

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-9-44-.14

Rule Title: Level 0.5 Early Intervention

 New 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 Allie Gao
Date 10-19-2022

(DATE FILED)
(STAMP)

APA-2

Alabama Department of Mental Health
Mental Health and Substance Abuse

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-9-44-.14 Level 0.5 Early Intervention

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20-.08 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

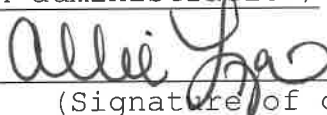
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Altorvise (Allie) Ligon, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00Pm, Monday through Friday, or by electronic means to contactoca.dmh@mh.alabama.gov until and including December 5, 2022. Persons wishing to submit data, views or arguments orally should contact Ms. Ligon by telephone at (334)353-2069 during this period to arrange for appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
December 5, 2022

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposal may contact:
Altorvise (Allie) Ligon
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 <https://mh.alabama.gov/division-of-administration/certification-administration/>



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

580-9-44-.14 Level 0.5: Early Intervention.

(1) Rule Compliance. Each Level 0.5 Early Intervention Program shall comply with the following rules and the rules specified in this chapter.

(a) Operational Plan. The entity shall develop, maintain and document implementation of a written operational plan that defines its Level 0.5 Early Intervention Program. The program description shall comply with all of the requirements specified in 580-9-44-.13 and the following additional specifications:

1. Location. The entity shall specifically identify and describe the setting in which Level 0.5 Early Intervention services shall be provided. Services may be provided in any appropriate setting that protects the client's right to privacy, confidentiality, safety and meets the DMH facility certification standards as appropriate to the location. Service locations may include traditional clinical offices and behavioral health sites, residences, schools, shelters, work sites, community centers and other locations as pre-authorized by DMH.

(i) Adolescent Specific Criteria.

(I) Location. Shall not provide services in locations that would require shared services or significant contact with individuals receiving treatment for substance use disorders.

2. Admission Criteria. The entity shall develop, maintain, and document implementation of written criteria for admission to its Level 0.5 Outpatient Program, as according to 580-9-44-.13(9), and the following criteria:

(i) The entity's admission criteria shall specify the target population for Level 0.5 services to include, at a minimum, individuals whose problems and risk factors appear to be related to substance use, but do not meet the diagnostic criteria for a substance-related disorder as defined in the current Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(ii) The entity shall provide written documentation in individual case records that each client admitted to receive Level 0.5 Early Intervention Services meets the most current edition of the ASAM Patient Placement Criteria diagnostic and dimensional criteria for this level of care.

(iii) Adolescent Program Specific Criteria. The entity shall provide written documentation in individual case records that each adolescent admitted to receive Level 0.5 Early Intervention services meets the most recent edition of the ASAM

Patient Placement Criteria adolescent diagnostic and dimensional criteria for this level of care.

3. Core Services. Each Level 0.5 Early Intervention Program shall demonstrate the capacity to provide a basic level of skilled services appropriate to the needs of its clientele:

- (i) Screening and assessment sufficient to screen for, and rule in or out, substance-related disorders.
- (ii) Individual counseling.
- (iii) Group counseling.
- (iv) Family counseling.
- (v) Psychoeducation.
- (iv) Case Management:
 - (I) Case planning.
 - (II) Linkage.
 - (III) Advocacy.
 - (IV) Monitoring.

4. Service Intensity. The entity shall document that the amount and frequency of services is established on the basis of the unique needs of each client served.

5. Documentation: In addition to meeting the requirements of 580-9-44-.13(21), an individualized progress note shall be recorded for each service provided in Level 0.5.

6. Support Systems.

(i) At a minimum, the Early Intervention Program shall develop, maintain and document implementation of written policies and procedures which govern the process used to ensure the availability of and provide referrals as needed for:

- (I) Treatment of substance use disorders.
- (II) Medical, psychological or psychiatric services, including assessment.
- (III) Community social services.

(ii) The entity shall maintain up-to-date, written Memorandums of Understanding, Collaborative Agreements or

Referral Agreements as applicable.

7. Program Personnel. Each Level 0.5 Early Intervention Program shall employ an adequate number of qualified individuals to carry out personalized care for its clientele and to meet the program's goals and objectives.

~~(i) Program Coordinator: There shall be a full time program coordinator that meets the requirements specified in 580-9-44-.02(1)(c).~~

(ii) Every client in a Level 0.5 Program shall be assigned to a specific Primary Counselor for care management.

8. Training. The entity shall provide written documentation that all Level 0.5 Program personnel satisfy the competency and training requirements as specified in 580-9-44-.02(3).

9. Service Intensity: The entity shall document that the amount and frequency of Level 0.5 Early Intervention Services are established on the basis of the unique needs of each client served.

10. Length of Service: The entity shall provide written documentation that the duration of treatment in each Level 0.5 Program shall vary as determined by:

- (i) The client's ability to comprehend the information provided and use that information to make behavior changes; or
- (ii) The appearance of new problems which require another modality of service.

11. Service Availability: The entity shall provide written documentation describing the process utilized to establish the hours of service availability for its Level 0.5 Early Intervention Program. At a minimum, this process shall:

(i) Include consideration of the needs of the target population, including work, school and parenting responsibilities.

(ii) Not be based solely on standard eight (8) to five (5), Monday through Friday office hours.

Author: Substance Abuse Services Division

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

History: New Rule: Filed January 26, 2012; effective March 1, 2012. **Amended:** Filed October 19, 2022.