

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

**CHAPTER 0940-03-07
SEVERE IMPAIRMENT**

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0940-03-07-.01 PURPOSE.

- (1) This chapter establishes a process by which a treatment resource may seek approval to provide services to individuals whose psychiatric condition meets the criteria for “severe impairment” as defined in T.C.A. § 33-6-301. To be eligible, a treatment resource must provide a range of psychiatric services to persons who are believed to be mentally ill, including twenty-four (24) hour crisis services, supervised observation beds, and participation in mandatory pre-screening under T.C.A. § 33-6-104.
- (2) If the treatment resource meets these criteria, the Department may approve the treatment resource to provide services to individuals with severe impairments under T.C.A. Title 33, Chapter 6, Part 3.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-6-3.
Administrative History: Original rule filed October 3, 2002; effective December 17, 2002.

0940-03-07-.02 DEFINITIONS.

- (1) For the purpose of these rules, the terms listed below shall be interpreted as follows:
 - (a) “Commissioner” means the commissioner of the Tennessee Department of Mental Health and Substance Abuse Services or his/her authorized representative.
 - (b) “Department” means the Tennessee Department of Mental Health and Substance Abuse Services;
 - (c) “Chief officer” means the person with overall authority for a public or private hospital or treatment resource, or the person’s designee.
 - (d) “Mandatory pre-screening agent” means a person meeting the qualifications for a qualified mental health professional as defined in T.C.A. § 33-1-101 and specified training criteria under T.C.A. § 33-6-427 and who is designated by the Commissioner to perform mandatory pre-screening of individuals presenting for voluntary or emergency involuntary admission.
 - (e) “Severe impairment” means a condition in which an adult or an emancipated child:
 1. As a result of a mental illness or serious emotional disturbance:
 - (i) Is in danger of serious physical harm resulting from the person’s failure to provide for the person’s essential human needs of health or safety, or

(Rule 0940-03-07-.02, continued)

- (ii) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over the person's actions, and
- 2. Is not receiving care that is essential for the person's health or safety.
- (f) "24 hour crisis services" means mental health services that are available twenty-four hours a day and seven days a week, and are intended to stabilize the individual to prevent the crisis from escalating.
- (g) "Triage and referral" means a service that provides preliminary diagnosis, assessment and evaluation for the purpose of directing the service recipient to services that will appropriately address his or her needs.
- (h) "Supervised observation bed" means a bed in the designated facility which provides, for up to 72 continuous hours, a safe environment for a service recipient who, in the opinion of the examining physicians, requires care, observation, and treatment of the service recipient's psychiatric symptoms.
- (i) "Continuum of care" means an array of mental health services and supports, which range from least restrictive to most restrictive.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-6-3.
Administrative History: Original rule filed October 3, 2002; effective December 17, 2002. Administrative corrections made to agency names in December 2022 pursuant to Public Chapter 575 of 2012.

0940-03-07-.03 PROCESS FOR DESIGNATION TO PROVIDE SERVICES TO PERSONS WITH SEVERE IMPAIRMENTS.

- (1) Requirements for Application: The applicant must provide documentation that the facility is a treatment resource as defined under T.C.A. § 33-1-101(24) and is licensed by the Department of Health and/or Tennessee Department of Mental Health and Substance Abuse Services.
- (2) Organizational Documentation: The applicant must provide the following:
 - (a) The name, address, and other background and identifying information of the applicant including type of agency, background and history of agency, services currently provided and statement of agency values;
 - (b) The name, address, and other background and identifying information of the person or persons responsible for the operation of the service to include present position in the agency, educational history, credentials, and work experience;
 - (c) A description of the location, facility lay out, and type of facility where the service will be operated;
 - (d) Evidence of license, certificate of need (as appropriate), and authorization from Secretary of State to do business in Tennessee;
 - (e) The signature of the applicant, or of the person charged by the applicant, for certifying the correctness and completeness of the application, and for ensuring compliance with the service standards;

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

- (f) The proposed organization and the organizational relationship to the facility's overall administrative structure;
 - (g) Relationship of the service location to other medical or psychiatric services provided;
 - (h) Plan for or evidence of on site psychiatric services, 24-hour crisis services, supervised observation beds and participation in mandatory prescreening;
- (3) Service Description: The applicant must provide a proposed service description, which addresses:
- (a) A three year plan, updated annually, that includes measurable goals and objectives that are targeted toward providing services to service recipients in the most effective and least restrictive treatment environment possible;
 - (b) How this service links to other providers of psychiatric services in the community, including mandatory prescreening agents;
 - (c) Policy for coordinating transfer to involuntary in-patient treatment resources;
 - (d) Staffing plan that indicates the types of staff, qualifications and numbers of staff by shift to be employed by the treatment resource for this purpose;
 - (e) Plan for adequately training all staff to perform designated job responsibilities including orientation and ongoing training. Plan must include training that is relative to services to persons with severe impairment as defined in T.C.A. § 33-6-301;
 - (f) Plan for transitioning and follow up activities for service recipients who are released from the program or referred to other services to include assurance of continuity of care;
 - (g) A plan or agreement with law enforcement (or other transporting agent, if appropriate) to transport candidates for mental health emergency services;
 - (h) Policy to ensure safety of service recipient and staff between arrival at site and admission (include behavioral management and medical emergency);
 - (i) Policy to ensure that the rights of service recipients are protected as indicated under Title 33, Tennessee Code Annotated;
- (4) Policy and Procedures: The applicant must provide written policies and procedures on the following:
- (a) Policy on notice of rights including those indicated under Title 33, Tennessee Code Annotated;
 - (b) Policies on ensuring physician assessments are completed within the specific time period as set out in Title 33, Chapter 6, Part 3, Tennessee Code Annotated;
 - (c) Policy which addresses the procedures for the prescription, procurement, storage and administration of medication, including procedures for verbal and phone orders;
 - (d) Policy for determining capacity to consent to treatment.
 - (e) Policy on admission authorization for individuals who lack capacity to consent to treatment including when emergency commitment or other referral is appropriate.

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

- (f) Policy on the program's conflict resolution procedure (both licensees and non TDMHSAS licensees must comply with the requirements of Title 33, Chapter 2, Part 6, Tennessee Code Annotated);
 - (g) Policy on Treatment Review Committee responsibilities under T.C.A. § 33-6-107 if the facility is an inpatient provider;
 - (h) Policy for arranging transportation of service recipients to aftercare placements, alternative treatment sites or voluntary hospitalization;
 - (i) Policy for addressing medical emergencies including transportation to another treatment service when necessary;
 - (j) Policy for transportation of a service recipient in need of emergency psychiatric hospitalization;
 - (k) Release procedures including provision for when a service recipient initiates the release;
 - (l) Policy on use of isolation and restraint;
 - (m) Policy on service recipient records including documentation requirements and provisions for ensuring confidentiality;
 - (n) Policy on notification of persons designated by the service recipient in case of an emergency;
 - (o) Policy on use of Declarations for Mental Health Treatment, (T.C.A. § 33-2-1202), conservator and attorney-in fact under a durable power of attorney for health care.
 - (p) Procedure for addressing service recipient complaints.
- (5) The applicant must include a letter of support from the appropriate mental health regional planning council.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-6-3.
Administrative History: Original rule filed October 3, 2002; effective December 17, 2002. Administrative corrections made to agency names in December 2022 pursuant to Public Chapter 575 of 2012.

0940-03-07-.04 REVIEW AND APPROVAL PROCESS.

- (1) Upon review of the application and information obtained from a minimum of one (1) site visit, the Commissioner will approve or deny the application. If the application is denied, a request for review of denial can be made in writing to the Commissioner within fifteen (15) days, excluding holidays and weekends. The Commissioner's decision concerning designation to provide services to persons with severe impairments is final.
- (2) Information submitted must follow the format of this Rule. Failure to submit all required information may disqualify the application from consideration.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-6-3.
Administrative History: Original rule filed October 3, 2002; effective December 17, 2002.

0940-03-07-.05 RENEWAL AND MAINTAINING DESIGNATION.

- (1) The Commissioner will annually review and designate treatment resource(s) to provide these services.
- (2) To renew designation, a treatment resource must continue to meet initial application requirements.
- (3) Facility must cooperate with monitoring by the Department or designee, including on-site visits.
- (4) Facility must participate in data collection and service evaluation as required by the Department or designee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-6-3.

Administrative History: Original rule filed October 3, 2002; effective December 17, 2002.

0940-03-07-.06 TERMINATION.

- (1) The Commissioner may revoke designation at any time with a written notice:
 - (a) for good cause,
 - (b) failure to meet minimum requirements,
 - (c) violation of the law.
- (2) A designated treatment resource may terminate the designation with a thirty (30) day written notice to the Commissioner.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-6-3.

Administrative History: Original rule filed October 3, 2002; effective December 17, 2002.