

(FINAL FILING)

EXHIBIT M

BUREAU OF LEGISLATIVE RESEARCH

DEPARTMENT OF HUMAN SERVICES DIVISION OF BEHAVIORAL HEALTH SERVICES (DBHS)

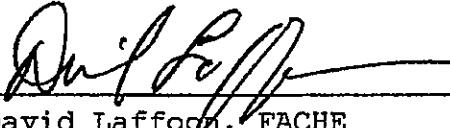
NUMBER AND TITLE: DBHS Certification Manual for Rehabilitative Services for Persons with Mental Illness (RSPMI)

PROPOSED EFFECTIVE DATE: January 1, 2011

STATUTORY AUTHORITY: Ark. Code Ann. 25-10-129 vests the Department with rule-making authority to assure that all its programs comply with federal requirements; Ark. Code Ann. § 20-47-701 et seq. empowers the Department of Human Services, in coordination with the Children's Behavioral Health Commission, to establish standards for behavioral health care delivered to children and youth. Ark. Code Ann. § 20-76-201 (1) empowers the Department of Human Services to supervise agencies caring for the mentally disabled, and Ark. Code Ann. § 20-76-201(13) authorizes the Department to promulgate rules to carry out Title 20, Chapter 76, Subchapter 2, of the Code.

NECESSITY AND FUNCTION: This rule revises the proposed DBHS RSPMI certification policy to improve outpatient behavioral health care and cure omissions that prevented effective enforcement of behavioral health care standards and client protections.

PAGES FILED: pages:160



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Promulgation date: December 1, 2010

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Summary of Changes in DBHS Policy
Rehabilitation Services for Persons with Mental Illness (RSPMI)
Provider Certification Rules
Submitted November 15, 2010

This rule is being submitted in compliance with Act 1593, established in the 2007 General Legislative Assembly to "insure better utilization and coordination of the State's behavioral health resources devoted to serving children, youth and their families. Section 20-47-605 requires that the Department (DHS), with advice from the Children's Behavioral Health Care commission, shall: c. Revise Medicaid rules and regulations to increase quality, accountability and appropriateness of Medicaid reimbursed behavioral health care services, including, but not limited to: c (3) -- Clarifying Medicaid certification rules for providers serving children, youth and their families to assure that the certification rules correlate with the requirements for enrollment as a Medicaid provider of behavioral health care services.

Per Act 1593, cited above, the Children's Behavioral Health Care Commission has met quarterly since August 30, 2007 and has supported the continued refinement and clarification of The Division of Behavioral Health's (DBHS) certification rules for providers of RSPMI services. As a part of the refinement and clarification process DBHS has expanded the context of the rule revision to include requirements to improve the quality of service and standard of care for adult recipients of RSPMI services as well as for children and their families seeking behavioral health care. An advisory committee of stakeholders, providers, advocates, state agencies has been involved in the review and formulation of this proposed rule revision.

Changes of this proposed policy/rule as compared to the current policy/rule (June 1, 2008) are summarized below.

The effective date of this policy will be January 1, 2011.

1. Section - Purpose: Now section I, clarifying statements added to establish expectations regarding care and standards for RSPMI services.
2. Section I-Definition section moved to section III. Definitions section (previously section I) edited and expanded significantly to provide additional detail related to terms, abbreviations, and requirements. Number of definitions expanded from seven (7) to thirty-three (33) to provide detailed descriptions.
3. Section II-(Compliance Timeline) moved to Section IV with expanded and clarifying language outlining timelines for compliance and specific conditions of exceptions.
4. Previous section III was for separate certification for each provider site (now under section II)

5. Section IV-(Application Information) now in Section V (and Section XII) with expanded application procedures and requirements. The application process continues into Section VI which covers the Application Review Process. Section VI now provides step-by-step instruction on the RSPMI application review process including timeline, survey components and application determination options.
6. Section V of current rule (Site Requirements) incorporated in Section V of proposed rule (Application Process).
7. Section V-(Certification Requirements) expanded in both section V and section VIII. Adds clarification and expansion on certification application procedure including agency status, legal business entity name, accreditation status, family involvement policy, training requirements, operating policy expectations, minimum staffing requirements to include CEO/Executive Director, Clinical Director, Mental Health Professionals (including supervision requirements and responsibilities), Mental Health Paraprofessionals (including supervision requirements), Corporate Compliance Officer, Privacy Officer, Quality Control Manager, Grievance Officer, Medical Records Librarian, and Licensed Psychologist/Examiner. In addition, the role and responsibility of the Medical Director was clarified and expanded to assure appropriate medical oversight and client safety.

Section V also describes expectations regarding operating policy and procedures related to: multidisciplinary teams, quality assurance meetings, health care professional disqualifications, documentation requirements including disclosure forms, minimum service provisions and emergency service requirements, competency expectations, and quality improvement program expectations. The section also outlines technical training and consultation opportunities through the Division of Behavioral Health Services.

8. Section VI – violations section moved to section XIV (Noncompliance). Appeal process now moved to section XV. Previous policy listed “appeal process” as section VI as well.

New Sections

9. Section VII – added to provide DBHS access to RSPMI applicants/providers including direct-care staff as well as administrative staff.
10. Section VIII – Additional certification requirements added to strengthen quality and accountability. Changes outlined in number 7 above.
11. Section IX – adds identification and requirement of a home office for each applicant. Requirements include a designated home office in the State of Arkansas, solely responsible for governance and administration of all of the provider’s Arkansas sites, governance documented in a coordinated management plan, responsible for client record policy designating where original records are stored.

12. Section X – adds site requirements including located in Arkansas and each site listed on accreditation documentation.
13. Section XI – adds specifics related to site relocation, opening and closing, both planned and unplanned. Specifics for a transition plan are outlined to assure continuity of care for agency clients in the event of a closure.
14. Section XII – provider recertification procedure and certification time frame.
15. Section XIII – provider requirements for maintaining DBHS RSPMI certification including compliance expectations, correspondence expectations, and reporting requirements.
16. Section XIV – clarification of actions for noncompliance with this rule (section VI from previous policy).
17. Section XV – outlines appeal process in the case of certification denial, suspension, revocation.
18. Appendix of all referenced forms and training requirements.