emergency transportation by commercial or non-commercial transportation providers under the following circumstances and limitations: (3-30-07)

a. The travel is essential to get to or from a medically necessary service or a waiver service covered by Medicaid; (3-30-07)

b. The person for whom services are billed is actually transported for all the distance billed; (3-30-07)

c. The mode of transportation is the lowest in cost to the Medicaid program that is appropriate to the medical needs of the participant; (3-30-07)

d. The transportation is to the nearest medical or waiver service provider appropriate to perform the needed services, and transportation is by the most direct route practicable. Reimbursement will be limited to the distance of the most direct route practicable; and (3-30-07)

e. Other modes of transportation, including personal vehicle, assistance by family, friends and charitable organizations, are unavailable or impractical under the circumstances; and (3-30-07)

f. The travel is authorized by the Department prior to the transportation. (3-30-07)

02. Exceptions. Despite the preceding rules, Medicaid will cover transportation services under the following circumstances: (3-30-07)

a. Transportation services may be retroactively approved when a participant is found retroactively eligible, the transportation service falls within the period of retroactive eligibility, and the transporter was a Medicaid transportation provider at the time of the transport for which reimbursement is sought. (3-30-07)

b. For Subsection 872.02 of this rule, a trip is the distance a transporter carries a participant in the course of a day. Therefore, the total mileage of a round-trip transport that takes place within one (1) day will be considered in determining whether this exception applies. Even though prior approval is not required, the transporter shall maintain all records as described in Subsection 874.02 of these rules. This exception is not available to commercial providers. (3-30-07)

i. Agency Transporters. If the trip distance is less than twenty-one (21) miles per day, prior approval for non-commercial non waiver transport is not necessary. (3-30-07)

ii. Individual Transportation Providers. If the trip distance is less than two hundred (200) miles one-way or four hundred (400) miles roundtrip per day, prior approval for non-commercial non waiver transport is not necessary. (3-30-07)

c. Non-Emergency transportation for Medicaid participants who are also eligible for Medicare ("dual eligibles") when they require transportation to pick up their medications covered under Medicare, Part D. (3-30-07)

03. Services Incidental to Travel. Medicaid will reimburse for the reasonable cost actually incurred of meals, lodging, a personal assistant and other necessary services incidental to travel, only as described in Section 873 and Subsection 875.02 of these rules. (3-30-07)

04. Non-Commercial Transportation Provider. Non-commercial transportation services may be performed by an agency or by an individual provider. If the Medicaid participants being transported are also participants of the transportation provider for services such as residential care, mental health, developmental therapy or other services, the provider will be considered a non-commercial provider with respect to those participants, even if the provider otherwise qualifies as a commercial transporter. A provider will be considered non-commercial with respect to any Medicaid participants transported if those participants are being transported to or from another service in which the provider has any ownership or control or if the arrangement to provide transportation is not an arm's

length transaction. (3-30-07)

05. Hardship Exception for Non-Commercial Transportation Providers. The Department may grant an exception on the basis of hardship. The provider must submit information to show at minimum that its reasonable costs of vehicle operation exceed the applicable reimbursement rate. In evaluating requests for exception, the Department will consider factors such as alternative forms of services and transportation available in the area, the cost of alternatives, the appropriateness of the vehicles utilized and the benefit to participants. Special consideration may be given to any provider servicing the area through a grant from the Federal Transit Administration. The Department may limit the exception including the amount of additional reimbursement, the type of services to which transportation is being provided, and the time duration of the exception. (3-30-07)

06. Out-of-State Transport. If payment is requested for transportation costs to receive the out-of-state medical care, the Department will determine if appropriate, comparable medical care is available closer to the participant's residence. If such care is available, the Department will limit authorization to payment for transportation costs associated with a trip to the closer location. If it is determined necessary and appropriate for the medical care to be rendered at the out-of-state location, then the Department will authorize payment for transportation costs associated with a trip to the out-of-state location. Reimbursement for transportation costs to receive out-of-state medical care requires prior authorization. (3-30-07)

873. NON-EMERGENCY TRANSPORTATION SERVICES - PROCEDURAL REQUIREMENTS.

Authorization for the travel reimbursement must be requested from the Department at least twenty-four (24) hours in advance of the travel excluding Saturdays, Sundays, and state holidays, unless one of the exceptions described in Subsection 872.02.a. or Subsection 872.02.b. of these rules applies. (3-30-07)

874. NON-EMERGENCY TRANSPORTATION SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Commercial Transportation Providers. Each commercial transportation provider must, at minimum, meet the following standards: (3-30-07)

a. Maintain all certifications and licenses for drivers and vehicles required by all public transportation laws, regulations, ordinances that apply to the transportation provider. (3-30-07)

b. Adhere to all laws, rules and regulations applicable to transportation providers of that type, including those requiring liability insurance. Liability insurance will be carried in an amount to cover at least five hundred thousand dollars (\$500,000) personal injury and five hundred thousand dollars (\$500,000) property damage per occurrence. (3-30-07)

c. Enter into a Medicaid provider agreement and enrollment application. (3-30-07)

d. Each commercial provider must maintain the following records for a minimum of five (5) years. (3-30-07)

i. Prior authorization documents. (3-30-07)

ii. Name of participant and Medicaid ID number. (3-30-07)

iii. Date, time, and geographical point of pick-up for each participant trip. (3-30-07)

iv. Date, time, and geographical point of drop-off for each participant trip. (3-30-07)

v. Identification of the vehicle(s) and driver(s) transporting each participant on each trip, and total miles for the trip. (3-30-07)

e. Verify that all staff having contact with participants have complied with IDAPA 16.05.06, "Criminal History and Background Checks." (3-30-07)

02. Non-Commercial Transportation Providers. Each non-commercial transportation provider must, at minimum, meet the following standards: (3-30-07)

a. Continuously maintain liability insurance that covers passengers. For agency providers, coverage must be at least one-hundred thousand (\$100,000) per individual and three-hundred thousand (\$300,000) each incident. Individual providers must carry at least the minimum liability insurance required by Idaho law. If an agency permits employees to transport participants in employees' personal vehicles, the agency must ensure that adequate insurance coverage is carried to cover those circumstances. (3-30-07)

b. Obtain and maintain all licenses and certifications required by government to conduct business and to operate the types of vehicles used to transport participants. Agencies must maintain documentation of appropriate licensure for all employees who operate vehicles. (3-30-07)

c. Adhere to all laws, rules, and regulations applicable to drivers and vehicles of the type used. (3-30-07)

d. Enter into a Medicaid enrollment application and provider agreement. (3-30-07)

e. Records. Each non-commercial transportation provider must, at the time of transport, collect the following information, and must maintain it for a minimum of five (5) years: (3-30-07)

- i.** Participant name and Medicaid ID number for each trip. (3-30-07)
- ii.** Date, time, geographical point of pick-up and odometer reading at pick-up for each participant trip. (3-30-07)
- iii.** Date, time, geographical point of drop-off and odometer reading at drop-off for each participant trip. (3-30-07)
- iv.** Mileage each participant was transported for each trip billed. (3-30-07)
- v.** Identification of the vehicle and driver transporting each participant on each trip. (3-30-07)
- vi.** Notice of prior authorization, when required. (3-30-07)

875. NON-EMERGENCY TRANSPORTATION SERVICES - PROVIDER REIMBURSEMENT.

01. Submission of Transportation Claims. All transportation claims must be on a CMS 1500 Claim form and must include a trip-related authorization number where prior authorization is required. Payment must not be made in advance of the service being rendered. (3-30-07)

02. Claims for Travel-Related Services. All claims for travel-related services must be supported by receipts, or other verification of the date, place, the amount of and the nature of services that were performed. Medicaid will not pay for claimed services that are not verifiable by contemporaneous documentation. (3-30-07)

a. Travel covered by the service to which the participant is being transported is not reimbursable as a separate service; and (3-30-07)

b. Transportation is paid on a reimbursement basis only; payment will not be issued prior to delivery of the service. (3-30-07)

c. The reasonable cost of meals actually incurred in transit will be approved when necessary, when there is no other practical means of obtaining food, and only when an overnight stay is required to receive the service. Reimbursement must not exceed seven dollars (\$7) per meal or a maximum of twenty-one dollars (\$21) per day per person. (3-30-07)

d. The reasonable cost actually incurred for lodging will be approved when the round trip and the

needed medical service, in practicality, can not be completed in the same day. The travel must entail a one (1) way distance of at least two hundred (200) miles, or a normal one (1) way travel time of at least four (4) hours. The incidental travel expenses of a family member or other companion will be covered when medical necessity or the vulnerability of the individual requires accompaniment for safety, and no less-costly alternative is available. Lodging reimbursement will not be paid when the stay is in the home of a relative or acquaintance. (3-30-07)

03. Commercial Transportation. A statewide uniform payment rate must be established through a study conducted no less frequently than each third year, that evaluates the actual charges of, and costs reasonably incurred by the typical commercial transportation provider, together with the reasonable administrative costs incurred by the typical provider in keeping records for Medicaid-related transportation and billing the Department. (3-30-07)

04. Non-Commercial Providers -- Agency and Individual. (3-30-07)

a. Agency Provider Reimbursement. A statewide uniform payment rate must be established through a study conducted no less frequently than each third year, that evaluates the actual costs reasonably incurred by the typical agency transportation provider, together with the reasonable administrative costs incurred by the typical agency transportation provider in keeping records for Medicaid-related transportation and billing the Department. (3-30-07)

b. Individual Provider Reimbursement. A uniform payment rate must be established through a study conducted no less frequently than each third year, that evaluates the actual costs of fuel reasonably incurred by the typical non-commercial transportation provider whose personal vehicle averages fifteen (15) miles per gallon. (3-30-07)

876. -- 879. (RESERVED).

SUB AREA S: EPSDT SERVICES

(Sections 880 through 889)

880. (RESERVED).

881. EARLY PERIODIC SCREENING, DIAGNOSIS AND TREATMENT SERVICES (EPSDT) SERVICES - PARTICIPANT ELIGIBILITY.

EPSDT services are available to child participants from birth through the month of their twenty-first birthday. (3-30-07)

882. EARLY PERIODIC SCREENING, DIAGNOSIS AND TREATMENT SERVICES (EPSDT) SERVICES - COVERAGE AND LIMITATIONS.

01. Additional Services. Any service required as a result of an EPSDT screen and which is currently covered under the scope of the Idaho Medicaid program will not be subject to the existing amount, scope, and duration, but will be subject to the authorization requirements of those rules. (3-30-07)

02. Services Must Be Medically Necessary. The need for additional services must be documented by the attending physician as medically necessary. (3-30-07)

03. Prior Authorization. Any service requested, that is covered under Title XIX or Title XXI of the Social Security Act, that is not identified in these rules specifically as a Medicaid-covered service will require prior authorization prior to payment for that service. (3-30-07)

04. Services Not Covered. The Department will not cover services for cosmetic, convenience, or comfort reasons. (3-30-07)

05. Hearing Aids Under EPSDT. (3-30-07)

a. When binaural aids are requested they will be authorized if documented to the Department's satisfaction, that the child's ability to learn would be severely restricted. (3-30-07)

b. When replacement hearing aids are requested, they may be authorized if the requirements in Subsections 741.01.a. through 741.01.d. are met. (3-30-07)

c. The Department will purchase additional ear molds after the initial six (6) months to one (1) year period if medically necessary. Requests in excess of every six (6) months will require prior authorization and documentation of medical need from either the attending physician or audiologist. (3-30-07)

06. Eyeglasses Under EPSDT. (3-30-07)

a. In the case of a major visual change, the Department can authorize purchase of a second pair of eyeglasses and can authorize a second eye examination to determine that visual change. (3-30-07)

b. The Department may pay for replacement of lost glasses or replacement of broken frames or lenses. New frames will not be purchased if the broken frame can be repaired for less than the cost of new frames if the provider indicates one (1) of these reasons on his claim. If repair costs are greater than the cost of new frames, new frames may be authorized. (3-30-07)

883. EARLY PERIODIC SCREENING, DIAGNOSIS AND TREATMENT SERVICES (EPSDT) SERVICES - PROCEDURAL REQUIREMENTS.

Additional services available to a participant under EPSDT must be prior authorized by the Department. (3-30-07)

884. -- 889. (RESERVED).

SUB AREA T: SPECIFIC PREGNANCY-RELATED SERVICES

(Sections 890 through 899)

890. PREGNANCY-RELATED SERVICES - DEFINITIONS.

01. Individual and Family Social Services. Services directed at helping a participant to overcome social or behavioral problems which may adversely affect the outcome of the pregnancy. (3-30-07)

02. Maternity Nursing Visit. Office visits by a registered nurse, acting within the limits of the Nurses Practices Act, for the purpose of checking the progress of the pregnancy. (3-30-07)

03. Nursing Services. Home visits by a registered nurse to assess the participant's living situation and provide appropriate education and referral during the covered period. (3-30-07)

04. Nutritional Services. Nutritional services are described in Sections 630 through 635 of these rules. (3-30-07)

05. Risk Reduction Follow-Up. Services to assist the participant in obtaining medical, educational, social and other services necessary to assure a positive pregnancy outcome. (3-30-07)

891. (RESERVED).

892. PREGNANCY-RELATED SERVICES - COVERAGE AND LIMITATIONS.

When ordered by the participant's attending physician, nurse practitioner or nurse midwife, payment of the following services is available after confirmation of pregnancy and extending through the end of the month in which the sixtieth

day following delivery occurs. (3-30-07)

01. Individual and Family Social Services. Limited to two (2) visits during the covered period. (3-30-07)

02. Maternity Nursing Visit. These services are only available to women unable to obtain a physician, NP, PA, or NM to provide prenatal care. This service is to end immediately when a primary physician is found. A maximum of nine (9) visits can be authorized. (3-30-07)

03. Nursing Services. Limited to two (2) visits during the covered period. (3-30-07)

04. Nutrition Services. Nutritional services are described in Sections 630 through 632 of these rules. (3-30-07)

05. Qualified Provider Risk Assessment and Plan of Care. When prior authorized by the Department, payment is made for qualified provider services in completion of a standard risk assessment and plan of care for women unable to obtain a primary care physician, nurse practitioner, or nurse midwife for the provision of antepartum care. (3-30-07)

893. PREGNANCY-RELATED SERVICES - PROCEDURAL REQUIREMENTS.

Pregnancy-related services described in Sections 890 through 892 of these rules must be prior authorized by the Department. (3-30-07)

894. PREGNANCY-RELATED SERVICES - PROVIDER QUALIFICATIONS AND DUTIES.

01. Risk Reduction Follow-Up. Services must be provided by licensed social workers, registered nurses, nurse midwife, physician, NP, or PA either in independent practice or as employees of entities which have current provider agreements with the Department. (3-30-07)

02. Individual and Family Social Services. Services must be provided by a licensed social worker qualified to provide individual counseling in accordance with the provisions of IDAPA 24.14.01, "Rules of the State Board of Social Work Examiners." (3-30-07)

03. Qualified Providers of Presumptive Eligibility for Pregnant Women. The Department will enter into provider agreements allowing presumptive eligibility determination with providers meeting the qualifications of Section 1920(b)(2)(d) of the Social Security Act, and who employ individuals who have completed a course of training supplied by the Department.. (3-30-07)

895. PREGNANCY-RELATED SERVICES - PROVIDER REIMBURSEMENT.

01. Rates. Rate of payment for pregnancy-related services is established under the provisions of Section 230 of these rules. (3-30-07)

02. Risk Reduction Followup Services. A single payment will be made for each month of service provided. (3-30-07)

896. -- 899. (RESERVED).

INVESTIGATIONS, AUDITS, AND ENFORCEMENT

(Sections 900 through 999)

SUB AREA: ESTATE RECOVERY

(Section 900)

900. LIENS AND ESTATE RECOVERY.

In accordance with Sections 56-218 and 56-218A, Idaho Code, this Section of rule sets forth the provisions for recovery of medical assistance, the filing of liens against the property of deceased persons, and the filing of liens against the property of permanently institutionalized participants. (3-30-07)

01. Medical Assistance Incorrectly Paid. The Department may, pursuant to a judgment of a court, file a lien against the property of a living or deceased person of any age to recover the costs of medical assistance incorrectly paid. (3-30-07)

02. Administrative Appeals. Permanent institutionalization determination and undue hardship waiver hearings are governed by the fair hearing provisions of IDAPA 16, Title 05, Chapter 03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

03. Definitions. The following terms are applicable to Section 900 of this chapter of rules: (3-30-07)

a. Authorized representative. The person appointed by the court as the personal representative in a probate proceeding or, if none, the person identified by the participant to receive notice and make decisions on estate matters. (3-30-07)

b. Discharge from a medical institution. A medical decision made by a competent medical professional that the Medicaid participant no longer needs nursing home care because the participant's condition has improved, or the discharge is not medically contraindicated. (3-30-07)

c. Equity interest in a home. Any equity interest in real property recognized under Idaho law. (3-30-07)

d. Estate. All real and personal property and other assets including those in which the participant had any legal or beneficial title or interest at the time of death, to the extent of such interest, including such assets conveyed to a survivor, heir, or assignee of the deceased participant through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement. (3-30-07)

e. Home. The dwelling in which the participant has an ownership interest, and which the participant occupied as his primary dwelling prior to, or subsequent to, his admission to a medical institution. (3-30-07)

f. Institutionalized participant. An inpatient in a nursing facility (NF), intermediate care facility for the mentally retarded (ICF/MR), or other medical institution, who is a Medicaid participant subject to post-eligibility treatment of income in IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)." (3-30-07)

g. Lawfully residing. Residing in a manner not contrary to or forbidden by law, and with the participant's knowledge and consent. (3-30-07)

h. Permanently institutionalized. An institutionalized participant of any age who the Department has determined cannot reasonably be expected to be discharged from the institution and return home. Discharge refers to a medical decision made by a competent medical professional that the participant is physically able to leave the institution and return to live at home. (3-30-07)

i. Personal property. Any property not real property, including cash, jewelry, household goods, tools, life insurance policies, boats and wheeled vehicles. (3-30-07)

j. Real property. Any land, including buildings or immovable objects attached permanently to the land. (3-30-07)

k. Residing in the home on a continuous basis. Occupying the home as the primary dwelling and continuing to occupy such dwelling as the primary residence. (3-30-07)

l. Termination of a lien. The release or dissolution of a lien from property. (3-30-07)

m. Undue hardship. Conditions that justify waiver of all or a part of the Department's claim against an estate, described in Subsections 900.25 through 900.29 of this rule. (3-30-07)

n. Undue hardship waiver. A decision made by the Department to relinquish, limit, or defer its claim to any or all estate assets of a deceased participant based on good cause. (3-30-07)

04. Notification to Department. All notification regarding liens and estate claims must be directed to the Department of Health and Welfare, Estate Recovery Unit, 3276 Elder, Suite B, P.O. Box 83720, Boise, Idaho, 83720-0036. (3-30-07)

05. Lien Imposed During Lifetime of Participant. During the lifetime of the permanently institutionalized participant, and subject to the restrictions set forth in Subsection 900.08 of this rule, the Department may impose a lien against the real property of the participant for medical assistance correctly paid on his behalf. The lien must be filed within ninety (90) days of the Department's final determination, after notice and opportunity for a hearing, that the participant is permanently institutionalized. The lien is effective from the beginning of the most recent continuous period of the participant's institutionalization, but not before July 1, 1995. Any lien imposed will dissolve upon the participant's discharge from the medical institution and return home. (3-30-07)

06. Determination of Permanent Institutionalization. The Department must determine that the participant is permanently institutionalized prior to the lien being imposed. An expectation or plan that the participant will return home with the support of Home and Community Based Services does not, in and of itself, justify a decision that he is reasonably expected to be discharged to return home. The following factors must be considered when making the determination of permanent institutionalization: (3-30-07)

a. The participant must meet the criteria for nursing facility or ICF/MR level of care and services as set forth in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 220 through 299, and 580 through 649; (3-30-07)

b. The medical records must be reviewed to determine if the participant's condition is expected to improve to the extent that he will not require nursing facility or ICF/MR level of care; and (3-30-07)

c. Where the prognosis indicated in the medical records is uncertain or inconclusive, the Department may request additional medical information, or may delay the determination until the next utilization control review or annual Inspection of Care review, as appropriate. (3-30-07)

07. Notice of Determination of Permanent Institutionalization and Hearing Rights. The Department must notify the participant or his authorized representative, in writing, of its intention to make a determination that the participant is permanently institutionalized, and that he has the right to a fair hearing in accordance with Subsection 900.02 of this rule. This notice must include the following information: (3-30-07)

a. The notice must inform the participant that the Department's decision that he cannot reasonably be expected to be discharged from the medical institution to return home is based upon a review of the medical records and plan of care, but that this does not preclude him from returning home with services necessary to support nursing facility or ICF/MR level of care; and (3-30-07)

b. The notice must inform the participant that he or his authorized representative may request a fair hearing prior to the Department's final determination that he is permanently institutionalized. The notice must include information that a pre-hearing conference may be scheduled prior to a fair hearing. The notice must include the time limits and instructions for requesting a fair hearing. (3-30-07)

c. The notice must inform the participant that if he or his authorized representative does not request a

fair hearing within the time limits specified, his real property, including his home, may be subject to a lien, contingent upon the restrictions in Subsection 900.08 of this rule.. (3-30-07)

08. Restrictions on Imposing Lien During Lifetime of Participant. A lien may be imposed on the participant's real property; however, no lien may be imposed on the participant's home if any of the following is lawfully residing in such home: (3-30-07)

a. The spouse of the participant; (3-30-07)

b. The participant's child who is under age twenty-one (21), or who is blind or disabled as defined in 42 U.S.C. 1382c as amended; or (3-30-07)

c. A sibling of the participant who has an equity interest in the participant's home and who was residing in such home for a period of at least one (1) year immediately before the date of the participant's admission to the medical institution, and who has been residing in the home on a continuous basis. (3-30-07)

09. Restrictions on Recovery on Lien Imposed During Lifetime of Participant. Recovery will be made on the lien from the participant's estate, or at any time upon the sale of the property subject to the lien, but only after the death of the participant's surviving spouse, if any, and only at a time when: (3-30-07)

a. The participant has no surviving child who is under age twenty-one (21); (3-30-07)

b. The participant has no surviving child of any age who is blind or disabled as defined in 42 U.S.C. 1382c as amended; and (3-30-07)

c. In the case of a lien on a participant's home, when none of the following is lawfully residing in such home who has lawfully resided in the home on a continuous basis since the date of the participant's admission to the medical institution: (3-30-07)

i. A sibling of the participant, who was residing in the participant's home for a period of at least one (1) year immediately before the date of the participant's admission to the medical institution; or (3-30-07)

ii. A son or daughter of the participant, who was residing in the participant's home for a period of at least two (2) years immediately before the date of the participant's admission to the medical institution, and who establishes by a preponderance of the evidence that he provided necessary care to the participant, and the care he provided allowed the participant to remain at home rather than in a medical institution. (3-30-07)

10. Recovery Upon Sale of Property Subject to Lien Imposed During Lifetime of Participant. Should the property upon which a lien is imposed be sold prior to the participant's death, the Department will seek recovery of all medical assistance paid on behalf of the participant, subject to the restrictions in Subsection 900.09 of these rules. Recovery of the medical assistance paid on behalf of the participant from the proceeds from the sale of the property does not preclude the Department from recovering additional medical assistance paid from the participant's estate as described in Subsection 900.14 of this rule. (3-30-07)

11. Filing of Lien During Lifetime of Participant. When appropriate, the Department will file, in the office of the Recorder of the county in which the real property of the participant is located, a verified statement, in writing, setting forth the following: (3-30-07)

a. The name and last known address of the participant; and (3-30-07)

b. The name and address of the official or agent of the Department filing the lien; and (3-30-07)

c. A brief description of the medical assistance received by the participant; and (3-30-07)

d. The amount paid by the Department, as of a given date, and, if applicable, a statement that the amount of the lien will increase as long as medical assistance benefits are paid on behalf of the participant. (3-30-07)

12. Renewal of Lien Imposed During Lifetime of Participant. The lien, or any extension thereof, must be renewed every five (5) years by filing a new verified statement as required in Subsection 900.11 of this rule, or as required by Idaho law. (3-30-07)

13. Termination of Lien Imposed During Lifetime of Participant. The lien will be released as provided by Idaho Code, upon satisfaction of the Department's claim. The lien will dissolve in the event of the participant's discharge from the medical institution and return home. Such dissolution of the lien does not discharge the underlying debt and the estate remains subject to recovery under estate recovery provisions in Subsections 900.14 through 900.30 of this rule. (3-30-07)

14. Estate Recovery. In accordance Sections 56-218 and 56-218A, Idaho Code, the Department is required to recover the following: (3-30-07)

a. The costs of all medical assistance correctly paid on or after July 1, 1995, on behalf of a participant who was permanently institutionalized; (3-30-07)

b. The costs of medical assistance correctly paid on behalf of a participant who received medical assistance at age fifty-five (55) or older on or after July 1, 1994; and (3-30-07)

c. The costs of medical assistance correctly paid on behalf of a participant who received medical assistance at age sixty-five (65) or older on or after July 1, 1988. (3-30-07)

15. Recovery From Estate of Spouse. Recovery from the estate of the spouse of a Medicaid participant may be made as permitted in Sections 56-218 and 56-218A, Idaho Code. (3-30-07)

16. Lien Imposed Against Estate of Deceased Participant. Liens may be imposed against the estates of deceased Medicaid participants and their spouses as permitted by Section 56-218, Idaho Code. (3-30-07)

17. Notice of Estate Claim. The Department will notify the authorized representative of the amount of the estate claim after the death of the participant, or after the death of the surviving spouse. The notice must include instructions for applying for an undue hardship waiver. (3-30-07)

18. Assets in Estate Subject to Claims. The authorized representative will be notified of the Department's claim against the assets of a deceased participant. Assets in the estate from which the claim can be satisfied must include all real or personal property that the deceased participant owned or in which he had an ownership interest, including the following: (3-30-07)

a. Payments to the participant under an installment contract will be included among the assets of the deceased participant. This includes an installment contract on any real or personal property to which the deceased participant had a property right. The value of a promissory note, loan or property agreement is its outstanding principal balance at the date of death of the participant. When a promissory note, loan, or property agreement is secured by a Deed of Trust, the Department may request evidence of a reasonable and just underlying debt. (3-30-07)

b. The deceased participant's ownership interest in an estate, probated or not probated, is an asset of his estate when: (3-30-07)

i. Documents show the deceased participant is an eligible devisee or donee of property of another deceased person; or (3-30-07)

ii. The deceased participant received income from property of another person; or (3-30-07)

iii. State intestacy laws award the deceased participant a share in the distribution of the property of another estate. (3-30-07)

c. Any trust instrument which is designed to hold or to distribute funds or property, real or personal, in which the deceased participant had a beneficial interest is an asset of the estate. (3-30-07)

- d. Life insurance is considered an asset when it has reverted to the estate. (3-30-07)
- e. Burial insurance is considered an asset when a funeral home is the primary beneficiary or when there are unspent funds in the burial contract. Any funds remaining after payment to the funeral home will be considered assets of the estate. (3-30-07)
- f. Checking and savings accounts which hold and accumulate funds designated for the deceased participant, are assets of the estate, including joint accounts which accumulate funds for the benefit of the participant. (3-30-07)
- g. In a conservatorship situation, if a court order under state law specifically requires funds be made available for the care and maintenance of a participant prior to his death, absent evidence to the contrary, such funds are an asset of the deceased participant's estate, even if a court has to approve release of the funds. (3-30-07)
- h. Shares of stocks, bonds and mutual funds to the benefit of the deceased participant are assets of the estate. The current market value of all stocks, bonds and mutual funds must be proved as of the month preceding settlement of the estate claim. (3-30-07)
- 19. Value of Estate Assets.** The Department will use fair market value as the value of the estate assets. (3-30-07)
- 20. Limitations on Estate Claims.** Limits on the Department's claim against the assets of a deceased participant or spouse are subject to Sections 56-218 and 56-218A, Idaho Code. A claim against the estate of a spouse of a participant is limited to the value of the assets of the estate that had been, at any time after October 1, 1993, community property, or the deceased participant's share of the separate property, and jointly owned property. Recovery will not be made until the deceased participant no longer is survived by a spouse, a child who is under age twenty-one (21), or a blind or disabled child, as defined in 42 U.S.C. 1382c as amended and, when applicable, as provided in Subsection 900.09 of this rule. No recovery will be made if the participant received medical assistance as the result of a crime committed against the participant. (3-30-07)
- 21. Expenses Deducted From Estate.** The following expenses may be deducted from the available assets to determine the amount available to satisfy the Department's claim: (3-30-07)
- a. Burial expenses, which include only those reasonably necessary for embalming, transportation of the body, cremation, flowers, clothing, and services of the funeral director and staff may be deducted. (3-30-07)
- b. Other legally enforceable and necessary debts with priority may be deducted. The Department's claim is classified and paid as a debt with preference as defined in Section 15-03-805, Idaho Code. Debts of the deceased participant that may be deducted from the estate prior to satisfaction of the Department's claim must be legally enforceable debts given preference over the Department's claim under Section 15-03-805, Idaho Code. (3-30-07)
- 22. Interest on Claim.** The Department's claim does not bear interest except as otherwise provided by statute or agreement. (3-30-07)
- 23. Excluded Land.** Restricted allotted land, owned by a deceased participant who was an enrolled member of a federally recognized American Indian tribe, or eligible for tribal membership, which cannot be sold or transferred without permission from the Indian tribe or an agency of the Federal Government, will not be subject to estate recovery. (3-30-07)
- 24. Marriage Settlement Agreement or Other Such Agreement.** A marriage settlement agreement or other such agreement which separates assets for a married couple does not eliminate the debt against the estate of the deceased participant or the spouse. Transfers under a marriage settlement agreement or other such agreement may be voided if not for adequate consideration. (3-30-07)
- 25. Release of Estate Claims.** The Department will release a claim when the Department's claim has been fully satisfied and may release its claim under the following conditions: (3-30-07)

- a. When an undue hardship waiver as defined in Subsection 900.26 of this rule has been granted; or (3-30-07)
- b. When a written agreement with the authorized representative to pay the Department's claim in thirty-six (36) monthly payments or less has been achieved. (3-30-07)

26. Purpose of the Undue Hardship Exception. The undue hardship exception is intended to avoid the impoverishment of the deceased participant's family due to the Department exercising its estate recovery right. The fact that family members anticipate or expect an inheritance, or will be inconvenienced economically by the lack of an inheritance, is not cause for the Department to declare an undue hardship. (3-30-07)

27. Application for Undue Hardship Waiver. An applicant for an undue hardship waiver must have a beneficial interest in the estate and must apply for the waiver within ninety (90) days of the death of the participant or within thirty (30) days of receiving notice of the Department's claim, whichever is later. The filing of a claim by the Department in a probate proceeding constitutes notice to all heirs. (3-30-07)

28. Basis for Undue Hardship Waiver. Undue hardship waivers will be considered in the following circumstances: (3-30-07)

- a. The estate subject to recovery is income-producing property that provides the primary source of support for other family members; or (3-30-07)
- b. Payment of the Department's claim would cause heirs of the deceased participant to be eligible for public assistance; or (3-30-07)
- c. The Department's claim is less than five hundred dollars (\$500) or the total assets of the entire estate are less than five hundred dollars (\$500), excluding trust accounts or other bank accounts. (3-30-07)
- d. The participant received medical assistance as the result of a crime committed against the participant. (3-30-07)

29. Limitations on Undue Hardship Waiver. Any beneficiary of the estate of a deceased participant may apply for waiver of the estate recovery claim based on undue hardship. Any claim may be waived by the Department, partially or fully, because of undue hardship. An undue hardship does not exist if action taken by the participant prior to his death, or by his legal representative, divested or diverted assets from the estate. The Department grants undue hardship waivers on a case by case basis upon review of all facts and circumstances, including any action taken to diminish assets available for estate recovery or to circumvent estate recovery. (3-30-07)

30. Set Aside of Transfers. Transfers of real or personal property of the participant without adequate consideration are voidable and may be set aside by the district court whether or not the asset transfer resulted, or could have resulted, in a period of ineligibility. (3-30-07)

901. -- 909. (RESERVED).

SUB AREA: PARTICIPANT LOCK-IN

(Sections 910 through 918)

910. PARTICIPANT UTILIZATION CONTROL PROGRAM.

This Program is designed to promote improved and cost-efficient medical management of essential health care by monitoring participant activities and taking action to correct abuses. Participants demonstrating unreasonable patterns of utilization and/or exceeding reasonable levels of utilization will be reviewed for restriction. The Department may require a participant to designate a primary physician or a single pharmacy or both for exclusive provider services in

an effort to protect the individual's health and safety, provide continuity of medical care, avoid duplication of services by providers, avoid inappropriate or unnecessary utilization of medical assistance, and avoid excessive utilization of prescription medications. (3-30-07)

911. LOCK-IN DEFINED.

Lock-in is the process of restricting the access of a participant to a specific provider or providers. (3-30-07)

912. DEPARTMENT EVALUATION FOR LOCK-IN.

The Department will review participants to determine if services are being utilized at a frequency or amount that results in a level of utilization or a pattern of services which is not medically necessary. Evaluation of utilization patterns can include, but is not limited to, review by the Department staff of medical records and/or computerized reports generated by the Department reflecting claims submitted for physician visits, drugs/prescriptions, outpatient and emergency room visits, lab and/or diagnostic procedures, hospital admissions, and referrals. (3-30-07)

913. CRITERIA FOR LOCK-IN.

Since it is impossible to identify all possible patterns of over utilization, and since a particular pattern may be justified based on individual conditions, no specific criteria for lock-in will be developed. However, the Department may develop guidelines for purposes of uniformity. The guidelines will not be binding on the Department and will not limit or restrict the ability of the Department to impose lock-in when any pattern of over utilization is identified. The following utilization patterns may be considered abusive, not medically necessary, potentially endangering the participant's health and safety, or over utilization of Medicaid services, and may result in the restriction of Medicaid reimbursement for a participant to a single provider or providers: (3-30-07)

01. Unnecessary Use of Providers or Services. Unnecessary use of providers or Medicaid services, including excessive provider visits. (3-30-07)

02. Demonstrated Abusive Patterns. Recommendation from a medical professional or the participant's primary care physician that the participant has demonstrated abusive patterns and would benefit from the lock-in program. (3-30-07)

03. Use of Emergency Room Facilities. Frequent use of emergency room facilities for non-emergent conditions. (3-30-07)

04. Multiple Providers. Use of multiple providers. (3-30-07)

05. Controlled Substances. Use of multiple controlled substances. (3-30-07)

06. Prescribing Physicians or Pharmacies. Use of multiple prescribing physicians and/or pharmacies. (3-30-07)

07. Prescription Drugs and Therapeutic Classes. Overlapping prescription drugs with the same therapeutic class. (3-30-07)

08. Drug Abuse. Diagnosis of drug abuse or drug withdrawal, or both. (3-30-07)

09. Drug Behavior. Drug-seeking behavior as identified by a medical professional. (3-30-07)

10. Other Abusive Utilization. Use of drugs or other Medicaid services determined to be abusive by the Department's medical or pharmacy consultant. (3-30-07)

914. LOCK-IN PARTICIPANT NOTIFICATION.

A participant who has been designated by the Department for the Participant Utilization Control Program will be notified in writing by the Department of the action and the participant's right of appeal by means of a fair hearing. (3-30-07)

915. LOCK-IN PROCEDURES.

01. Participant Responsibilities. The participant will be given thirty-five (35) days to contact the Regional Program Manager or designee and complete and sign the lock-in agreement form and select designated provider(s) in each area of misuse. (3-30-07)

02. Appeal Stays Restriction. The Department will not implement the participant restriction if a valid appeal is noted in accordance with Section 917 of these rules. (3-30-07)

03. Lock-In Duration. The Department will restrict participants to their designated providers for a time period determined by the Department. Upon review at the end of that period, lock-in may be extended for an additional period determined by the Department. (3-30-07)

04. Payment to Providers. Payment to provider(s) other than the designated lock-in physician or pharmacy is limited to documented emergencies or written referrals from the primary physician. (3-30-07)

05. Regional Programs Manager. The Regional Programs Manager, or designee will: (3-30-07)

a. Clearly describe the participant's appeal rights in accordance with the provisions in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings"; (3-30-07)

b. Specify the effective date and length of the restriction; (3-30-07)

c. Have the participant choose a designated provider or providers; and (3-30-07)

d. Mail the completed lock-in agreement to the Surveillance and Utilization Unit. Upon receipt of the lock-in agreement, the participant's Medicaid services will be immediately restricted to the designated provider(s). (3-30-07)

916. PENALTIES FOR LOCK-IN NONCOMPLIANCE.

If a participant fails to respond to the notification of medical restriction(s), fails to sign the lock-in agreement, or fails to select a primary physician within the specified time period, the Medicaid benefits will be restricted to documented emergencies only. If a participant continues to abuse and/or over-utilize items or services after being identified for lock-in, the Department may terminate medical assistance benefits for a specified period of time as determined by the Department. (3-30-07)

917. APPEAL OF LOCK-IN.

Department determinations to lock-in a participant may be appealed in accordance with the fair hearings provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings," of the Department. (3-30-07)

918. RECIPIENT EXPLANATION OF MEDICAID BENEFITS (REOMBS).

01. Monthly Surveys. The Department will conduct monthly surveys of services rendered to medical assistance participants using REOMBS. (3-30-07)

02. Participant Response. A medical assistance participant is required to respond to the Department's explanation of medical benefits survey whenever he is aware of discrepancies. (3-30-07)

03. Participant Unable to Respond. If the participant is unable, because of medical or physical limitations, to respond to the survey personally, then a responsible family member or friend can respond on his behalf. (3-30-07)

04. Medicare-to-Medicaid Cross-Over Claims. All claims processed through the cross-over system will be subject to these rules. All providers submitting cross-over claims must comply with the terms of their provider agreements. (3-30-07)

919. -- 999. (RESERVED).

APPENDIX A

IDAHO MEDICAID HANDICAPPING MALOCCLUSION INDEX

OVERBITE:	MEASUREMENT/POINTS:	SCORE:
Lower incisors: striking lingual of uppers at incisal	1/3 = 0	
Striking lingual of uppers at middle	1/3 = 1	
Striking lingual of uppers at gingival	1/3 = 2	
OPENBITE: (millimeters) *a,b		
Less than.....	2 mm = 0	
	2-4 mm = 1	
	4+ mm = 2	
OVERJET: (millimeters) *a		
Upper.....	2-4 mm = 0	
Measure horizontally parallel to occlusal plane.	5-9 mm = 1	
	9+ mm = 2	
Lower.....	0-1 mm = 0	
	2 mm = 1	
	3+ mm = 2	
POSTERIOR X-BITE: (teeth) *b		
Number of teeth in x-bite:	0-2 = 0	
	3 = 1	
	4 = 2	
TOOTH DISPLACEMENT: (teeth) *c, d, e		
Number of teeth rotated 45 degrees or displaced 2mm from normal position in arch.	0-2 = 0 3-6 = 1 7+ = 2	
BUCCAL SEGMENT RELATIONSHIP:		
One side distal or mesial ½ cusp	= 0	
Both sides distal or mesial or one side full cusp	= 1	
Both sides full cusp distal or mesial	= 2	

OVERBITE:	MEASUREMENT/POINTS:	SCORE:
TOTAL SCORE: _____ Scoring Definitions: Impacted or blocked cuspids are scored 1 open bite and 1 over jet for two teeth. Score 2 for open bite and 2 for over jet for 4 blocked cuspids. Cross bites are scored for the teeth in cross bite, not the teeth in the opposing arch. Missing teeth count as 1, if the space is still present. Do not score teeth that are not fully erupted. Displaced teeth are based on where they are in their respective arch line, not their relationship with the opposing arch.		

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