

**RULES
OF
DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0940-05-01
DEFINITIONS**

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0940-05-01-.01 DEFINITION OF GENERAL TERMS USED IN ALL RULES.

As used in Chapters 0940-05-01 through 0940-05-47 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) "Alcohol and Drug Treatment Services" includes evaluation, treatment, residential personal care, habilitation, rehabilitation, counseling, or supervision of service recipients who abuse or are dependent upon alcohol or drugs; or services designed to prevent alcohol and/or drug abuse or dependence.
- (2) "Ambulatory Service Recipient" means a service recipient who is physically and mentally capable under emergency conditions of finding a way to safety without physical assistance from another person. An ambulatory service recipient may use a cane, wheelchair or other supportive device and may require verbal prompting.
- (3) "Applicant or Licensee Applicant" means the proprietorship, partnership, association, governmental agency, or corporation which makes, or is required to make, application for the licensure of a facility determined to be under the licensure jurisdiction of the Department.
- (4) "Assessment" means a documented evaluation of a service recipient for the purpose of determining prevention, treatment and/or rehabilitation needs. An assessment may, but does not necessarily, include examinations and tests determined to be necessary by the service staff based on the presenting problems and symptoms of the individual service recipient.
- (5) "Capable of Self-Preservation" means that a service recipient is capable of responding to an approved emergency signal, including prompting by voice, by following a pre-taught evacuation procedure within a reasonable time limitation whether or not the service recipient is fully aware of the reasons for the action. A service recipient is capable of self-preservation if the service recipient is able to transfer unassisted from the bed or another fixed position to an individualized means of mobility, which is continuously available, and able to demonstrate the ability to transverse a pre-defined means of egress from the facility within a reasonable time limitation. Service recipients who have imposed upon them security measures beyond their control, which prevent their egress from the facility, are not capable of self-preservation.
- (6) "Caregiver" means a temporary care-giving adult person with power of attorney for care of minor child as defined by T.C.A. § 34-6-302.

- (7) "Chief Executive Officer or Director" means the person appointed, designated, or hired by the governing body to be responsible for the day-to-day operation of the facility or facilities operated by the licensee.
- (8) "Civil Rights" means the rights of personal liberty guaranteed to citizens by the Constitutions of the United States and the State of Tennessee, and by federal and state statutes.
- (9) "Community Living Skills" means the array of skills which enables a service recipient to live independently in the community. These include, but are not limited to, skills in the following areas: independent living, educational/vocational, inter-personal, social, problem solving, financial, leisure time, mobility in the community and use of community resources.
- (10) "Conservator" means a person or persons appointed by the court to provide partial or full supervision, protection and assistance of the person or property, or both, of a disabled person as defined in T.C.A. § 34-1-101.
- (11) "Corporal Punishment" means the application of painful stimuli to the body in an attempt to terminate behavior or as a penalty for behavior, but does not mean aversive stimuli.
- (12) "Declaration for Mental Health Treatment" means a document that allows an individual sixteen (16) years of age or older or an emancipated minor with the capacity to make informed mental health treatment decisions to say how the individual wants to be treated when the individual is unable to make an informed mental health treatment decision.
- (13) "Department" means the Tennessee Department of Mental Health and Developmental Disabilities.
- (14) "DSM" means the current version of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, a handbook for mental health professionals listing different categories of mental disorders and the criteria for diagnosing them.
- (15) "Emotional Abuse" means any threatening behavior or statement directed toward a service recipient that causes emotional trauma or fear including, but not limited to, ridicule, gestures which subject the service recipient to humiliation or degradation, or threatening motions or noises intended to startle or frighten the service recipient.
- (16) "Exploitation" means any act intended to exploit, extort or defraud a service recipient including, but not limited to, misuse of authority over a service recipient, forcing or compelling a service recipient to do anything illegal or immoral, attempting to extort money from a service recipient through devious means, or stealing a service recipient's personal possessions.
- (17) "Facility" means an institution, treatment resource, group residence, boarding home, sheltered workshop, activity center, rehabilitation center, hospital, community mental health center, DUI school, counseling center, clinic, halfway house, or other entity by these or other names, providing mental health, mental retardation, and/or alcohol and drug treatment services.
- (18) "Governing Body" means the person or persons with primary legal authority and responsibility for the overall operation of the facility and to whom a director/chief executive officer is responsible. Depending upon the organizational structure, this body may be an owner or owners; a board of directors or other governing members of the licensee; or state, city, or county officials appointed by the licensee, etc.

- (19) "Grievance Procedure" means a procedure for responding to an expression of a cause of distress believed by a service recipient, or by another acting on behalf of a service recipient, to constitute a reason for complaint.
- (20) "Guardian" means a person or persons appointed by the court to provide partial or full supervision, protection and assistance of the person or property, or both, of a minor as defined by T. C. A. § 34-1-101.
- (21) "Habilitation or Habilitative Services" means the structured process by which the service provider assists a service recipient to acquire and maintain those life skills which enables the service recipient to cope more effectively with the demands of the service recipient's own person and environment and to raise the service recipient's physical, mental, and social functioning. This process includes programs of formal, structured education and training referred to as "individualized program planning".
- (22) "ICD" means the current version of the International Statistical Classification of Diseases and Related Health Problems, published by the World Health Organization. The ICD provides codes to classify diseases and a wide variety of signs, symptoms, abnormal findings, complaints, social circumstances and external causes of injury or disease.
- (23) "Independent Living Skills" means the complete continuum of skills involved in increasing independence. These include, but are not limited to the following areas: grooming/personal hygiene, selection/care of clothing, responsible self-medication, personal safety, housekeeping, nutritional/meal preparation, eating/table manners, use of telephone and money/budgeting concepts.
- (24) "Individualized Program Plan" means a document developed by the treatment staff/team and the service recipient, which identifies the service recipient's problems and specifies goals to be addressed in treatment and the interventions used to accomplish these goals.
- (25) "Isolation" means the confinement of a service recipient alone in a room or an area where the service recipient is prevented from leaving. This definition is not limited to instances in which a service recipient is confined by a locked or a closed door. Isolation does not include:
 - (a) the segregation of a service recipient for the purpose of managing biological contagion consistent with the Centers for Disease Control Guidelines;
 - (b) confinement to a locked unit or ward where other service recipients are present. Isolation is not solely confinement of a service recipient to an area, but separation of the service recipient from other persons; or
 - (c) time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior. Time-out may involve the voluntary separation of an individual service recipient from others.
- (26) "Legend Drugs" mean any item that federal law prohibits dispensing without a prescription as defined in T.C.A. § 53-10-101.
- (27) "Licensed Clinical Psychologist" means a psychologist licensed to practice psychology in Tennessee with the certified competency in clinical psychology determined by the State Licensing Board for the Healing Arts and the Board of Examiners in Psychology.
- (28) "Licensed practitioner" means an individual who is licensed by the Tennessee Health Related Boards as a:

- (a) physician (medical doctor or doctor of osteopathy);
 - (b) certified nurse practitioner;
 - (c) physician assistant;
 - (d) nurse with a master's degree in nursing who functions as a psychiatric nurse;
 - (e) psychologist with health service provider designation;
 - (f) licensed professional counselor;
 - (g) senior psychological examiner;
 - (h) licensed marriage and family therapist;
 - (i) licensed clinical social worker;
 - (j) licensed psychological examiner; or
 - (k) licensed alcohol and drug abuse counselor.
- (29) "Licensee" means the proprietorship, partnership, association, governmental agency, or corporation which operates a facility under the licensure jurisdiction of the Department.
- (30) "Medication" means drug, either prescribed or available over the counter, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or condition.
- (31) "Medication Assistance" means loosening the cap on a pill bottle for oral medication or opening medication packaging and placing the medication within reach of the service recipient, but does not allow the care giver to give the medication to the individual. Assistance includes medication reminders, and is limited to holding a service recipient's hand steady to help them with drinking liquid medication, guiding their hand when the individual is applying eye/ear/nose drops and wiping the excess liquid, helping with a nasal cannula or mask for oxygen, or plugging the machine in and turning it on.
- (32) "Mental Health Services" means all services pertaining to and incidental to the prevention, diagnosis, evaluation, treatment, domiciliary care, training, habilitation, counseling, or supervision of service recipients who are mentally ill or service recipients with alcohol and/or drug abuse or dependency disorders.
- (33) "Mental Retardation Services" means all services pertaining to and incidental to the prevention, diagnosis, evaluation, treatment, domiciliary care, training, habilitation, counseling, or supervision of mental retardation or service recipients who have mental retardation.
- (34) "Mentally Ill Service Recipient" means a service recipient who has a psychiatric disorder, alcohol dependence or drug dependence, but does not mean an individual whose only disability is mental retardation or a developmental disability.
- (35) "Mobile Non-ambulatory Individual" means an individual who is able, without other assistance, to transfer to and move about only with the aid of a wheelchair, walker, crutch, wheeled platform, or similar device.
- (36) "On-Duty and On-Site" means a staff person who is on the facility's premises and has the obligation to carry out any job responsibilities designated in his/her job description.

- (37) "On-Site" means a staff person who is on the facility's premises but is only required to be on duty during an emergency.
- (38) "Personal Care" means services provided to a service recipient who does not require chronic or convalescent medical or nursing care. Personal care is the safekeeping and supervision of the service recipient's self-administration of prescription medication along with any of the following services: (1) responsibility for the safety of the service recipient, (2) a daily awareness by the management and staff of the service recipient's functioning, (3) knowledge of his or her whereabouts, (4) reminding a service recipient of appointments, (5) the ability and readiness to intervene if a crisis arises for a service recipient, and/or (6) supervision in the following areas for the service recipient's major life activities, self-care, self-direction; capacity for independent living or economic self-sufficiency.
- (39) "Physical Abuse" means harmful or painful physical contact including, but not limited to, the intentional striking, shoving, or pushing of a service recipient by anyone, including another service recipient. Also included is the use of excessive force when restraining a service recipient (e.g., using methods to restrain a service recipient which are not outlined in staff training) and acts which constituted sexual activity.
- (40) "Physician" means a graduate of an accredited medical school authorized to confer upon graduates the degree of Doctor of Medicine (M.D.) who is duly licensed in Tennessee or an osteopathic physician who is a graduate of a recognized osteopathic college authorized to confer the degree of Doctor of Osteopathy (D.O.) and who is licensed to practice osteopathic medicine in Tennessee.
- (41) "Physician Assistant" means an individual who renders services, whether diagnostic or therapeutic, which are acts constituting the practice of medicine and, but for the provisions of T.C.A. § 63-6-204, could only be performed by a licensed physician.
- (42) "Policies and Procedures Manual" means a document that describes the philosophy, services, organization, policies, and procedures for implementing services to the service recipients of a facility.
- (43) "PRN" means an order which is written to allow a medication or a treatment to be given on an as-needed basis.
- (44) "Psychiatrist" means a physician who specializes in the assessment and treatment of individuals having psychiatric disorders; is certified by the American Board of Psychiatry and Neurology or has the documented equivalent in education, training and/or experience; and who is fully licensed to practice medicine in the State of Tennessee.
- (45) "Psychoactive Drug" means a psychotropic medication. For a more complete definition see the definition for "psychotropic medication."
- (46) "Psychotropic medication" means a drug which exercises a direct effect upon the central nervous system and which is capable of influencing and modifying behavior. Drugs covered by these rules include but are not limited to:
- (a) anti-depressants,
 - (b) anti-psychotics,
 - (c) agents for control of mania and depression,
 - (d) anti-anxiety agents,

- (e) psychomotor stimulants, and
 - (f) hypnotics.
- (47) "Qualified Dietician" means a person licensed as a dietician/nutritionist by the Tennessee Board of Dietician/Nutritionist Examiners.
- (48) "Qualified Food Service Manager" means a qualified dietician, a graduate of a dietetic technician or assistant training program approved by the American Dietetic Association or a graduate of a state-approved course that provides ninety (90) or more hours of classroom instruction in food service supervision who has experience as a supervisor in a health care institution with consultation from a qualified dietician.
- (49) "Qualified Medical Records Practitioner" means a record technician (ART) currently accredited by the American Medical Records Association, or a registered record administrator (RRA) currently registered by the American Medical Record Association or others qualified by work experience.
- (50) "Qualified Prescribers" means individuals authorized to prescribe medications by the State of Tennessee Board of Medical Examiners or the Tennessee Board of Nursing.
- (51) "Quality Assurance" means a systematic procedure for the review and evaluation of the agency's functions, quality of services and the utilization of resources in the provision of services.
- (52) "Recovery" means the process in which service recipients diagnosed with mental illness and/or alcohol and/or drug abuse or dependency disorders live, work, learn, and participate fully in their communities. Recovery services help service recipients live a full or productive life with a disability and may result in the reduction or complete remission of problems or abstinence from addictive behaviors. Recovery services include: basic education about mental illness or addictive disorders, case management, drug testing, employment support, family support, pastoral support/spiritual support, social activities, relapse prevention, housing, transportation, and consumer/peer support.
- (53) "Reputable and Responsible Character" means having a personal and/or business history which suggests that the licensee can be trusted with responsibility for individuals particularly vulnerable to neglect and financial and sexual exploitation. Personal and/or business histories involving operation of substandard facilities and an arrest record resulting in a conviction for offense relating to theft, larceny, embezzlement, rape, assault, homicide, drugs, and pornography, are inherently inconsistent with "reputable and responsible character."
- (54) "Restraint" means measures taken to restrict service recipients' freedom of movement including:
- (a) "Chemical Restraint" means a medication that is prescribed to restrict the service recipient's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, the service recipient's regular drug regimen to control extreme violent behavior. The medications that comprise the service recipient's regular medical regimen (including PRN medications) are not considered chemical restraints, even if their purpose is to control ongoing behavior;
 - (b) "Mechanical Restraint" means the application of a mechanical device, material, or equipment attached or adjacent to the service recipient's body, including ambulatory

restraints, which the service recipient cannot easily remove and that restricts freedom of movement or normal access to the service recipient's body. Mechanical restraint does not include the use of:

1. restrictive devices or manual methods employed by a law enforcement agent or other public safety officer to maintain custody, detention, or public safety during the transport of an individual under the jurisdiction of the criminal justice system or juveniles with charges in the juvenile justice system; or
2. restraints for medical immobilization, adaptive support, or medical protection; or
3. restrictive devices administratively authorized to ensure the safety of the service recipient or others when an involuntary committed service recipient must be transported.

(c) "Physical Holding" means the use of staff body contact with a service recipient in order to restrict freedom of movement or normal access to one's body to prevent the service recipient's behavior from becoming dangerous to himself, others or property. Physical holding does not include the use of:

1. physical touch associated with prompting, comforting or assisting that does not prevent the individual service recipient's freedom of movement or normal access to his or her body;
2. physical escort which means the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing the individual to walk to a safe location; or
3. physical intervention for the temporary holding of the hand(s), wrist(s), arm(s), shoulders(s), or leg(s) which does not otherwise restrict freedom of movement or access to one's body, for the purpose of terminating unsafe behavior.

(55) "Restrictive Procedure" means a treatment procedure that limits the rights of the service recipient for the purpose of modifying problem behavior, including but not limited to time-out and restraint.

(56) "Schedule II Drugs" means drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, defined in T.C.A. § 39-17-407 or listed in T.C.A. § 39-17-408.

(57) "Self Administration of Medication" means the ability of a service recipient to take prescribed or over-the-counter medications without assistance from another person.

(58) "Service Recipient" means a person who is receiving services, has applied for services, or for whom someone has applied for or proposed services because the person has mental illness, serious emotional disturbance, or a developmental disability.

(59) "Shall or Must" means a mandatory provision.

(60) "Should or May" means a suggestion or recommendation.

(61) "Standard Precautions" means an approach to infection control based on the principle that broken skin and mucus membranes as well as all blood, body fluids, and secretions (except sweat) may contain transmissible infectious agents. Standard precautions apply to all service recipients regardless of suspected or confirmed infection status, in any setting where

care is provided. Current guidelines for Standard Precautions are published by the Centers for Disease Control and Prevention (CDC).

- (62) "Time-Out" means a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior. Time-out may involve the voluntary separation of an individual service recipient from others.
- (63) "Treatment Review Committee" means a committee to make decisions for a service recipient who lacks capacity as defined by T.C.A. § 33-3-218. The composition, duties and responsibilities of Treatment Review Committees are defined by T.C.A. § 33-6-107.
- (64) "Treatment" means a therapeutic process to reduce or eliminate the symptoms and side effects of mental illness, alcohol and/or drug abuse, or dependency disorders through direct observation, assessment, examination, and therapeutic intervention. Treatment services are screening; clinical assessment; diagnostic evaluation; treatment planning; therapeutic interventions including individual, family and group therapy; medication prescription and monitoring; and discharge planning and referral.
- (65) "Verbal Abuse" means insulting or coarse language directed toward a service recipient which subjects the service recipient to humiliation or degradation, including, but not limited to, swearing at a service recipient, name calling, taunting, and other inappropriate verbal behavior.
- (66) "Vocational Services" means the services provided to service recipients involving remunerative work experiences within the licensed facility and the provision of vocational activities of an industrial or productive vocational nature such as assembling, packaging, painting, stripping, wood or metal working, or manufacturing within the licensed facility.
- (67) "Volunteer" means a person who is not paid by the licensee and whose varied skills are used by the licensee to support and supplement the efforts of the paid facility staff.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, and Executive Order 44 (February 23, 2007). **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 26, 1988; effective July 11, 1988. Amendment filed August 29, 2003; effective December 29, 2003. Repeal and new rule filed June 29, 2004; effective September 12, 2004. Amendment filed May 6, 2008; effective September 26, 2008. Repeal and new rule filed August 27, 2008; effective December 29, 2008.

0940-05-01-.02 DEFINITION OF TERMS USED IN MENTAL HEALTH RULES. As used in Chapters 0940-05-14 through 0940-05-19 and 0940-05-29 through 0940-05-37 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) "Activity Therapy Staff" means persons with degrees and/or clinical training and/or certification registration in a recognized activity therapy field which includes, but is not limited to, therapeutic recreation, music therapy, occupational therapy, art therapy, or dance therapy, or a person who is directly supervised by one of the above professionals.
- (2) "Licensed Clinical Psychologist" means a psychologist licensed to practice psychology in Tennessee with the certified competency in clinical psychology determined by the State Licensing Board for the Healing Arts and the Board of Examiners in Psychology.
- (3) "Licensed Mental Health Professional" means a licensed mental health professional is an individual who meets the requirements in the definition of Licensed Independent Practitioner or who is licensed by the Tennessee Health Related Boards as a registered nurse, licensed practical nurse, psychological examiner, or substance abuse counselor.

- (4) "Mental Health Personnel" means a staff member who operates under the direct supervision of a mental health professional.
- (5) "Mental Health Professional" means a board eligible or a board certified psychiatrist or a person with at least a Master's degree and/or clinical training in an accepted mental health field which includes, but is not limited to, counseling, nursing, occupational therapy, psychology, social work, vocational rehabilitation, or activity therapy.
- (6) "Qualified Mental Health Professional" means a person who is licensed in the state, if required for the profession, and who is a psychiatrist; physician with expertise in psychiatry as determined by training, education, or experience; psychologist with health service provider designation; psychological examiner or senior psychological examiner; social worker who is certified with two (2) years of mental health experience or is licensed; marital and family therapist; nurse with a master's degree in nursing who functions as a psychiatric nurse; professional counselor; or if the person is providing service to service recipients who are children, any of the above educational credentials plus mental health experience with children.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302 and 33-2-404.
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 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004. New rule filed June 29, 2004; effective September 12, 2004. Repeal and new rule filed August 27, 2008; effective December 29, 2008.

0940-05-01-.03 DEFINITION OF TERMS USED IN MENTAL RETARDATION RULES. As used in Chapters 0940-05-20 through 0940-05-28 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) Adaptive Behavior- The effectiveness or degree with which an individual meets the standard of personal independence, maturation, learning, and social responsibility expected for his age and cultural group.
- (2) Aversive Stimuli - Painful or noxious stimuli, which are employed to reduce the frequency of or to eliminate problem behaviors.
- (3) Behavior-Management Drugs - A drug or medication used for the purpose of modifying, limiting, or eliminating problem behaviors. Included are the major and minor tranquilizers and antidepressants. Excluded are drugs that may have behavior-modifying effects but that are not prescribed or administered for that purpose, such as anticonvulsants.
- (4) Direct-Services Staff - Home or cottage managers and aides, developmental technicians, or persons in other similar categories having face-to-face contact with service recipients, but excluding administrators, bookkeepers, accountants, secretaries, typists, clerks, or other clerical personnel, doctors, nurses, psychologists, speech and hearing therapists, pharmacy and other professional support personnel, maintenance, groundskeepers, cooks, bus drivers, or other personnel, teachers, trainers, social workers, and other professional personnel unless such personnel are under specific assignment to direct services staff duties and then only for that amount of time devoted to direct services staff duties.
- (5) Emergency Procedures - Refers to the use of procedures necessary to control severely aggressive or destructive behaviors that could not have been anticipated and that place the individual or others in imminent danger.

- (6) Human Rights Committee - A designated group of people which consists of at least three (3) members, one of whom must be independent of the facility. The committee's function is to review facility activities to ensure that service recipient rights are not neglected or abused. Such reviews should include, but should not be limited to, behavior management programs.
- (7) Mental Retardation Specialist - A person with a bachelor's degree in a field related to developmental disabilities or a person with a bachelor's degree and two (2) years of supervised work in mental retardation.
- (8) Restraint - Any of the following:
 - (a) Chemical Restraint - A chemical substance for the control of problem behaviors which, when administered in a given dosage, results in a decrease or the elimination of the individual's capability for self-preservation.
 - (b) Mechanical Restraint - A mechanical device which restricts the movement of an individual or the movement or normal function of a portion of an individual's body for the purpose of behavior control.
 - (c) Personal Restraint/Physical Holding - The use of body contact by staff to control a service recipient's problem behavior.
- (9) Restrictive Behavior Management - A procedure that limits the rights of the individual for the purpose of controlling or modifying problem behaviors and seeks to replace them with behaviors that are adaptive and appropriate.
- (10) Restraint Room - A room or enclosed area in which the individual is placed contingent upon the exhibition of a problem behavior in which reinforcement is not available and from which egress is denied until appropriate behavior is exhibited.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302. **Administrative History:** Original rule filed November 6, 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 26, 1988; effective July 11, 1988. Repeal and new rule filed June 29, 2004; effective September 12, 2004.

0940-05-01-.04 DEFINITION OF DISTINCT CATEGORIES OF MENTAL HEALTH FACILITIES.

- (1) Crisis Stabilization Unit – A crisis stabilization unit (CSU) is specifically designed for service recipients eighteen (18) years of age and older in need of short-term stabilization (up to 96 hours), who do not meet the criteria for other treatment resources, other less restrictive treatment resources are not available, or the service recipient is agreeable to receive services voluntarily at the CSU and meet admission criteria. If necessary, in order to assure that the adequate arrangements are in place to allow for the safe discharge of the service recipient, the length of stay may be extended by up to 24 hours.
- (2) Mental Health Day Program Facility - A non-residential facility that provides a treatment and/or rehabilitation program of at least three (3) hours duration per program day for persons with mental disorders. The program may be provided during the day, evening, or weekend hours. The program may be structured and offer community living skills training, vocational training, assistance with interpersonal relationships and be geared toward moving the person on to a more independent and normal life style. The program might also be unstructured and provide socialization and maintenance to persons who might not move on to more independence.

- (3) Mental Health Hospital Facility - An inpatient facility that is held out to the public as a hospital and, in connection with the services of a physician, offers diagnosis, treatment, and care to mentally ill individuals on a comprehensive inpatient basis.
- (4) Mental Health Outpatient Facility - A non-residential, clinic facility that provides services designed to provide mental health care for non-hospitalized individuals experiencing acute or ongoing psychiatric distress. Periodic contacts are of short duration. Services include, but are not limited to, diagnostic assessments, collateral services, individual therapy, crisis intervention, medication, and follow up.
- (5) Mental Health Residential Treatment Facility - A community-based facility that offers twenty-four (24) hour residential care as well as a treatment and rehabilitation component. The focus of the program may be on short-term crisis stabilization or on long-term rehabilitation that includes training in community living skills, vocational skills, and/or socialization. The staff includes direct-care staff as well as treatment staff. Treatment staff may be present full time or only during times when program activities or interventions are occurring. Access to medical services, social services, and mental health services are insured and are usually provided off site.
- (6) Mental Health Supportive Living Facility – A residential facility which provides room, board, and personal care services to two (2) or more individuals unrelated to the owner or operator of the facility who have been diagnosed with a mental illness by a mental health professional using the current Diagnostic and Statistical Manual (DSM) criteria.
- (7) Psychosocial Rehabilitation Program Facility - A non-residential facility which provides a program of rehabilitation and recreation for persons with mental disorders. The program may be provided during the day, evening, or weekend hours. The focus of the program is on mental health, strengths and abilities, rather than mental illness, symptoms and problems. Service recipients are typically members and not patients and frequently are responsible for most of the content and format of the program. The degree of structure may vary but will generally offer interpersonal skill training, daily living skills training, educational development, recreational/social activities, self-help groups, and family involvement. However, a major focus of the program is on vocational rehabilitation. Members may participate in the program with varying intensity for an indefinite period of time.
- (8) Mental Health Intensive Day Treatment Program For Children and Adolescent Facility - A program equal in length to a school day or after school program which includes a variety of treatment activities including, but not limited to, individual, family, and/or group therapy, vocational training, social skills training, etc.; and an educational component.
- (9) Therapeutic Nursery Program Facility - A non-residential facility program lasting a minimum of (3) hours per day designed specifically for pre-school children who are experiencing serious emotional disturbance which is a result of severe environmental trauma, especially child abuse or neglect. A variety of treatment activities are provided which may include individual therapy, therapeutic group instruction and socialization, and a variety of activities to address developmental deficits resulting from environmental trauma.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302 and 33-2-404. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed December 8, 1980; effective January 22, 1981. Repeal and new rule filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal and new rule filed June 29, 2004; effective September 12, 2004. Amendment filed May 6, 2008; effective September 26, 2008. Amendment filed August 27, 2008; effective December 29, 2008.

0940-05-01-.05 DEFINITION OF DISTINCT CATEGORIES OF MENTAL RETARDATION FACILITIES.

- (1) Mental Retardation Adult Habilitation Day Facility - A non-residential facility which offers a variety of habilitative activities to adults with mental retardation. Such habilitative activities may range from training activities in independent living to vocational skills depending on the needs of the service recipients being served. This includes adult developmental training, work activity, and sheltered workshop programs but does not include job placement and supported employment programs.
- (2) Mental Retardation Boarding Home Facility - A residential facility that offers personal care services including room, board, and supervision to two (2) or more mentally retarded adults unrelated by blood or marriage to the owner or operator of the facility. The service recipients of such facilities are capable of self-preservation, able to care for basic self-help needs with minimal assistance, able to care for personal possessions, able to maintain personal living areas in a state of orderliness, able to recognize danger or threat to personal safety, able to maintain behavior which is generally tolerable to the community, and able to attend to minor health care needs.
- (3) Mental Retardation Diagnosis and Evaluation Facility - A non-residential facility which provides personnel and testing resources to perform diagnosis and evaluation of persons having, or suspected of having mental retardation.
- (4) Mental Retardation Institutional Habilitation Facility - A facility which offers on a regular basis health-related services to individuals with mental retardation who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but, because of physical or mental condition, require residential care and services (more than room and board) that involve health-related care under the supervision of a physician. Such a facility also offers an intensive program of habilitative services.
- (5) Mental Retardation Placement Services Facility - A facility program which provides or arranges regular residential placements in the individual home of care providers who are recruited, trained, and supervised by the facility program. The entity licensed is the program delivering such services rather than the individual homes of the program's care providers. No more than three (3) service recipients at a time are placed in an individual care provider's home. Such programs are known as foster care and sponsor care.
- (6) Mental Retardation Preschool Facility - A non-residential facility which offers a program of training, habilitation, or care to mentally retarded minors or minors at risk of mental retardation not of the chronological mandatory age to be enrolled in services of the Department of Education, and which is designed to teach self-help, socialization, communication, or school readiness skills, or designed to train parents or surrogates in methods and techniques of habilitation of the mentally retarded person.
- (7) Mental Retardation Residential Habilitation Facility – A residential facility which provides room and board, and assistance in acquiring, retaining and improving self-help, socialization, adaptive skills, and any other services necessary for a service recipient to live in a community setting. The facility shall provide training in the acquisition of, and assistance in completing skills related to, daily living, personal grooming, cleanliness, household chores, eating, meal preparation and any other skills necessary, based on the service recipient's needs. Any of these services shall be specified in the Individual Support Plan with specific therapeutic goals. Any professional services delivered in the facility shall be provided by duly licensed staff and specified in the Individual Support Plan.

- (8) Mental Retardation Respite Care Services Facility - A facility program which provides or arranges for the temporary placement of service recipients in the care of persons recruited, trained, and supervised by the program facility for the purpose of giving relief to the regular caregiver or to provide other assistance to the service recipient, the service recipient's family, guardian, or care giver. The licensed entity is the program delivering such services rather than the individual homes of the program's providers. No more than three (3) service recipients at a time are placed in an individual care provider's home.
- (9) Mental Retardation Semi-Independent Living Facility - A facility program which services adult service recipients who are able to reside in a housing situation without program staff residing on site to supervise the service recipients' home life style but require the support services of program staff in order to reside in such housing situations. The facility program offers and provides regular and as needed support services in procuring or monitoring adequate housing for service recipients, supervising home life styles, and assisting in development of higher-order independent living skills. The entity licensed is the program delivering the services rather than the individual dwellings for service recipients.
- (10) Mental Retardation Supported Living Services Facility - A service entity which provides support and assistance to individuals with mental retardation who live in their own homes or apartments but require such staff support and assistance to reside in such housing situations. Service entity staff provide support and assistance on a regular basis in accordance with the needs of the individual(s) living in the home. No more than three (3) persons receiving services shall reside in the home. The service entity delivering the support is licensed rather than the homes of the individuals receiving the support.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-101, 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. Repeal and new rule filed November 30, 1983; effective December 30, 1983. Rule renumbered as 0940-05-2-.18. New rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004. New rule filed June 29, 2004; effective September 12, 2004.

0940-05-01-.06 REPEALED.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment file July 20, 1993; effective October 3, 1993. Amendment filed January 11, 1996; effective March 26, 1996. Repeal filed August 27, 2008; effective December 29, 2008.

0940-05-01-.07 DEFINITION OF DISTINCT CATEGORIES OF MENTAL RETARDATION FACILITIES.

- (1) Mental Retardation Adult Habilitation Day Facility - A non-residential facility which offers a variety of habilitative activities to adults with mental retardation. Such habilitative activities may range from training activities in independent living to vocational skills depending on the needs of the clients being served. This includes adult developmental training, work activity, and sheltered workshop programs but does not include job placement and supported employment programs.
- (2) Mental Retardation Boarding Home Facility - A residential facility which offers personal care services including room, board, and supervision to two (2) or more mentally retarded adults unrelated by blood or marriage to the owner or operator of the facility. The clients of such facilities are capable of self-preservation, able to care for basic self-help needs with minimal assistance, able to care for personal possessions, able to maintain personal living areas in a state of orderliness, able to recognize danger or threat to personal safety, able to recognize

danger or threat to personal safety, able maintain behavior which is generally tolerable to the community, and able to attend to minor health care needs.

- (3) Mental Retardation Diagnosis and Evaluation Facility - A non-residential facility which provides personnel and testing resources to perform diagnosis and evaluation of persons having, or suspected of having mental retardation.
- (4) Mental Retardation Institutional Habilitation Facility - A facility which offers on a regular basis health-related services to individuals with mental retardation who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but, because of physical or mental condition, require residential care and services (more than room and board) that involve health-related care under the supervision of a physician. Such a facility also offers an intensive program of habilitative services.
- (5) Mental Retardation Placement Services Facility - A facility program which provides or arranges regular residential placements in the individual home of care providers who are recruited, trained, and supervised by the facility program. The entity licensed is the program delivering such services rather than the individual homes of the program's care providers. No more than three (3) clients at a time are placed in an individual care provider's home. Such programs are known as foster care and sponsor care.
- (6) Mental Retardation Preschool Facility - A non-residential facility which offers a program of training, habilitation, or care to mentally retarded minors or minors at risk of mental retardation not of the chronological mandatory age to be enrolled in services of the Department of Education, and which is designed to teach self-help, socialization, communication, or school readiness skills, or designed to train parents or surrogates in methods and techniques of habilitation of the mentally retarded person.
- (7) Mental Retardation Residential Habilitation Facility - A residential facility which offers mental retardation services of personal care including room, board, and supervision or assistance in the exercise of independent living skills and which offers a program of habilitation or training in developing such skills.
- (8) Mental Retardation Respite Care Services Facility - A facility program which provides or arranges for the temporary placement of clients in the care of persons recruited, trained, and supervised by the program facility for the purpose of giving relief to the regular caregiver or to provide other assistance to the client, the client's family, guardian, or care giver. The licensed entity is the program delivering such services rather than the individual homes of the program's providers. No more than three (3) clients at a time are placed in an individual care provider's home.
- (9) Mental Retardation Semi-Independent Living Facility - A facility program which services adults clients who are able to reside in a housing situation without program staff residing on site to supervise the clients' home life style but require the support services of program staff in order to reside in such housing situations. The facility program offers and provides regular and as needed support services in procuring or monitoring adequate housing for clients, supervising home life styles, and assisting in development of higher-order independent living skills. The entity licensed is the program delivering the services rather than the individual dwellings for clients.
- (10) Mental Retardation Supported Living Services Facility - A service entity which provides support and assistance to individuals with mental retardation who live in their own homes or apartments but require such staff support and assistance to reside in such housing situations. Service entity staff provide support and assistance on a regular basis in accordance with the needs of the individual(s) living in the home. No more than three (3) persons receiving

services shall reside in the home. The service entity delivering the support is licensed rather than the homes of the individuals receiving the support.

Authority: T.C.A. §§4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed October 17, 1995; effective December 31, 1995.

0940-05-01-.08 THROUGH 0940-05-01-.12 REPEALED.

Authority: T.C.A. §§33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Amendment filed November 30, 1983; effective December 30, 1983. Repeal filed May 26, 1988; effective July 11, 1988.

0940-05-01-.13 REPEALED.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Repeal filed May 26, 1988; effective July 11, 1988.

0940-05-01-.14 REPEALED.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed December 8, 1980; effective January 22, 1981. Amendment filed November 30, 1983; effective December 30, 1983. Repeal filed May 26, 1988; effective July 11, 1988.

0940-05-01-.15 DEFINITIONS FOR THE DISTINCT CATEGORY OF PERSONAL SUPPORT SERVICES AGENCIES.

- (1) "Agency" means a sole proprietorship, partnership, corporation, limited liability company or limited liability partnership providing personal support services as defined below. Agency includes all entities that employ or subcontract with individuals who provide personal support services to service recipients.
- (2) "Chronic condition" means a mental and/or physical impairment that is expected to last indefinitely.
- (3) "Service recipient" means an individual who, because of a chronic condition, has substantial limitations in two or more major life activities, and who is receiving services in either a regular or temporary residence.
- (4) "Education services" means consultation provided by a licensed nurse to the service recipient or primary family caregiver concerning a chronic condition.
- (5) "Personal support services" means one or more of the following services provided to a service recipient in the individual's regular or temporary residence to assist with activities of daily living. Personal support services include but are not limited to:
 - (a) Self-care assistance with tasks such as eating, dressing, toileting, bathing, mobility, transfer assistance and other services and supports to maintain health and wellness;
 - (b) Household assistance with tasks such as housekeeping, laundry, meal planning, meal preparation, shopping, bill paying, and use of telecommunication devices;
 - (c) Personal assistance to access community activities such as transportation, social, recreational or other personal activities; and

- (d) Education services.
- (6) "Major life activities" means
 - (a) self-care;
 - (b) receptive and expressive language;
 - (c) learning;
 - (d) mobility;
 - (e) self-direction;
 - (f) capacity for independent living; or
 - (g) economic self-sufficiency.

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.

0940-05-01-.16 DEFINITIONS OF TERMS USED IN ALCOHOL AND DRUG RULES.

As used in Chapters 0940-05-39 through 0940-05-47 of these rules, unless the context indicates otherwise, terms have the following meaning:

- (1) "Aftercare Plan/Aftercare Services" means services provided to the service recipient following successful completion of a treatment program to ensure sustained achievement of goals post-treatment including sobriety and successful transition to a recovery-oriented lifestyle in the community. Services are provided on an outpatient basis and may include individual counseling, group counseling, self-help group participation, and/or recovery support services. Services may be provided by the treatment program or through referral to another service provider. The services must be documented in an aftercare plan developed by a treatment staff person and the service recipient, and specifying the type of services, planned frequency of contact, number of contacts, referrals for services, and staff responsible for the plan.
- (2) "Alcohol and/or Drug Abuse or Dependency" means disorders characterized by the continuous or episodic use of alcohol and/or other drugs resulting in maladaptive patterns of use as defined in currently accepted diagnostic nomenclature for abuse or dependency.
- (3) "ASAM PPC" means the most current version of the American Society of Addiction Medicine Patient Placement Criteria for matching service recipients to appropriate levels of care.
- (4) "ASAM PPC Case Review" means documentation of the reasoning for admission, continued stay, step up/step down or discharge for a specific service recipient using the ASAM PPC.
- (5) "ASI" means Addiction Severity Index, a standardized multi-focused screening/assessment tool used to collect information regarding the nature and severity of problems of substance abusers.
- (6) "Detoxification" means a process of withdrawing a service recipient from a specific psychoactive substance in a safe and effective manner.
- (7) "Qualified Alcohol and Drug Abuse Treatment Personnel" means persons who meet the criteria described in subparagraphs (a), (b) and (c) as follows:

(Rule 0940-05-1-.16, continued)

- (a) Currently meet one (1) of the following conditions:
1. Licensed or certified by the State of Tennessee as a physician, registered nurse, practical nurse, psychologist, psychological examiner, social worker, substance abuse counselor, teacher, professional counselor, associate counselor or marital and family therapist, or if there is no applicable licensure or certification by the State, has a bachelor's degree or above in a behavioral science or human development related area; or
 2. Actively engaged in a recognized course of study or other formal process for meeting criteria of part (1) of subparagraph (a) above, and directly supervised by a staff person who meets criteria in part (1) of subparagraph (a) above, who is trained and qualified as described in subparagraph (b) and (c) below, and who has a minimum of two (2) years experience in his/her area of practice; and
- (b) Are qualified by education and/or experience for the specific duties of their position; and
- (c) Are trained in alcohol, tobacco and/or other drug abuse specific information or skills. (Examples of types of training include, but are not limited to, alcohol or other drug abuse specific in-services, workshops, substance abuse schools, academic coursework and internships, field placement or residences).

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, and Executive Order 44 (February 23, 2007). **Administrative History:** New rule filed August 27, 2008; effective December 29, 2008.

0940-05-01-.17 DEFINITIONS OF DISTINCT CATEGORIES OF ALCOHOL AND DRUG SERVICES.

- (1) "Alcohol and Drug D.U.I. School Services" means an intervention program providing assessment, education and, if indicated, appropriate treatment referral, for offenders of driving under the influence of alcohol and other drugs (i.e., convicted of violation of TCA-55-10-401).
- (2) "Alcohol and Drug Halfway House Treatment Facility" means a transitional residential program providing services to service recipients with alcohol and/or drug abuse or dependency disorders with the primary purpose of establishing vocational stability and counseling focused on re-entering the community. Service recipients are expected to be capable of self-administering medication, working, seeking work, or attending vocational/educational activities away from the residence for part of the day. Services include counseling contacts, lectures, seminars, and other services necessary to meet the service recipient's assessed needs.
- (3) "Alcohol and Drug Non-Residential Treatment Facility" means an outpatient facility which offers treatment services to service recipients with alcohol and/or drug abuse or dependency disorders that can include but not be limited to assessment, referral, counseling, and education.
- (4) "Alcohol and Drug Residential Treatment Facilities for Children and Youth" means a residential program which offers twenty-four (24) hour treatment to service recipients under eighteen (18) years of age with the primary purpose of restoring service recipients with alcohol and/or drug abuse or dependency disorders to abstinence and levels of positive functioning appropriate to the service recipient. An important goal of these services is to move the service recipient into less intensive levels of care and/or reintegration in to the community. The program must provide, or arrange for an education component in

(Rule 0940-05-1-.17, continued)

compliance with the Rules, Regulations, and Minimum Standards of the Tennessee State Board of Education.

- (5) "Alcohol and Drug Residential Treatment Facility for Adults" means a residential program for service recipients at least eighteen (18) years of age, which offers highly structured services to service recipients with the primary purpose of restoring service recipients with alcohol and/or drug abuse or dependency disorders to levels of positive functioning and abstinence appropriate to the service recipient. A primary goal of these services is to move service recipients into less intensive levels of care and/or reintegration into the community as appropriate. Services include counseling contacts, lectures/seminars, and other services necessary to meet the service recipients assessed needs.
- (6) "Non-Residential Opioid Treatment Facility" means a non-residential opioid treatment facility for treating the opiate-dependent service recipient with the goal of the service recipient becoming free from any drug which is not medically indicated.
- (7) "Alcohol and Drug Residential Detoxification Services" means intensive twenty-four (24) hour residential services for service recipients at least eighteen (18) years of age meeting the criteria of the American Society of Addiction Medicine Placement Criteria (ASAM PPC) for clinically managed detoxification (Level III.2-D) or medically monitored detoxification (Level III.7-D) to systematically reduce or eliminate the amount of a toxic agent in the body until the signs and symptoms of withdrawal are resolved. Clinically managed residential detoxification emphasizes social and peer support and relies on established clinical protocols to determine whether service recipients need a higher level of care to manage withdrawal. Medically monitored residential detoxification services use medical and nursing professionals to manage withdrawal signs and symptoms without the full resources of an acute care or psychiatric hospital. Residential detoxification services can be offered in a community setting or a specialty unit within a hospital.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, and Executive Order 44 (February 23, 2007). **Administrative History:** New rule filed August 27, 2008; effective December 29, 2008.