

Summary of Behavioral Safeguards

- Topic:** The Centers for Medicare and Medicaid Services' (CMS) requirements surrounding Behavioral Safeguards pertaining to CAC, CADI, BI and DD waivers.
- Reference:** Appendix G-2 "Instructions: Version 3.5 HCBS Waiver Application"
- Summary:** CMS requires that for every waiver, Minnesota identify whether the "use of restraints and/or restrictive interventions during provision of waiver services" is allowed.

If they are allowed, the State is asked to: "Specify the safeguards that the State has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints or seclusion)" and to "Specify the State agency (or agencies) responsible for overseeing the use of restraints or seclusion and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency." HCBS Waiver Application, Version 3.5.21.2008, Appendix G-2:1.

When permitted, types of permitted and prohibited restraints need to be identified. For each type of restraint allowed, the safeguards need to address:

1. Requirements concerning the use of alternative strategies to avoid the use of restraints and seclusion;
2. Methods for detecting the unauthorized use of or misapplication of restraints;
3. The protocols that must be followed when restraints or seclusion are employed (including the circumstances when their use is permitted and when they are not) and how their use is authorized;
4. The practices that must be employed in the administration of a restraint or seclusion to ensure the health and safety of individuals;
5. Required documentation (record keeping) concerning the use of restraints or seclusion; and,
6. The education and training requirements that provider agency personnel must meet who are involved in the administration of a restraint or seclusion.

Page 231 *Instructions: Version 3.5 HCBS Waiver Application*

If they are not allowed, "the state must have a means to detect unauthorized use."



Disability Services Division
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