

**RULES
OF
TENNESSEE DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES
DIVISION OF MENTAL HEALTH SERVICES**

**CHAPTER 0940-03-13
ADMISSIONS TO A REGIONAL MENTAL HEALTH INSTITUTE**

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0940-03-13-.01 DEFINITIONS.

- (1) "Available suitable accommodations" means that an RMHI has the capacity, as reasonably determined by the Commissioner in accordance with these rules, and the medical capability, equipment and staffing to provide an appropriate level of care, treatment and physical security to a service recipient in an unoccupied and unassigned bed.
- (2) "Certificate of need" means, for the purposes of this chapter, a certification of need for care and treatment for a service recipient with mental illness or serious emotional disturbance who meets the criteria for involuntary commitment under T.C.A. Title 33, Chapter 6, Part 4 or Part 5.
- (3) "Commissioner" means the Commissioner of the Department of Mental Health and Developmental Disabilities.
- (4) "Department" means the Tennessee Department of Mental Health and Developmental Disabilities.
- (5) "Forensic" means admission legal status resulting from a court order for admission under T.C.A. Title 33, Chapter 7, Part 3.
- (6) "Geographic Catchment Area" means those counties assigned to an RMHI by the Commissioner.
- (7) "Local RMHI" means the RMHI for a geographic catchment area.
- (8) "Mandatory Pre-screening Agent" means a person meeting criteria required by T.C.A. § 33-6-427 who is designated by the Commissioner to perform pre-screening of service recipients for emergency involuntary admission.
- (9) "Medical capability" means that an RMHI has the ability to treat a service recipient's medical needs onsite or that the service recipient's medical needs do not exceed the onsite capability of the RMHI to treat.
- (10) "Regional Mental Health Institute or RMHI" means a state owned or operated hospital for service recipients with mental illness or serious emotional disturbance.

(Rule 0940-03-13-.01, continued)

- (11) "Service Recipient" means, for the purposes of this chapter, a person who is receiving service, has applied for service, or for whom someone has applied for or proposed service because the person has mental illness or a serious emotional disturbance.
- (12) "Transportation agent" means, for the purposes of this chapter:
 - (a) The sheriff in a county in which a service recipient with mental illness or serious emotional disturbance is detained;
 - (b) A secondary transportation agent under T.C.A. § 33-6-901;
 - (c) A municipal law enforcement agency that meets the requirements as a secondary transportation agent; or
 - (d) One or more friends, neighbors or other mental health professionals familiar with the service recipient, relatives of the service recipient, or a member of the clergy.
- (13) "Written Verification Statement" means a written statement verifying available suitable accommodations provided by a referral source who has contacted the RMHI about the availability of suitable accommodations. This statement shall include the name of the service recipient, the name of the RMHI with available suitable accommodations, a confirmation number from the RMHI, and the name and phone number of the referral source or the referral source's designated contact person.

Authority: T.C.A. §§ 4-4-103, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-6-105, and 33-6-108. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.02 GENERAL ADMISSION REQUIREMENTS.

- (1) All admissions or transfers to an RMHI shall be subject to available suitable accommodations.
- (2) Verification of available suitable accommodations does not guarantee admission into an RMHI. Admissions for service recipients under T.C.A. Title 33, Chapter 6, Part 2 or 4 are dependent on the service recipient meeting admission criteria and being evaluated for admission by the receiving RMHI.
- (3) Priority for admission shall be given to persons referred for an emergency admission.
- (4) All admissions or transfers to an RMHI shall be subject to specific geographic catchment areas defined by the Commissioner or designee, unless the Commissioner or designee determines otherwise.
- (5) Before sending a service recipient to an RMHI, the referral source shall contact the RMHI's Admission Office to determine whether there are available suitable accommodations.
- (6) If the RMHI has available suitable accommodations, the RMHI shall provide a verification of available suitable accommodations with a confirmation number to the referral source or designee.
- (7) The RMHI shall provide written verification of available suitable accommodations with a confirmation number to the referral source or designee by fax or email when possible. When it is not possible to provide written verification of available suitable accommodations, the RMHI may provide verification with a confirmation number by telephone to the referral source or the referral source's designated contact person.

(Rule 0940-03-13-.02, continued)

- (8) If a local RMHI does not have available suitable accommodations, the local RMHI shall offer to contact the other RMHIs to determine if there are available suitable accommodations in an alternate RMHI and to provide contact information for the RMHI with available suitable accommodations.
- (9) The referral source may decide to place a service recipient on a waiting list at a local RMHI if:
 - (a) The local RMHI has no available suitable accommodations and the referral source declines a referral to an alternate RMHI; or
 - (b) None of the RMHIs have available suitable accommodations.
- (10) If a service recipient is placed on a waiting list of a local RMHI, the RMHI shall check at least daily with other RMHIs until available suitable accommodations are located at either the local or other RMHIs, or the referral source requests that the service recipient be removed from the waiting list.
- (11) If a service recipient arrives at an RMHI without a written verification statement from the referral source or designee, including a confirmation number from the RMHI, a bed may not be available in the RMHI.
- (12) If during the evaluation for admission, it is determined that the service recipient has a physical disorder or medical condition that requires immediate medical care that the RMHI cannot appropriately provide, the service recipient shall be sent for treatment of the medical condition prior to being admitted to the RMHI. Any service recipient diverted for medical treatment with a valid confirmation number may be transported back to the RMHI for an evaluation for admission.
- (13) The RMHI may cancel a confirmation number when it is reasonable to do so. Prior to canceling a confirmation number, the RMHI shall contact the referral source or designee. When a service recipient's confirmation number is canceled, that service recipient may be placed on a waiting list for possible future admission.

Authority: T.C.A. §§ 4-4-103, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-6-108.

Administrative History: Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.03 DETERMINATION OF BED CAPACITY.

- (1) The Commissioner or designee shall at least annually establish the bed capacity for each RMHI no later than 30 days after the beginning of the fiscal year.
- (2) The Commissioner or designee may consider bed utilization trends and the geographic distribution of admissions to determine bed capacity.
- (3) The Commissioner or designee may, at his or her discretion, change the bed capacity at any RMHI based on the following considerations:
 - (a) The need to provide an appropriate level of care, treatment and physical security;
 - (b) The need to reduce admission delays;
 - (c) The ability of facilities to meet the needs of special populations;
 - (d) The ability of facilities to respond to unusual events or disasters;
 - (e) Contractual relationships with health plans; and/or

(Rule 0940-03-13-.03, continued)

- (f) The need to respond to other factors that may arise.
- (4) The Department shall maintain information concerning the bed capacity of each RMHI that shall be available to the public.
- (5) The number of children and youth beds within an RMHI shall be calculated separately from the adult beds at the RMHI.
- (6) The number of beds at the Forensic Services Program at Middle Tennessee Mental Health Institute shall be calculated separately from other beds at the RMHI.
- (7) Forensic beds may be designated separately from the other adult beds at the RMHI.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301 and 33-6-108. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.04 DETERMINATION OF GEOGRAPHIC CATCHMENT AREAS.

- (1) The Commissioner or designee shall establish, at least annually, the geographic catchment area for each RMHI no later than thirty (30) days after the beginning of the fiscal year.
- (2) The Commissioner or designee may consider bed utilization trends and the geographic distribution of admissions to determine geographic catchment areas.
- (3) The Commissioner or designee may, at his or her discretion, change the geographic catchment area at any RMHI based on the following considerations:
 - (a) The need to provide an appropriate level of care, treatment and physical security;
 - (b) The need to reduce admission delays;
 - (c) The ability of facilities to meet the needs of special populations;
 - (d) The ability of facilities to respond to unusual events or disasters;
 - (e) Contractual relationships with health plans;
 - (f) Proximity of the RMHI to a county seat; and/or
 - (g) The need to respond to other factors that may arise.
- (4) The Department shall inform courts, law enforcement and major referral sources such as crisis response providers, emergency departments of general hospitals, and mental health and substance abuse providers of changes in the geographic catchment areas.
- (5) The Department shall maintain information concerning the geographic catchment area of each RMHI that will be available to the public.
- (6) The geographic catchment area for children and youth beds within an RMHI may be determined separately from the adult beds at an RMHI.
- (7) The geographic catchment area for the Forensic Services Program at Middle Tennessee Mental Health Institute shall be determined separately from the other beds at the RMHI.

(Rule 0940-03-13-.04, continued)

- (8) The geographic catchment area for forensic beds may be determined separately from the other beds at the RMHI.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, and 33-2-301. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.05 VERIFICATION OF AVAILABLE SUITABLE ACCOMMODATIONS.

- (1) An RMHI shall provide verification of available suitable accommodations, including a confirmation number, if the following conditions occur:
- (a) The RMHI can provide an appropriate level of care, treatment and physical security to an individual in an unoccupied and unassigned bed; and
 - (b) A referral for admission has been made through any of the following means:
 - 1. A certificate of need for emergency involuntary hospitalization for a service recipient under T.C.A. Title 33, Chapter 6, Part 4;
 - 2. An order from a court with proper jurisdiction under T.C.A. § 33-7-301(a);
 - 3. An order from a court with proper jurisdiction under T.C.A. § 33-7-301(b);
 - 4. An order from a court with proper jurisdiction under T.C.A. § 33-7-303(c);
 - 5. An order from a court with proper jurisdiction under T.C.A. § 37-1-128;
 - 6. An order from a court with proper jurisdiction under T.C.A. Title 33, Chapter 6, Part 5;
 - 7. An order from a court with proper jurisdiction for admission under T.C.A. § 33-3-607;
 - 8. An order from a court with proper jurisdiction for recommitment for failure or inability to comply with a treatment plan under T.C.A. §§ 33-6-610 or 33-6-611;
 - 9. A written statement from a qualified mental health professional that the service recipient meets the conditions for recommitment for failure or inability to comply with a treatment plan under T.C.A. § 33-6-615;
 - 10. A written report from a licensed physician or licensed psychologist designated as a health service provider that a service recipient in a youth development center meets the conditions for admission under T.C.A. §§ 33-3-401 or 33-3-412;
 - 11. A written report from a licensed physician or licensed psychologist designated as a health service provider that a service recipient in an RMHI of the Department of Corrections meets the conditions for admission under T.C.A. §§ 33-3-402 or 33-3-403;
 - 12. A letter from the Commissioner authorizing the transfer of the service recipient from another facility or from a state owned or operated developmental center under T.C.A. § 33-3-301;
 - 13. A letter from the DMHDD Interstate Compact Coordinator indicating that the service recipient has been approved for interstate transfer under T.C.A. § 33-9-201;

(Rule 0940-03-13-.05, continued)

14. Approval by the RMHI chief executive officer or designee for the transfer of a service recipient from a private facility under T.C.A. § 33-3-301; or
15. Application for voluntary admission under T.C.A. § 33-6-201.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, and 33-2-301. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.06 POLICIES AND PROCEDURES.

- (1) Each RMHI shall have written policies and procedures approved by the Department to govern the determination of available suitable accommodations at the RMHI including, but not limited to, the following:
 - (a) A policy stating that a bed assigned to a service recipient is not available until that service recipient has been discharged;
 - (b) Policies and procedures for maintaining waiting lists including, but not limited to, the following:
 1. Internal review and oversight of waiting lists at an RMHI; and
 2. Identifying available suitable accommodations at other facilities when a suitable accommodation is not available in the RMHI;
 - (c) Procedures for managing service recipients who arrive at the RMHI without written verification of available suitable accommodations; and
 - (d) Procedures for tracking and reporting data pertinent to this chapter.
- (2) The Department shall review RMHI policies and procedures governing the determination of available suitable accommodations to ensure that the policies are as uniform as possible.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309; and 33-2-301. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.07 WAITING LISTS.

- (1) Each RMHI shall establish waiting lists for service recipients referred for admission when:
 - (a) An RMHI has no available suitable accommodations and the referral source seeking a bed declines to accept a referral to an RMHI in another catchment area; or
 - (b) All RMHIs have no available suitable accommodations.
- (2) Each RMHI shall maintain waiting lists for service recipients referred from its catchment area and a service recipient shall not be placed on a waiting list for more than one RMHI unless approved by the Commissioner or designee.
- (3) Each RMHI shall work their waiting lists on a daily basis and continue to check for available suitable accommodations at the other RMHIs to minimize the length of time a service recipient waits for services.
- (4) Any referral source who decides to place a service recipient on a waiting list of a local RMHI shall provide the RMHI with:

(Rule 0940-03-13-.07, continued)

- (a) The service recipient's name; and
 - (b) The name and contact information for the referral source or designee.
- (5) The RMHI shall notify the referral source or designee as soon as a bed becomes available and provide verification of available suitable accommodations with a confirmation number.
- (6) As beds become available, they shall be offered to service recipients in the order in which they were placed on a waiting list based on the following priority order:
- (a) Referrals for emergency involuntary admission;
 - (b) Referrals for non-emergency involuntary admission, including forensic admission; and
 - (c) Referrals for voluntary admission.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, and 33-2-301. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.08 TRANSPORTATION TO AN RMHI.

- (1) General Transportation Requirements. Transportation to an RMHI should only commence when the transporting person has been provided with:
- (a) A written verification statement from the referral source or designee that that RMHI has been contacted and has verified available suitable accommodations with a confirmation number; and
 - (b) Evidence that the person in need of treatment meets criteria for referral. Evidence shall be one of the following:
 - 1. A certificate of need for emergency involuntary hospitalization for a service recipient under T.C.A. Title 33, Chapter 6, Part 4;
 - 2. An order from a court with proper jurisdiction under T.C.A. § 33-7-301(a);
 - 3. An order from a court with proper jurisdiction under T.C.A. § 33-7-301(b);
 - 4. An order from a court with proper jurisdiction under T.C.A. § 33-7-303(c);
 - 5. An order from a court with proper jurisdiction under T.C.A. § 37-1-128;
 - 6. An order from a court with proper jurisdiction under T.C.A. Title 33, Chapter 6, Part 5;
 - 7. An order from a court with proper jurisdiction for admission under T.C.A. § 33-3-607;
 - 8. An order from a court with proper jurisdiction for recommitment for failure or inability to comply with a treatment plan under T.C.A. §§ 33-6-610 or 33-6-611;
 - 9. A written statement from a qualified mental health professional that the service recipient meets the conditions for recommitment for failure or inability to comply with a treatment plan under T.C.A. § 33-6-615;

(Rule 0940-03-13-.08, continued)

10. A written report from a licensed physician or licensed psychologist designated as a health service provider that a service recipient in a youth development center meets the conditions for admission under T.C.A. §§ 33-3-401 or 33-3-412;
 11. A written report from a licensed physician or licensed psychologist designated as a health service provider that a service recipient in an RMHI of the Department of Corrections meets the conditions for admission under T.C.A. §§ 33-3-402 or 33-3-403;
 12. A letter from the Commissioner authorizing the transfer of the service recipient from another RMHI or from a state owned or operated developmental center under T.C.A. § 33-3-301;
 13. A letter from the Interstate Compact Coordinator of the Department of Mental Health and Developmental Disabilities indicating that the service recipient has been approved for interstate transfer under T.C.A. § 33-9-201; or
 14. Approval by the RMHI chief executive officer or designee for the transfer of a service recipient from a private facility under T.C.A. § 33-3-301.
- (2) Transportation to an RMHI by a Sheriff or Secondary Transportation Agent for Emergency Involuntary Hospitalization under T.C.A. Title 33, Chapter 6, Part 4.
- (a) If the certificate of need and the written statement verifying that the RMHI has available suitable accommodations is not provided, then the sheriff or secondary transportation agent is not required to take custody of the service recipient for transportation.
 - (b) Failure of the sheriff or secondary transportation agent to provide both a certificate of need and the written statement verifying that the RMHI has available suitable accommodations shall result in all costs of the service recipient's admission and treatment being assessed to the transporting county.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301 and 33-6-406(a). **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.

0940-03-13-.09 REPORTING REQUIREMENT.

- (1) The Department shall report quarterly to the House Health and Human Resources Committee, the Senate General Welfare, Health and Human Resources Committee, and the Finance, Ways and Means Committees of both the House and Senate the implementation and the impact of available suitable accommodations, including the number and length of any delayed admissions.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-6-109. **Administrative History:** Original rule filed March 31, 2010; effective June 29, 2010.