

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-.15

Rule Title: Level I Outpatient

 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 Joo
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-.15 Level I Outpatient

INTENDED ACTION: Amend

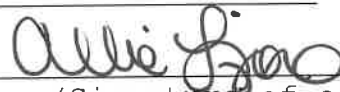
SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20-.08 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

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 contactca.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-.15 Level I: Outpatient Treatment.

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

(a) Program Description. The entity shall develop, maintain and document implementation of a written operational plan that defines its Level I Outpatient Program. The program description shall comply with all of the requirements specified in 580-9-44-.13.

1. Location. The entity shall specifically identify and describe the setting in which Level I Outpatient Services shall be provided. Services may be provided in any appropriate setting that protects the client's right to privacy, confidentiality and safety, including but not limited to, traditional clinical offices and behavioral health sites, residences, schools, shelters, work sites, community centers and other locations as pre-authorized by DMH.

2. Admission Criteria: The entity shall develop, maintain and implement written criteria for admission to its Level I Outpatient Program in compliance with the requirements of 580-9-44-.13(9) and the following specifications:

(i) The entity's admission criteria shall specify the target population for the Level I Program, which shall include, at a minimum, individuals whose assessed severity of illness initially warrants this level of care, including but not limited to:

(I) Whose progress in a more intensive level of care warrants a step-down to a less intensive level of care.

(II) Who are in the early stages of change and who are not yet ready to commit to full recovery.

(III) Who are experiencing increased conflict, demonstrating passive compliance or considering leaving treatment.

(ii) The entity shall provide written documentation in individual case records that each client admitted to receive Level I Outpatient Services meets:

(I) The diagnostic criteria for a substance use disorder as defined in the most recent edition of the Diagnostic and Statistical Manual for Mental Disorders.

(II) The dimensional criteria for admission to this

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level of care as defined in the most recent edition of the ASAM PPC-2R.

(iii) Adolescent Program Specific Criteria: The entity shall provide written documentation in individual case records that each adolescent admitted to receive Level I Outpatient Services meets:

(I) The diagnostic criteria for a substance use disorder as defined in the most recent edition of the Diagnostic and Statistical Manual for Mental Disorders.

(II) The adolescent dimensional criteria for admission to this level of care as defined in the most recent edition of the ASAM PPC-2R.

(iv) Co-occurring Disorders Program Specific Criteria: The entity shall provide written documentation in individual case records that each client admitted to receive Level I Outpatient Services in a Co-occurring Enhanced Treatment Program meets:

(I) The diagnostic criteria for a substance use and mental illness disorder as defined in the most recent edition of the Diagnostic and Statistical Manual for Mental Disorders.

(II) The dimensional criteria for admission to this level of care as defined in the most recent edition of the ASAM PPC-2R.

(v) Women and Dependent Children Program Specific Criteria: The entity shall provide written documentation in individual case records that each client admitted to receive Level I Outpatient Services in a Women and Children Program:

(I) Meets the diagnostic criteria for a substance use disorder as defined in the most recent edition Diagnostic and Statistical Manual for Mental Disorders.

(II) The dimensional criteria for admission to this level of care as defined in the most recent edition of the ASAM PPC-2R.

(III) Is pregnant; or

(IV) Has care and custody of dependent children; or

(V) Has lost custody of dependent children and has the potential for family reunification.

3. Core Services. Each Level I Outpatient Program shall demonstrate the capacity to provide a basic level of skilled treatment services appropriate to the needs of its clientele.

(i) At a minimum, the entity shall directly or by referral provide the following core services:

- (I) Behavioral Health Screening.
- (II) Individual counseling.
- (III) Group counseling.
- (IV) Family counseling.
- (V) Psychoeducation.
- (VI) Mental health consultation.
- (VII) Recovery support services.
- (VIII) Peer counseling services.
- (IX) Medication management.
- (X) Alcohol and/or drug screening/testing.
- (XI) Smoking cessation.
- (XII) Sign language interpreter services.
- (XIII) HIV early intervention services.
- (XIV) Case management:
 - I. Case planning.
 - II. Linkage.
 - III. Advocacy.
 - IV. Monitoring.

(ii) Adolescent Program Specific Criteria: Each Level I Adolescent Outpatient Program shall document the capacity to provide each of the core services and to include activity therapy.

- (I) Activity therapy.

(iii) Co-occurring Disorders Program Specific Criteria: Each level I Co-occurring Disorders Outpatient Program shall document the capacity to provide each of the core services to include basic living skills, crisis intervention services, and intensive case management.

(iv) Women and Dependent Children Program Specific Criteria: Each Level I Women and Dependent Children Outpatient Program shall document the capacity to provide each of the core services and/or arrange for the following services:

- (I) Transportation.
- (II) Child sitting services.
- (III) Developmental delay and prevention services.
- (IV) Activity therapy.
- (V) Parenting skills development.

4. Therapeutic Component Implementation. The entity shall document implementation of regularly scheduled treatment sessions that are provided in an amount, frequency and intensity appropriate to the client's assessed needs and expressed desires for care.

(i) Service strategies for each Level I Outpatient Program shall include, at a minimum:

- (I) Implementation of individualized counseling plan strategies.
- (II) Ongoing individualized assessment services.
- (III) Motivational enhancement and engagement strategies.
- (IV) Relapse prevention strategies.
- (V) Interpersonal choice/decision-making skill development.
- (VI) Health education.
- (VII) Random drug screening.
- (VIII) Family education.
- (IX) Gender responsive treatment.

(ii) Adolescent Program Specific Criteria: Each Level I Adolescent Outpatient Program shall document the capacity to provide the service strategies and the following therapeutic components:

- (I) Adolescent specific evidence based therapeutic

(II) Client education on key adolescent development issues, including but not limited to, adolescent brain development and the impact of substance use, emotional and social influence on behavior, value system development, puberty/physical development, sexuality and self esteem.

(III) Recreation and leisure time skills training.

(IV) Family, community and school reintegration services.

(iii) Co-occurring Disorders Program Specific Criteria: Each Level I Co-occurring Disorders Outpatient Program shall document the capacity to provide the service strategies and the following therapeutic components:

(I) Groups and classes that address the signs and symptoms of mental health and substance use disorders.

(II) Groups, classes, and training to assist clients in becoming aware of cues or triggers that enhance the likelihood of alcohol and drug use or psychiatric decompensation and to aid in development of alternative coping responses to those cues.

(III) Dual recovery groups that provide a forum for discussion of the interactions of and interrelations between substance use and mental health disorders.

(iv) Women and Dependent Children Program Specific Criteria: Each Level I Women and Dependent Children Outpatient Program shall document the capacity to provide the service strategies and the following therapeutic components:

(I) Specific services which address issues of relationships, parenting, abuse, and trauma.

(II) Primary medical care, including prenatal care.

(III) Primary pediatric care for children.

(IV) Therapeutic interventions for children which address their developmental needs and issues of sexual abuse and neglect.

(V) Outreach to inform pregnant women of the services and priorities.

(VI) Interim services while awaiting admission to this level of care.

(VII) Recreation and leisure time skills training.

5. Documentation: An individual progress note shall be recorded for each respective service provided in Level I.

6. Support Systems. Each Level I Outpatient Program shall develop, maintain and document implementation of written policies and procedures which govern the process used to provide client access to support services on site, or through consultation or referral, which shall minimally include:

(i) Medical, psychiatric, psychological, laboratory and toxicology services.

(ii) Medical and psychiatric consultation shall be available within twenty-four (24) hours by telephone or if in person, within a timeframe appropriate to the severity and urgency of the consultation requested.

(iii) Direct affiliation with or coordination through referral to more intensive levels of care and medication management.

(iv) Emergency services shall be available by telephone twenty-four (24) hours a day, seven (7) days a week.

(v) Mutual self help groups that are tailored to the needs of the specific client population.

(vi) Referral for other services as according to the client's assessed needs.

7. Program Personnel. Each level I Outpatient Program shall employ an adequate number of qualified individuals to provide personalized care for its clientele and to meet the program's goals and objectives.

~~(i) Program Coordinator. Each Level I Outpatient Program shall be coordinated by a full-time member of the staff who has a minimum of a master's degree in a behavioral health-related field and at least two (2) years post master's supervised experience in a direct service area treating clients with substance use, mental health, or co-occurring mental illness and substance use disorders.~~

(ii) Clinical Personnel. The entity shall maintain an adequate number of clinical personnel to sustain the Level I Outpatient program as delineated in its operational plan.

(iii) Administrative Support Personnel. The entity shall maintain an adequate number of support personnel to sustain the program's administrative functions.

(iv) Every client in a Level I program shall be

assigned to a specific Primary Counselor for care management.

(v) Each primary counselor shall maintain a case load not to exceed forty (40) clients with active cases at any one time.

(vi) Adolescent Program Specific Criteria Adolescent Program Specific Criteria:

~~(I) Program Coordinator. Each Level I Adolescent Outpatient Program shall be coordinated by a full-time member of the staff who has a minimum of a master's degree in a behavioral health related field and at least two (2) years post master's supervised experience in a direct service area treating adolescents who have substance use, mental health, or co-occurring mental health and substance use disorders.~~

(II) Clinical Personnel. The entity shall maintain an adequate number of clinical personnel to sustain the Level I Adolescent Outpatient program as delineated in its operational plan.

(III) Administrative Support Personnel. The entity shall maintain an adequate number of support personnel to sustain the program's administrative functions.

(IV) Every client in a Level I adolescent program shall be assigned to a specific Primary Counselor for care management.

(V) Each primary counselor shall maintain a case load not to exceed thirty (30) clients with active cases at any one time.

(vii) Co-occurring Disorders Program Specific Criteria:

(I) The Level I Co-occurring Enhanced Outpatient Program shall be coordinated by a full-time member of the staff who has the minimum of a master's degree in a mental health related field and at least two (2) years post master's supervised experience in a direct service area treating clients with co-occurring disorders.

(II) The Level I Co-occurring Enhanced Outpatient Program shall have access to psychiatric services (led by a qualified psychiatrist or nurse practitioner) that are fully capable of evaluating, diagnosing, and prescribing medications to clients with co-occurring disorders. On-call psychiatric services shall be available twenty-four (24) hours a day, seven (7) days a week.

(III) Treatment staff that provide therapy and ongoing clinical assessment services to individuals diagnosed with co-occurring disorders.

(IV) Every client in a Level I Enhanced Co-occurring Outpatient Program shall be assigned to a specific Primary Counselor for care management.

(V) Each primary counselor shall maintain a case load not to exceed thirty (30) clients with active cases at any one time.

(viii) Women and Dependent Children Program Specific Criteria:

~~(I) Program Coordinator. Each Level I Women and Dependent Children Outpatient Program shall be coordinated by a full-time member of the staff who has a minimum of a master's degree in a behavioral health related field and at least two years post master's supervised experience in a direct service area treating women who have substance use, mental health, or co-occurring mental health and substance use disorders.~~

(II) Direct Care Personnel. All direct care personnel shall be a qualified paraprofessional to provide the specific services delineated in the entity's operational plan for this level of care.

(III) Clinical Personnel. The entity shall maintain an adequate number of clinical personnel to sustain the Level I Women and Dependent Children Outpatient Program as delineated in its operational plan.

(IV) Administrative Support Personnel. The entity shall maintain an adequate number of support personnel to sustain the program's administrative functions.

(V) Every client in a Level I Women and Dependent Children Program shall be assigned to a specific primary counselor for care management.

(VI) Each primary counselor shall maintain a case load not to exceed thirty (30) clients with active cases at any one time.

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

9. Service Intensity. The entity shall document that the amount and frequency of Level I Outpatient services are established on the basis of the unique needs of each client served, not to exceed eight (8) contact hours weekly.

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

- (i) The severity of the client's illness.
- (ii) The client's ability to comprehend the information provided and use that information to implement treatment strategies and attain treatment goals; or
- (iii) The appearance of new problems that require another level of care; or
- (iv) The availability of services at an assessed level of need when Level I services have been utilized as interim services.

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

- (i) Include consideration of the needs of the target population, including work, school and parenting responsibilities.
- (ii) Include consideration of transportation accessibility.
- (iii) 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.