

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

**CHAPTER 0940-03-05
MENTAL HEALTH SUPPORTIVE LIVING FACILITY
QUALITY ENABLING PROGRAM**

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0940-03-05-.01 PURPOSE. It is the intent of these rules to improve the quality of care and service in Tennessee's mental health supportive living facilities through distributing certain designated and limited state funds.

Authority: T.C.A. § 12-4-330. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989. Amendment filed December 13, 2007; effective April 29, 2008.

0940-03-05-.02 PARTICIPATION OF RESIDENTS.

- (1) To be eligible to participate in this program, a resident must meet all of the following requirements both at the time of application and at all times during continued participation in the program:
 - (a) Has an income that is limited to payments under Social Security Act;
 - (b) Total income does not exceed the monthly SSI benefit rate; and
 - (c) Meets the criteria for admission into a mental health supportive living facility.

Authority: T.C.A. § 12-4-330. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989. Amendments filed December 13, 2007; effective April 29, 2008.

0940-03-05-.03 PARTICIPATION OF PROVIDERS.

- (1) To be eligible to participate in this program, a mental health supportive living facility, as defined by departmental rules, must meet all of the following requirements, both at the time of application and at all times during continued participation in the program:
 - (a) Holds a current valid license from the department to operate a mental health supportive living facility;
 - (b) Is located in Hardeman, Obion, Wilson, Madison, Knox, Dyer, Hamilton, Davidson, Lincoln, Warren or Shelby counties;
 - (c) Collects and furnishes at the request of the department such data and information as is necessary to evaluate the effectiveness of the program;
 - (d) Has the operator or responsible attendant participate in all department sponsored training programs which are made available without charge or department approved training programs; and

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

- (e) Must accept payment in full toward the cost for the supportive living facility services and not attempt to hold any other person as responsible or liable for the cost of these services. Payment made to the provider under this program is intended to improve the quality of care and service to a resident and is not to be considered as income to the resident. Residents are not, by this program, disqualified or adversely affected for benefits from other local, state, or federal programs that are based on income eligibility. A facility is not prohibited from accepting gifts in any form from churches, civic organizations, etc.

Authority: T.C.A. § 12-4-330. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989. Amendments filed December 13, 2007; effective April 29, 2008.

0940-03-05-.04 APPLICATION TO PARTICIPATE.

- (1) The department will notify eligible providers and potentially-eligible persons of the availability of this program and the requirements to participate and the process to make an application.
- (2) All applications must be made on forms provided by the department. Completed applications must be submitted to the department for review. A decision on the application will be made within thirty (30) days of its receipt.
- (3) Potential providers must apply in the name of the licensee.
- (4) Current residents of a mental health supportive living facility which has been approved to participate, or which has a pending application should apply through a representative of the mental health supportive living facility.
- (5) Potential residents may apply by themselves or through a representative from a mental health supportive living facility, but should also identify an approved provider who is willing to admit them as residents.
- (6) Reimbursement will not be made until both the mental health supportive living facility and the resident have been approved for participation.

Authority: T.C.A. § 12-4-330. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989.

0940-03-05-.05 REIMBURSEMENT.

- (1) The department shall reimburse an approved and participating mental health supportive living facility for each day of care and services given to an approved and participating resident. Reimbursement will be available for days that the resident is away from the facility for weekend trips, camping trips, or other absences that are temporary in nature, with the resident returning to the facility after the brief absence.
- (2) The amount of reimbursement shall be two (\$2.00) dollars per day of residence.
- (3) No mental health supportive living facility shall receive the payment as provided for in these rules for more than thirty percent (30%) of its licensed residential capacity.
- (4) Claims for reimbursement must be submitted each month to the department on forms approved by the department. At the end of the month the authorized representative of the mental health supportive living facility must certify the participant's continued eligibility for services during the previous month, attesting that the representative has personally examined documents demonstrating that continued eligibility.

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

- (5) Claims for reimbursement can be made for days of care and services to eligible current residents by the mental health supportive living facility that were provided beginning from the effective date of the rules.
- (6) The department may recoup or recover funds paid to any provider for services provided to an ineligible recipient, or if the provider has accepted prohibited payments as described under Rule 0940-03-05-.03(e), from any other individual on behalf of the resident.
- (7) Reimbursement is limited to the amount appropriated through state funds for the program. Reimbursement will be made on the first come first served basis with the date the claim is received at the department as the date of eligibility for reimbursement. The program will terminate if the total appropriated for this program has been expended.

Authority: T.C.A. § 12-4-330 and Chapter 12, Public Acts, 1989. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989. Amendment filed May 10, 1989; effective June 24, 1989. Amendments filed December 13, 2007; effective April 29, 2008.

0940-03-05-.06 TERMINATION FROM PARTICIPATION.

- (1) A participating provider or a participating resident may be terminated from this program for any of the following reasons:
 - (a) The termination of the program after thirty (30) days' notice to all persons and all mental health supportive living facilities who are then participating;
 - (b) A resident no longer meets the requirements for participation in the program, set forth above, or a provider no longer meets the requirements for participation in the program, set forth above;
 - (c) A final order revoking the provider's license;
 - (d) Failure to comply with any of the provisions of these rules; or
 - (e) False or erroneous certification or claim of a resident's period of residence or eligibility, including concealing income.

Authority: T.C.A. § 12-4-330. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989. Amendments filed December 13, 2007; effective April 29, 2008.

0940-03-05-.07 HEARINGS.

- (1) If a program applicant or participant is dissatisfied with any decision made by the department with regard to this program, he/she has the right to appeal that decision and request a hearing by writing the Director of Licensure.
- (2) All such hearings shall be conducted before the Director of Licensure, who is designated by the department to hear such cases and to enter a final judgment in such matters. All such hearings shall be as provided in the Uniform Administrative Procedures Act, T.C.A. Title 4, Chapter 5, Part 3.
- (3) The decision of the Director of Licensure may be appealed to the Chancery Court, as provided in T.C.A. § 4-5-322.

(Rule 0940-03-05-.07, continued)

Authority: T.C.A. § 12-4-330. **Administrative History:** Original rule filed February 3, 1989; effective March 23, 1989. Amendments filed December 13, 2007; effective April 29, 2008.