

ALABAMA DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION  
ADMINISTRATIVE CODE

CHAPTER 580-5-29  
INTRODUCTION - MENTAL RETARDATION AUTHORITY

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580-5-29-.01      Statutory Authority.

(1) The Division of Mental Retardation is established by the Department of Mental Health and Mental Retardation (DMH/MR) Commissioner to operate under the supervision of an Associate Commissioner for Mental Retardation in accordance with the provisions of the Code of Ala. 1975, Title 22, Chapter 50.

(2) The provisions of the Code of Ala. 1975, Title 22, Chapter 50 authorize and direct the Department of Mental Health and Mental Retardation to establish 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.

(3) The provisions of the Code of Ala. 1975, Title 22, Chapter 50 authorize DMH/MR to divide the state into regions, districts, areas or zones for the purpose of establishing priorities and programs and for organizational and administrative purposes.

(4) "DMH/MR "is designated and 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."

(5) DMH/MR "is authorized and directed to establish and promulgate reasonable rules, policies, orders and regulations providing details of carrying out its duties and responsibilities..."

(6) DMH/MR "is authorized and directed to establish and promulgate reasonable minimum standards for the construction and operation of facilities, including reasonable minimum standards for the admission, diagnosis, care, treatment, transfer of patients or clients and their records, and also including reasonable minimum standards for providing..." day habilitation, residential support or any other direct services "for persons who..." have mental retardation.

(7) DMH/MR is authorized to inspect any institution or facility providing any kind of treatment or care for those persons who have mental or emotional illness or mental retardation, and shall certify any such institution or facility which meets its minimum standards.

**Author:** Division of Mental Retardation, DMH/MR.

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

**History: Amended:** Filed February 4, 2005; effective March 11, 2005.

**580-5-29-.02      Adoption By Reference.**

The DMH/MR hereby adopts the regulations and standards of Title XIX of the Social Security Act, according to the 1983 (2000 renewal) Alabama State Medicaid Home and Community Based Care Waiver and the 2002 Alabama Living at Home Waiver, for those community programs providing habilitation services and seeking Title XIX reimbursement. A copy of these documents may be inspected in the DMH/MR office of the Division of Legal Services located at 100 North Union Street, Montgomery, Alabama 36130.

**Author:** Division of Mental Retardation DMH/MR.

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

**History: Amended:** Filed February 4, 2005; effective March 11, 2005.