

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

**CHAPTER 0940-05-03
APPLICATION OF RULES FOR DISTINCT
SERVICES CATEGORY**

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0940-05-03-.01 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.
Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Amendment filed October 17, 1986; effective December 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004.

0940-05-03-.02 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.
Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004.

0940-05-03-.03 THROUGH 0940-05-03-.05 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.
Administrative History: Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996. Repeal filed September 4, 2003; effective January 28, 2004.

0940-05-03-.06 AND 0940-05-03-.07 REPEALED.

Authority: T.C.A. §§ 4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302
Administrative History: Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule

(Rules 0940-05-03-.06 and 0940-05-03-.07, continued)

filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004.

0940-05-03-.08 APPLICATION OF RULES FOR MENTAL HEALTH OUTPATIENT FACILITIES.

- (1) The governing body of a mental health outpatient facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.04(2) Life Safety Business Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-05-14 Minimum Program Requirements for Mental Health Outpatient Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.09(2) Mobile Non-Ambulatory Rule.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-05-03-.09 APPLICATION OF RULES FOR MENTAL HEALTH DAY PROGRAM FACILITIES.

- (1) The governing body of a day treatment facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.03(2) Life Safety Educational Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-05-15 Minimum Program Requirements for Mental Health Day Program Facilities.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-05-03-.10 APPLICATION OF RULES FOR MENTAL HEALTH HOSPITAL FACILITIES.

- (1) The governing body of a mental health hospital facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-05-16 Minimum Program Requirements for Mental Health Hospital Facilities.

(Rule 0940-05-03-.10, continued)

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-05-03-.11 APPLICATION OF RULES FOR MENTAL HEALTH RESIDENTIAL TREATMENT FACILITIES.

- (1) The governing body of a mental health residential treatment facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-05-17 Minimum Program Requirements for Mental Health Residential Treatment Facilities.
- (2) The governing body of a mental health residential treatment facility providing services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-01-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-05-17 Minimum Program Requirements for Mental Health Residential Treatment Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.09(2) Mobile Non-Ambulatory Rule.
- (3) The governing body of a mental health residential treatment facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-05-17 Minimum Program Requirements for Mental Health Residential Treatment Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.09(2) Mobile Non-Ambulatory Rule.

Authority: T.C.A. §§ 4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-05-03-.12 APPLICATION OF RULES FOR MENTAL HEALTH CRISIS STABILIZATION UNIT FACILITIES.

- (1) The governing body of a mental health crisis stabilization unit which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-05-18 Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities.
- (2) The governing body of a mental health crisis stabilization unit facility providing services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-05-18 Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.07(2) Mobile Non-Ambulatory Rule.
- (3) The governing body of a mental health crisis stabilization unit facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-05-18 Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.09(2) Mobile Non-Ambulatory Rule.

Authority: T.C.A. §§ 4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-05-03-.13 APPLICATION OF RULES FOR MENTAL HEALTH SUPPORTIVE LIVING FACILITIES.

- (1) The governing body of a mental health supportive living facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-05-19 Minimum Program Requirements for Mental Health Supportive Living Facilities.
- (2) The governing body of a mental health supportive living facility providing services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-05-19 Minimum Program Requirements for Mental Health Supportive Living Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.09(2) Mobile Non-Ambulatory Rule.
- (3) The governing body of a mental health supportive living facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-05-19 Minimum Program Requirements for Mental Health Supportive Living Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-05-04-.09(2) Mobile. Non-Ambulatory Rule.

Authority: T.C.A. §§ 4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-05-03-.14 REPEALED.

Authority: T.C.A. §§ 4-5-209, 33-1-205, 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.15 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.16 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.17 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.18 REPEALED.

Authority: T.C.A. §§ 4-5-209, 33-1-205, 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.19 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.20 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.21 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.22 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.23 REPEALED.

Authority: T.C.A. §§ 4-4-103, 33-1-205(b)(5), 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed October 17, 1995; effective December 31, 1995. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.24 APPLICATION OF RULES FOR MENTAL HEALTH INTENSIVE DAY TREATMENT PROGRAM FOR CHILDREN AND ADOLESCENTS FACILITIES.

- (1) The governing body of a mental health intensive day treatment program for children and adolescents facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-05-04-.03(2) - Life Safety Educational Occupancies rule;
 - (b) Chapter 0940-05-05 - Adequacy of Facility Environment and Ancillary Services;

(Rule 0940-05-03-.24, continued)

- (c) Chapter 0940-05-06 - Minimum Program Requirements for All Facilities; and
- (d) Chapter 0940-05-30 - Minimum Program Requirements for Mental Health Intensive Day Treatment Programs for Children and Adolescents Facilities.

Authority: T.C.A. §§ 4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed January 11, 1996; effective March 26, 1996.

0940-05-03-.25 REPEALED.

Authority: T.C.A. §§ 4-4-103, 33-1-205(b)(5), 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed January 11, 1996; effective March 26, 1996. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-03-.26 APPLICATION OF RULES FOR PERSONAL SUPPORT SERVICES AGENCIES.

- (1) The licensee providing personal support services must comply with and provide services that comply with the following rules:
 - (a) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
 - (b) Chapter 0940-05-36 Minimum Program Requirements for Personal Support Services Agencies; and
 - (c) Regardless of whether a licensee is a sole proprietorship, partnership, corporation, limited liability company or limited liability partnership, it must meet all requirements of chapters 0940-05-06, and 0940-05-36.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302. **Administrative History:** Original rule filed August 29, 2003; effective December 29, 2003.