

IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Behavioral Health

16.07.33 – Adult Mental Health Services

Who does this rule apply to?

For those seeking adult mental health services under the Division of Behavioral Health.

What is the purpose of this rule?

This chapter defines the scope of services, eligibility criteria, application requirements, individualized treatment plan requirements, and appeal process for the provision of adult mental health services administered under the Department's Division of Behavioral Health.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Health and Safety - Regional Behavioral Health Services:

- [Section 39-3140, Idaho Code](#) – Department Rules

Public Assistance and Welfare - Department of Health and Welfare:

- [Section 56-1003\(3\)\(c\), Idaho Code](#) – Powers and Duties of the Director
- [Section 56-1004, Idaho Code](#) – Director – Additional Powers and Duties
- [Section 56-1004A, Idaho Code](#) – Criminal History and Background Checks
- [Section 56-1007, Idaho Code](#) – Collection of Fees for Services
- [Section 56-1009, Idaho Code](#) – Investigation — Inspection — Right of Entry — Violation — Enforcement — Penalty — Injunctions

Where can I find information on Administrative Appeals?

***Appeal of Denial Based on Eligibility Criteria.** Administrative appeals from a denial of mental health services based on the eligibility criteria under Section 102 of IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.”*

***Appeal of Decision Based on Clinical Judgment.** All decisions involving clinical judgment, including the category of services, the particular provider of services, or the duration of services, are reserved to Department, and are not subject to appeal, administratively or otherwise, in accordance with *Maresh v. State*, 132 Idaho 221, 970 P.2d 14 (Idaho 1999).*

How do I request public records?

Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, “Use and Disclosure of Department Records.”

Who do I contact for more information on this rule?

Idaho Department of Health and Welfare: Behavioral Health – Adult Mental Health Services

Mailing Address:

P.O. Box 83720, 3rd Floor
Boise, ID 83720-0036
Phone: (208) 334-6997 or 1-800-264-6979
Fax: (208) 334-5998

Email: DBHPolicy@dhw.idaho.gov

Webpage: <https://healthandwelfare.idaho.gov/Medical/MentalHealth/AdultMentalHealth/tabid/195/Default.aspx>

Street Address:

450 West State Street
Boise, ID 83702

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16.07.33 – ADULT MENTAL HEALTH SERVICES

000. LEGAL AUTHORITY.

Under Section 39-3140, Idaho Code, the Department is authorized to promulgate rules to carry out the Regional Behavioral Health Services Act. Under Sections 56-1003(3)(d), 56-1004, and 56-1004A, Idaho Code, the Director is authorized to adopt rules to supervise and administer a mental health program. (4-6-23)

001 – 002. (RESERVED)

003. ADMINISTRATIVE APPEALS.

Administrative appeals from a denial of eligibility under Section 102 of these rules are governed by IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (4-6-23)

004. INCORPORATION BY REFERENCE.

American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR), Washington, DC, 2022, is hereby incorporated by reference under these rules. Copies of the manual are available from the American Psychiatric Association, 800 Maine Avenue, S.W., Suite 900, Washington, DC 20024. (4-6-23)

005. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Background Checks. All employees, interns, contractors, and volunteers of adult mental health services must comply with IDAPA 16.05.06, “Criminal History and Background Checks,” Section 101. (4-6-23)

02. Availability to Work or Provide Service. An individual under Subsection 009.01 of this rule is available to work on a provisional basis at the discretion of the employer or agency once the individual has submitted their background check application, it has been reviewed by the employer or agency, and no disqualifying crimes or relevant records are disclosed on the application. An individual is fingerprinted within twenty-one (21) days of submitting their background check. (4-6-23)

a. An individual is allowed to work or have access to participants only under supervision until the background check is completed. (4-6-23)

b. An individual, who does not receive a background check clearance or have a Behavioral Health waiver granted under these rules, may not provide direct care or services, or serve in a position that requires regular contact with participants. (4-6-23)

03. Waiver of Background Check Denial. (4-6-23)

a. A certified individual who is seeking to provide Peer Support Specialist, Family Support Partner, or Recovery Coach services that receives an unconditional denial or a denial after an exemption review by the Department’s Criminal History Unit, may apply for a Behavioral Health waiver. (4-6-23)

b. An individual is allowed to work with or have access to participants only under supervision until the waiver request is processed. (4-6-23)

010. DEFINITIONS

01. Adult. An individual eighteen (18) years or older. (4-6-23)

02. Adult Mental Health Services (AMHS). Are listed in Section 301 of these rules. These services are provided in response to the mental health needs of adults eligible for services required in Title 39, Chapter 31, Idaho Code, the Regional Behavioral Health Service Act, and under Section 102 of these rules. (4-6-23)

03. Applicant. An adult individual who is seeking mental health services through the Department who has completed, or had completed on their behalf, an application for mental health services. (4-6-23)

04. Clinical Assessment. The gathering of historical and current clinical information through a clinical interview and from other available resources to identify a participant’s mental health issues, strengths, and service needs. (4-6-23)

- 05. Clinical Team.** A proposed participant’s clinical team may include: clinicians, behavioral health professionals, professionals other than behavioral health professionals, behavioral health technicians, and any other individual deemed appropriate and necessary to ensure that the treatment is comprehensive and meets the needs of the proposed participant. (4-6-23)
- 06. Crisis Intervention Services.** A set of planned activities designed to reduce the risk of life-threatening harm to self or another person. Crisis intervention services include evaluation, assessment, intervention, stabilization, and follow-up planning. (4-6-23)
- 07. Department.** The Idaho Department of Health and Welfare or its designee. (4-6-23)
- 08. Eligibility Screening.** The collection and review of information directly related to the applicant’s mental health and level of functioning, which the Department uses to determine whether an applicant is eligible for adult mental health services available through the Department’s Division of Behavioral Health. (4-6-23)
- 09. Mental Health Crisis.** Occurs when a sudden loss of an adult individual’s ability to use effective problem-solving and coping skills leads to an imminent risk of harm to self or others, or decompensation to the point of the individual’s inability to protect themselves. (4-6-23)
- 10. Network Treatment Provider.** Any provider, group of providers, or entity that has a network provider agreement with the Department’s Division of Behavioral Health contractor to provide behavioral health services. (4-6-23)
- 11. Participant.** A person receiving mental health services through the Department. (4-6-23)
- 12. Serious Mental Illness (SMI).** Any of the following psychiatric illnesses as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, (DSM-5-TR), incorporated in these rules: (4-6-23)
- a.** Schizophrenia spectrum and other psychotic disorders; (4-6-23)
 - b.** Bipolar disorders (mixed, manic, and depressive); (4-6-23)
 - c.** Major depressive disorders (single episode or recurrent); (4-6-23)
 - d.** Obsessive-compulsive disorders. (4-6-23)
- 13. Serious and Persistent Mental Illness (SPMI).** A primary diagnosis under DSM-5-TR of Schizophrenia, Schizoaffective Disorder, Bipolar I Disorder, Bipolar II Disorder, Major Depressive Disorder Recurrent Severe, Delusional Disorder, or Psychotic Disorder Not Otherwise Specified (NOS) for a maximum of one hundred twenty (120) days without a conclusive diagnosis. The psychiatric disorder must be of sufficient severity to cause a substantial disturbance in role performance or coping skills in at least two (2) of the following functional areas in the last six (6) months: (4-6-23)
- a.** Vocational or educational, or both. (4-6-23)
 - b.** Financial. (4-6-23)
 - c.** Social relationships or support, or both. (4-6-23)
 - d.** Family. (4-6-23)
 - e.** Basic daily living skills. (4-6-23)
 - f.** Housing. (4-6-23)
 - g.** Community or legal, or both. (4-6-23)

- h. Health or medical, or both. (4-6-23)

011. -- 099. (RESERVED)

100. ACCESSING ADULT MENTAL HEALTH SERVICES (AMHS).

Individuals may access AMHS administered by the Department's Division of Behavioral Health through an eligibility screening. (4-6-23)

101. ELIGIBILITY SCREENING AND MENTAL HEALTH ASSESSMENT.

01. Eligibility Screening. The eligibility screening must be directly related to the participant's mental illness and level of functioning and is based on the eligibility criteria under Section 102 of these rules. (4-6-23)

02. Clinical Assessment. Once an individual is found eligible for AMHS the individual will be authorized to receive a clinical assessment from a treatment provider in the Division of Behavioral Health's AMHS network to determine level of care. (4-6-23)

102. ELIGIBILITY DETERMINATION.

01. Determination of Eligibility for Mental Health Services. The Department may limit or prioritize mental health services, define eligibility criteria, or establish the number of persons eligible based upon such factors as court-ordered services, availability of funding, the degree of financial need, the degree of clinical need, or other factors. (4-6-23)

02. Eligibility Requirements. To be eligible for voluntary mental health services, the individual must: (4-6-23)

a. Be an adult; (4-6-23)

b. Be a resident of the state of Idaho; and (4-6-23)

c. Have a primary diagnosis of SMI or SPMI. (4-6-23)

03. Court-Ordered Assessment, Treatment, and Services. The court may order the Department to provide assessment, treatment, and services according to Sections 18-212, 19-2524, and 66-329, Idaho Code. (4-6-23)

04. Ineligible Conditions. An individual who has a neurological disorder, a neurocognitive disorder as defined in Section 66-317, Idaho Code, a developmental disability as defined in Section 66-402, Idaho Code, a physical disability, or any medical disorder that includes psychiatric symptomology or is primarily impaired by substance use, unless in addition to such condition, such person is mentally ill. (4-6-23)

103. NOTICE OF CHANGES IN ELIGIBILITY FOR MENTAL HEALTH SERVICES.

The Department may, upon ten (10) days' written notice, reduce, limit, suspend, or terminate eligibility for mental health services. (4-6-23)

104. CRISIS INTERVENTION SERVICES.

Crisis intervention services are available twenty-four (24) hours per day, seven (7) days per week to adults experiencing a mental health crisis as defined under Section 010 of these rules. Crisis intervention services include evaluation, assessment, intervention, stabilization, and follow-up planning. (4-6-23)

01. Determination of the Need for Crisis Intervention Services. The Department or its contractors will assess an adult experiencing a mental health crisis to determine whether services are needed to alleviate the crisis. (4-6-23)

02. Identification of the Crisis Intervention Services Needed. If crisis intervention services are

clinically necessary, as determined by the Department or its contractors, the Department or its contractors will: (4-6-23)

- a. Identify the services needed to stabilize the crisis; (4-6-23)
- b. Arrange for the provision of the crisis intervention services; and (4-6-23)
- c. Document in the individual's record the crisis services that are to be provided to the individual. (4-6-23)

03. Immediate Intervention. If the Department determines that a mental health crisis exists necessitating immediate intervention, crisis services will be arranged immediately. (4-6-23)

105. NOTICE OF DECISION ON ELIGIBILITY AND RIGHT TO APPEAL.

01. Notification of Eligibility Determination. Within two (2) business days of receiving a completed screening, the Department or its contractors will notify the applicant or the applicant's designated representative in writing of its eligibility determination. (4-6-23)

02. Notice of Right to Appeal. When the applicant is not eligible for services through the Department or its contractor(s), the Department or its contractor(s) will notify the applicant or the applicant's designated representative. The written notice will include: (4-6-23)

- a. A statement of the decision and the concise reasons for it; (4-6-23)
- b. The process and timeline for pursuing an appeal of the decision under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings"; and (4-6-23)
- c. The right to be represented on appeal. (4-6-23)

106. -- 119. (RESERVED)

120. PARTICIPANT'S RIGHTS AND RESPONSIBILITIES.

The Department will inform each participant receiving AMHS through the Department of their rights and responsibilities prior to the delivery of mental health services. Each participant is given a written statement of participant rights and responsibilities, which includes who the participant may contact with questions, concerns, or complaints regarding services provided. (4-6-23)

121. -- 999. (RESERVED)