

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

**11th Floor Andrew Johnson Tower
710 James Robertson Parkway
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OFFICE OF THE COMMISSIONER

Chapters	Title
0940-01-01	Psychotropic Medications
0940-01-02	Procedures for Prescription and Administration of Psychotropic Medications at Mental Health Institutes
0940-01-03	Procedures for Prescription and Administration of Psychotropic Medications at Developmental Centers and Mental Retardation Secure Facilities
0940-01-04	Repealed
0940-01-05	Repealed
0940-01-06	Capacity to Make Decisions
0940-01-07	Conflict Resolution
0940-01-08	Reserved
0940-01-09	Rules of Procedure for Hearing Contested Cases

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0940-02-01	Determination of Average Daily Cost
0940-02-02	Patient/Resident Work Programs
0940-02-03	Personnel Conduct Toward Patients and Residents
0940-02-04	Administrative Inspections and Searches
0940-02-05	Regional Mental Health (RMHI) Care at the Expense of the State and Periodic Payments

MENTAL HEALTH SERVICES DIVISION

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0940-03-02	Mandatory Pre-screening for Admission to State Supported Mental Health Institutes
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0940-03-09	Reserved
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0940-03-11	Transfer of Service Recipients to and from the MTMHI Forensic Services Program
0940-03-12	Reserved
0940-03-13	Admissions to a Regional Mental Health Institute (RMHI)

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0940-04-02	Discharge from Developmental Centers
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 0940-04-05 Mental Retardation or Mental Impairment Related to Developmental Disabilities

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 0940-05-06 Minimum Program Requirements for All Services and Facilities
 0940-05-07 Repealed
 through
 0940-05-13 Minimum Program Requirements for Mental Health Outpatient Facilities
 0940-05-14 Minimum Program Requirements for Mental Health Adult Day Treatment Services
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 0940-05-24 Minimum Program Requirements for Mental Retardation Residential Habilitation Facilities
 0940-05-25 Minimum Program Requirements for Mental Retardation Boarding Home
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 0940-05-31 Minimum Program Requirements for Mental Health Therapeutic Nursery Program
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 0940-05-32 Minimum Program Requirements for Mental Retardation Supported Living Services
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 0940-05-35 Minimum Program Requirements for Nonresidential Office-Based Opiate
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 0940-05-37 Mental Health Residential Treatment Facility for Children and Youth
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 0940-05-39 Minimum Program Requirements for Alcohol and Drug DUI School Services
 0940-05-40 Repealed
 0940-05-41 Minimum Program Requirements for Alcohol and Drug Halfway House
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Treatment Program Facilities

0940-05-43Minimum Program Requirements for Alcohol and Drug Non-Residential Treatment Facilities

0940-05-44Minimum Program Requirements for Alcohol and Drug Residential Detoxification Treatment Facilities

0940-05-45Minimum Program Requirements for Alcohol and Drug Residential Rehabilitation Treatment Facilities

0940-05-46Minimum Program Requirements for Alcohol and Drug Residential Treatment Facilities for Children and Youth

0940-05-47Minimum Program Requirements for Alcohol and Drug Outpatient Detoxification Treatment Facilities

0940-05-48Reserved

0940-05-49Reserved

0940-05-50Reserved

0940-05-51Minimum Program Requirements for Adult Supportive Residential Facilities

ALCOHOL AND DRUG ABUSE SERVICES DIVISION

0940-06-01Controlled Substances

0940-06-02Repealed

0940-06-03Drug Overdose by Student

0940-06-04Rules for Alcohol and Drug Addiction Treatment Fund

ADMINISTRATIVE HISTORY

Original Chapter 0940-01-01 was filed November 4, 1975; effective December 1, 1974. Original Chapter 0940-01-02 was filed April 7, 1974; effective May 17, 1974. Original Chapter 0940-01-03 was filed July 5, 1974; effective August 5, 1974. Original 0940-01-04 was filed August 23, 1971; effective September 22, 1974. Amended: filed October 10, 1974; effective November 9, 1974. Original Chapter 0940-01-05 was filed August 9, 1974; effective September 7, 1974. Chapter 0940-01-06 and 0940-01-07 are reserved for future use. 0910-01-08 was filed October 7, 1974; effective November 16, 1974. The Administrative History following each rule gives the date on which the rule was certified and the date on which the rule was filed and its effective date, if promulgated after March 11, 1974. The Administrative History after each Rule also shows the date of any amendments or repeals.

Rule 0940-01-03-.04 Amended: Filed March 12, 1976; effective April 12, 1976.

Rules 0940-01-08-.02., 0940-01-08-.04, 0940-01-08-.08 Amended: Filed July 15, 1976, effective August 14, 1976.

Rule 0940-01-03-.04 Amended: Filed November 15, 1976; effective December 15, 1976.

Chapter 0940-01-04 Amended: Filed March 15, 1977; effective April 14, 1977.

Rule 0940-01-01-.07 Amended: Filed March 4, 1977; effective April 4, 1977.

Rules 0940-01-04-.01 through 0940-01-08-.08 Amended: Filed September 1, 1977; effective October 1, 1977.

Chapter 0940-01-02 Repealed: Filed November 14, 1977; effective December 14, 1977.

Rules 0940-01-04-.06, 0940-01-04-.07, and 0940-01-04-.08 Amended: Filed November 14, 1977; effective December 14, 1977.

Rules 0940-01-04-.02 through 0940-01-04-.05, 0940-01-04-.08, 0940-01-08-.02, 0940-01-08-.04 and 0940-01-08-.08 have been amended: Filed January 27, 1978; effective March 1, 1978.

Chapter 0940-01-04 Repealed May 31, 1978; effective July 1, 1978.

Chapters 0940-02-01 and 0940-04-02 Filed May 31, 1978; effective July 1, 1978.

Chapters 0940-01-01 and 0940-01-05 Repealed October 17, 1978; effective December 1, 1978.

Rules 0940-01-03-.01 through 0940-01-03-.05 Repealed October 17, 1978; effective December 1, 1978.

Chapters 0940-02-02, 0940-03-01 through 0940-03-03, and 0940-04-01 filed October 17, 1978. Effective December 1, 1978.

Chapters 0940-05-01 through 0940-05-04 Filed November 16, 1978; effective January 1, 1979.

Original Chapter 09-10-01-09 Filed November 22, 1978; effective January 8, 1979.

Rule 0940-04-01-.03 Amended: Filed February 1, 1979; effective March 17, 1979.

Rule 0940-01-03-.03 amended: Filed February 1, 1979; effective March 17, 1979.

Original rules 0940-05-03-.04 through 0940-05-03-.11 and amendment to rules 0940-05-01-.01 through 0940-05-01-.06, 0940-05-03-.01, 0940-05-03-.02, and 0940-05-03-.03 filed May 22, 1979; effective July 10, 1979.

Rule 0940-04-01-.05 amended: Filed July 2, 1979; effective August 16, 1979.

Rule 0940-02-01-.03 Amended and new rule filed October 14, 1980; effective December 1, 1980.

Amendments to rules 0940-05-01-.04, 0940-05-02-.01 and 0940-05-02-.02 filed December 8, 1980; effective January 22, 1981.

Original rules 0940-05-01-.07 through 0940-05-01-.14, 0940-05-02-.05 and 0940-05-02-.06 Filed December 8, 1980; effective January 22, 1981.

Repeal of chapter 0940-01-08 filed April 29, 1981; effective June 18, 1981.

Original chapter 0940-06-01 filed April 29, 1981; effective June 18, 1981.

Original rules 0940-05-05-.01 through 0940-05-05-.04 filed November 25, 1981; effective January 20, 1982,

Original chapter 0940-03-04 filed September 27, 1982; effective October 27, 1982.

Original rules 0940-02-03-.01 through 0940-02-03-.05 and 0940-06-02-.01 through 0940-06-02-.06 filed February 3, 1983; effective March 7, 1983.

Original rule 0940-05-05-.05 filed March 16, 1983; effective April 18, 1983.

Amendments to rules 0940-05-01-.02 through 0940-05-01-.11 and 0940-05-01-.14, 0940-05-02-.01, 0940-05-02-.02, 0940-05-03-.01, 0940-05-03-.02 and 0940-05-05-.02 filed November 30, 1983; effective December 30, 1983.

Original rule 0940-05-04-.10 filed November 30, 1983; effective December 30, 1983.

Repeal of and new chapter 0940-06-01 filed May 25, 1984; effective June 24, 1984.

Amendments to rules 0940-02-01-.01, 0940-02-02-.01, 0940-02-02-.03, 0940-02-02-.07, 0940-02-02-.10, 0940-03-01-.01 through 0940-03-01-.06, 0940-03-03-.03, 0940-03-03-.05, 0940-03-03-.07 through 0940-03-3.09, 0940-04-01-.01 through 0940-04-01-.03, 0940-04-01-.05, 0940-04-01-.06 and 0940-04-02-.01 by Public Chapter 969; effective July 1, 1984.

Repeal of chapter 0940-03-02 by Public Chapter 969, effective July 1, 1984.

Amendments to rules 0940-02-01-.01, 0940-02-02-.01, 0940-02-02-.03, 0940-02-02-.07, 0940-02-02-.10, 0940-03-01-.01 through 0940-03-01-.06, 0940-03-03-.03, 0940-03-03-.05, 0940-03-03-.07, 0940-03-03-.08, 0940-03-03-.09, 0940-04-01-.01, 0940-04-01-.02, 0940-04-01-.03, 0940-04-01-.05, 0940-04-01-.06 and 0940-04-02-.01 filed July 11, 1984; effective August 10, 1984.

Amendment to rule 0940-03-04-.01 and new chapters 0940-01-01, 0940-01-02 and 0940-01-03 filed January 9, 1985; effective February 8, 1985.

Repeal and new chapter 0940-06-01 filed September 6, 1985; effective October 10, 1985.

New chapter 0940-03-02 filed November 27, 1985; effective December 31, 1985.

Repeal of and new rules 0940-05-02-.02, 0940-05-03-.01 through 0940-05-03-.11 and original rules 0940-05-03-.12 through 0940-05-03-.14 filed May 28, 1986; effective July 1, 1986.

Repeal of and new rules 0940-05-04-.01 through .10, 0940-05-02-.02, 0940-05-03-.02 and 0940-05-05-.02 filed June 30, 1986; effective July 30, 1986.

Original rule 0940-02-4 filed October 2, 1986; effective November 16, 1986.

Amendment to rule 0940-05-03-.02 filed October 14, 1986; effective November 28, 1986.

Amendment to rule 0940-05-03-.01 filed October 17, 1986; effective December 1, 1986.

Amendments to rules 0940-05-05-.01 and 0940-05-05-.06 filed October 27, 1986; effective December 11, 1986.

Repeal of and new chapter 0940-06-01 filed December 17, 1986; effective January 31, 1987.

Amendments to rule 0940-05-02-.01 and new rule 0940-05-02-.07 filed March 11, 1987; effective April 25, 1987.

Amendments to rules 0940-05-05-.01 and 0940-05-05-.06 filed February 5, 1987; effective May 27, 1987.

Amendments to rules 0940-06-01-.01 and 0940-06-01-.02. Filed July 24, 1987; effective September 7, 1987.

Repeal of and new chapters 0940-05-01 through 0940-05-03 and 0940-05-05 and new chapters 0940-05-06 through 0940-05-28 filed May 26, 1988; effective July 11, 1988.

Original chapter 0940-03-05 filed February 3, 1989; effective March 23, 1989.

Amendment to rule 0940-03-05-.05 filed May 10, 1989; effective June 24, 1989.

Amendment to rules 0940-03-03-.01, 0940-03-03-.07 and 0940-03-03-.09 filed November 22, 1991; effective January 6, 1992.

Amendment to rule 0940-05-02-.04 filed February 12, 1992; effective March 28, 1992.

Amendment to rule 0940-05-02-.04 filed March 19, 1992; effective May 3, 1992.

Amendment to rule 0940-05-01-.06 and Original chapter 0940-05-29 filed July 20, 1993; effective October 3, 1993.

Amendment to rules 0940-03-02-.02, 0940-03-02-.11, 0940-03-03-.01, 0940-03-03-.07, 0940-03-03-.09 and 0940-03-04-.01 filed September 25, 1995; effective December 9, 1995.

Amendment to rules 0940-05-01-.07; original rule 0940-05-03-.23 and new chapter 0940-05-32 filed October 17, 1995; effective December 31, 1995.

Amendment to rules 0940-05-01-.06; original rules 0940-05-03-.24 and 0940-05-03-.25 and original chapters 0940-05-30 and 0940-05-31 filed January 11, 1996; effective March 26, 1996.

Amendment to rules 0940-05-03-.03 through 0940-05-03-.05, 0940-05-03-.11 through 0940-05-03-.14, 0940-05-03-.18, 0940-05-04-.02 and 0940-05-04-.10 filed March 19, 1996; effective June 2, 1996.

Amendment to rules 0940-06-01-.01 through 0940-06-01-.05 and 0940-06-01-.08 filed July 10, 1997; effective September 23, 1997.

Repeal of chapter 0940-06-02 filed August 7, 1997; effective October 27, 1997.

Original rule 0940-05-04-.11 filed March 1, 2002; effective May 15, 2002.

Repeal of rule 0940-03-04-.01, Original rules 0940-03-06-.01 through 0940-03-06-.20 and 0940-03-07-.01 through 0940-03-07-.06, and Amendment to rule 0940-05-02-.04 filed October 3, 2002; effective December 17, 2002.

Original rules 0940-05-33-.01 through 0940-05-33-.07 and 0940-05-34-.01 through 0940-05-34-.07 filed December 18, 2002; effective March 3, 2003.

Original rule 0940-05-29-.09 and amendment to rules 0940-05-15-.01 through 0940-05-15-.10, 0840-5-17-.01 through 0940-05-17-.13, and 0940-05-29-.01 through 0940-05-29-.08 filed December 30, 2002; effective March 15, 2003.

Repeal of rules 0940-05-07-.01 through 0940-05-07-.07, 0940-05-08-.01 through 0940-05-08-.10, 0940-05-09-.01 through 0940-05-09-.10, 0940-05-10-.01 through 0940-05-10-.11, 0940-05-11-.01 through 0940-05-11-.11, 0940-05-12-.01 through 0940-05-12-.03, and 0940-05-13-.01 through 0940-05-13-.06 filed May 19, 2003; effective August 2, 2003.

Amendment to rules 0940-05-18-.01 through 0940-05-18-.10 filed September 4, 2003; effective November 18, 2003.

Original rules 0940-05-01-.15, 0940-05-03-.26, and 0940-05-36-.01 through 0940-05-36-.05 and amendment to rule 0940-05-01-.01 filed August 29, 2003; effective December 29, 2003.

Repeal of rules 0940-05-01-.02, 0940-05-01-.05, and 0940-05-03-.01 through 0940-05-03-.07 filed September 4, 2003; effective January 28, 2004.

Original rules 0940-03-08-.01 through 0940-03-08-.08 filed November 7, 2003; effective January 21, 2004.

Repeal and new rules 0940-05-24-.01 through 0940-05-24-.13 filed April 29, 2004; effective July 13, 2004.

Original rules 0940-03-10-.01 through 0940-03-10-.07 and 0940-05-37-.01 through 0940-05-37-.11 and repeal and new rules 0940-05-01-.01 through 0940-05-01-.05 filed June 29, 2004; effective September 12, 2004.

Original rules 0940-05-38-.01 through 0940-05-38-.07 and repeal of rules 0940-05-36-.01 through 0940-05-36-.05 filed July 21, 2004; effective November 26, 2004.

Public necessity rules 0940-04-03-.01 through 0940-04-03-.14 filed January 14, 2005; effective through June 28, 2005.

Original chapter 0940-04-04 filed March 29, 2005; effective June 12, 2005.

Public necessity rules 0940-04-03-.01 through 0940-04-03-.14 filed on January 14, 2005, expired on June 29, 2005; chapter reverted to reserved status.

Original chapter 0940-04-03 filed October 20, 2005; effective January 3, 2006.

Original chapter 0940-01-06 filed December 29, 2005; effective March 14, 2006.

Original chapter 0940-01-07 filed January 31, 2006; effective April 16, 2006.

Amendment to rules 0940-03-05-.01, .02, .03, .05, .06, and .07 filed December 13, 2007; effective April 29, 2008.

Amendment to rules 0940-03-06-.02, .08, .10, .12, and .19 filed December 26, 2007; effective April 29, 2008.

Original Chapters 0940-05-39 through 0940-05-45 and 0940-06-3 and 0940-06-4 created when 1200-08-17 through 1200-08-23 and Chapters 1200-30-02 and 1200-30-03 were transferred administratively on May 15, 2008, pursuant to Executive Order 44 (2007).

Original Chapter 0940-03-09 filed March 3, 2008; effective May 17, 2008.

Repeal and new chapter 0940-05-02 filed April 10, 2008; effective June 24, 2008.

Amendment to rules 0940-05-01-.01 and .04 filed May 6, 2008; effective September 26, 2008.

Repeal and new rules 0940-05-18-.01, .02; Repeal and new chapters 0940-05-41 and 0940-05-43; Original chapter 0940-05-46; and amendments to rules 0940-05-18-.04, .05, .06, .07, and .09 filed July 31, 2008; effective October 14, 2008.

Repeal and new chapters 0940-05-39 and 0940-05-45 filed August 27, 2008; effective November 10, 2008.

New rules 0940-05-01-.16 and .17; repeal and new rules 0940-05-01-.01 and .02; amendment to rule 0940-05-01-.04; and repeal of rule 0940-05-01-.06 filed August 27, 2008; effective December 29, 2008.

Public necessity rules 0940-04-03-.01 through 0940-04-03-.09 filed February 24, 2009; effective through August 8, 2009.

Repeal and new chapter 0940-05-44 filed January 7, 2009; effective March 23, 2009.

Original rule 0940-05-47 filed January 7, 2009; effective March 23, 2009.

Amendments to rules 0940-02-01.01, .02, .03, .07, .08, and .09 and repeal of rules 0940-02-01-.04, .05, and .06 filed February 26, 2009; effective June 26, 2009.

Emergency rule repealing chapter 0940-04-03 and transferring it to 0620-06-01 was filed August 7, 2009; effective through February 3, 2010.

Emergency rule repealing chapter 0940-04-03 and transferring it to 0620-06-01 filed August 7, 2009 expired effective February 4, 2009; rule reverted to its previous status.

Original chapter 0940-05-51 filed November 9, 2009; effective February 7, 2010.

Repeal and new rules 0940-05-38-.01 through .07 and new rules 0940-05-38-.08 through .10 filed November 20, 2009; effective February 18, 2010.

Amendments to rule 0940-05-39-.07, repeal of rules 0940-06-04-.01 through .07 and new rule 0940-06-04-.08 filed January 4, 2010; effective April 4, 2010.

Emergency rules 0940-04-03-.01 through .15 filed May 6, 2010; effective through November 2, 2010.

Repeal and replace chapter 0940-03-03 filed March 11, 2010; effective June 9, 2010.

Original chapter 0940-03-11 filed March 18, 2010; effective June 16, 2010.

Original chapter 0940-03-13 filed March 31, 2010; effective June 29, 2010.

Emergency rules 0940-04-03-.01 through .17 filed June 30, 2010; effective through December 27, 2010.

Emergency rules 0940-04-03-.01 through .17 filed August 6, 2010; effective though February 2, 2011.

Repeal and new chapter 0940-05-06 filed May 28, 2010; to have been effective August 26, 2010; were stayed July 21, 2010 and then were withdrawn by the Tennessee Department of Mental Health and Developmental Disabilities on August 2, 2010.

Amendments to rules 0940-04-03-.01 through .17 filed June 30, 2010; to have been effective November 28, 2010, were petitioned August 3, 2010.

Emergency rule 0940-04-03 filed August 6, 2010; effective through February 2, 2011.

Repeal of chapter 0940-05-40 filed March 19, 2010; effective August 29, 2010.

Repeal and new chapter 0940-04-03 filed November 5, 2010; effective February 3, 2011.

Repeal and new chapter 0940-05-06 filed August 30, 2010; effective January 29, 2011. On January 21, 2011, the Department of Mental Health filed a 38-day stay of the effective date; new effective date is March 7, 2011. Withdrawal of new rules filed by the Department of Mental Health and Developmental Disabilities on February 25, 2011.

Repeal and replace rules 0940-06-01-.01 through .08 and original rules 0940-06-01-.09 through .11 filed January 7, 2011; effective April 7, 2011.

Repeal of Chapter 0940-02-03 filed September 23, 2011; effective December 23, 2011.

Repeal of Chapter 0940-05-34 filed August 15, 2011; effective January 29, 2012.

Original chapter 0940-02-05 filed March 30, 2012; effective June 28, 2012.

Repeal and new rules 0940-05-42-.01 through .06 and .08 through .14, and original rules 0940-05-42-.07 and 0940-05-42-.15 through .29 filed September 20, 2012; effective December 19, 2012.

Emergency rules 0940-04-03-.01 through .19 filed June 17, 2013; effective though December 14, 2013.

Repeal of chapter 0940-04-01 filed February 11, 2013; effective July 29, 2013.

Expiration of emergency rules 0940-04-03-.01 through .19 filed June 17, 2013 and effective through December 14, 2013. On December 15, 2013, the rules reverted to their previous status.

Repeal and new chapter 0940-06-01 filed December 20, 2013; effective March 20, 2014.

Repeal and new chapter 0940-05-02 filed February 3, 2014; effective May 4, 2014.

Repeal and new chapter 0940-06-01 filed February 24, 2015; effective May 25, 2015.

Repeal of chapter 0940-04-03 filed July 29, 2015; effective October 27, 2015.

Repeal and new chapter 0940-05-38 filed March 4, 2016; effective June 2, 2016.

Repeal and new chapter 0940-06-01 filed March 4, 2016; effective June 2, 2016.

Original rules 0940-05-35-.01 through 0940-05-35-.19 filed October 14, 2016; effective January 12, 2017.

Repeal and new rules 0940-05-06-.01 through 0940-05-06-.10 filed November 30, 2016; effective February 28, 2017.

Repeal and new rules 0940-06-01-.01 through 0940-06-01-.13 filed March 21, 2017; effective June 19, 2017.

Repeal and new rules 0940-06-01-.01 through 0940-06-01-.13 filed July 5, 2018; effective October 3, 2018.

Emergency rule 0940-05-35-.12 filed December 20, 2018 to become effective January 1, 2019; effective through June 30, 2019.

Original rules 0940-01-10-.01 through 0940-01-10-.11 filed October 5, 2018; effective January 3, 2019.

Amendments to rules 0940-05-02-.05, 0940-05-02-.23, 0940-05-35-.02, 0940-05-35-.04, 0940-05-35-.05, 0940-05-35-.07, and 0940-05-35-.09, new rule 0940-05-35-.10 and subsequent renumbering of rules 0940-05-35-.10 through 0940-05-35-.19, amendments to newly renumbered rules 0940-05-35-.13 and 0940-05-35-.20, new rules 0940-05-36-.01 through 0940-05-36-.05, and original rules 0940-05-36-.06 through 0940-05-36-.11 filed March 29, 2019; effective June 27, 2019.

Repeal and new rules 0940-06-01-.01 and 0940-06-01-.05 filed October 1, 2019; effective December 30, 2019.