

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-.27
Rule Title: Level III.7 Medically Monitored Intensive Residential Treatment Program for Adolescents.

 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 Allie [Signature]
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-.27 Level III.7 Medically Monitored Intensive Residential Treatment Program for Adolescents.

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.

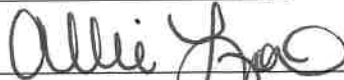
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Altorvise (Allie) Ligon, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in 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-.27 Level III.7: Medically Monitored High Intensity Residential Treatment Program For Adolescents.

(1) Rule Compliance. In addition to compliance with the rules as specified in this chapter, each Level III.7 Medically Monitored High Intensity Residential Treatment Program for Adolescents shall comply with the rules as specified in the following chapters.

(a) Program Description. The entity shall develop, maintain and implement a written program description that defines its Level III.7 Adolescent Medically Monitored High Intensity Residential Treatment Program, 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.7 Adolescent Program shall be provided. Services may 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.7 Adolescent 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.7 Adolescent Services, which shall include, at a minimum, individuals:

(I) Who are less than nineteen (19) years old and:

(II) Whose assessed severity of illness warrants this level of care, including but not limited to adolescents whose sub-acute biomedical and emotional, behavioral, or cognitive problems are so severe that they require medically monitored treatment but do not need the full resources of an acute care general hospital.

(III) For whom treatment for identified problems has been rendered ineffective at less intensive levels of care.

(ii) The entity shall provide written documentation in individual case records that each client admitted to a Level III.7 Adolescent Program meets:

(I) The diagnostic criteria for a substance related disorder as defined in the most recent edition of the Diagnostic

Mental Health

Chapter 580-9-44

and Statistical Manual of Mental Disorders of the American Psychiatric Association.

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

(iii) Co-occurring Disorders Program Specific Criteria. The entity shall provide written documentation in individual case records that each individual admitted to a Level III.7 Adolescent Co-occurring Enhanced Treatment Program meets:

(I) The diagnostic criteria for a substance related 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.

(iv) Women and Dependent Children Program Specific Criteria: The entity shall provide written documentation in individual case records that each client admitted to a Level III.7 Adolescent Program for Women and Dependent Children:

(I) Meets the diagnostic criteria for a substance related 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.

(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 III.7 Adolescent High Intensity Residential Program shall demonstrate the capacity to provide a basic regimen of treatment services appropriate to the adolescent's developmental and cognitive levels and other assessed needs.

(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) Individual counseling.
- (III) Group counseling.
- (IV) Family counseling.
- (V) Psychoeducation.
- (VI) Peer support.
- (VII) Medical and somatic services.
- (VIII) Daily living skills.
- (IX) Medication management.
- (X) Medication administration.
- (XI) Alcohol and/or drug screening/testing.
- (XII) Transportation.
- (XIII) Activity therapy.
- (XIX) Case management:
 - I. Case planning.
 - II. Linkage.
 - III. Advocacy.
 - IV. Monitoring.
- (ii) Medical Services. The entity shall implement procedures for the provision of medical services as according to protocols established in compliance with Rule 580-9-44-.13(24).
- (I) Pregnant clients who are not receiving routine prenatal care shall be seen by physician within two (2) weeks of admission.
- (iii) Mental Health Services. The entity shall develop, maintain and document implementation of written policies and procedures to ensure that each client's mental health needs are identified through the assessment service process and access to appropriate care for these needs is provided concurrently with treatment for assessed substance related disorders.
- (iv) Family Support. The entity shall initiate and document in the client record continuous efforts to involve the client's family and other natural supports in the treatment

(v) Co-occurring Disorders Program Specific Criteria: Each Level III.7 Adolescent Co-occurring Disorders High Intensity Residential Treatment Program shall document the capacity to provide each of the core services and the following services:

- (I) Mental health consultation.
- (II) Crisis intervention services.
- (III) Intensive case management.

(vi) Women and Dependent Children Program Specific Criteria: Each Level III.7 Adolescent Women and Dependent Children High Intensity Residential Treatment Program shall document the capacity to provide each of the core services and the following services:

- (I) Child sitting services.
- (II) Developmental delay and prevention services.
- (III) Parenting skills development.
- (IV) Academic and vocational services.
- (V) Financial resource development and planning.
- (VI) Family planning services.

4. Therapeutic Component Implementation. The entity shall document the implementation of a planned regimen of professionally directed program activities for adolescents and their families. Evaluation, treatment and care shall be 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.7 Adolescent Residential Program shall include, at a minimum:

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

(II) Clients shall have access to clinical services personnel twenty-four (24) hours a day seven (7) days a week.

(III) Daily clinical services to improve the client's ability to structure and reorganize the tasks of daily living and recovery.

(IV) The provision of daily scheduled treatment and recovery support services and activities that shall, at a

minimum, include those that address:

- I. Implementation of individualized service plan strategies.
 - II. Development and application of recovery skills including relapse prevention.
 - III. Interpersonal choice/decision making skill development.
 - IV. Enhancement of the understanding of addiction.
 - V. Development of a social network supportive of recovery.
 - VI. Random drug screening.
 - VII. Health education.
 - VIII. Medication administration and monitoring.
 - IX. Promotion of successful involvement in regular productive daily activity, such as school or work.
 - X. Enhancement of personal responsibility, developmental maturity and prosocial values.
 - XI. Educational services in accordance with state and local regulations.
 - XII. Opportunities to remedy educational deficits created by involvement with alcohol and other drugs.
 - XIII. Supervised therapeutic recreational activities.
 - (ii) The entity shall actively promote and provide referrals and/or access to community support services.
 - (iii) All services shall be shall be organized and provided according to evidence-based and best practice standards and guidelines.
5. Documentation: Each Level III.7 Adolescent High Intensity Residential Program shall provide the following documentation in each client record:
 - (i) Individualized progress notes shall be recorded each day for each respective service provided.
6. Support Systems. Each Level III.7 Adolescent Program shall develop, maintain and document implementation of written policies and procedures which govern the process used to
- Supp. 12/31/18** **9-44-178**

Mental Health**Chapter 580-9-44**

provide client access to support services on site or through consultation or referral, which shall minimally include:

(i) The availability of a physician or physician extender to assess each adolescent in person within twenty-four (24) hours of admission and thereafter as medically necessary.

(ii) Emergency consultation with a physician available twenty-four (24) hours a day seven (7) days a week.

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

(iv) The availability of a MAS Registered Nurse to conduct a nursing assessment at the time of admission, monitor the client's progress during treatment and manage medication administration.

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

(vi) Indicated laboratory and toxicology testing.

(vii) Indicated medical procedures.

(viii) Medical treatment.

(ix) Psychological and psychiatric treatment.

(x) Community based services assessed as needed but not provided by the entity.

(xix) Direct affiliation with or coordination through referral to more and less intensive levels of care including detoxification services.

7. Program Personnel. Each Level III.7 Adolescent High Intensity 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. Each Level III.7 Adolescent High Intensity Residential Treatment Program shall have a full-time program coordinator or manager who shall have a minimum two (2) years work experience in a direct service area treating adolescents who have substance related or co-occurring mental health and substance related disorders.~~

(ii) Nursing Personnel. MAS Registered Nurses or Licensed Practical Nurses shall be available for primary nursing care and observation twenty-four (24) hours a day.

(iii) Direct Care Personnel. All direct care personnel

Chapter 580-9-44

Mental Health

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.

(iv) Clinical Personnel. The entity shall maintain an adequate number of clinical personnel to sustain the Level III.7 Program as delineated in its operational procedures.

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

(vi) Every client in a Level III.7 Adolescent Program shall be assigned to a specific primary counselor for care management whose principal responsibilities shall include, but not limited to:

(I) Development and implementation of the individualized service plan.

(II) Ensuring service delivery and coordination of service delivery as delineated in the plan.

(III) Evaluation of the client's overall progress in treatment and preparation of staffing reports.

(IV) Discharge and continuing care planning and implementation.

(vii) Each primary counselor shall maintain a case load not to exceed ten (10) clients with active cases at any one time.

(viii) Co-occurring Disorders Program Specific Criteria.

(I) Each Level III.7 Adolescent Co-occurring Enhanced High Intensity Residential 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 supervised experience in a direct service area treating adolescent clients with co-occurring disorders.

(II) Each Level III.7 Adolescent Co-occurring Enhanced High Intensity Residential 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) The treatment organization/agency shall have access to an Alabama licensed physician, full time, part time, or on contract, who shall be available to the program for client care and shall assume responsibility for the medical aspects of the

(IV) Treatment staff that provide therapy and ongoing clinical assessment services to individuals diagnosed with co-occurring disorders, shall have at a minimum,

I. A master's degree in a behavioral health related field with a minimum of two (2) years work experience with individuals who have co-occurring disorders, mental health or substance use disorders.

II. Specialized training to work with individuals who have co-occurring disorders.

(V) All other direct care personnel in a Level III.7 Adolescent Co-occurring Enhanced High Intensity Residential Program shall be qualified to provide the specific services delineated in the entity's operational plan for this level of care.

(VI) Clinical Personnel. The entity shall maintain an adequate number of clinical personnel to sustain the Level III.7 Adolescent Co-occurring Enhanced Residential Program as delineated in its operational plan.

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

(VIII) Every client in a Level III.7 Adolescent Residential Program shall be assigned to a specific primary counselor for care management as a qualified paraprofessional.

(ix) Women and Dependent Children Program Specific Criteria.

~~(I) Program Coordinator. Each Level III.7 Adolescent High Intensity Women and Dependent Children Residential 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 supervised experience in a direct service area treating women or adolescents 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 qualified as 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 III.7 Adolescent High Intensity Women and Dependent Children

Residential 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 III.7 Adolescent 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 ten (10) clients with active cases at any one time.

8. Training. The entity shall provide written documentation that all Level III.7 Adolescent Program personnel satisfy the competency and training requirements as specified in Rule 580-9-44-.02(3).

9. Service Intensity:

(i) The entity shall document that the amount and frequency of Level III.7 Adolescent High Intensity Residential Treatment Services are established on the basis of the unique needs of each client served. To assist in addressing these needs, the entity shall ensure the availability of no less than twenty (20) hours of structured services each week.

(ii) The entity shall provide written documentation describing the procedures utilized to ensure the provision of services appropriate to the client's developmental stage and level of comprehension including any necessary adaptations.

10. Length of Service: The entity shall provide written documentation that the duration of treatment in each Level III.7 Adolescent High Intensity Residential 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.

(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.7 Adolescent Residential Program has been utilized to provide interim services.

11. Service Availability: The entity shall provide written documentation describing the process utilized to establish hours of availability for Behavioral Health Screening

Mental Health

Chapter 580-9-44

and Diagnostic Interview Examination Services at its Level III.7 High Intensity 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. **Amended:** Filed October 19, 2022.