

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health
Rule No. 580-2-9-.16

Rule Title: Child and Adolescent Day Treatment

 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
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-.16 Child and Adolescent Day Treatment

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.

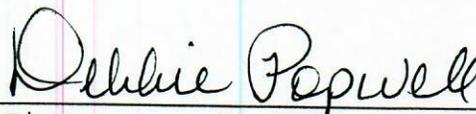
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person between 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-.16 Child and Adolescent Day Treatment.

(1) The program description is approved by the board as specified in 580-2-9-.08(10)(b). It is consistent with the provisions of this section. The program description must include all of the following components:

(a) A description of the nature and scope of the program that includes at a minimum the provision of services as specified in section 580-2-9-.16(2) and as indicated by individual consumer need.

(b) A description of the geographic service area for the program.

(c) Admission criteria shall be comprehensive enough to justify a consumer's treatment in Child and Adolescent Day Treatment and shall include the following:

1. Presence of a psychiatric diagnosis, as well as a serious emotional disturbance. Serious emotional disturbance is defined by the child's mental health treatment history, mental health treatment needs, and current functioning in the areas of autonomy/basic living skill, family, school and community.

2. Presence of a combination of at least 5 of the following inclusionary criteria, whose severity would prevent treatment in a less intensive environment or for a temporary, clinically justified period of more intensive services to prevent regression:

- (i) Poor self-control.
- (ii) Cruelty to animals.
- (iii) Inappropriate aggressive behavior.
- (iv) Angry/hostile temper tantrums.
- (v) Hyperactivity.
- (vi) Withdrawn.
- (vii) Running away.
- (viii) Destructiveness.
- (ix) Poor school performance.
- (x) Truancy.
- (xi) Defiance of authority.

- (xii) Manipulative behavior.
 - (xiii) Sexual maladjustment.
 - (xiv) Assaultive behavior.
 - (xv) Child abuse victim.
 - (xvi) Depression.
 - (xvii) Anxiety.
 - (xviii) Homicidal/suicidal ideation.
 - (xix) Drug experimentation.
 - (xx) Sexual abuse.
 - (xxi) Irrational fears.
 - (xxii) Attention seeking behavior.
 - (xxiii) Encopretic/enuretic.
 - (xxiv) Low frustration tolerance.
 - (xxv) Inadequate social skills.
 - (xxvi) Dysfunctional family relationships.
- (d) Admission is approved by Licensed Independent Practitioners as specified in section 580-2-9-.06(9)(g)6.
- (e) Consumer shall have documented moderately disabling persistent, chronic, and/or refractory symptoms with no significant clinical progress made or expected in a less intensive level of care.
- (f) The program can be reasonably expected to improve the consumer's symptoms, condition or functional level sufficient to permit transition to a less intensive level of care.
- (g) The program description shall state the expected length of stay (LOS) which should not exceed one academic year.
- (h) The program description shall state the procedure for extending a consumer past the expected LOS and must include the following continued stay criteria:
1. Goals and objectives specified on the treatment plan have not been substantially attained or new problems have emerged.

2. Further treatment can be reasonably expected to result in progress toward goals and objectives and/or continued stability.

3. Documented clinical judgment indicates that continued treatment cannot be provided in less intensive levels of care due to reasonable risk of relapse and/or hospitalization.

4. Documented clinical judgment indicates that an attempt to transition the consumer to a less intensive level of care is reasonably expected to result in the re-emergence of symptoms sufficient to meet admission criteria.

5. A staff member who meets the requirements at 580-2-9.06 (9)(g) 6 approves extending the length of stay of a specified period of time not to exceed 4 months per extension to achieve clearly articulated clinical objective.

(i) The program description documents the provision of services as specified in 580-2-9-.16(7).

(j) Exclusionary criteria shall address the following:

1. The consumer's degree of impairment, severity of symptoms, and level of functioning require a more intensive level of care.

2. The consumer is experiencing mild persistent, chronic symptoms without acute exacerbation and less intensive levels of care can reasonably be expected to improve the consumer's symptoms, condition and functional level.

(k) Discharge/transfer criteria shall include the following:

1. Treatment plan goals and objectives have been substantially attained and continued treatment can be provided in less intensive levels of care.

2. Consumer's degree of impairment, severity of symptoms, and level of functioning have improved enough or resume normal activities or to receive less intensive services.

3. Consumer's degree of impairment, severity of symptoms, and/or level of functioning necessitate admission to a more intensive level of care.

4. Consumer is unwilling or unable to participate in/benefit from the program due to severity of symptoms, functional impairment, behavioral problems, personal choice, or cognitive limitation despite repeated documented efforts to engage the consumer.

5. The program description shall describe how services for consumers who are deaf, hard of hearing, or limited English proficient are provided.

(2) The Child and Adolescent Day Treatment shall constitute active, intensive treatment that specifically addresses the presenting problems that necessitate admission. The daily schedule of services attended must be in each consumer's record, and consumer/staff interviews confirm that the required services are provided. Consumer records document an initial screening, an individualized treatment plan to include documentation of the consumer's participation in the program and the development of the treatment plan, and verify an active, intensive treatment program. Key service functions include, at a minimum, the following services:

- (a) Individual, group, and family therapy.
- (b) Education for the consumer's parents/guardian regarding age-related emotional and cognitive development and needs.
- (c) Services that enhance personal care skills.
- (d) Services that enhance family, social, and community living skills.
- (e) Services that enhance the use of leisure and playtime.
- (f) Medical services including the prescription of psychotropic medication and medication management.
- (g) Education services for children who are attending Day Treatment instead of a local school.
- (h) Recreational activities.
- (i) Therapeutic field trips.

(3) The program coordinator must have a master's degree in a mental health related field and 2 years of direct mental illness service experience, 1 of which must be in services for children and adolescents. In physically isolated settings, there must be at least 1 other staff member present during hours of operation. The overall staff to consumer ratio cannot exceed 1 to 10. In a program that has only 10 consumers, there must be at least one other staff member present during hours of operation.

(4) Consumer records document that consumers admitted to the program meet the admission criteria as specified above.

(5) Programs with an educational component must be in operation 5 days per week with a minimum of 3 hours non-educational service per day. Programs that do not have an educational component must be in operation a minimum of 3 days per week and have a minimum of 4 hours of service each day with the exception of pre-school and after-school programs which must operate a minimum of 3 hours per day.

(6) Consumers who are deaf or have limited English proficiency will have communication access provided by staff fluent in the consumer's preferred language or by a qualified interpreter. If the consumer is deaf, the staff member providing services shall have at least an Intermediate Plus level in the Sign Language Proficiency Interview. Programming will be modified to provide effective participation for all consumers who are deaf.

(7) Consumers records document that the consumer received at a minimum 1 hour of group therapy per week and 1 hour of individual or family therapy at least every 2 weeks. The minimum services may be met in more than 1 session of less than 1 hour each. The time requirements for pre-school day treatment are 1 half hour of group therapy per week and 1 half hour individual or family therapy every 2 weeks.

(8) There is documentation that group therapy size does not exceed 10 in each session.

(9) Consumer records document that group and individual therapy address clinical issues identified in the consumer's treatment plans.

(10) The length of stay of consumers in the program is consistent with the expected length of stay as specified above.

(11) Extensions of length of stay clearly document:

(a) Reasons consistent with the above criteria.

(b) Specify a period of time not to exceed 4 months.

(c) Specify clinical objectives to be achieved during the extension and are approved by a staff member as required.

(d) Consumer records indicate that extensions of length of stay are consistent with procedures for extending length of stay as stated in the program description.

(12) Child and Adolescent Day Treatment programs that children attend instead of a Local Educational Agency (LEA) must be registered with the State Department of Education. If the program is receiving special education funds, the program must

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agree to meet the minimum assurance statements set forth by the **Mental Health** State Department of Education.

(13) All Child and Adolescent Day Treatment Programs that serve school-age children during school terms must provide an educational curriculum or document coordination with the Local Education Agency.

~~(14) Each consumer shall have training in infection control at program admission and annually thereafter.~~

~~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 December 19, 2019.