TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control___**580**____Department or Agency__**Mental Health** ___
Rule No. ___**Chapter 580-9-42** _____
Rule Title: ___**Treatment and Rehabilitation Program Operation**
_____New _____Amend ____X__Repeal _____Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____NO_____

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ NO_____

Is there another, less restrictive method of regulation available that could adequately protect the public? _____NO_____

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____NO_____

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____NO_____

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ YES_____

Does the proposed rule have an economic impact? _____NO_____

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Debbie L Powell

Date 10/14/11

REC'D & FILED
OCT 14 2011
LEGISLATIVE REF SERVICE

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: Chapter 580-9-42 Treatment and Rehabilitation Program Operation "Repealed"

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION:
Replaced by proposed new chapter 580-9-44, Program Operation

TIME, PLACE, MANNER OF PRESENTING VIEWS:
All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00PM, Monday through Friday, or by electronic means to debbie.popwell@mh.alabama.gov until and including Dec 5, 2011. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Dec. 5, 2011

CONTACT PERSON AT AGENCY:
Persons wishing a copy of the proposal may contact
Debbie Popwell
Department of Mental Health
100 North Union Street
Montgomery, Alabama 36130
(334) 353-2069
A copy of the proposed change is available on the department's website at http://mh.alabama.gov
Click on Commissioner's Office and then Certification Administrative to find code with changes.

Debbie L Popwell

Debbie Popwell, Director
Office of Certification

ALABAMA DEPARTMENT OF MENTAL HEALTH

AND MENTAL RETARDATION

SUBSTANCE ABUSE SERVICES

ADMINISTRATIVE CODE

CHAPTER 580-9-42 TREATMENT AND REHABILITATION PROGRAM OPERATION "Repealed"

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580-9-42-.01 Program Descriptions.

(1) All service provider organizations will maintain current written program descriptions for each identifiable service program which must include as a minimum:

(a) Nature, Scope and Capacity of the Program;

(b) Admission and Re-admission Criteria;

(c) Termination and Transfer Criteria.

(2) Admission into a treatment or rehabilitation program must be based on:

(a) A psycho social assessment conducted by a qualified substance abuse staff member as defined in Section 580-9-41-.02-(1); or

(b) A diagnosis substantiated by an adequate diagnostic data base and assigned by a person licensed to practice by the State of Alabama.

(3) A program must have a description of program rules and regulations which clients are expected to follow.

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New: Filed: July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993. Effective: May 5, 1993. **Amended:** Filed November 19, 2003; effective December 24, 2003.

580-9-42-.02 Policies.

(1) The board must approve written operational policies. The following minimum procedures must be established:

(a) A description of each service functional area of responsibility as contained in the organizational chart that includes:

1. admission/readmission criteria,

2. nature and scope of the program,

3. termination/transfer criteria and procedures.

(b) A description of the appeal policies and procedures for:

1. persons denies admission/readmission,

2. persons involuntarily dismissed from a program.

(2) There must be a written policy addressing circumstances under which drug screening of clients by body fluid (blood, urine, or salvia) may be utilized. If it is utilized at any point, the program must:

(a) Establish procedures that protect against the falsification and/or contamination of any urine specimen.

(b) Demonstrate that the individual's privacy is protected each time a urine specimen is collected.

(c) Require that an observer will supervise urine collection.

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New: Filed July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. Certified: March 30, 1993. Effective: May 5, 1993. **Amended:** Filed November 19, 2003; effective December 24, 2003.

580-9-42-.03 Client Protection.

(1) There must be written policies and procedures that protect the client's welfare, the manner in which the client is informed of these protections, and the means by which these protections will be enforced.

(2) The written policies and procedures shall, at a minimum, address the following protections:

(a) To privacy,

(b) To confidentiality of and access to client records including:

1. requirement for the client's written authorization for release of information,

2. emergency unauthorization release,

3. internal access to client records,

4. external access to client records,

5. conditions for client access to his/her records.

(c) To complaint/grievance procedures, including appeal procedures.

(d) To be informed of the financial aspects of treatment.

(e) To consent to treatment or to be informed of the need for parental or guardian consent for treatment, if appropriate.

(f) To be informed of the nature of possible significant adverse effects of the recommended treatment, including any

appropriate and available alternative treatments, services and types of providers of substance abuse services.

(g) To give informed consent prior to being involved in research projects.

(h) To manage personal financial affairs, unless legally determined otherwise.

(i) To actively participate in treatment, including discharge planning, if appropriate.

(j) To be protected from harm including any form of abuse, neglect, or mistreatment.

(k) To receive treatment and care in a safe and humane environment.

(l) To receive the least restrictive treatment appropriate and available.

(m) To be informed of the means of accessing a DMH/MR advocacy representative.

(3) Whenever special equipment, such as two-way mirrors, cameras, etc., are used, a written consent must be signed by the client.

(4) The program must report any cases of suspected abuse, neglect, exploitation of clients being served in the program where the alleged perpetrator is an employee, client, or other person in the program to the Substance Abuse Services Division Director's Office in accordance with DMH/MR abuse reporting procedures.

(5) Suspected cases of abuse and neglect will be reported to the local Department of Human Resources' office in accordance with applicable state law.

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New: Filed July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993. Effective: May 5, 1993. **Amended:** Filed November 19, 2003; effective December 24, 2003.

580-9-42-.04 Physical Facilities.

(1) All grounds, space, equipment, and facilities, both those within the entity and those regularly used by clients as an integral part of their treatment program, must meet at all times applicable federal, state, and local requirements for safety, fire, health and accessibility.

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New: Filed July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993. Effective: May 5, 1993.

580-9-42-.05 Reserved.