

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health
Rule No. 580-9-44-.07

Rule Title: Seclusion and Restraint

 New Amend X Repeal Adopt by Reference

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

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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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 Services Agency.

Signature of certifying officer Debbie J. Powell

Date 8/15/18

REC'D & FILED
AUG 15 2018
(DATE FILED)
(STAMP)
APA-2
LEGISLATIVE SVC AGENCY

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: **580-9-44-.07 Seclusion and Restraint**

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: We have created a new proposed Chapter 580-2-20 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

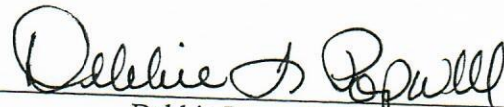
All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00PM, Monday through Friday, or by electronic means to debbie.popwell@mh.alabama.gov until and including October 5, 2018. 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:
October 5, 2018

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposal may contact
Debbie Popwell
Department of Mental Health
100 North Union Street, Suite 540
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 Administrative Services and then Certification Administration to find code with changes.



Debbie Popwell, Director
Office of Certification Administration

REPEALED

580-9-44-.07 Seclusion and Restraint.

(1) Clients treated in programs certified by the Alabama Department of Mental Health have the right to be free of seclusion and restraint. Seclusion and restraint are safety procedures to be used as a last resort.

(2) Clients may be placed in seclusion or may be physically restrained only when necessary to prevent the client from physically harming self or others, and after less restrictive alternative interventions have been unsuccessful or are determined not to be feasible, and when authorized by a qualified physician.

(3) Any program providing substance abuse prevention, early intervention, or treatment services, utilizing client seclusion and/or restraint must establish written policies and procedures specifically defining and governing these practices that are reviewed and approved by the governing authority annually.

Author: Substance Abuse Services Division

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

History: New: Filed: October 14, 2011; effective March 1, 2012. Filed: August 15, 2018.