

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-2-9-.03

Rule Title: Mental Illness Program Staff

 New X Amend 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 *12/19/19*

REC'D & FILED

DEC 19 2019

(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-.03 Mental Illness Program Staff

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: We have created 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 March 6, 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:

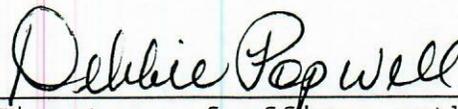
March 6, 2020

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)

580-2-9-.03 Mental Illness Program Staff.

(1) There shall be a psychiatrist, as a full-time or part-time employee or a consultant to the provider who is responsible for medical aspects of consumer psychiatric care as delineated in the job description or employment contract. Access to on-call psychiatric services must be available 24 hours a day, 7 days a week and must be documented.

(2) There is an organizational chart that depicts functional areas of responsibility and lines of supervision for all programs operated by the agency.

(3) Each direct treatment service functional area of responsibility on the organizational chart shall be coordinated by a member of the staff who has a master's degree in a mental health related field and at least 2 years post master's supervised experience in a direct service area, except program coordinators of Adult Rehabilitative Day Programs and Residential Care Homes shall have, at a minimum, at least a bachelor's degree or RN plus 2 years supervised post degree mental health related experience.

(4) For residential services, there shall be a registered nurse or licensed practical nurse as a full-time or part-time employee or a consultant to the provider who is responsible for supervision of delegation of medication assistance to the unlicensed personnel. Access to an on-call nurse must be available 24 hours a day, 7 days a week. Provider will implement policies and procedures approved by their Board of Directors requiring full compliance with the Alabama Board of Nursing regulation 610X7.06 Alabama Department of Mental Health Residential Community Programs.

(5) All treatment staff who provides therapy and clinical assessments for mental illness consumers must have a master's degree in a mental health related field.

(6) Treatment staff who meet (7) but do not have 2 years post master's supervised clinical experience must receive supervision from a therapist who has a Masters Degree in a mental health related field and at least 2 years post master's experience in a direct service functional area. The supervision must include 2 face-to-face supervisory sessions per month (minimum 1 hour per session) in addition to case staffing and other Performance Improvement functions for 2 years post master's supervision.

(7) The credentials of staff shall be appropriate for the levels and types of services they are providing.

(8) Staff who provide services primarily to specific subgroups (such as people who are elderly or deaf/hard of hearing) shall have either 2 years supervised experience with the specific subgroup or 2 specialized graduate courses related specifically to the subgroup or 12 continuing education credits of training in the specialty area to work with such subgroups or shall receive supervision by a staff member with the required training/experience.

(9) Staff who provide treatment and clinical services primarily to children and adolescents shall have 2 years supervised experience serving children/adolescents or shall receive supervision in this area 1 hour a week by a staff member with 2 years experience working with children and adolescents and shall receive 20 hours of specialized training per year for 2 years from the date they begin providing such services.

(10) Teachers who provide educational service to children must be certified for the type of class they are teaching.

(11) Case Managers must complete a case management training program approved by DMH.

(12) All staff who transports consumers shall have a driver's license valid in Alabama.

(13) Documentation of all required supervision must include the following information for each supervisory session:

- (a) Name and signature of supervisor.
- (b) Name and signature of employee.
- (c) Date of supervision.
- (d) Amount of time in supervisory session.
- (e) Brief description of topics covered in session.

(14) The Board shall establish a policy describing the manner in which background checks will be conducted prior to employment/engagement on all employees, volunteers, and agents. All employees/volunteers/agents of the provider will have a background check prior to employment.

(15) Students who are completing a graduate degree in psychology, counseling, social work, or psychiatric nursing may be used for direct services under the following conditions:

- (a) The student is in a clinical practicum or internship that is part of an officially sanctioned academic curriculum.

(b) The student receives a minimum of one hour per week direct clinical supervision (face-to-face) from a licensed/certified mental health professional having at least 2 years post master's experience in a direct service functional area.

(c) The student's clinical notes are cosigned by the student's supervisor described in (b) above.

(16) All staff having direct service contact with consumers must be trained in professionally accepted management of aggressive/assaultive behavior and crisis intervention techniques. The training must have been within the past 2 years, and the training must have been conducted prior to the employee working alone with consumers.

~~(17) All staff who have direct service contact with consumers shall be trained in infection control. Staff shall be trained prior to working with consumers and annually thereafter.~~

(18) All staff who have direct service contact with consumers shall receive initial training on the following topics:

- (a) Diagnostic categories.
- (b) Classes of psychotropic medications.
- (c) Recovery orientation.
- (d) Interaction with consumers and families.

(19) Each program provides training for all staff on abuse and neglect and all state laws pertaining to abuse and neglect including reporting required by the Department of Human Resources. Training is required for all new employees prior to working alone with consumers and for everyone on an annual basis.

~~(20) There shall be evidence that each employee who has direct service contact with consumers has an annual tuberculosis skin test or clearance letter from a licensed physician.~~

(21) Vacancies in the Executive Director and Clinical Director positions shall be reported to the Department of Mental Health immediately.

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. **Amended:** Filed October 16, 2018; effective

November 30, 2018. **Amended:** Filed December 19, 2019.