

DEPARTMENT OF COMMUNITY HEALTH
MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

GENERAL RULES

(By authority conferred on the department of mental health by sections 1 to 4 of Act No. 80 of the Public Acts of 1905, as amended, section 33 of Act No. 306 of the Public Acts of 1969, as amended, and sections 114, 130, 136, 157, 206, 244, 498n, 498r, 842, 844, 908, and 1002a of Act No. 258 of the Public Acts of 1974, as amended, being sections 19.141 to 19.144, 24.233, 330.1114, 330.1130, 330.1136, 330.1206, 330.1244, 330.1498n, 330.1498r, 330.1842, 330.1844, 330.1908, and 330.2002a of the Michigan Compiled Laws)

R 330.1001 General definitions.

Rule 1001. As used in these rules, except as otherwise defined in a particular part or a subpart:

(1) "Act" means Act No. 258 of the Public Acts of 1974, as amended, being §330.1001 et seq. of the Michigan Compiled Laws.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1979 AC; 1981 AACS; 1983 AACS; 1986 AACS; 1998-2000 AACS.

R 330.1005 Gifts, grants, bequests, and donations; approval.

Rule 1005. (1) Gifts, grants, bequests, and donations with a value of more than \$1,500.00 shall not be accepted by a department facility without approval by the director of the department.

(2) Gifts, grants, bequests, and donations accounts shall be composed of subaccounts which detail the specific purpose for which the gifts, grants, bequests, and donations were made. One of the subaccounts shall be a patient benefit fund.

(3) The patient benefit fund may be expended to improve the general welfare of all patients or a specific group of patients and, in special cases, may provide aid to indigent patients.

(4) A gift, grant, bequest, or donation shall not be accepted or expended which commits the state to complete or continue a program or project without authorization.

(5) All funds received shall be deposited with the state.

(6) An annual report shall be submitted to the department by department facilities identifying all gifts, grants, bequests, and donations.

History: 1979 AC; 1981 AACS; 1983 AACS.

R 330.1015 Research.

Rule 1015. Research initiated, conducted, or supported by the department, or engaged in by staff of department facilities, licensed or certified agencies, or agencies

with whom it has contracts, shall be subject to administrative rules, department policies and procedures, and shall follow federal guidelines.

History: 1979 AC.

R 330.1017 Equality in employment.

Rule 1017. An otherwise qualified person shall not be subject to discrimination by the department, its hospitals, centers, or contractual parties in employment or training on the basis of race, color, nationality, religious or political belief, sex, handicap, or age, unless a requirement of sex or age is based on a bona fide occupational qualification.

History: 1981 AACCS.

SUBPART 2. COMMUNITY MENTAL HEALTH CENTERS

R 330.1021 Definitions.

Rule 1021. As used in this subpart:

(a) "Community mental health center" or "center" means either of the following:

(i) An organization of service which consists of 1 or more affiliated service entities, certified by the department, for the purpose of assuring a comprehensive range of mental health services to persons in a geographical area containing a population which meets federal requirements and funded under the community mental health centers act of 1963, 42 U.S.C. 2661 et seq., and the federal regulations issued thereunder.

(ii) An organization of services which consists of 1 or more affiliated service entities, certified by the department, for the purpose of assuring a comprehensive range of mental health services to persons within a service area, and which is designated by the department as a community mental health center.

(b) "Service element" means 1 of the mental health services listed in the federal regulations issued under Public Law 88-164, as amended.

The 5 essential elements are:

- (1) inpatient services;
- (2) outpatient services;
- (3) partial hospitalization services, such as day care, night care, and weekend care;
- (4) emergency services, 24 hours per day; and
- (5) consultation and educational services to community agencies and professional personnel.

Five additional elements are:

- (1) diagnostic services;
- (2) rehabilitative services, including vocational and educational programs;
- (3) pre-care and aftercare services in the community, including foster home placement, home visiting, and halfway houses;
- (4) training; and
- (5) research and evaluation.

(c) "Service entity" means an organization supplying 1 or more elements of mental health service as a part of a community mental health center.

History: 1979 AC.

R 330.1025 Designation of center; certification of service entity.

Rule 1025. (1) Only an organization composed of 1 or more service entities that is certified by the department may be designated as a community mental health center. A service entity that supplies 1 or more service elements of a community mental health center shall be certified by the department pursuant to section 130 of the act. A service entity that is intended to function as a part of a community mental health center shall file an application with the department on forms prescribed and furnished by the department for a certificate of approval for the service elements the entity intends to supply.

(2) Certification as a service entity shall be based on the following requirements:

(a) A service entity shall insure that the service elements it provides are organized and related to insure continuity of care and to permit recipients to move easily from 1 type of service to another as recipient needs change.

(b) A service entity shall assure all of the following in its policies and procedures and in its delivery of service:

(i) That a person is not denied service on the basis of race, color, nationality, religious or political belief, sex, age, handicap, county of residence, or ability to pay. This assurance shall be specified in program statements of the service entity and in all contractual agreements.

(ii) That a person is not denied service on the basis that the person does not meet a requirement for a minimum period of residence in a service area.

(iii) That inpatient psychiatric services are licensed by the department pursuant to sections 134 to 150 of the act and administrative rules promulgated thereunder.

(iv) That recipients have the rights guaranteed by the act and the rules promulgated thereunder.

(v) That personnel policy and procedures do not discriminate against employees or applicants for employment with respect to hiring, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment because of race, color, nationality, religious or political belief, sex, age, or handicap, unless a requirement of sex or age is based on a bona fide occupational qualification.

History: 1979 AC; 1981 AACs.

R 330.1028 Service entity; records.

Rule 1028. (1) A service entity shall maintain administrative records, including all of the following:

(a) Recipient contacts and referrals.

(b) Personnel policies and practices.

(c) Job descriptions.

(d) Personnel procedures.

(2) A service entity shall maintain case records for each recipient, including, where appropriate:

- (a) Identification data and consent forms.
- (b) Personal history.
- (c) Evaluations and examinations.
- (d) Individualized treatment plans.
- (e) Termination summaries.

History: 1979 AC.

R 330.1031 Service entity; provisional certificate of approval.

Rule 1031. If a service entity does not meet requirements for certification for a service element which it offers, the department may issue a provisional certificate of approval for a period not to exceed 6 months, based on a judgment that the service element in question will comply with these requirements before the end of the period of provisional certification.

History: 1979 AC.

R 330.1034 Service entity; biannual certificate of approval.

Rule 1034. An eligible service entity shall be issued a certificate of approval biannually. A service entity shall be subject to inspection and reevaluation by the department at any time. A certificate of approval is not transferable. A service entity shall notify the department of a change in sponsorship or operation of the service entity or of any service element. Existing approval shall be void on the date of change, and the service entity shall apply for a new certificate of approval.

History: 1979 AC.

R 330.1037 Contracts or agreements between service entities and service elements.

Rule 1037. If service elements of a center are provided by more than 1 service entity, the relationship between the service entities and the service elements shall be by contract or formal written agreement, which shall make specific provision for assuring compliance with these rules. Copies of contracts and formal written agreements shall be included with applications for certification.

History: 1979 AC.

R 330.1041 Evidence of fire safety approval.

Rule 1041. When applying for certification and during inspections, a service entity shall submit evidence that the facilities of service elements are approved for fire safety by the state fire marshal or a local fire safety authority, whichever has primary jurisdiction.

History: 1979 AC.

R 330.1045 Service element; staff; policies and procedures; space and facilities.

Rule 1045. (1) A service element shall be staffed with qualified professional, nonprofessional, and supporting personnel.

(2) A service element shall have written policies and procedures which facilitate delivery of service as part of a comprehensive range of services, established and agreed to by the service element and the sponsoring service entity.

(3) A service element shall have space and facilities which meet the standards of the department.

History: 1979 AC.

R 330.1051 Center; location and accessibility of services.

Rule 1051. (1) Services of a center shall be conveniently located for the population of the defined service area. Factors such as density of population, geographic and chronological distances, and availability of public transportation shall be considered in the determination.

(2) A center shall be free of physical obstacles to recipients whose mobility is impaired by physical handicaps.

(3) A center shall offer services at times which are compatible with the schedules of its service population to enable recipients to receive services with a minimum of disruption to other essential aspects of their lives.

History: 1979 AC.

R 330.1053 Center; requirements generally.

Rule 1053. (1) A center shall identify all of the following:

(a) Service agency which delivers services.

(b) Recipients.

(c) The amount of service given to each recipient.

(d) The type of service and rationale for services offered, including indirect services.

(2) A center shall insure:

(a) That policies and procedures governing protection of stored recipient information are developed, maintained, and followed.

(b) That copies of signed release-of-information forms are included in the case records of recipients.

(c) That there is periodic review of client case records to determine whether they contain the required service documentation and release-of-information records.

History: 1979 AC.

R 330.1055 Center; fiscal management.

Rule 1055. A center shall insure efficient distribution of funds according to procedures which include uniform accounting and purchasing policies, unit cost analyses, annual audits, contracts, and a preliminary plan of expenditures, and shall be based on the following:

- (a) Clear, up-to-date records of expenditures.
- (b) A unit cost analysis of services performed not less than annually.
- (c) Purchasing policies which require systematic approval by responsible agency staff of expenditure for supplies, equipment, and contracted services.
- (d) Spending reports made available annually to the department.

History: 1979 AC.

R 330.1057 Management information system; program evaluation; staff evaluation.

Rule 1057. (1) A center shall have a management information system consistent with that of the department, and consistent with that of the local community mental health board when the board contracts with the centers, which provides sufficient information about the functioning of the center to help determine to what degree programs are meeting their goals, including mechanisms for collecting pertinent, accurate data; provisions for interpreting data in a form that is useful for decision makers; a means for communicating information to program managers; mechanisms for making program changes as needed; and mechanisms for refining program evaluation systems to improve usefulness, economy of effort, and accuracy.

(2) A center shall provide opportunities for users of the evaluation system to influence initial planning and ongoing refinement of the system.

(3) Information for program evaluation shall be based on data which is sufficiently current to facilitate program decisions.

(4) A center staff evaluation program shall provide periodic assessments of the degree to which each staff person is adequately performing the functions of his position. Assessments shall be clearly communicated to the evaluated staff person and program managers involved in staff placement and training.

History: 1979 AC.

R 330.1059 Center; duties.

Rule 1059. (1) A center shall adopt purpose and service definitions that are in harmony with the needs of the population of the defined service area, contractual agreements with funding sources, limitations of resources, and legal and other constraints.

(2) A center shall coordinate its services with other mental health services and pertinent human services to assure that needs of the center's recipients are met in a comprehensive manner without fragmentation or duplication. To accomplish this, a center shall:

- (a) Participate in community and regional planning, including health systems agency planning.

(b) Establish continuity of care agreements between appropriate service entities and with appropriate agencies providing services to the population of the center's service area, including department facilities.

(c) Whenever possible, provide the mental health component of health services established in the service area by health maintenance organizations and community health centers.

History: 1979 AC.