

**SECTION**  
CASE MANAGEMENT SYSTEM**SUBJECT**  
RISK NEGOTIATION AGREEMENT

Home and Community Based Service (HCBS) providers and staff shall support individuals in self-direction to the maximum extent possible and assist them in decision-making through informed consent. Case Managers and Community Program Officers and other service providers shall support an Individual's informed choice regarding life, liberty, and the pursuit of health and happiness, unless the individual's actions or decisions endanger others.

Individuals capable of making informed choices have the right to decide the types and amount of services they receive. Individuals have the right to receive services under conditions of acceptable risk in which an individual assumes the risks associated with decisions they make under conditions of informed consent.

However, if an individual ignores certain risks that may affect his/her health and safety while participating in the SDMI HCBS waiver program, Case Management Team (CMT) or Department will ask the individual to complete and sign a Risk Negotiation Agreement Form, which will be sent to the Community Program Officer (CPO) for review. The Individual receives a copy of the form.

The Risk Negotiation Agreement Form will be completed when:

- the CMT or Department has identified a risk and
- the individual understands the consequences of his/her decisions but is still at significant risk of harm.

The written Risk Negotiation Agreement includes:

- a description of the individual's needs, including those that cannot be met;
- a description of the services that can be provided;
- a description of the potential risks to the individual;
- a statement that other service options (including nursing home services) have been explained to the individual and that the individual understands and accept the risks;
- Signatures of the Individual, CMT and CPO.

If the individual refuses to complete and sign the Risk Negotiation the CMT should contact the Community Program Officer for a discussion about needed corrective action and/or up to possible termination of the individual from the SDMI waiver.

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