

**RULES
OF
THE TENNESSEE DEPARTMENT OF MENTAL HEALTH
AND SUBSTANCE ABUSE SERVICES
DIVISION OF MENTAL HEALTH SERVICES**

**CHAPTER 0940-03-02
MANDATORY PRE-SCREENING FOR ADMISSION TO STATE SUPPORTED
MENTAL HEALTH INSTITUTES**

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0940-03-02-.01 PURPOSE. The following rules establish mandatory pre-screening to state supported mental health institutes. Specifically, they provide for the establishment of designated sites and identified procedures for evaluation of individuals being considered for admission to state supported mental health institutes. The mandatory pre-screening system will assure the most appropriate and effective care for individuals being considered for referral and admissions to state-supported mental health institutes. The goal of the system is to minimize length of confinement, promote speedy return to the community, and maximize the individual's ability to remain in a community setting. The system includes a screening process designed to reduce inappropriate utilization of inpatient resources and promote coordinated service delivery in the most appropriate, least restrictive environment available and by use of resources currently available.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.02 DEFINITIONS.

- (1) Mandatory Pre-Screening Authority – Agency or group designated by the Commissioner as the community-based entity which pre-screens for admission to a state supported mental health institute.
- (2) Commissioner – The Commissioner of the Tennessee Department of Mental Health and Substance Abuse Services or his authorized representative.
- (3) Community Mental Health Center (CMHC) – Private non-profit mental health agency designated and contracted with by the department to provide specific mental health services in assigned geographical area.
- (4) Catchment Area – Geographical area of the state of Tennessee assigned by the Commissioner to be served by a specific community mental health center.
- (5) State Supported (Regional) Mental Health Institute – Regional mental health residential facility operated by the department or any agency with which the department contracts specifically for replacement services of a regional mental health institute.

(Rule 0940-03-02-.02, continued)

- (6) Referral Agency – Entity which provides mental health services, not owned or operated by the department and not a mandatory pre-screening authority.
- (7) Private Practitioner – A licensed physician or licensed psychologist with health service provider designation who is not acting as an agent of either the department or an agency with which the department contracts when dealing with a specific referral for admission to a regional mental health institute.
- (8) Pre-Screen – An assessment of need for admission to a state-supported mental health institute.
- (9) Mandatory Pre-Screening Plan – Plan submitted by the mandatory pre-screening authority in conjunction with community mental health center and approved by the department which provides for the development and implementation of a single mandatory pre-screening system for that community mental health center's catchment area.
- (10) Affiliate Agreement – Contract or agreement between mandatory pre-screening authority and another agency or individual which establishes roles and responsibilities in carrying out the mandatory pre-screening plan.
- (11) Legal Status – The section of T.C.A. under which an individual may be admitted to residential mental health care in a state-supported mental health institute.
- (12) Private Residential Treatment Resource – A private alcohol and drug or psychiatric program designated to provide residential/inpatient services.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985. Amendment filed September 25, 1995; effective December 9, 1995. Administrative corrections made to agency names in December 2022 pursuant to Public Chapter 575 of 2012.

0940-03-02-.03 PROCEDURES FOR BECOMING A MANDATORY PRE-SCREENING AUTHORITY.

- (1) Letter of Intent: A community mental health center must establish a mandatory pre-screening authority for its catchment area. The community mental health center must submit a letter of intent which sets out the following:
 - (a) Specific agency which will be mandatory pre-screening authority.
 - (b) Applicable catchment area(s).
 - (c) Categories of patients by legal status to be pre-screened (T.C.A. §§ 33-6-101, 6-103, 6-104).
 - (d) Description of mandatory pre-screening system to be implemented, including how other agencies such as local hospital emergency rooms, law enforcement, crisis stabilization units, other mental health service providers, etc. are involved in implementation and what their function is in the mandatory pre-screening process.
 - (e) Date of implementation. If the plan is to be implemented before January, 1987, plan must be submitted to the department at least ninety (90) days before start-up. See also rule 0940-03-02-.11 of this chapter.

(Rule 0940-03-02-.03, continued)

- (2) Department, after review and approval of letter of intent, in a timely manner will authorize development of a mandatory pre-screening plan and will provide appropriate public notice of that authorization.
- (3) Agency(ies) will develop and submit a mandatory pre-screening plan under guidelines specified in rule 0940-03-02-.10 and 0940-03-02-.11 of this chapter.

Authority: T.C.A. §§ 4-4-103, 33-1-203 through 33-1-205, and 33-2-602. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.04 RESPONSIBILITIES OF MANDATORY PRE-SCREENING AUTHORITY.

- (1) Develop and implement in conjunction with all community mental health centers to be served by that mandatory pre-screening authority; a mandatory pre-screening plan according to guidelines specified in rules 0940-03-02-.10 and 0940-03-02-.11 of this chapter.
- (2) Negotiate and sign any affiliate agreements necessary to the mandatory pre-screening plan.
- (3) Contract for services in accordance with the mandatory pre-screening plan.
- (4) Prescreen individuals presented for referral for possible admission to a state-supported mental health institute.
- (5) Provide in a timely manner appropriately completed referral forms to regional mental health institute for all patients referred to regional mental health institute.
- (6) Negotiate, sign, and implement an agreement with the regional mental health institute and catchment area community mental health center, when appropriate, that addresses responsibilities of all parties in treatment and discharge planning. Agreements should also specify procedures should a patient not be admitted to a regional mental health institute.
- (7) Screen individuals proposed for transfer from a residential treatment resource to a regional mental health institute.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.05 RESPONSIBILITIES OF THE COMMUNITY MENTAL HEALTH CENTER.

- (1) When the community mental health center is the mandatory pre-screening agency, see rule 0940-03-02-.04 of this chapter.
- (2) When the community mental health center is not the mandatory pre-screening agency:
 - (a) The community mental health center must participate in the development of a mandatory pre-screening plan for its catchment area.
 - (b) Provide available mental health services to individuals who are not admitted to a regional mental health institute or who are awaiting admission under T.C.A. § 33-6-104 to a regional mental health institute.
 - (c) Provide liaison and follow-up services to individuals hospitalized from catchment area.

(Rule 0940-03-02-.05, continued)

- (d) Provide to regional mental health institute a written assessment of less restrictive alternatives prior to probable cause hearing when individual is already hospitalized.
- (e) Review and endorse a plan to convert an emergency regional mental health institute admission to voluntary status prior to occurrence of such conversion.
- (f) Provide to regional mental health institute an evaluation of patient's current mental condition under circumstances specified in T.C.A. § 33-6-108.
- (g) Negotiate, sign, and implement an agreement with the regional mental health institute and mandatory pre-screening authority that addresses responsibilities of all parties in treatment and discharge planning. Agreements should also specify procedures should a patient not be admitted to a regional mental health institute.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.06 RESPONSIBILITIES OF THE DEPARTMENT.

- (1) Review and approve proposed mandatory pre-screening plans.
- (2) Designate a mandatory pre-screening authority for each catchment area and provide public notice of that designation. Such an authority may serve one or more catchment areas but there will be a maximum of one mandatory pre-screening authority per catchment area.
- (3) Allocate and contract available funds as necessary for mandatory pre-screening services. An appeal process, as defined in the department's manual, Program Report and Data Requirements for Mental Health and Alcohol and Drug Grantees, is to be utilized to resolve any dispute between the mandatory pre-screening agency and the department which might impact funding.
- (4) Develop procedures (with appropriate time lines) for plan review with recommendations for approval, renewal, and/or change in the mandatory pre-screening plan.
- (5) Provide consultation, oversight, and local and system monitoring of implementation of mandatory pre-screening plan.
- (6) Assist in transition to and implementation of the mandatory pre-screening process across the state in accordance with recommendation by the mandatory pre-screening authority.
- (7) Monitor and enforce compliance by mandatory pre-screening authority, community mental health center and regional mental health institute of their obligations under terms of mandatory pre-screening plan.
- (8) Establish a committee made up of departmental staff and representatives of non-departmental agencies to make recommendations to the Commissioner when a mandatory pre-screening authority is unable to develop a plan or reach an agreement on a plan.
- (9) Develop a referral form for all patients referred for admission to regional mental health institutes. This form must include, at least the following information on each patient:
 - (a) Reason/justification for referral.
 - (b) Evidence that less restrictive alternatives have been assessed and ruled out.

(Rule 0940-03-02-.06, continued)

- (c) Indication of contact with regional mental health institute to assess availability of space and tentative agreement to admit.
- (d) Current medication, if any.
- (e) Community mental health center, private practitioner, or agency who will follow patient during hospitalization and be responsible for aftercare.
- (f) Tentative plan for discharge.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.07 RESPONSIBILITIES OF THE REGIONAL MENTAL HEALTH INSTITUTE.

- (1) Negotiate, sign and implement an agreement with the mandatory pre-screening authority and catchment area community mental health center, when appropriate, that addresses responsibilities of all parties in treatment and discharge planning. Agreements should also specify procedures should a patient not be admitted to a regional mental health institute.
- (2) Verify to court community mental health center prior to probable cause hearing.
- (3) Provide both certificates of need for hospitalization when a petition for emergency is filed when patient already voluntarily hospitalized.
- (4) Ensure screening by the appropriate mandatory pre-screening authority of individuals applying for transfer from a private residential treatment resource to a regional mental health institute.
- (5) Obtain catchment area community mental health center's endorsement of a plan to convert an emergency admission to voluntary status prior to conversion.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.08 RELATIONSHIP BETWEEN COMMUNITY MENTAL HEALTH CENTER AND DEPARTMENT. Provision of mandatory pre-screening services shall be contained in the terms of the contracts negotiated between community mental health centers and the department. Failure to develop and implement an approved mandatory pre-screening plan will constitute a failure to meet contract requirements.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.09 RELATIONSHIP BETWEEN MANDATORY PRE-SCREENING AUTHORITY AND DEPARTMENT.

- (1) When a community mental health center is the mandatory pre-screening authority, see rule 0940-03-02-.08 of this chapter.

(Rule 0940-03-02-.09, continued)

- (2) When the mandatory pre-screening authority is not a community mental health center, the department may either directly contract for mandatory pre-screening services with the designated mandatory pre-screening authority, or may contract with a community mental health center or community mental health centers served by the designated mandatory pre-screening authority subject to department's approval of any sub-contract.

Authority: T.C.A. §§ 32-2-602, 33-1-203, and 33-1-204. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985.

0940-03-02-.10 REPEALED.

Authority: T.C.A. §§ 4-4-103, 32-2-602, 33-1-203, 33-1-204, 33-1-302, 33-1-303, and 33-1-305. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985. Repeal filed November 25, 2024; effective February 23, 2025.

0940-03-02-.11 REPEALED.

Authority: T.C.A. §§ 4-4-103, 33-1-203 through 33-1-205, 33-1-302, 33-1-303, 33-1-305, and 33-2-602. **Administrative History:** Original rule filed October 17, 1978; effective December 1, 1978. Repeal by Public Chapter 969; effective July 1, 1984. New rule filed November 27, 1985; effective December 31, 1985. Amendment filed September 25, 1995; effective December 9, 1995. Repeal filed November 25, 2024; effective February 23, 2025.