

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-.20 Level III.01 Transitional
Residential Program
INTENDED ACTION: Amend

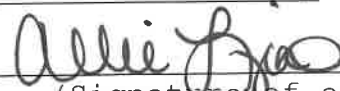
SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20-.08 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

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-.20 Level III.01: Transitional Residential Program.

(1) Rule Compliance. Each Level III.01 Transitional Residential Program shall comply with the following rules and the rules specified in this chapter.

(a) Program Description. The entity shall develop, maintain, and implement a written program description that defines the Level III.01 Transitional Residential Program it provides, as according to Rule 580-9-44-.13 and the following specifications:

1. Location. The entity shall specifically identify and describe the setting in which the Level III.01 Transitional Residential Program shall be provided. Services shall be provided in any facility that meets all applicable federal, state and local certification, licensure, building, life-safety, fire, health and zoning regulations including the DMH facility certification standards.

2. Admission Criteria: The entity shall develop, maintain and document implementation of written criteria for admission to its Level III.01 Transitional Residential Program, in compliance with the requirements of Rule 580-9-44-.13(9) and the following specifications:

(i) The entity's admission criteria shall specify the target population for its Level III.01 Services, which shall include, at a minimum:

(I) Individuals whose assessed severity of illness warrants this level of care.

(II) Individuals who have a need for support in a twenty-four (24) hour drug-free environment in order to reintegrate into the community after treatment in a more intense level of care.

(ii) The entity shall provide written documentation in individual case records that each client admitted to a Level III.1 Program meets the following diagnostic and modified ASAM PPC2R dimensional criteria for this level of care:

(I) The client shall meet the criteria for a substance use disorder, as according to the specific diagnostic criteria given in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(II) Acute Intoxication and/or Withdrawal:

I. The client shall not report experiencing or display any signs or symptoms of alcohol or other drug withdrawal.

(III) Biomedical Conditions and Complications:

I. The client's biomedical problems, if any, shall be stable, and shall not require medical or nurse monitoring by the transitional program.

II. The client shall be capable of self-administering any prescribed or required over the counter medication.

(IV) Emotional, Behavioral, or Cognitive Conditions and Complications:

I. The client shall not report or display symptoms of a co-occurring psychiatric, emotional, behavioral, or behavioral condition; or

II. The client's co-occurring psychiatric, emotional, behavioral, or cognitive disorder shall be:

A. Stable.

B. Self-manageable.

C. Addressed concurrently through appropriate psychiatric services.

III. The client shall be assessed as not posing a risk of harm to self or others.

(V) Readiness to Change:

I. The client shall acknowledge the existence of a substance use disorder, or a co-occurring substance use and psychiatric, emotional, behavioral, or cognitive disorder and expresses and demonstrates a desire to make needed changes to support recovery.

(VI) Relapse, Continued Use, or Continued Problem Potential:

I. The client's history indicates a high risk of relapse in a less structured level of care; or

II. The client needs regimented support to maintain engagement in a recovery focused process on community reintegration.

(VII) Recovery Environment:

I. The client has insufficient resources and skills to maintain a recovery oriented lifestyle outside of a twenty-four (24) hour supportive environment.

3. Core Services: Each Level III.01 Transitional Residential Program shall demonstrate the capacity to provide a basic level of treatment services appropriate to the needs of its clientele.

(i) At a minimum, the entity shall demonstrate and document its capacity to provide a twenty-four (24) hour structured residential treatment environment with the following core services:

- (I) Placement assessment.
- (II) Psychoeducation.
- (III) Peer support.
- (IV) Daily living skills.
- (V) Alcohol and/or drug screening/testing.
- (VI) Transportation.
- (VII) Case Management:
 - I. Case planning.
 - II. Linkage.
 - III. Advocacy.
 - IV. Monitoring.

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 III.01 Transitional Residential Program shall include, at a minimum:

(I) Maintenance of an alcohol and illicit drug free environment.

(II) Implementation of individualized service plan strategies.

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(III) On duty, awake staff shall provide supervision of client's health, welfare and safety twenty-four (24) hours a day.

(IV) All clients enrolled in Level III.01 Programs shall have access to clinical services twenty-four (24) hours a day, seven (7) days a week.

(V) The entity shall document the provision of planned recovery support services and activities that shall, at a minimum, include:

- I. Motivational strategies.
- II. Relapse prevention counseling.
- III. Interpersonal choices/decision making skills development.
- IV. Development of a social network supportive of recovery.
- V. Daily living and recovery skills development.
- VI. Random drug screening.
- VII. Health education.

5. Documentation. Individualized progress notes shall be recorded each day for each respective service provided in Level III.01 Services.

6. Support Systems. Each level III.01 Transitional Residential Program shall develop, maintain and document implementation of written policies and procedures that govern the process used to provide client access to support services at the Level III.01 Program site, or through consultation or referral, which shall minimally include:

(i) Telephone or in person consultation with emergency services twenty four (24) hours a day, seven (7) days a week.

(ii) Telephone or in person consultation with a Registered Nurse twenty-four (24) hours a day, seven (7) days a week.

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

(iv) Direct affiliation with or coordination through referral to supportive services, including vocational rehabilitation, literacy training and adult education.

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

7. Program Personnel. Each Level III.01 Transitional Residential 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: Level III.01 Transitional Program shall have a full-time program coordinator or manager who shall have a minimum of three years (3) work experience in a direct service area treating clients with substance use or co-occurring mental health and substance use disorders, plus other qualifications and credentials as designated in writing by the governing authority.~~

(ii) Direct Care Personnel: All direct care personnel shall have the qualifications as a qualified paraprofessional to provide the specific services delineated in the entity's program description for this level of care.

(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 III.01 Transitional Residential Program shall be assigned to a specific primary counselor for care management.

8. Training. The entity shall provide written documentation that all Level III.01 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 III.01 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 its Level III.1 Program is variable 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 meet treatment goals and strategies; 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 a Level III.01 Transitional Residential Program has been utilized as an interim level of care.

11. Service Availability: The entity shall provide written documentation describing the process utilized to establish hours of availability for screening, assessment and intake services, admission and counseling services at its Level III.1 Transitional Residential Program. 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. **Amend:** Filed October 19, 2022.