

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

**CHAPTER 0940-06-04
ALCOHOL AND DRUG ADDICTION TREATMENT FUND SERVICES FOR
D.U.I. OFFENDERS AND PEOPLE WITH PROBLEM GAMBLING DISORDERS**

TABLE OF CONTENTS

0940-06-04-.01	Purpose and Scope	0940-06-04-.06	Payment of Treatment Providers for Services Rendered to ADAT Service Recipients
0940-06-04-.02	Definitions		
0940-06-04-.03	Eligibility for Participation in the TDMHDD ADAT Program for D.U.I. Offenders	0940-06-04-.07	Payment of Ignition Interlock Devices
0940-06-04-.04	Admitting Service Recipients to the TDMHDD ADAT Program for D.U.I. Offenders	0940-06-04-.08	TDMHDD ADAT Problem Gambling Program
0940-06-04-.05	Monitoring Service Recipient Compliance and Discharging Service Recipients from the ADAT Program for D.U.I. Offenders		

0940-06-04-.01 PURPOSE AND SCOPE.

- (1) The purpose of this chapter is to regulate specific services to Tennesseans who meet eligibility criteria for participation in the Tennessee Department of Mental Health and Developmental Disabilities' (TDMHDD) Alcohol and Drug Addiction Treatment (ADAT) Program, including:
 - (a) Assessment and treatment for people convicted of a current D.U.I. offense; and
 - (b) Prevention, early intervention, assessment or referral, and treatment services for individuals and their families who have experienced problems with compulsive gambling.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-03 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007). Repeal and new rule filed January 4, 2010; effective April 4, 2010.

0940-06-04-.02 DEFINITIONS.

- (1) "ADAT Funds for D.U.I. Offenders" means dollars statutorily allocated to the ADAT Fund for D.U.I. Offenders for alcohol and drug abuse or dependency assessment and treatment services targeted to offenders convicted of driving under the influence (D.U.I.) of alcohol and/or other drugs and who meet program eligibility criteria.
- (2) "ADAT Program for D.U.I. Offenders" means the program established by TDMHDD for the alcohol and drug abuse assessment and treatment of D.U.I. offenders who meet program eligibility criteria.
- (3) "ADAT Problem Gambling Program" means the program established by TDMHDD for the prevention, early intervention, assessment or referral, and evaluation services related to compulsive gambling disorder.

(Rule 0940-06-04-.02, continued)

- (4) "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.
- (5) "ASAM PPCCR" means the most current version of the American Society of Addiction Medicine Patient Placement Criteria Case Review for assessing and reassessing the service recipient's levels of care.
- (6) "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.
- (7) "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.
- (8) "Authorization List" means the list of approved service recipients eligible for participation in the TDMHDD ADAT Program for D.U.I. Offenders.
- (9) "Compulsive Gambling Disorder" or "Problem Gambling" means gambling behavior which causes disruptions in any major area of life: psychological, physical, social or vocational.
- (10) "Current D.U.I. Conviction" means, for the purposes of this chapter:
 - (a) A person has been convicted of one (1) or more of the following offenses by a Tennessee Court of competent jurisdiction:
 1. A first or subsequent D.U.I. offense under T.C.A. § 55-10-401; and/or
 2. Driving with a cancelled, suspended or revoked license due to a D.U.I. conviction; and
 - (b) As long as the person remains on probation for the D.U.I. offense, the conviction remains current.
- (11) "Department" means the Tennessee Department of Mental Health and Developmental Disabilities.
- (12) "D.U.I." means driving under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system as set forth in T.C.A. § 55-10-401.
- (13) "Ignition Interlock" means a breath alcohol analysis device which is connected to a vehicle's ignition system. The driver must blow a breath sample into the device and obtain an acceptable breath alcohol reading before the vehicle will start.
- (14) "Individualized Program Plan (treatment plan)" means a document developed by the treatment staff or 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.
- (15) "Resource Provider List" means the list of approved treatment providers with which TDMHDD contracts for the treatment of service recipients who meet eligibility criteria for a program.

(Rule 0940-06-04-.02, continued)

- (16) "Service Recipient" means a Tennessean who meets the eligibility criteria for a program described in this chapter.
- (17) "Treatment Provider" means any facility licensed by the Department to provide alcohol and drug abuse treatment services that meets eligibility criteria for participation in the ADAT program.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-03 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007). Repeal and new rule filed January 4, 2010; effective April 4, 2010.

0940-06-04-.03 ELIGIBILITY FOR PARTICIPATION IN THE TDMHDD ADAT PROGRAM FOR D.U.I. OFFENDERS.

- (1) A person is eligible to become a service recipient in the TDMHDD ADAT Program for D.U.I. Offenders when that person has:
 - (a) One (1) or more current D.U.I. convictions as defined in Rule 0940-06-04-.02(10);
 - (b) Been ordered by the court, as a result of the above current conviction(s), to participate in an alcohol or drug treatment program; and
 - (c) Been deemed indigent under T.C.A. § 55-10-403(a)(4)(B) by the court.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-03 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007). Repeal and new rule filed January 4, 2010; effective April 4, 2010.

0940-06-04-.04 ADMITTING SERVICE RECIPIENTS TO THE TDMHDD ADAT PROGRAM FOR D.U.I. OFFENDERS.

- (1) Once a service recipient becomes eligible to participate in the TDMHDD ADAT Program for D.U.I. Offenders according to the criteria set forth in rule 0940-06-04-.03, the following shall occur, subject to the availability of funding and resources:
 - (a) The court shall cause to be provided to the Department copies of the following:
 - 1. The court order;
 - 2. The judgment or guilty plea; and
 - 3. The determination and documentation of indigence as specified by T.C.A. § 55-10-403(a)(4)(B).
- (2) Once the Department receives from the court a copy of the order authorizing treatment for a service recipient and certifying that such service recipient is eligible for the TDMHDD ADAT Program for D.U.I. Offenders, the Department shall add the service recipient's name to its Authorization List, and it shall provide the service recipient or authorized party making such request on the service recipient's behalf with its Resource Provider List and with instructions for contacting a treatment provider; and

(Rule 0940-06-04-.04, continued)

- (a) The service recipient, or an authorized party acting on the service recipient's behalf, shall contact a treatment provider included on the Resource Provider List; and
 - (b) The Department shall send the service recipient, other authorized party acting on the service recipient's behalf, and the treatment provider, a written letter authorizing the service recipient to be admitted to the TDMHDD ADAT Program for D.U.I. Offenders; and
 - (c) Upon admission of the service recipient into treatment, the treatment provider shall administer the most current edition of the ASAM PPCCR. The treatment provider shall assess the service recipient using the ASI, and it shall complete admission, continued stay and discharge reviews per ASAM PPCCR.
- (3) The treatment provided to a service recipient shall be based on an Individualized Program Plan (Treatment Plan) developed and implemented by the treatment provider and service recipient, which may include an assessment service and/or any of the following treatment services:
- (a) Ambulatory Services, which include:
 1. Individual Outpatient (ASAM Level I);
 2. Group Outpatient (ASAM Level I);
 3. Intensive Outpatient (ASAM Level II.1); and
 4. Partial Hospitalization (ASAM Level II.5).
 - (b) Detoxification Services, which include:
 1. Clinically-Managed Detoxification (ASAM Level III-2D); and
 2. Medically-Monitored Detoxification (ASAM Level III-7D).
 - (c) Residential Services, which include:
 1. Clinically-Managed Low-Intensity (Halfway House) (ASAM Level III.1);
 2. Clinically-Managed Medium-Intensity (ASAM Level III.3);
 3. Clinically-Managed High-Intensity (ASAM Level III.5); and
 4. Medically-Monitored Intensive (ASAM Level III.7).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-03 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007). Repeal and new rule filed January 4, 2010; effective April 4, 2010.

0940-06-04-.05 MONITORING SERVICE RECIPIENT COMPLIANCE AND DISCHARGING SERVICE RECIPIENTS FROM THE TDMHDD ADAT PROGRAM FOR D.U.I. OFFENDERS.

- (1) Each treatment provider shall send the Department, at a minimum, on a monthly basis the "service recipient encounter data" for its service recipients. The service recipient encounter data shall, when appropriate, include notification that a given service recipient has successfully completed his or her Individualized Program Plan (treatment plan).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Repeal and new rule filed January 4, 2010; effective January 4, 2010.

0940-06-04-.06 PAYMENT OF TREATMENT PROVIDERS FOR SERVICES RENDERED TO ADAT PROGRAM SERVICE RECIPIENTS.

- (1) The treatment provider's monthly "service recipient encounter data" required by rule 0940-06-04-.05 shall include "claim encounter data" which is used to generate an electronic invoice for services rendered by the treatment provider for the applicable month.
- (2) In accordance with the terms of the contract between the Department and treatment providers, the Department shall reimburse each treatment provider on a monthly basis using available TDMHDD ADAT Funds for D.U.I. Offenders based upon the electronic invoice that is generated when the "service recipient encounter data" is received.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-03 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007). Repeal and new rule filed January 4, 2010; effective April 4, 2010.

0940-06-04-.07 PAYMENT OF IGNITION INTERLOCK DEVICES.

- (1) If the court makes a specific finding that it is in the best interest of an individual who meets ADAT Program eligibility criteria, and that it is in the best interest of the public, monies in the TDMHDD ADAT Fund for D.U.I. Offenders may be used to pay the reasonable cost of leasing, buying, installing, monitoring, and maintaining an ignition interlock device that is ordered for that individual pursuant to T.C.A. § 55-10-412(l), provided that the device does not substitute for treatment for the person.
- (2) Application for the use of such funds shall be subject to the review and approval of the Department according to established policies and procedures.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, 40-33-211, 55-10-401, 55-10-412, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Repeal and new rule filed January 4, 2010; effective April 4, 2010.

0940-06-04-.08 TDMHDD ADAT PROBLEM GAMBLING PROGRAM.

- (1) Under T.C.A. § 40-33-211, a portion of the TDMHDD ADAT Funds for D.U.I. Offenders shall be used to fund the TDMHDD ADAT Problem Gambling Program along with any grants, gifts, or contributions, or other appropriations made to supplement the fund for services.

(Rule 0940-06-04-.08, continued)

- (2) The TDMHDD ADAT Problem Gambling Program shall provide prevention, early intervention, assessment or referral, and evaluation services including the following:
 - (a) Establishing an information and referral hotline to provide public education regarding compulsive gambling and to make treatment referrals;
 - (b) Coordinating activities, services and gathering data on the prevalence of problems regarding compulsive gambling;
 - (c) Training personnel in the prevention of gambling disorders and in the screening and assessment of these disorders; and
 - (d) Making assessment services available through local treatment providers.
- (3) The TDMHDD ADAT Problem Gambling Program shall provide treatment services only to the extent that funds exist to do so and still accomplish the goals of the ADAT fund under T.C.A. § 40-33-211.

Authority: T.C.A. §§ 4-4-103, 33-1-302, 33-1-305, and 40-33-211. **Administrative History:** Original rule filed January 4, 2010; effective April 4, 2010.