

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health
Rule No. 580-2-9-.02 Governing
Authority

Rule Title: Operational Policies and Procedure Manual

 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 Popwell

Date 12/18/19

REC'D & FILED
DEC 18 2019
LEGISLATIVE SVC AGENCY
(DATE FILED)
(STAMP)

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-2-9-.02 Governing Body

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20-.06 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 February 5, 2020. 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.

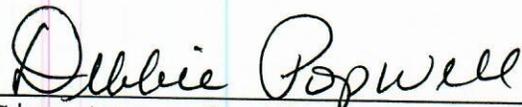
FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
February 5, 2020

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 Provider Portal and then Certification to find code with changes.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

REPEALED

580-2-9-.02 Governing Authority.

~~(1) The provider must submit written documentation to DMH of its source of authority through its Articles of Incorporation (or Charter) and Bylaws.~~

~~(2) The Bylaws or Articles specify that the Board of Directors is responsible for the overall operation of the program. The minutes of the meetings of the Board of Directors document that the Board is carrying out the designated responsibilities.~~

~~(3) The Board shall assure compliance with 580-3-26, Human Rights Committee in Certified Community Programs.~~

~~(4) The Board shall assure compliance with the Nurse Delegation Program.~~

~~(5) The Board shall assure compliance with applicable federal, state, and local laws. Reviews by the Alabama Department of Mental Health only certify compliance with standards issued by it.~~

Author: Division of Mental Illness, DMH

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

11. **History:** **New Rule:** Filed June 14, 2010; effective July 19, 2010. **Repealed:** Filed December 18, 2019.