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# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Department of Mental Health and Developmental Disabilities
<b>Division:</b>	Office of Licensure
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*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Gwen Hamer
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**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	425 Fifth Avenue North		
Address 2:			
City:	Nashville		
Zip:	37243		
Hearing Date :	11/19/2008		
Hearing Time:	1:30 p.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

Location: Commissioner's Large Conference Room, 3<sup>rd</sup> Floor, Cordell Hull Building

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (for additional chapters, copy and paste table)

Chapter Number	Chapter Title
0940-05-47	Minimum Program Requirements for Alcohol and Drug Outpatient

		Detoxification Treatment Facilities
	<b>Rule Number</b>	<b>Rule Title</b>
	0940-05-47-.01	Definition
	0940-05-47-.02	Application of Rules
	0940-05-47-.03	Policies and Procedures
	0940-05-47-.04	Personnel and Staffing Requirements
	0940-05-47-.05	Service Recipient Assessment Requirements
	0940-05-47-.06	Individual Program Plan Requirements
	0940-05-47-.07	Service Recipient Record Requirements
	0940-05-47-.08	Professional Services
	0940-05-47-.09	Service Recipient Medication Administration Requirements

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

0940-05-47-.01 Definition.

- (1) "Alcohol and Drug Outpatient Detoxification Treatment Facilities" means organized outpatient services for service recipients to systematically reduce or eliminate the amount of a toxic agent in the body until the signs and symptoms of withdrawal are resolved. Outpatient detoxification treatment services are provided in regularly scheduled sessions in an office setting, health care or addiction treatment facility. The American Society of Addiction Medicine Patient Placement Criteria (ASAM PPC) is used to determine the level of outpatient detoxification services that will best meet a service recipient's needs.

0940-05-47-.02 Application of Rules.

- (1) The governing body of alcohol and drug outpatient detoxification treatment facilities must provide services and facilities which comply with the following rules:
  - (a) Chapter 0940-05-04-.04(2) Life Safety Business Occupancies Rule;
  - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
  - (c) Chapter 0940-05-06 Minimum Program Requirements for All Facilities;
  - (d) Chapter 0940-05-47 Minimum Program Requirements for Alcohol and Drug Outpatient Detoxification Treatment Facilities; and
  - (e) Chapter 0940-05-04-.09 Mobile Non-Ambulatory Rule if services are to be provided to one (1) or more mobile non-ambulatory service recipient.

0940-05-47-.03 Policies and Procedures.

- (1) The facility must maintain a written policy and procedure manual which includes the following:
  - (a) A description of the intake, assessment, and treatment process;
  - (b) A description of the aftercare service;
  - (c) Requirements that each employee or volunteer comply with procedures for detection, prevention, and reporting of communicable diseases according to procedures of the Tennessee Department of Health;
  - (d) Policies and procedures to ensure employees and volunteers practice standard precautions for infection control, as defined by the Centers for Disease Control (CDC);
  - (e) A quality assurance procedure which assesses the quality of care at the facility. This procedure must ensure appropriate treatment has been delivered according to acceptable clinical practice;
  - (f) Drug testing procedures if used by the facility;
  - (g) Exclusion and inclusion criteria for service recipients seeking the facility's services;
  - (h) Program admission criteria related to the results of the physical assessment;
  - (i) Written admission protocols to screen for potentially aggressive or violent service recipients;
  - (j) Policies and procedures which address the methods for managing disruptive behavior including techniques to deescalate anger and aggression;

- (k) If restrictive procedures are used to manage disruptive behaviors, these policies and procedures must govern their use and minimally ensure the following:
  - 1. Any restrictive procedure must be used by the facility only after all less-restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective;
  - 2. The service recipient must have given written consent to any restrictive measures taken with him/her by the staff;
  - 3. The restrictive procedure(s) must be documented in the individual program plan, be justifiable as part of the plan, and meet all requirements that govern the development and review of the plan;
  - 4. Only qualified personnel may use restrictive procedures and must be adequately trained in their use; and
  - 5. The adaptive or desirable behavior must be taught to the service recipient in conjunction with the implementation of the restrictive procedures.
- (l) If physical holding is used, a policy that requires it to be implemented in such a way as to minimize any physical harm to the service recipient and may only be used when the service recipient poses an immediate threat under the following conditions:
  - 1. The service recipient poses an immediate danger to self or others; and/or
  - 2. To prevent the service recipient from causing substantial property damage;
- (m) Procedures for a physical examination by a physician, physician assistant or nurse practitioner as part of the initial assessment to determine the safety of providing detoxification services in an outpatient setting in accordance with Rule 0940-05-47-.05 Service Recipient Assessment Requirements;
- (n) Physician-approved protocols for service recipient observation, supervision, determination of appropriate level of care, and documentation of any concerns indicated by the protocol that need to be reviewed by a physician;
- (o) Procedures and criteria for more extensive medical intervention and/or transfer to a more intensive service including an acute care hospital, must minimally include the following:
  - 1. A history of severe withdrawal, multiple withdrawals, delirium tremens, or seizures;
  - 2. Sustained extremes in heart rate;
  - 3. Cardiac arrhythmia;
  - 4. Sustained extremes in blood pressure; or
  - 5. Unstable medical conditions including hypertension, diabetes or pregnancy;
- (p) Procedures to ensure that service recipients under age eighteen (18) will be treated separately from service recipients eighteen (18) years of age or older;
- (q) Procedures to ensure that the facility, either directly or through arrangements with other public or private non-profit entities, will make available tuberculosis (TB) services in accordance with current Tennessee TB Guidelines for Alcohol and Drug Treatment Facilities (TB Guidelines), established by the Department of Health TB Elimination Program and the Department of Mental Health and Developmental Disabilities Division

of Alcohol and Drug Abuse, including:

1. Counseling the service recipients about TB;
2. Screening all service recipients for TB and, if applicable, testing service recipients at high risk for TB to determine whether the service recipients have been infected with TB;
3. Providing for or referring the service recipients infected by TB for appropriate medical evaluation, treatment, and case management activities.

0940-05-47-.04 Personnel and Staffing Requirements.

- (1) Direct services must be provided by qualified alcohol and drug abuse personnel.
- (2) All direct service staff in facilities providing alcohol and drug outpatient treatment\_detoxification services must receive documented training before having unsupervised direct contact with service recipients. Training topics must include implementing physician-approved protocols for the signs and symptoms of alcohol and other drug intoxication and withdrawal; monitoring withdrawal; assessing appropriate levels of care; supportive care; preparing service recipients for ongoing treatment; and facilitating entry into ongoing care.
- (3) Facilities must provide annual training to all direct service staff on supervising the self-administration of medications.
- (4) The facility must employ or retain a physician with training or experience in addiction medicine by written agreement to serve as medical consultant to the program.
- (5) The facility must have a physician, physician assistant, or nurse practitioner available twenty-four (24) hours a day by telephone for medical evaluation and consultation.
- (6) The facility must have medical or nursing personnel to conduct a medical screening of service recipients to evaluate and confirm that detoxification in an outpatient setting is relatively safe.
- (7) Facilities providing Level II-D services with extended on-site monitoring must have medical or nursing personnel available for daily (seven days per week) monitoring, assessment, and management of symptoms of withdrawal and intoxication.
- (8) The facility must provide at least two (2) on-duty and on-site staff members certified in cardiopulmonary resuscitation (CPR), and trained in first aid, the abdominal thrust and standard precautions for infection control as defined by the Centers for Disease Control (CDC).
- (9) The facility must provide annual education about sexually transmitted diseases (STD), human immunodeficiency virus (HIV), and acquired immunodeficiency syndrome (AIDS) to all direct care staff.
- (10) The facility must provide direct care staff with annual training in techniques to screen for potentially aggressive or violent service recipients and training in techniques to de-escalate anger and aggression in service recipients.
- (11) The facility must follow current TB Guidelines for screening and testing employees for TB infection.

0940-05-47-.05 Service Recipient Assessment Requirements.

- (1) The facility must document that the following assessments are completed at the time of admission; re-admission assessments must document the following information from the date of last service:
  - (a) Assessment of current functioning by trained staff according to presenting problem including addiction-focused history of the presenting problem;

- (b) An assessment of any special needs such as co-occurring psychiatric and medical conditions, physical limitations, cognitive impairments, and support system issues;
- (c) Basic medical history information and medical assessment to determine the necessity of a medical evaluation; and a copy, where applicable, of the results of the medical evaluation;
- (d) A physical examination by a physician, physician assistant or nurse practitioner within twenty-four (24) hours of admission; and
- (e) A history prior to admission of prescribed medications, frequently used over-the-counter medications, and alcohol or other drugs including patterns of specific usage for the past thirty (30) days prior to admission.

0940-05-47-.06 Individual Program Plan Requirements.

- (1) An Individual Program Plan (IPP) which includes the following requirements must be developed and documented for each service recipient:
  - (a) Developed within twenty-four (24) hours of admission;
  - (b) The service recipient's name;
  - (c) The date of development;
  - (d) Standardized diagnostic formulation(s) including, but not limited to, the current editions of the Diagnostic and Statistical Manual (DSM) and/or the International Statistical Classification of Diseases and Related Health Problems (ICD); and the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-Related Disorders (ASAM PPC).
  - (e) Treatment priorities and goals with treatment objectives to, and activities designed to, meet those objectives;
  - (f) Discharge plans for making referrals to address a service recipient's goals and needs;
  - (g) Assessment of progress through detoxification and any treatment changes; and
  - (h) Signatures of staff involved in treatment planning; and includes documentation of service recipients' participation in the treatment planning process.

0940-05-47-.07 Service Recipient Record Requirements.

- (1) The individual's service recipient record must include the following:
  - (a) Documentation on a medications log sheet of all medications prescribed or administered including date, type, dosage, frequency, amount, and reason;
  - (b) Documentation in the service recipient record of a treatment protocol and schedule detoxification and notes by qualified alcohol and drug or medical personnel that the protocol and schedule is being followed or exceptions to the protocol and schedule;
  - (c) For facilities providing Level II-D extended on-site monitoring, documentation of daily (seven days per week) nursing assessments of withdrawal, progress during detoxification, and any treatment changes;
  - (d) Reports of medical problems, accidents, seizures, illnesses and treatments for such accidents, seizures, and illnesses;
  - (e) Reports of significant behavior incidents;

- (f) Reports of any instance of physical holding or restrictive procedures with documented justification and authorization; and
- (g) A discharge plan which states the date of discharge, status at discharge, reasons for discharge, and referral of the service recipient and their family or significant others to other services, as appropriate.

0940-05-47-.08 Professional Services.

- (1) The facility must provide outpatient treatment services necessary to assess needs, help the service recipient understand addiction and support the completion of the detoxification process.
- (2) Service recipients must be given instruction about dosages, appropriate use, and self-administration of medications.
- (3) The facility must plan for discharge to address service recipient needs as indicated in the assessment/history in the areas vocational, educational skills and academic performance; financial issues; cognitive, socio-emotional, and psychological issues; social, family, and peer interactions; physical health; community living skills and housing information. Such services may be provided directly by the agency or indirectly by referral to other service providers. Referral agreements with frequently used providers must be documented. The provision of such services to individual service recipients must be documented in the service recipient record at the facility.
- (4) The facility must document either by written agreements or by program services access to an interdisciplinary team of appropriately trained clinicians (such as physicians, registered nurses, licensed practical nurses, counselors, social workers and psychologists) to assess, obtain, and interpret information regarding service recipient needs. The number and disciplines of team members must be appropriate to the range and severity of the service recipient's problem.
- (5) The facility must document, either by written agreements or by program services, the provision of twenty-four (24) hour a day, seven (7) day a week availability of immediate medical evaluation and care.

0940-05-47-.09 Service Recipient Medication Administration Requirements.

- (1) When supervising the self-administration of medication, the facility must consider the service recipient's self-management skills and ability.
- (2) The facility must ensure that prescription medications are taken only by service recipients for whom they are prescribed and in accordance with the directions of a qualified prescriber.
- (3) Discontinued and outdated medication and containers with worn, illegible, or missing labels must be disposed.
- (4) All medication errors, drug reactions, or suspected inappropriate medication use must be reported to the Medical Director of the facility who will report to the prescriber, if known.
- (5) Evidence of the current prescription of each medication taken by a service recipient must be maintained by the facility.
- (6) All direct service staff must be trained about medications used by the service recipient. This training must include information about the purpose and function of the medications, their major side effects and contraindications, and ways to recognize signs that medication is not being taken as prescribed or is ineffective for its prescribed purpose.
- (7) Staff must have access to medications at all times.
- (8) Schedule II drugs must be stored in a locked container within a locked compartment at all times and be accessible only to staff in charge of administering medication.

- (9) Staff must document each time a service recipient self-administers medication or refuses a medication. This documentation must include the date, time, medication name, and dosage, as well as over-the-counter medication. This documentation must be made on the medication log sheet in the service recipient's record.
- (10) For any service recipient incapable of self-administration, all medications must be administered by personnel licensed to administer medication.
- (11) All medications and other medical preparations intended for internal or external human use must be stored in sanitary and secure medicine cabinets or drug rooms. Such cabinet or drug rooms must be kept securely locked when not in use and the key must be in the possession of the supervising nurse or other authorized staff. Locks in doors to medicine cabinets and drug rooms must be such that they require an action on the part of staff to lock and unlock.

Authority: T.C.A. §§ 4-4-103; 4-5-202; 4-5-204; 33-1-302, 33-1-305, 33-1-309; and 33-2-301; 33-2-302; 33-2-304; and Executive Order Number 44 (February 23, 2007).