

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
ADMINISTRATIVE CODE

CHAPTER 580-1-2
ADMINISTRATIVE STANDARDS FOR 310 BOARDS

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580-1-2-.01 Introduction.

The mission of the Alabama Department of Mental Health and Mental Retardation (DMH/MR) under the Code of Ala. 1975, Sections 22-50-1 through 91, Act 881, is to act in "any prudent way to provide mental health services and mental retardation services for the people of Alabama". The Commissioner for the Department of Mental Health and Mental Retardation is authorized and directed to set up state plans for the purpose of controlling and treating any and all forms of mental and emotional illness and any and all forms of mental retardation, and shall divide the state into areas for the purpose of establishing priorities and programs, and for organizational and administrative purposes in accordance with these state plans. The Commissioner under Act 881 is also authorized to supervise, coordinate and establish standards for all operations and activities of the state related to mental health and mental retardation and the providing of mental health services and mental retardation services. Alabama Acts 1967, Act Number 310, provides for the formation of public corporations to contract with the DMH/MR in constructing facilities and operating programs for mental health services. Such entities are commonly referred to, and are referred to herein, as "310 Boards". Act 310 is codified in the Code of Ala. 1975, Sections 22-51-1 through 14.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §§22-50-11, 22-51-1 thru 22-51-14.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.

580-1-2-.02 **Definitions.**

(1) A Comprehensive 310 Board must have authority through its Articles of Incorporation to directly provide: planning, studies, and services, for mental illness, mental retardation, and substance abuse populations, for all counties for which they are incorporated. A Comprehensive 310 Board must directly provide these services to all populations and counties for which they are incorporated to serve. For a period of transition as referred under Alabama Administrative Code, 580-1-2-.04 and upon approval by the Commissioner, the DMH/MR may certify a 310 Board as Comprehensive when or if part of its services are contracted. A Comprehensive 310 Board must be authorized to directly provide services for at least one (1) county.

(2) A Specialty 310 Board must have authority through its Articles of Incorporation to directly provide: planning, studies, and services, and for mental illness, mental retardation or substance abuse populations (any one or any combination of any two (2) of these populations) for all counties for which they are incorporated.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.

580-1-2-.03 **Certification.**

(1) A certified 310 Board must be under contract with DMH/MR for services provided.

(2) The DMH/MR shall certify no more than one (1) Comprehensive 310 and/or one Specialty 310 in a county for each of the specified service populations (Mental Illness, Mental Retardation and Substance Abuse), for the purposes of planning, conducting studies and providing needed programs and services.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §§22-50-11.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.

580-1-2-.04 **Transitional Procedures.**

(1) The Department of Mental Health and Mental Retardation (DMH/MR) by November 1, 2001 shall identify the current array of 310 Boards as Comprehensive or Specialty by county.

(2) As of December 1, 2001, DMH/MR shall grandfather all currently existing 310 Boards as identified with the exception where there is more than one 310 Board (Comprehensive or Specialty) in a county for the same service population. DMH/MR shall then request the local county governmental entity to designate one entity for recognition for that service population. Should the local county governmental entity be unable to do so, the Commissioner shall designate which Specialty or Comprehensive 310 the DMH/MR certifies.

(3) As of December 1, 2001, the DMH/MR shall not certify any new 310 Board (Comprehensive or Specialty) except in counties where it is indicated a specific need for 310 services exists.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §§22-50-11.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.

580-1-2-.05 Role And Function.

(1) The certified Comprehensive 310 Board, in conjunction with the DMH/MR, must plan and take steps which lead to comprehensive state and community action to combat all forms of mental or emotional illness or debility, including but not limited to, alcoholism, drug addiction, epilepsy and mental retardation. The certified 310 Specialty Boards, in conjunction with the DMH/MR, must plan and take steps which lead to comprehensive, state, and community action to combat either mental illness, mental retardation or substance abuse (the program(s) for which it is incorporated).

(2) The certified 310 Board, in coordination with the DMH/MR and local service providers, must develop a plan which specifies strategies to meet the area needs. Plans must be based upon assessed needs of identified individuals and/or based upon statistically sound projections of need and submitted through the Department's existing planning structure.

(3) The certified 310 Board (Comprehensive or Specialty), in conjunction with the DMH/MR, shall do studies of the needs and available resources of the state in relation to the above. They shall, in conjunction with the DMH/MR, develop public awareness of said disabilities and the need for combating them and they shall coordinate state and local activities relating to the various aspects of either mental illness, mental retardation and/or substance abuse and their prevention, treatment, or amelioration.

(4) The certified 310 Board, in conjunction with the DMH/MR, will develop services within resource availability, activate relevant available services, refer to other appropriate services without bias to any particular provider and submit proposals to DMH/MR, and seek other funding sources. The certified 310 Board, in

conjunction with the DMH/MR, will coordinate the planning and development of resources for community services and support, including residential placements for individuals eligible for DMH/MR services.

(5) The certified 310 Board shall provide any one or more of the following services:

- (a) Inpatient
- (b) Outpatient/Therapy Services/Case Management
- (c) Partial Hospitalization
- (d) Emergency Care
- (e) Community Education and Consultation
- (f) Diagnosis
- (g) Evaluation
- (h) Rehabilitation/Habilitation
- (i) PreCare
- (j) Residential Care/Respite Care
- (k) Aftercare and

(l) The prevention of all forms of mental or emotional illness, including, but not limited to, alcoholism, drug addiction, epilepsy, or mental retardation.

1. The certified 310 Board for a county for a designated service population shall serve as the local single point of intake for the purposes of coordinating and planning of DMH/MR services. If there is no certified 310 Board for a designated county, the DMH/MR Commissioner may designate an entity.

2. DMH/MR shall maintain authority for confirmation, enrollment, and establishment of eligibility for individuals for services under contract with DMH/MR.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §§22-50-11.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.

580-1-2-.06 Standards For Certification.

(1) A certified 310 Board must meet the following standards:

(a) The 310 Board must have on file with DMH/MR their Articles of Incorporation and all amendments, which were provided to the local county governmental entity which established and approved the articles or amendments.

(b) The 310 Board must have on file with DMH/MR a copy of their bylaws, which are consistent with their Articles of Incorporation and with the Code of Alabama.

(c) The 310 Board must have approved by DMH/MR under the Code of Ala. 1975, Section 22-51-7 any amendments to the 310 Boards Articles of Incorporation and must have these amendments on file with the DMH/MR.

(d) The 310 Board's Articles of Incorporation must state the services to be provided.

(e) The 310 Board must have on file with DMH/MR the resolution(s) from counties indicating the geographical area for the operation of a 310 Board.

(f) The 310 Board must provide to the DMH/MR annually an unqualified prior year audit including such DMH/MR contracted funds allocated for subcontractors.

(g) The 310 Board of Directors shall be established according to Alabama Code Section 22-51-8. Each certified 310 Board must provide a list of the Board of Directors to DMH/MR.

(h) The 310 Board of Directors should include consumers and family members of the population(s) designated to be served. In the event a 310 Board does not include consumers and family members of the populations(s) it serves, then the Board shall appoint an advisory committee of said consumers and family members.

(i) The 310 Board of Directors shall develop written policies and procedures to assure neither they nor their employees, agents, volunteers, or providers/owners, have any conflicts of interests in any business relationship they may have with a 310 Board.

(j) The 310 Board must comply with the Alabama Bid Law, Alabama Code Section 41-16-50 et seq. (Supp. 1999). Within this context, members of the governing bodies and instrumentality's of local governmental authorities must

comply with the conflict of interest statute, Alabama Code Section 41-16-60 (1991). There must be an arms length transaction between the members of the Board of Directors of a 310 Board who also serves on the Board of Directors of a subcontractor.

(k) The 310 Board of Directors must comply with the Alabama "Sunshine Law", which prohibits an executive or secret session except when the character or good name of a person is involved, Alabama Code Section 13A-14-2 (1994).

(l) The 310 Board must provide to DMH/MR a two-year plan of services specifying the type, the quantity and location of services provided for their designated population.

(m) The 310 Board must provide to DMH/MR a comprehensive study of needs assessment and available resources for their designated population within their geographical location.

(n) The 310 Board when subcontracting shall provide to the DMH/MR a copy of the subcontract for approval prior to initiation. No certified 310 Board may subcontract more than 10% of their total DMH/MR funding without approval of the DMH/MR.

(o) The 310 Board may use no more than 20% of the DMH/MR contracted funds for administrative costs. Administrative costs include non-direct program costs and administrative costs to support, maintain, and administer the direct program services provided or contracted by the 310 Board.

(p) The 310 Board shall not charge an administrative fee to subcontractors providing services funded through DMH/MR.

(q) The 310 Board shall pay subcontractors within 15 working days of the receipt of contract funds from DMH/MR.

(r) The 310 Board shall establish a CQI system, which complies with the standards set forth by the DMH/MR, and shall encompass its subcontractors of DMH/MR services.

(s) For specific programs and services provided by certified 310 Boards or subcontracted by certified 310 Boards, as spelled out by Alabama Code Section 22-51-1(8), the 310 Board shall insure compliance with the specified DMH/MR service division's certification standards.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §§22-50-11.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.

580-1-2-.07 **Exceptions.**

(1) Providers, not otherwise covered by 580-1-2, may contract directly with DMH/MR for one or more of the following programs or services:

- (a) Inpatient
- (b) Outpatient/Therapy Services
- (c) Partial Hospitalization
- (d) Emergency Care
- (e) Community Education and Consultation
- (f) Diagnosis
- (g) Evaluation
- (h) Rehabilitation/Habilitation
- (i) PreCare
- (j) Residential Care/Respite Care
- (k) Aftercare and

(l) The prevention of all forms of mental or emotional illness, including, but not limited to, alcoholism, drug addiction, epilepsy, or mental retardation.

(2) The Commissioner at his/her discretion may grant an exception to 310 Boards for their requirements of planning, studies, and/or programs, or for provisions relating to subcontracting, or for the recognition of a 310 Board when it is determined that the exception is in the best interest of the public and/or of the populations to be served.

Author: Department of Mental Health and Mental Retardation

Statutory Authority: Code of Ala. 1975, §§22-50-11.

History: New Rule: Filed October 1, 2001; effective November 5, 2001.