

**RULES
OF
TENNESSEE DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES**

**CHAPTER 0940-6-4
RULES FOR ALCOHOL AND DRUG ADDICTION TREATMENT FUND**

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0940-6-4-.01 PURPOSE AND SCOPE.

The purpose of this subchapter is to regulate the alcohol and drug addiction treatment of persons who are ordered by a court of competent jurisdiction to undergo such treatment, and who are deemed indigent and therefore eligible for the Tennessee Department of Health's Alcohol and Drug Addiction Treatment (ADAT) Program pursuant to Tenn. Code Ann. § 55-10-403.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-3 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007).

0940-6-4-.02 DEFINITIONS.

- (1) Alcohol and Drug Addiction Treatment Fund. Fund established pursuant to Tenn. Code Ann. § 40-33-211(c)(2) and administered by the Tennessee Department of Health's Bureau of Alcohol and Drug Abuse Services for the alcohol and drug abuse treatment of participants who meet established program eligibility criteria.
- (2) Alcohol and/or Other Drug Abuse. A condition characterized by the continuous or episodic use of alcohol and/or other drugs resulting in social impairment, vocational impairment, psychological dependence or pathological patterns of use as defined in currently accepted diagnostic nomenclature.
- (3) Alcohol and/or Other Drug Dependency. Alcohol and/or other drug abuse which results in the development of tolerance or manifestation of alcohol and/or other drug abstinence syndrome upon cessation of use as defined in currently accepted diagnostic nomenclature.
- (4) ASAM. American Society of Addiction Medicine.
- (5) ASI. Addiction Severity Index. An assessment tool used in evaluating a person's level of addiction.
- (6) Assessment. A documented evaluation of a person for the purpose of determining treatment and/or rehabilitation needs. An assessment may, but does not necessarily, include examinations and tests determined to be necessary by the treatment staff based on the presenting problems and symptoms of the individual client.
- (7) Authorization List. The list of approved Alcohol and Drug Addiction Treatment Program participants maintained by the Bureau of Alcohol and Drug Abuse Services.

(Rule 0940-6-4-.02, continued)

- (8) Bureau. The Tennessee Department of Health, Bureau of Alcohol and Drug Abuse Services.
- (9) Commissioner. The Commissioner of the Tennessee Department of Health or authorized representative.
- (10) Department. The Tennessee Department of Health.
- (11) Detoxification. A process of withdrawing a person from a specific psychoactive substance in a safe and effective manner.
- (12) DUI. Driving under the influence of intoxicant, drug or drug producing stimulant as set forth in Tenn. Code Ann. §§ 55-10-401 - 55-10-404.
- (13) Ignition Interlock. A breath alcohol analysis device which is connected to a vehicle's ignition system. The driver must blow a breath sample into the device and obtain an acceptable breath alcohol reading before the vehicle will start.
- (14) Participant. A person who is determined to be indigent by a court of competent jurisdiction in the State of Tennessee according to the criteria set forth in Tenn. Code Ann. § 55-10-403(a)(4)(B), and who is ordered by such court to participate in an approved alcohol and drug abuse treatment program.
- (15) Resource Provider List. The list of approved treatment providers with which the Bureau of Alcohol and Drug Services contracts for the treatment of participants who are determined by the court to be indigent and who are ordered to undergo alcohol and drug addiction treatment.
- (16) Treatment Plan. A document used by alcohol and drug agencies that specifies a participant's projected programmatic activities and continuum of care for a defined time period, subject to continuing assessments.
- (17) Treatment Provider. Any alcohol and drug abuse and/or treatment facility licensed as such in Tennessee. The general governance, services, and procedures of treatment providers are set forth in the rules regulating such facilities, Tenn. Comp. R. & Regs. 1200-8-17, 1200-8-18, 1200-8-19, 1200-8-20, 1200-8-21, 1200-8-22, 1200-8-23.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-3 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007).

0940-6-4-.03 ELIGIBILITY FOR PARTICIPATION IN THE ADAT PROGRAM.

A person is eligible to become a participant in the ADAT Program when that person is:

- (1) Convicted of one (1) or more of the following violations by a court of competent jurisdiction in the State of Tennessee:
 - (a) Second or subsequent driving under the influence (DUI) offense, as defined by T.C.A. § 55-10-401; or
 - (b) Driving under the influence with a prior DUI conviction within the past five (5) years; or
 - (c) Driving on a revoked license which was revoked due to a prior DUI conviction; and

(Rule 0940-6-4-.03, continued)

- (2) Ordered by the court, as a result of the above current conviction(s), to participate in an alcohol or drug treatment program; and
- (3) Deemed indigent by the court.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-3 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007).

0940-6-4-.04 ADMITTING PARTICIPANTS TO THE ADAT PROGRAM.

- (1) Once a person becomes eligible to participate in the ADAT Program according to the criteria set forth in rule 0940-6-4-.03, the following shall occur, subject to the availability of funding and resources:
 - (a) The Participant shall execute a release provided by the Bureau for the purpose of releasing information necessary to carry out the order of the court and to provide the court-ordered treatment. The release shall state that information may be disclosed to the Bureau and shared with the Bureau's contracted Treatment Providers for the purpose of authorizing assessment and treatment services and payment to the Treatment Provider; and
 - (b) The court shall cause to be provided to the Bureau copies of the following:
 1. the court order;
 2. the judgment or guilty plea;
 3. the determination of indigence; and
 4. the release of information signed by the Participant.
- (2) Once the Bureau receives from the court a copy of the order authorizing treatment for a Participant and certifying that such Participant is eligible for the Alcohol and Drug Addiction Treatment Fund, the Bureau shall add the Participant's name to its Authorization List, and it shall provide the Participant or other authorized party making such request on the Participant's behalf with its Resource Provider List and with instructions for contacting a Treatment Provider; and
 - (a) The Participant, or an authorized party acting on the Participant's behalf, shall contact a Treatment Provider included on the Resource Provider List; and
 - (b) The Bureau shall send the Participant, other authorized party acting on the Participant's behalf, and/or the Treatment Provider a written letter authorizing the Participant to be admitted to the ADAT Program; and
 - (c) Upon admission of the Participant into treatment, the Treatment Provider shall administer the ASAM PPC-2R (American Society of Addiction Medicine's Patient Placement Criteria for the Treatment of Substance-Related Disorders, Second Edition, Revised) criteria case review. The information to be included on this form shall include the date of admission. The Treatment Provider shall assess the Participant using the Addiction Severity Index (ASI), and it shall complete admission, continued stay and discharge reviews per ASAM PPC-2 criteria.

(Rule 0940-6-4-.04, continued)

- (3) The treatment provided to a Participant shall be based on a Treatment Plan developed and implemented by the Treatment Provider, which may include a combination of the following types and levels of adult care:
 - (a) Ambulatory Services, which include:
 - 1. Individual Outpatient (ASAM Level I);
 - 2. Group Outpatient (ASAM Level I);
 - 3. Intensive Outpatient (ASAM Level II.1); and
 - 4. Partial Hospitalization (ASAM Level II.5).
 - (b) Detoxification Services, which include:
 - 1. Clinically-Managed Detoxification (ASAM Level III-2D); and
 - 2. Medically-Monitored Detoxification (ASAM Level III-7D).
 - (c) Residential Services, which include:
 - 1. Clinically-Managed Low-Intensity (Halfway House) (ASAM Level III.1);
 - 2. Clinically-Managed Medium-Intensity (ASAM Level III.3);
 - 3. Clinically-Managed High-Intensity (ASAM Level III.5); and
 - 4. Medically-Monitored Intensive (ASAM Level III.7).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-3 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007).

0940-6-4-.05 MONITORING PARTICIPANT COMPLIANCE AND DISCHARGING PARTICIPANTS FROM THE ADAT PROGRAM.

Each Treatment Provider shall send the Bureau “participant encounter data” for all of its Participants at one time on a monthly basis. The Participant encounter data shall, when appropriate, include notification that a given Participant has successfully completed his or her Treatment Plan.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006.

0940-6-4-.06 PAYMENT OF TREATMENT PROVIDERS FOR SERVICES RENDERED TO ADAT PROGRAM PARTICIPANTS.

- (1) The Treatment Provider’s monthly “participant encounter data” required by rule 0940-6-4-.05 shall include “claim encounter data” which is used to generate an electronic invoice for ADAT Program services rendered by the Treatment Provider the applicable month.

(Rule 0940-6-4-.06, continued)

- (2) The Bureau will reimburse the Treatment Providers monthly out of the Alcohol and Drug Addiction Treatment Fund based upon the electronic invoice that is generated when the "participant encounter data" is received.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 40-33-211, 55-10-403, 55-50-504, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006. Rule was transferred from 1200-30-3 on May 15, 2008, pursuant to Executive Order 44 (February 23, 2007).

0940-6-4-.07 PAYMENT OF IGNITION INTERLOCK DEVICES.

- (1) If the court makes a specific finding that it is in the best interest of an individual who meets ADAT Program eligibility criteria, and that it is in the best interest of the public, monies in the Alcohol and Drug Addiction Treatment Fund may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered for that individual pursuant to Tenn. Code Ann. § 55-10-412(l).
- (2) Application for the use of such funds shall be subject to the review and approval of the Department according to established policies and procedures.

Authority: T.C.A. §§ 40-33-211, 55-10-401, 55-10-412, 68-1-103, 68-24-101, and 68-24-201 and Executive Order 44 (February 23, 2007). **Administrative History:** Original rule filed June 14, 2006; effective August 28, 2006.