

# ForwardHealth **UPDATE**

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## NEW POLICY ON RESTRAINTS

Effective immediately, **ForwardHealth will not cover safety devices nor most equipment used as restraints.** ForwardHealth covers equipment that is medically necessary, including adaptive and protective equipment and durable medical equipment (DME).

Items are defined as restraints by how and why they are used. In cases where “imminent risk of harm” can be documented and approved, ForwardHealth can cover DME that functions as a restraint. More information about this exception is described later in this ForwardHealth Update.

### Not Covered: Safety Devices

A safety device is any environmental modification or monitoring device used to shield a person from potential harm due to behavior or medical conditions. Examples of such safety devices are baby gates or window locks.

**ForwardHealth does not cover safety devices.** They are not considered DME.

## AFFECTED PROGRAMS

BadgerCare Plus, Medicaid, Katie Beckett Medicaid

## TO

Individual Medical Supply Providers, Medical Equipment Vendors, Pharmacies, Physical Therapists, Occupational Therapists, HMOs and Other Managed Care Programs

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The information provided in this ForwardHealth Update is published in accordance with 42 C.F.R. § 440.70(b)(3)(ii); Federal Register, vol. 81 no.21, p. 5538, 553; Wis. Stat. § 49.46(2)(a)2. and 51.61(1)(i)1; Wis. Admin. Code §§ DHS 61.11, 83.32(3)(g), 88.10(3)(n)2, 94.07, 101.03(96m), 107.01(1), 107.02(3).

## Not Covered: Restraints

ForwardHealth does not cover most restraints. A device or garment is a restraint if it:

- Is attached simultaneously to the environment and to the person wearing it with the intention of confining the person to a specific location.
- Is applied to any part of the person's body in a way that restricts voluntary movement.
- Is difficult to remove by the person who is wearing the device or garment.
- Does not have a medical use.

An exception to non-coverage of restraints exists when DME is used to intervene when there is an "imminent risk of harm." Refer to the Can Be Covered: DME section of this Update.

## Can Be Covered: Adaptive and Protective Equipment

ForwardHealth covers adaptive and protective equipment. These are not considered restraints.

Adaptive and protective equipment includes devices applied to part of a person's body to prevent tissue damage or other physical harm, such as protective helmets. These devices may limit access to parts of one's body, but they are not designed to restrict movement.

Providers must follow all other rules and policies when obtaining this equipment for a member. Refer to the [DME Index](#) for a list of adaptive and protective equipment ForwardHealth would consider for coverage. Refer to the ForwardHealth Online Handbook Adaptive and Protective Equipment topic [#1745](#).

## Can Be Covered: DME

ForwardHealth covers DME that serves a medical purpose, per 42 C.F.R. § 414.202. Refer to the [DME Index](#) for covered equipment.

ForwardHealth **does not** cover the use of DME as a restraint for:

- Addressing member behavior.
- Avoiding property damage.
- Caregiver convenience.
- Confining the member.
- Replacing supervision.

## QUICK LINKS

- Restraints ([#23557](#))
- Adaptive and Protective Equipment ([#1745](#))
- Noncovered Durable Medical Equipment and Services ([#3164](#))

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ForwardHealth will cover DME that can serve as a restraint only if it is used to intervene when there is an “imminent risk of harm.” A situation presents an imminent risk of harm if the member’s actions without restraint would pose an immediate threat of causing substantial physical injury to themselves or other people. The qualified health care professional(s) treating the member and ForwardHealth personnel who review the prior authorization determine whether a circumstance meets the criteria of an imminent risk of harm.

## Documentation Retention

Providers are reminded that they must follow the documentation retention requirements per Wis. Admin. Code § [DHS 106.02\(9\)](#). Providers are required to produce or submit documentation, or both, to the Wisconsin Department of Health Services (DHS) upon request. Per Wis. Stat. § [49.45\(3\)\(f\)](#), providers of services shall maintain records as required by DHS for verification of provider claims for reimbursement. DHS may audit such records to verify the actual provision of services and the appropriateness and accuracy of claims. DHS may deny or recoup payment for services that fail to meet these requirements. Refusal to produce documentation may result in denial of submitted claims, recoupment of paid claims, application of intermediate sanctions, or termination from the Medicaid program.

## Information Regarding Managed Care Organizations

This Update applies to HealthCheck “Other Services” DME coverage that members receive on a fee-for-service basis and through BadgerCare Plus, Medicaid SSI, and other managed care programs. For information about managed care implementation of the updated policy, contact the appropriate managed care organization (MCO). MCOs are required to provide at least the same benefits as those provided under fee-for-service arrangements.

# REMINDER

Providers are reminded that they must follow DME backdating policy for all requests.

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The ForwardHealth Update is the first source of program policy and billing information for providers.

Wisconsin Medicaid, BadgerCare Plus, SeniorCare, and Wisconsin Chronic Disease Program are administered by the Division of Medicaid Services within the Wisconsin Department of Health Services (DHS). The Wisconsin AIDS Drug Assistance Program and the Wisconsin Well Woman Program are administered by the Division of Public Health within DHS.

For questions, call Provider Services at 800-947-9627 or visit our website at [www.forwardhealth.wi.gov/](http://www.forwardhealth.wi.gov/).