

## **Title 24: Mental Health**

### **Part 1: Policies of the Mississippi Board of Mental Health**

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**Title 24: Mental Health**

**Part 1: Policies of the Mississippi Board of Mental Health**

**Part 1 Chapter 1: Department of Mental Health**

Rule 1.1 SOURCE OF AUTHORITY: Section 41-4-1, et seq.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 1.2 PURPOSE:

This regulation shall serve to inform the public about the Department of Mental Health relating to the organization, method of operations, and where the public may contact and receive information from the agency.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 1.3 SCOPE OF ACTIVITIES:

- A. The purpose of the Department of Mental Health is to coordinate, develop, improve, plan for, and provide services for persons with mental illness, persons with emotional disturbance, substance use disorder, and persons with intellectual and developmental disabilities, and Alzheimer's and other dementias. Further, the department's goal is to seek means for the prevention of these disabilities.
- B. The Department of Mental Health is committed to developing and maintaining a comprehensive, statewide system of prevention and service options for adults and children with mental illness or emotional disturbance, with substance use disorder, and/or with intellectual or developmental disabilities. This array of services includes prevention, treatment, and training services in inpatient or institutional settings as well as a system of community-based treatment, residential, and support services that includes transitional and recovery support programs. The department is also committed to developing and implementing state plans for the purpose of assisting with the care and treatment of persons with Alzheimer's disease and other dementia.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 1.4 PROGRAM LOCATIONS:

The Department of Mental Health operates five programs throughout the state.

A. Psychiatric Programs

Programs for the care of persons with mental illness are Mississippi State Hospital at Whitfield with Specialized Treatment Program in Gulfport as a satellite program, East Mississippi State Hospital in Meridian with Central Mississippi Residential Center in Newton, North Mississippi State Hospital in Tupelo and South Mississippi State Hospital in Purvis as satellite programs.

B. Programs for Persons with Intellectual and Developmental Disabilities

The Department operates three programs for persons with intellectual and developmental disabilities at North Mississippi Regional Center in Oxford, Boswell Regional Center in Magee with Hudspeth Regional Center in Whitfield and the Mississippi Adolescent Center at Brookhaven as satellite programs, Ellisville State School in Ellisville, with South Mississippi Regional Center in Long Beach as a satellite program.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 1.5 LICENSURE AND CERTIFICATION:

The Department of Mental Health is responsible for developing and implementing licensure and certification programs for categories of professionals who work for organizations which are operated/administered by the Department of Mental Health and/or who work for organizations which are certified and/or funded by DMH. The Department of Mental Health Professional Credentialing Programs include the following categories: community support specialists, mental health therapists, addiction therapists, intellectual and developmental disabilities therapists, peer support specialists and licensed administrators.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 1.6 INFORMATION:

Public requests for information or submissions may be made to the Department of Mental Health at 239 N. Lamar, Suite 1101, Robert E. Lee Building, Jackson, Mississippi 39201. Calls will be received at 601-359-1288. Also see the Department of Mental Health website at [www.dmh.state.ms.us](http://www.dmh.state.ms.us).

Source: Miss Code Ann. § 41-4-1, et seq.

**Part 1 Chapter 2: Board of Mental Health**

**Subchapter 1: ByLaws of the Mississippi State Board of Mental Health**

Rule 2.1.1 SOURCE OF AUTHORITY: Section 41-4-1, et seq.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.2 PURPOSE: To ensure that the purpose, goals, operations and functions of the Department of Mental Health are carried out according to established by-laws.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.3 NAME AND OFFICE:

- A. Name. The name of this Board is the State Board of Mental Health, created to direct the operations and functions of the State Department of Mental Health.
- B. Office. The principal office of the Board shall be in Jackson, Mississippi. The Board may also have offices at such other places as the Board may from time to time appoint or the purpose of the Board may require.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.4 MEMBERS AND MEETINGS OF MEMBERS:

- A. Membership. The Board shall consist of the persons legally designated, appointed and certified to the Department as representatives from the several original and any later added regions and/or classifications as provided in Section 41-4-3, Mississippi Code of 1972.
- B. Rights of Membership. The right of a member to vote and all their right, title, and interest in or to the Board properties shall cease on the termination of his/her membership. No member shall be entitled to share in the distribution of the Board assets upon the dissolution of the Board/Department
- C. Resignation. Any member may resign from the Board by delivering a written resignation to the Chairman or Executive Secretary of the Board and to the Governor.
- D. Board Meetings. The board meeting of the members of the Board shall be held at the principal office of the Board or other place properly designated on a Thursday of the month if not a legal holiday, for the purpose of electing officers and/or for the transaction of such other business as may properly come before the meeting. Officers may be elected at the last scheduled Board Meeting of the fiscal year.

- E. Notice of Board Meetings. Notice of place and purpose of the board meeting shall be served, either personally, by mail, or electronically, not less than five (5) nor more than ten (10) days before the meeting upon each person who appears on the books of the Board as a member or agent or advisor and, if mailed, such notice shall be directed to the person at their address as it appears on the books of the Board, unless they shall have filed with the secretary of the Board a written request that notices intended for them be mailed to some other address, in which case it shall be mailed to the address designated in such request.
- F. Special Meetings. Special meetings of the members may be called at any time by the Chairman or the Executive Secretary, and must be called by the Chairman or the Executive Secretary on receipt of the written request of three (3) or more of the members, by written notice to be given as herein provided.
- G. Notice of Special Meetings. Notice of a special meeting stating the place and purpose thereof shall be served personally, mail or electronically, upon each member residing within the United States, not less than three (3) nor more than ten (10) days before such meeting, and if mailed, such notice shall be directed to each member at this address as it appears on the books or records of the Board, unless they shall have filed with the secretary of the Board a written request that notices intended for them shall be mailed to some other address designated in such request.
- H. Quorum. At any meeting of members of the Board the presence of a majority of the members in person shall be necessary to constitute a quorum for all purposes except as otherwise provided by law, and the act of a majority of the members present at any meeting at which there is a quorum shall be the act of the full membership except as may be otherwise specifically provided by statute or by these bylaws. In the absence of a quorum, or when a quorum is present, a meeting may be adjourned from time to time by vote of a majority of the members present in person, without notice other than by announcement at the meeting and without further notice to any absent member. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally notified.
- I. Voting. At every meeting of the Board, each member shall be entitled to vote in person. Upon the demand of any member, the vote upon any question before the meeting shall be by secret ballot. All elections shall be had and all questions decided by a majority vote of the members present, in person.
- J. Waiver of Notice. Whenever under the provisions of any law or under the provisions of the bylaws of this Board, the Board or any committee thereof is authorized to take any action after notice to the members of the Board or after the lapse of a prescribed period of time, such action may be taken without notice and without the lapse of time,

if, at any time before or after such action be completed, such requirements be waived in writing by the Board members entitled to such notice or entitled to participate in the action to be taken.

- K. Removal of Members. Any Board member may be removed from membership only by the action of the Board and the Governor, after hearing.
- L. Expenses of Board Members. Each member of the Board shall be entitled to per diem and reimbursement of expenses as provided in the Uniform Per Diem Compensation for Officers and Employees of State Boards, Section 25-3-69 of the Mississippi Code of 1972, as amended.
- M. Vacancies. Any vacancy in the Board occurring during the year, including a vacancy created by an increase in the number of the Board members created by a statutory amendment, shall be filled for the unexpired portion of the term by the Governor or as otherwise required by statute. Any Board member so designated shall hold office until the expiration of this appointed term and until the appointment and qualification of their successor.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.5 POWERS AND DUTIES OF THE BOARD AND ITS OFFICERS:

- A. Control. The business and property of the Department shall be managed and controlled by the State Board of Mental Health.
- B. Powers. All the legal powers, except such as are otherwise provided for in these bylaws and in the laws of the State of Mississippi, shall be and are hereby vested in and shall be exercised by the Board. The Board may by general resolution delegate to committees of their own number, to officers of the Board, or to agents such powers as they may see fit; and shall have authority to delegate such powers as they may see fit to any member of the Board.
- C. Duties. The Board shall cause to be presented annually and filed with the minutes thereof a report, verified by the Chairman and Executive Secretary, or by a majority of the members, showing:
  - 1. The proposed annual budget for the operation of the Department of Mental Health and funding authorized by State Legislature;
  - 2. The names and places of residence of the persons who have been admitted to the Board during the year; and

3. The said Board shall procure the services of the State Auditor for the reparation of an annual audit of the Department. The said audit report shall be available for inspection by all members and the public at large.
- D. Executive Director. The Board shall appoint a full time Executive Director to serve at the will and pleasure of the Department of Mental Health as provided in Section 41-4-7 of the Mississippi Code of 1972, as amended. This Executive Director shall be given the necessary authority and held responsible for the administration of the Department and all its activities and divisions, subject to the laws of the State of Mississippi and the policies, regulations, and orders that may be issued by the Board. The Executive Director shall also serve as Executive Secretary to the Board.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.6 OFFICERS:

- A. Number. The officers of the Board shall be the Chairman, Vice Chairman and Executive Secretary, and such other officers with such powers and duties not inconsistent with these laws or bylaws as may be appointed and determined by the Board. Any two (2) officers, except those of Chairman and Secretary, may be held by the same person.
- B. Election, Term of Office, and Qualifications. The chairman shall be elected annually by the members from among their number, and the other officers shall be elected annually by the members from among such persons as the said members may see fit, at an annual meeting of the members.
- C. Vacancies. In case any office of the Board becomes vacant by death, resignation, retirement, disqualification, or any other cause, a majority of the members, in special meeting, may elect an officer to fill such vacancy, and the officer so elected shall hold office and serve until the annual meeting of the Board next succeeding and until the election and qualification of their successor.
- D. Chairman. The chairman shall preside at all meetings of the Board. They shall have and exercise general charge and supervision of the affairs of the Board and shall do and perform such other duties as may be assigned to them by the Board.
- E. Vice Chairman. The vice chairman shall preside at all meetings of the Board in the absence of the chairman. They shall have and exercise general charge and supervision for the affairs of the Board.
- E. Executive Secretary. The Executive Secretary shall have and may exercise such powers as are conferred upon them by the Board and shall have charge or control of

such books and documents as the Board may determine. They shall attend all meetings of the Board and keep or cause to be kept the minutes of all meetings of the Board. They shall keep or cause to be kept a record, containing the names, alphabetically arranged, of all persons who are members of the Board, showing their places of residence, and such book shall be open for inspection at all reasonable times. They shall sign in the name and on behalf of the Board, any contracts or agreements authorized by the Board. They shall, in general, perform all the duties incident to the office of Executive Secretary, subject to the control of the Board. They shall cause to be made such payments as may be necessary or proper to be made on behalf of the Board. They shall enter or cause to be entered regularly on the books of the Board, to be kept by or for them for the purpose, full and accurate account of all monies and obligations received and paid or incurred for or on account of the Department, and shall exhibit such records at all reasonable times to any member upon application.

- F. Removal. Any officer, except the Executive Secretary, may be removed from office by the affirmative vote of two-thirds (2/3) of all the members at any regular or special meeting called for that purpose, for nonfeasance, malfeasance, or misfeasance, for conduct detrimental to the interests of the Department, for lack of sympathy with its objectives, or for refusal to render reasonable assistance in carrying out its purposes. The Executive Director or any officer proposed to be removed shall be entitled to at least ten (10) days notice in writing by mail of the meeting of the Board at which removal is to be voted upon and shall be entitled to appear before and be heard by the Board at such meeting. The Executive Secretary (Executive Director of the Department) shall serve at the will and pleasure of the Board.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.7 AGENTS AND REPRESENTATIVES:

The Board may appoint such agents and representatives of the Board with such powers and to perform such acts or duties on behalf of the Board as the Board may see fit, so far as may be consistent with these by-laws, to the extent authorized or permitted by law.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.8 CONTRACTS:

The Board, except as by law or in these bylaws otherwise provided, may authorize an officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Board, and such authority may be general or confined to a specific instance; and unless so authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the Department by any contract or engagement, or to pledge its credit, or render it liable monetarily for any purpose or for any amount.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.9 PRIOR NOTICE OF MEETING TOPICS:

The executive secretary shall, on or before five (5) days prior to any regular or special meeting of the Board, serve or cause to be served, either personally or by mail upon each person who appears on the books of the Board as a member or agent thereof, notice of each topic, subject matter, and/or decision to be reached with supporting or explanatory data attached. If such information be mailed, it shall be directed as provided in Article II, paragraph E of these bylaws and shall be mailed along with the notice as provided in Article II, paragraph E.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.10 FISCAL YEAR:

The fiscal year of the Board shall commence on July first (1st) of each year and end on June thirtieth (30th) of the next calendar year.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.11 PROHIBITION AGAINST SHARING IN EARNINGS:

No member, officer or employee of, or member of a committee of, or person connected with, the Board, or any other private individual, shall receive at any time any of the net earnings or pecuniary profit from the operations of the Department, provided that this shall not prevent the payment to any such person of such reasonable compensation for services rendered to or for the Department in effecting any of its purposes as shall be fixed by the law or the Board; and no such person or persons shall be titled to share in the distribution of any of the Department assets upon the dissolution of the Department. All members of the Board shall be deemed to have expressly consented and agreed that upon such dissolution or winding up of the affairs of the Department, whether voluntary or involuntary, and the assets of the Department, after all debts have been satisfied, then remaining in the hands of the Board shall be distributed, transferred, conveyed, delivered, and paid over, in such amounts as the law may determine or as may be determined by a Court of competent jurisdiction, exclusively to the State of Mississippi, or other entity authorized by statute.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.12 RENEWAL AND AMENDMENTS:

Only members of the Board shall have power to make, alter, amend and repeal the by-laws of the Board by affirmative vote of a majority, provided, however, that such action shall be proposed at a regular meeting, except as otherwise provided by law. The by-laws of the Board shall be reviewed as needed upon the recommendation of a member of the Board.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.13 EXEMPT ACTIVITIES:

Notwithstanding any other provision of these bylaws, no member, officer, employee, or representative of this Board shall take any action or carry on any activity by or on behalf of the Board not permitted to be taken or carried on by the law of the State of Mississippi.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.14 OPEN MEETINGS:

With the exception of any matter or matters specifically and individually determined by the Board to be heard, voted upon and/or otherwise acted upon in executive session, all matters presented to, discussed and/or acted upon by this Board of Directors shall, at all times, be done in an open public meeting. This open meeting policy be and it shall remain, the philosophical policy of this Board and Department and shall, under the direction of the executive director of the Department, be the example for all operation and functions of this Department.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.15 APPROVAL OF MEDICAL STAFF, ORGANIZATION, BY-LAWS, AND REGULATIONS:

The Board of Mental Health will provide mechanism for the formal approval of the organization, bylaws, rules, and regulations of the Medical Staff of a Department of Mental Health hospital or intellectual and developmental disabilities program.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.1.16 MEDICAL APPOINTMENTS:

The Board of Mental Health, on the recommendation of the active Medical Staff of a Department of Mental Health hospital or intellectual and developmental disabilities program, will appoint members of the Medical Staff.

Source: Miss Code Ann. § 41-4-1, et seq.

**Subchapter 2: Appeals to Board of Mental Health**

Rule 2.2.1 SOURCE OF AUTHORITY: Section 41-4-1, et seq.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.2 PURPOSE: To ensure an orderly and equitable hearing of appeals before the Board of Mental Health.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.3 NOTICE OF APPEAL:

Notice of appeal to the Board of Mental Health shall be received within the time allowed for the type of appeal being made. Such notice shall be mailed to the Executive Director of the Department of Mental Health.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.4 APPEAL PROCESS:

The Legal Unit shall provide the Appellant a copy of the Board of Mental Health regulation, Appeals to Board of Mental Health, which outlines the appeal process.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.5 DOCUMENTS:

- A. Documents in support of Appellants appeal shall be submitted to the Executive Director within twenty (20) days of the filing of the notice of appeal.
- B. If the documents are not received more than ten (10) days prior to the next meeting of the Board, the appeal shall not be heard at the next meeting but shall be scheduled for the following meeting.
- C. Documents shall include, but not be limited to:
  - 1. all documents supporting the original action which is on appeal
  - 2. the record of the administrative hearing, if a record has been made

3. all written submissions to be considered offered subsequent to the administrative hearing, if a hearing has been held
4. such other materials as the Appellant believes are necessary to adequately present his/her case

D. Documents not received in a timely manner may not be considered by the Board.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.6 TIME FOR HEARING:

- A. Appeals to the Board shall be heard no later than the second regular meeting of the Board following the filing of the notice of appeal unless a delay has been requested by the Board or a quorum is not present to hear the appeal. If a continuance has been requested by the Board, the appeal shall be heard at a time set by the Board. If a quorum is not present, the appeal shall be heard at the next scheduled meeting.
- B. Appeals which have not been heard in a timely manner shall be considered to have been waived, and the action being appealed shall be considered to be affirmed.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.7 EXECUTIVE SESSION:

Either the Board or the Appellee may request that the matter be heard in Executive Session. All deliberations shall be in Executive Sessions.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.8 PARTIES:

Appellants may be represented by counsel who shall speak on appellant's behalf, appellant may speak for himself/herself, or both may speak within the time restraints established by the Board.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.9 ORDER OF PRESENTATION:

- A. The Appellant shall offer any oral argument supporting his/her position. Twenty minutes shall be allowed for this argument.

- B. Staff/counsel representing the Department/Program shall be allowed twenty minutes for rebuttal argument.
- C. The Board of Mental Health may ask questions at any time during argument. Such questions shall be counted in the total time allowed.
- D. The Appellant shall be afforded ten minutes at the end of rebuttal for closing statements.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.10 DECISION:

- A. The Board of Mental Health shall notify the Appellant of its decision within fifteen days of the meeting of the Board.
- B. The Board shall report its decision in the minutes of the Board.

Source: Miss Code Ann. § 41-4-1, et seq.

Rule 2.2.11 APPEAL OF THE BOARD DECISION:

Appeals taken from the decision of the Board of Mental Health shall be in compliance with applicable state statutes.

Source: Miss Code Ann. § 41-4-1, et seq.

**Part 1 Chapter 3: Admissions**

**Subchapter 1: Criteria for Admission to East Mississippi State Hospital, Mississippi State Hospital, North Mississippi State Hospital and South Mississippi State Hospital**

Rule 3.1.1 SOURCE OF AUTHORITY: Section 41-4-1, et seq., Section 41-21-63, et seq., Section 41-31-1, et seq., and Section 99-13-1, et seq.

Rule 3.1.2 PURPOSE: To ensure compliance with statutory provisions for admission.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.1.3 GENERAL ADMISSION CRITERIA:

- A. Individuals between the ages of twelve years and seventeen years eleven months may be admitted for psychiatric treatment at Mississippi State Hospital.
- B. Individuals between the ages of twelve years and seventeen years eleven months may be admitted for chemical dependence at Mississippi State Hospital.
- C. Children between the ages of four (4) years and eleven (11) years and eleven (11) months may be admitted for psychiatric treatment only to Mississippi State Hospital.
- D. Adults may be admitted for treatment of chemical dependence only to Mississippi State Hospital.
- E. Adult women and men over the age of eighteen (18) may be admitted for psychiatric care at East Mississippi State Hospital, Mississippi State Hospital, North Mississippi State Hospital, and South Mississippi State Hospital.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.1.4 CATCHMENT AREAS:

All admissions shall be according to regional catchment areas defined below. In extraordinary circumstances exceptions may be made but must be approved by the Bureau Director.

- A. Mississippi State Hospital – Mental Health Regions 1, 2, 3, 6, 8, 9, 11, 13, and 15.
- B. East Mississippi State Hospital – Mental Health Regions 4, 7, 10, 12, and 14.
- C. North Mississippi State Hospital – Mental Health Regions 2, 3, and 4.
- D. South Mississippi State Hospital – Mental Health Region 12.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.1.5 ADMISSION:

- A. Psychiatric Services
  - 1. Voluntary:
    - a. Applications for voluntary admission to all programs will be accepted

from the following:

- (1) Persons over eighteen (18) years of age, or married persons, who have not been adjudicated incompetent;
  - (2) Legal guardians or conservators of persons over eighteen (18) years of age, or under the age of fourteen (14); and
  - (3) Parents of individuals under the age of fourteen (14).
- b. No application for voluntary admission will be accepted from or on behalf of an individual fourteen (14) years of age or older, but younger than age eighteen (18).
  - c. Application for voluntary admission shall be accompanied by certificates of two (2) physicians, or one (1) physician and one (1) psychologist, nurse practitioner or physician's assistant who shall certify that they have examined the person within the last five days and that such person is in need of observation, diagnosis, and treatment.

2. Involuntary:

- a. A court order as provided in Sections 41-21-61, et seq., or 43-21-314, et seq., shall be required for involuntary admission.
- b. No person shall be admitted with unresolved felony charges pending.
- c. Admission pursuant to Court Order shall be accompanied by the Affidavit, Pre-Screening evaluation by the appropriate community mental health center, certificates of two (2) physicians, or one (1) physician and one (1) psychologist, nurse practitioner or physician's assistant, and Court Order.
- d. Eligibility for admission cannot be determined without the documents listed in above.

B. Nursing Home

Nursing home programs which are licensed and certified to participate in Medicaid and Medicare are available at East Mississippi State Hospital and Mississippi State Hospital. Admissions may not exceed rated capacity. Intensive psychiatric services are not available. The standard of dangerousness required for judicial commitment renders nursing home placement pursuant to a court order inappropriate. Individuals eligible for admission may be placed on a waiting list as provided below.

C. Substance Use Disorder Programs

Programs may be available for the treatment of substance use disorder at Mississippi State Hospital. Admission may be sought voluntarily or as provided in Sections 41-31-1, et seq. However, no person will be admitted to the psychiatric service at the hospital pending the availability of bed space in the substance use disorder unit. Individuals eligible for admission for whom no bed is available may be placed on a waiting list as provided below.

D. Forensic Services:

Individuals against whom criminal charges are pending and for whom a psychiatric examination has been ordered by the Circuit Court may be admitted only to the Forensic Unit at Mississippi State Hospital.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.1.6 PLACEMENT AND WAITING LISTS:

- A. Priority shall be given to court orders of admission. Admission to any service at each hospital is limited by the official bed capacity. Individuals eligible for admission for whom space is not available shall be placed on waiting lists as described below.
- B. Waiting lists will be maintained by sex and date of application or court order for admission. Persons determined eligible for admission will be placed on a waiting list if bed space is not available when the determination of eligibility is made. Separate waiting lists will be maintained for psychiatric services, alcohol and drug treatment at both hospitals, and forensic services. Applicants, or the committing court, shall be notified of placement on a waiting list. Court commitments shall take precedence over voluntary admissions.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.1.7 CAPACITY:

The number of persons admitted shall not exceed the number of beds authorized by the licensure and certification agency.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

**Subchapter 2: Admission to Intellectual and Developmental Disability Programs**

Rule 3.2.1 SOURCE OF AUTHORITY: Section 41-4-1, et seq., Section 41-21-63, et seq., Section 41-31-1, et seq., and Section 99-13-1, et seq.

Rule 3.2.2 PURPOSE: To ensure compliance with statutory provisions for admission.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.2.3 GENERAL ADMISSION CRITERIA:

- A. Individuals under five (5) years of age may be admitted only upon approval of the Board of Mental Health to Ellisville State School. Referral to the Board can only be made after review and approval of the Director of the Bureau of Intellectual and Developmental Disabilities and the Executive Director.
- B. Persons admitted to Boswell Regional Center must be at least eighteen (18) years of age.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.2.4 CATCHMENT AREAS:

- A. Catchment areas depend on county of residence.
- B. Nothing in the delineation of catchment areas shall be construed to limit the authority of the program directors to transfer persons from one program operated by the Department of Mental Health to another.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.2.5 ADMISSION:

- A. Screening and Placement
  - 1. All persons being considered for admission shall be given a comprehensive evaluation and results will be reviewed by the Administrative Services and Review Committee (ASRC). This committee shall be an interdisciplinary team which shall evaluate the individual's social, psychological, and developmental background and define the individual's need for service. The committee shall then determine whether the person will benefit from care and treatment at an

ICF/IDD program and whether admission is the best available plan.

2. Persons found not to have intellectual disabilities will be referred to other programs for appropriate services.
3. Admission may be refused of persons whose primary problems are of a medical nature, who have a diagnosis of psychosis in an acute state, or whose medical problems or physical disabilities would prevent meaningful participation in the activities or services offered at the program.

B. Waiting Lists

1. Waiting lists will be maintained by date of application for admission
2. Persons determined eligible for admission will be placed on a waiting list if bed space is not available when the determination of eligibility is made. Applicants or the Court (in cases of involuntary commitment) may be notified of placement on waiting list.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.2.6 CRISIS SERVICES:

A small number of crisis admissions may be possible at each ICF/IDD program, depending on the availability of bed space. Such admissions shall not exceed thirty (30) days unless approved by the committee and the program director.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.2.7 TRANSFER:

Persons may be transferred when such a transfer is necessary for the welfare of that or other persons. The reasons for the transfer and appropriateness of the receiving program to meet the person's needs shall be documented. The person and the parent/guardian shall be notified in advance of the transfer.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

Rule 3.2.8 CAPACITY:

The number of persons admitted shall not exceed the number of beds authorized by the

licensure and certification agency.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-31-1, et seq., and § 99-13-1, et seq.

**Subchapter 3:    **Criteria for Admission of Children and Adolescents to Mississippi State Hospital****

Rule 3.3.1    SOURCE OF AUTHORITY:    Sections 41-4-1, et seq., Sections 41-21-63, et seq., and Sections 41-21-315, 43-21-611, and 41-31-1, et seq.

Rule 3.3.2    PURPOSE:    To ensure compliance with statutory provisions for admission.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-21-315, § 43-21-611, and § 41-31-1, et seq.

Rule 3.3.3    AGE:

- A.    All adolescents between the ages of twelve (12) and eighteen (18) may be admitted for psychiatric treatment to Mississippi State Hospital.
- B.    All adolescents may be admitted for treatment for chemical dependency at Mississippi State Hospital.
- C.    All children between the ages of four (4) and eleven (11) years eleven (11) months may be admitted to Mississippi State Hospital.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-21-315, § 43-21-611, and § 41-31-1, et seq.

Rule 3.3.4    CATCHMENT AREAS:

All children and adolescents shall be admitted according to the regional catchment areas used for adults. (See Rule 3.1.4)

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-21-315, § 43-21-611, and § 41-31-1, et seq.

Rule 3.3.5    CATCHMENT AREAS:

- A.    A person who is under the age of fourteen (14) years may be admitted upon the application of his/her parent/guardian if the following has occurred:

1. An investigation by the hospital director which carefully probes the person's social, psychological, and developmental background; and
  2. A determination by the hospital director that the person will benefit from care and treatment of their disorder at the program and that services and facilities are available. The reasons for the determination shall be in writing.
- B. A person who is fourteen (14) years of age or older but less than eighteen (18) years of age may be admitted to a treatment program pursuant to an order of the Chancery Court or Youth Court in the same manner as an adult may be involuntarily committed.
- C. A person between the ages of twelve (12) and eighteen (18) may be admitted for treatment of chemical dependency by application of his/her parent or legal guardian or by order of a court of competent jurisdiction.
- D. Priority shall be given to court orders. Admissions are limited by the official bed capacity. Individuals eligible for admission for whom space is not available shall be placed on the waiting list.
- E. Involuntary admissions must meet statutory requirements as defined in Section 41-21-61, et seq. Consistent with this statutory framework, psychiatric services are available only for individuals with a substantial psychiatric disorder who pose a serious threat of physical harm.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-21-315, § 43-21-611, and § 41-31-1, et seq.

Rule 3.3.6 CAPACITY:

The number of persons admitted shall not exceed the number of beds authorized by the licensure and certification agency.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-21-63, et seq., § 41-21-315, § 43-21-611, and § 41-31-1, et seq.

**Subchapter 4: Admission to Adolescent Treatment Programs**

Rule 3.4.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq, Sections 41-19-291 and 41-19-301

Rule 3.4.2 PURPOSE: To ensure compliance with statutory provisions for admission.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-19-291, and 41-19-301.

Rule 3.4.3 GENERAL ADMISSION CRITERIA:

Adolescents who has attained the age of thirteen (13) but less than twenty-one (21) years may be admitted to the ICF/IDD Programs. There may be occasions when a person under the age of 13 may be admitted to an ICF/IDD program upon review of each case by the Director of the Program and the Bureau Director for IDD.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-19-291, and 41-19-301.

Rule 3.4.4 CATCHMENT AREAS:

- A. Adolescents throughout the state may be admitted to the appropriate program.
- B. The adolescent ICF/IID program located in Lincoln County shall serve persons with intellectual disabilities. The adolescent rehabilitation program in Harrison County shall serve persons with mental illness.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-19-291, and 41-19-301.

Rule 3.4.5 ADMISSION:

- A. Direct Admission.

Only a person who has attained the age of thirteen (13) years but less than twenty-one years (21) who has been committed pursuant to Section 41-21-61, et seq., shall be appropriate for admission. No person shall be admitted with unresolved felony charges.

- B. Transfers.
  - 1. Adolescents from other Department of Mental Health programs who meet the criteria for civil commitment may be transferred to an adolescent treatment program.
  - 2. Persons who have been committed directly to an adolescent treatment program may be transferred to other Department of Mental Health programs as deemed appropriate for proper treatment.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-19-291, and 41-19-301.

Rule 3.4.6 CAPACITY:

The number of persons admitted to these programs shall not exceed the number of beds authorized under Section 41-21-109 or the number of beds licensed or authorized by the licensure and certification agency whichever is less.

Source: Miss Code Ann. § 41-4-1, et seq., § 41-19-291, and 41-19-301.

## **Part 1 Chapter 4: Treatment Programs**

### **Subchapter 1: Administration of ECT**

Part 1 Chapter 4: Treatment Programs

Subchapter 1: Administration of ECT

Rule 4.1.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and Section 41-4-7

Rule 4.1.2 PURPOSE:

To ensure the administration of ECT as a valid treatment modality and to protect the rights of patients in the care of the Department of Mental Health.

Source: Miss Code Ann. § 41 4 1, et seq. and § 41-4-7.

Rule 4.1.3 POLICY

DMH Programs utilizing Electroconvulsive Therapy (“ECT”) shall submit their policies regarding administration and use of ECT to the Board of Mental Health for approval prior to the policies’ implementation.

Source: Miss Code Ann. § 41 4 1, et seq. and § 41-4-7.

Rule 4.1.4 REPORTING

Annually, the Director of the Program shall forward to the Executive Director of the Department of Mental Health a report which shall include but not be limited to:

1. The number of patients receiving an acute course of ECT during the previous year;
2. The number of patients receiving Maintenance ECT during the previous year, including the frequency of the ECT and the total number of ECT treatments in the previous year;

3. A description of any procedural problems in administering the ECT regulations which have occurred during the previous year; and
4. A description of any unusual complications or serious adverse effects experienced by any patient receiving ECT in the previous year.
5. The number of outpatient ECT treatments.
6. A list of the diagnoses of each patient receiving ECT from DMH programs, including the number of patients from all DMH programs.

Source: Miss Code Ann. § 41-4-1, et seq. and § 41-4-7

**Part 1 Chapter 5: Rights of Individuals Receiving Services**

Rule 5.1 SOURCE OF AUTHORITY: Sections 41-4-1 et seq., Section 41-21-102 and other State and Federal Laws, Court Decisions, and Regulations.

Source: Miss Code Ann. § 41-4-1, et seq. and § Section 41-21-102 and other State and Federal Laws, Court Decisions, and Regulations.

Rule 5.2 PURPOSE: To ensure that all persons living or being treated in programs operated by Department of Mental Health are receiving appropriate care.

Source: Miss Code Ann. § 41-4-1, et seq. and § Section 41-21-102 and other State and Federal Laws, Curt Decisions, and Regulations.

Rule 5.3 RIGHTS:

All individuals receiving services shall be afforded all rights delineated in Section 41-21-102 of the Mississippi Code as well as any outlined in federal law, regulation, and other appropriate state laws and regulations.

A. Executive Director

The Executive Director shall work with the Board in investigating and remedying conditions or practices interfering with the free exercise of rights of individuals receiving services.

B. Program Director

The Director of all programs shall take necessary and appropriate steps to assure compliance with all provisions of these regulations throughout the program including, but not limited to, ensuring adequate training of program staff, prompt resolution of any complaint involving alleged abuse, and monitoring the adequacy of the supervision

given staff.

C. Investigator/Advocate

Each program shall have an Investigator/Advocate to act as representative of individuals receiving services whose rights are alleged to have been violated.

The Investigator/Advocate may:

1. Investigate and examine any and all conditions or practices which interfere with the free exercise of rights on any individual receiving services.
2. Seek to remedy such situations by informal means with the Director and, if necessary, may file a complaint with the Human Rights Advocacy Committee (HRAC) on behalf of an individual receiving services.
3. Assist the person during any conference, hearing or other procedure held pursuant to these procedures or consult and assist the representative of the individual receiving services.
4. Consult with the HRAC or any employee of the program about violations and solicit recommendations for remediation.
5. Have direct access to the Director in carrying out these duties.

Source: Miss Code Ann. § 41-4-1, et seq. and § 41-21-102 and other State and Federal Laws, Court Decisions, and Regulations.

Rule 5.4 HUMAN RIGHTS/ADVOCACY COMMITTEE

Each program shall have a Human Rights/Advocacy Committee whose duties are to protect the rights of individuals within the care of the program.

A. Composition

The committee shall consist of no less than five (5) members, appointed by the Director and confirmed by the Executive Director. The membership should be broadly representative of professional and consumer groups. There shall be no requirement to utilize employees of the program as HRAC members; however, if they are utilized, they shall not comprise majority membership of the committee.

B. Term of Members

Appointment to the HRAC will be for a term of two (2) years.

C. ByLaws

The HRAC shall have written bylaws which cover matters such as parliamentary procedures, election of officers, confidentiality, etc.

D. Meetings

The HRAC shall hold a meeting at least quarterly, and more often as needed.

E. Officers

The HRAC shall elect a chairperson and vice chairperson to serve a one year term. The chairperson shall coordinate the activities of the HRAC and preside at committee meetings. The chairperson will have direct access to the Director. The vice chairperson shall serve as chairman in the absence of the chairman.

F. Committee Responsibility

The HRAC shall:

1. Review a summary of complaints filed regarding alleged violations of rights and may hold fact-finding investigations concerning such complaints.
2. Review and approve all programs utilizing aversive conditioning, all medications used for behavior management purposes, and all psychotropic medication used without a diagnosis consistent with clinical indications unless other forums or committees are utilized for this purpose.
3. Receive, review, and make recommendations concerning existing program policies on their own initiative or as requested by the program.
4. Conduct other activities as deemed appropriate by the Director.
5. Have access to patient/client records on a need-to-know basis. All person specific information shall remain confidential.

G. Report to Board

The HRAC shall submit to the Board of Mental Health a confidential summary of activities and recommendations, if any, at least annually. The report shall include a summary of at least the following:

1. abuse case by category
2. aversive programs
3. medications reviews, if reviewed by HRAC
4. seclusion/restraint usage  
other items deemed appropriate

The format of this report shall be approved by the Board.

Source: Miss Code Ann. § 41-4-1, et seq. and § Section 41-21-102 and other State and Federal Laws, Court Decisions, and Regulations.

Rule 5.5 PROCEDURE FOR IMPLEMENTATION AND REMEDIES FOR VIOLATIONS:

- A. Each program will prominently post in each living unit and throughout the program a document setting forth the rights of individuals receiving services and the means by which they may contact a program advocate.
- B. Each individual receiving services, or legally authorized representative, if applicable, shall be personally given notice of the rights in writing upon admission and annually thereafter. This notice may be a summary outlining their rights with directions as to how they may access this document.
- C. Receipt of this notice shall be documented in the record. If the individual receiving services refuses or is unable to acknowledge receipt of such notice, the person delivering such notice shall document that fact in the record of the individual receiving services.
- D. If an individual receiving services is unable to read the summary notice of these rights, the notice shall be read to him.
- E. Each individual receiving services is entitled to a speedy and impartial review of alleged violation of the rights assured him/her under these policies and procedures. This review will occur via the procedures outlined herein.
- F. Information gathered during such review will be strictly confidential and will not be disclosed except to the extent necessary to conduct the review.
- G. Each individual receiving services shall have the right of access to legal counsel of his/her own choice and expense. Each individual receiving services who cannot afford or is otherwise unable to retain private counsel will be informed of the existence and location of the legal aid office and shall be afforded assistance, if needed, in contacting that office.

- H. When an individual receiving services, an Investigator-Advocate, and employee, or any other interested party believes that an individual's rights have been violated that person may present his/her complaints to the Investigator- Advocate, Director or Executive Director. This shall be routed to the correct Investigator-Advocate who shall ensure that the complaint is filed. Complaints/violations which may be abuse, neglect, or exploitation must be reported and investigated pursuant to guidelines set out for vulnerable adults investigations. Complaints relating to violations of health information rights shall be referred to the privacy officer for investigation.
- I. The Investigator-Advocate will meet with the individual receiving services and all other persons deemed necessary not later than ten (10) working days after the complaint is filed. It shall be the Investigator-Advocate's responsibility to remedy the problem by informal procedures if possible and allowable, depending upon the nature of the complaint.
- J. The party making the complaint in good faith and without malice will have no action taken against him/her nor threats made toward him/her for bringing the complaint.
- K. If the complaint cannot be resolved informally or the individual receiving services or the representative is otherwise dissatisfied with its resolution, either of these persons may request a conference before the HRAC. A request for a conference will be in writing and shall contain a description of the alleged violation or any other information the HRAC considers appropriate. The individual receiving services may be assisted by the Investigator-Advocate or by person of his/her choice. If the individual chooses a person other than the Investigator-Advocate for assistance, the individual receiving services or the representative may request the Investigator-Advocate to assist in filing the request for a conference. The chairperson the HRAC shall forward a copy of the request for a conference to the Director and to the persons allegedly responsible for the alleged violations. The alleged violator shall also have the right to file a written statement with the HRAC.
- L. The HRAC shall hold a fact-finding conference within fifteen (15) working days after the receipt of a request for a conference.
- M. No later than fifteen (15) working days after the completion of the conference, the HRAC shall submit a report to the Director and to other designated parties of its findings and recommendations.
- N. The Director will utilize these findings and recommendations to support a finding that no further action is needed or that a corrective plan is appropriate. If the Director recommends a plan of corrective action, a copy of the plan shall be forwarded to the HRAC.

- O. There will be promulgated by the Director and reviewed by the HRAC a plan to deal with situations (i.e., violations of rights) that may, in the opinion of the Investigator-Advocate, result in serious harm to the individual receiving services if not remedied immediately.
- P. If the person bringing the complaint is not satisfied with the resolution recommended and approved, he/she may file an Appeal to the Board. This Appeal must be in compliance with the Board's regulation on Appeals to the Board and request a review by the Board. This request should come within fifteen (15) working days of the response.
- Q. The director will also have the right to appeal to the Board upon the approval of the Executive Director.

Source: Miss Code Ann. § 41-4-1, et seq. and § Section 41-21-102 and other State and Federal Laws, Court Decisions, and Regulations.

Rule 5.6 CONSITITUENCY LINE:

Persons may also report concerns or alleged abuse to the 24-hour Constituency Line at 1-877-210-8513.

Source: Miss Code Ann. § 41-4-1, et seq. and § 41-21-102 and other State and Federal Laws, Court Decisions, and Regulations.

**Part 1 Chapter 6: Information**

**Subchapter 1: Release of Patient/Client Information**

Rule 6.1.1 SOURCE OF AUTHORITY: Section 41-21-97

Source: Miss Code Ann. § 41-21-97.

Rule 6.1.2 PURPOSE: To ensure the privacy of individuals served by the Department of Mental Health and to comply with the laws of the State of Mississippi and federal regulations.

Source: Miss Code Ann. § 41-21-97.

Rule 6.1.3 AUTHORITY TO RELEASE:

Information concerning a current or former patient/client shall be released only:

- A. Upon written authorization of the patient/client or authorized representative.
- B. Upon order of a court of competent jurisdiction.
- C. When the continued treatment of the patient/client requires the exchange of information between the Department of Mental Health and other treatment programs.
- D. When in the opinion of the Director of the program, release of information is necessary for the determination of eligibility for benefits, compliance with statutory reporting requirements, or other lawful purpose.
- E. When the patient/client has communicated to a treating physician, psychologist, or master social worker an actual threat of physical violence against a clearly identified or reasonably identifiable potential victim or victims.

Source: Miss Code Ann. § 41-21-97.

Rule 6.1.4 REQUEST FOR DOCUMENTS:

When information is requested:

- A. The appropriate program must be in receipt of written authorization or authority for release of information prior to any search of records.
- B. Upon request for release, the program will make every effort to comply with request within five (5) working days. If for some reason this is impractical, the program will notify the person requesting the information of the delay and the approximate time the information will be available.
- C. Release of information to potential victims under Rule 6.1.3 E of this regulation will be made as soon as possible.
- D. Request for information must be specific as to whether all available Information or what part thereof is being requested.

Source: Miss Code Ann. § 41-21-97.

Rule 6.1.5 COSTS:

- A. Estimates as to cost will be made upon request.
- B. Fees charged will be according to the following schedule:
  1. Twenty Dollars (\$20.00) for pages one (1) through twenty (20);

2. One Dollar (\$1.00) per page for the next eighty (80) pages;
3. Fifty Cents (50¢) per page for all pages thereafter.
4. Ten percent (10%) of the total charge may be added for postage and handling.
5. Fifteen Dollars (\$15.00) may be recovered by the program or DMH for retrieving medical records in archives at a location off the premises where the program or DMH Central Office is located.
6. No program shall charge no more than Twenty-five Dollars (\$25.00) for executing a medical record affidavit, when the affidavit is requested by the individual or their representative.

C. Requested information will not be released until fees are paid.

Source: Miss Code Ann. § 41-21-97, §11-1-52, and § 25-61-7.

### **Subchapter 2. Request for Public Information**

Rule 6.2.1 **SOURCE OF AUTHORITY:** Section 41-4-1 et seq. and 25-61-1, et seq.

Source: Miss Code Ann. § 41-4-1 et seq. and § 25-61-1, et seq.

Rule 6.2.2 **PURPOSE:** To ensure that public documents are disseminated according to statutory requirements.

Source: Miss Code Ann. § 41-4-1 et seq. and § 25-61-1, et seq.

Rule 6.2.3 **REQUEST:**

- A. A request for information under the Mississippi Public Records Act of 1983 shall be submitted in writing to the Department of Mental Health, Suite 1101, Robert E. Lee Building, Jackson, Mississippi 39201, or directly to any of the Department of Mental Health programs.
- B. All requests for information should be marked “Request for Public Documents,” and shall describe with particularity the documents sought. Where possible, file numbers, dates, county program, or the office where the requested documents are located shall be set forth in the request.

Source: Miss Code Ann. § 41-4-1 et seq. and § 25-61-1, et seq.

Rule 6.2.4 TIME OF RELEASE:

If the information is appropriate for release, information requested will be provided within seven (7) working days. If the requested information cannot be provided within seven (7) working days, the person requesting the information will be notified in writing of the approximate date of availability, which shall not exceed fourteen (14) working days.

Source: Miss Code Ann. § 41-4-1 et seq. and § 25-61-1, et seq.

Rule 6.2.5 DENIAL OF REQUEST:

If the request for information is denied, the person requesting the information will be notified of the reason of the denial.

Source: Miss Code Ann. § 41-4-1 et seq. and § 25-61-1, et seq.

Rule 6.2.6 FEES:

A. No request for information shall be granted until the fees have been received by the agency. Cost of reproduction of the requested information will be provided to the person making the request. The fees charged will be according to the following schedule:

1. Twenty Dollars (\$20.00) for pages one (1) through twenty (20);
2. One Dollar (\$1.00) per page for the next eighty (80) pages;
3. Fifty Cents (50¢) per page for all pages thereafter;
4. Ten percent (10%) of the total charge may be added for postage and handling;
5. Fifteen Dollars (\$15.00) may be recovered by the program or DMH for retrieving medical records in archives at a location off the premises where the program or DMH Central Office is located;
6. Other material – cost determinant upon materials;
7. Records search – clerical, \$7.50 per hour;
8. Records search – technical or professional, \$20.00 per hour;
9. Records search – automated, \$18.00 per hour.

- B. Fees will be charged for records searches even when the requested information cannot be found.

Source: Miss Code Ann. § 41-4-1 et seq., §11-1-52, and § 25-61-1, et seq.

**Subchapter 3: Administrative Procedures Act**

Rule 6.3.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and 23-43-1, et seq.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.2 PURPOSE: To ensure the flow of information and for the participation of persons desiring to access agency information, participate in the promulgation of regulations, appeal decisions. Also, to ensure that the public be aware of the procedure for such actions and procedures.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.3 RULE ADOPTION/AMENDMENT:

A. Interested Parties

Persons interested in being notified of proposed rule adoption/amendment shall request such notification in writing. Notification may be made by mailing a copy of the proposed adoption/amendment (fee charged) or by electronic means. Such requests must be in writing and include the subject matter of interest. Within three (3) days of the filing of a proposed adoption/amendment with the Secretary of State, the Department of Mental Health shall notify all persons who have submitted in writing to the agency a request to receive notification of such adoption/amendment.

B. Request to Participate in Oral Proceeding on Proposed Rule

The Department may hear oral comments on a proposed rule or rule amendment. If such oral proceedings are scheduled, participating parties must provide any written materials (12 copies) in support of their position ten (10) days prior to the scheduled oral proceeding. These materials will be provided to the Board of Mental Health in advance of the scheduled meeting. Parties will have fifteen (15) minutes for oral comments. Modifications on procedure for presentation of oral comments may be altered or established as deemed appropriate by the Board. Aggrieved parties may appeal the promulgation of rules by the Board of Mental Health in accordance with pertinent state laws.

C. Regulation Changes

No rule shall be modified/alterd unless these changes are within the scope of the matter announced in the notice of the proposed rule adoption and are in character with the issues raised in the notice. The differences shall be a logical outgrowth of the contents of that notice of proposed rule adoption and the comments submitted in the responses thereto.

D. Service

1. Whenever a person is permitted or required to file any pleading, motion or other document, filing must be made by delivery of the document by mail or transmission by electronic means. Filing by electronic means is complete when the electronic equipment being used by the agency acknowledges receipt of the material. If the equipment used does not automatically acknowledge transmission, service is not complete until the filing party obtains acknowledgment. Filing by mail is complete upon receipt by the agency.
2. Computation of time shall be in accordance with the guidelines set out in the Administrative Procedures Act.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.4 DECLARATORY OPINIONS:

Persons with a substantial interest in a subject matter within the jurisdiction of the Department of Mental Health may make a written request for a declaratory opinion. This request must clearly set forth the specific facts upon which an opinion is asked for and shall be limited to a single transaction or occurrence. This request must be on the form or in the same format developed by the Department and available from the Department. These requests shall be addressed to the Director of the Bureau who oversees the matter in question. Responses to requests for declaratory opinions shall be in accordance with guidelines set out in the Administrative Procedures Act. The Department shall not issue opinions on matters outside the jurisdiction of the Department or on any matter protected by confidentiality laws or regulations.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.5 APPEALS OF FINAL ORDERS:

Persons desiring to appeal Final Orders shall send written notice of the appeal to the Executive director. This notice of appeal must be received within fifteen (15) days of the date of the Final Order being appealed. All appeals of Final Orders shall be in accordance with procedures set out in Board Regulation, Appeals to the Board, Chapter II, Section 2.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.6 NOTICE TO INTERESTED PARTIES:

- A. Upon filing with the Secretary of State of the intent to adopt, repeal or amend a regulation, the Department of Mental Health shall notify all persons who have submitted in writing to the agency a request to receive notification of such changes.
- B. Written comments from interested parties should be submitted to the Executive Director or their designee prior to the expiration of the twenty-five day comment period.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.7 OPPONENTS OF PROPOSED RULES:

Opponents of proposed rule adoption, repeal or amendment who give timely notice within the twenty-five (25) day comment period) of their desire to contest the making, amendment or repeal of such a regulation, shall have an opportunity to present their views.

- A. Under this provision an opponent will submit written comments setting out the nature and reasons for such opposition. Comments should be submitted to the Executive Director within twenty (20) days of notification of opposition.
- B. Written comments in opposition will be presented to the Board prior to a request or final adoption for their consideration. Oral comments may be presented when deemed appropriate by the Board in compliance with Rule 6.3.3B of this regulation.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

Rule 6.3.8 REVIEW OF ADVERSE RULING:

- A. Notification of Board action will be forwarded to opponents within ten (10) calendar days of Board's decision. Opponents of the Board's action may request a review of such action.
- B. Such requests should be in writing and be accompanied by an explanation of the request and should be received by the Executive Director within ten (10) calendar days of opponent's receipt of Board's adverse ruling.
- C. Board review under this section may be based upon written documentation or may be presented orally, as deemed appropriate by the Board.

- D. Board will review request for adverse ruling as soon as practical and notify opponent of its decision within ten (10) days.

Source: Miss Code Ann. § 41-4-1 et seq. and § 23-43-1, et seq.

**Part 1 Chapter 7: Planning And Advisory Councils**

**Subchapter 1: Mississippi State Mental Health Planning Advisory Council**

Rule 7.1.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and Section 41-4-9

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.1.2 PURPOSE: To advise and assist the Department of Mental Health, Bureau of Mental Health and Bureau of Administration in developing, reviewing and updating a state plan for community mental health services for adults with serious mental illness and children with serious emotional or mental disorders. The Planning Council will also provide a mechanism for consumers, family members, mental health service providers and providers of support services to work together to identify needs and plan services to address those needs. The Planning Council will allow this broad constituency an additional avenue to evaluate progress on state plan objectives on an ongoing basis, to review goals and objectives and make recommendations for revisions as needs and available resources change.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.1.3 ESTABLISHMENT:

In accordance with the Bylaws of the Mississippi Board of Mental Health, the Board may appoint representatives or agents with such powers to perform acts or duties on behalf of the Board. Therefore, the Board hereby authorizes the Executive Director of the Department of Mental Health to appoint individuals to a Mississippi State Mental Health Planning and Advisory Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.1.4 PARTICIPANTS:

- A. Membership shall be in keeping with the guidelines set forth by applicable federal law(s), specifically, P.L. 102-321, the "ADAMHA Reorganization Act," and its successors.
- B. Membership of the State Mental Health Planning and Advisory Council shall include individuals and representatives of entities concerned with the need, planning,

operation, and funding of mental health services. The Council shall be composed of a balanced number of both service providers and non- service providers, including consumers of mental health services and families.

- C. Members of the Mississippi State Mental Health Planning and Advisory Council shall serve for a term of one calendar year (January through December) and may be reappointed.
- D. Vacancies on the Council at any time during the year shall be filled by the Executive Director of the Mississippi Department of Mental Health.
- E. Routine operation of the Mississippi State Mental Health Planning and Advisory Council shall be in accordance with the established Bylaws of the Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.1.5 FUNCTIONS:

The responsibilities and functions of the Mississippi State Mental Health Planning and Advisory Council shall be in accordance with applicable federal law(s), specifically, P.L. 102-321, "The ADAMHA Reorganization Act," and its successors.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.1.6 MEETINGS:

- A. Meetings shall be held at least quarterly and more often as deemed necessary by the Council or the Department of Mental Health.
- B. Determination of date, time and location of meetings and notification of meetings shall be in accordance with the Bylaws of the Mississippi State Mental Health Planning and Advisory Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

**Subchapter 2: Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council**

Rule 7.2.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and 41-4-9.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.2.2 PURPOSE: To assist the Department of Mental Health, Bureau of Intellectual and

Developmental Disabilities, in developing a state plan for services for individuals with intellectual and developmental disabilities. The Council shall also provide an avenue for persons, family members, and service providers to communicate and work together in identifying and planning an array of services for those citizens of the state with intellectual and developmental disabilities. The Council shall participate in the annual update of the plan by reviewing the plan and making recommendations for additions/revisions.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.2.3 ESTABLISHMENT:

In accordance with the Bylaws of the Mississippi Board of Mental Health, the Board may appoint representatives or agents with such powers to perform acts or duties on behalf of the Board. Therefore, the Board hereby authorizes the Executive Director of the Department of Mental Health to appoint individuals to a Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.2.4 PARTICIPANTS:

- A. The Executive Director of the Department of Mental Health shall appoint fifteen (15) individuals to participate in the Council;
- B. The fifteen (15) participants shall be representatives from various areas of the state, including urban and rural areas;
- C. The participants shall include persons with IDD, representatives for individuals with intellectual and developmental disabilities or parents/guardians of individuals with intellectual and developmental disabilities, service providers, regional intellectual and developmental disabilities programs, community mental health centers, MS Council on Developmental Disabilities, Disability Rights of Mississippi, Mississippi Resource Commission, Mississippi Department of Rehabilitation Services, Institute for Disability Studies, Mississippi Division of Medicaid, Mississippi Department of Education, Arc of Mississippi and other related service agencies;
- D. Participants will be appointed for a three-year term. Participants may be reappointed;
- E. Any individual who becomes a participant shall immediately be entitled to vote; and,
- F. In the event of a vacancy, the Executive Director of the Department of Mental Health shall appoint another individual to complete the term.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.2.5 FUNCTIONS:

- A. The Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council shall advise and support the Bureau of Intellectual and Developmental Disabilities in the development of a state plan for services and supports for individuals with intellectual and developmental disabilities;
- B. The Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council shall advocate for services and supports that meet the needs of individuals with intellectual and developmental disabilities;
- C. The Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council shall review the existing plan;
- D. The Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council shall provide information on needs for services and supports in their area;
- E. The Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council shall make recommendations for plan additions/revisions; and,
- F. The Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council shall support the implementation of the State Plan for Services, and support for Individuals with Intellectual and Developmental Disabilities.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.2.6 MEETINGS:

- A. Meetings shall be held at least quarterly and more often as deemed necessary by the Council or the Department of Mental Health.
- B. Determination of date, time, and location of meetings and notification of meetings shall be in accordance with the By-Laws of the Bureau of Intellectual and Developmental Disabilities State Plan Advisory Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

**Subchapter 3: Mississippi Alcohol and Drug Abuse Advisory Council**

Rule 7.3.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and 41-4-9

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.3.2 PURPOSE: To advise and assist the Department of Mental Health, Bureau of Alcohol and Drug Services in developing, reviewing and updating a state plan for alcohol and drug abuse services. The Advisory Council will also provide a mechanism for consumers, family members, substance abuse service providers and providers of support services to work together to identify needs and plan services to address those needs. The Advisory Council will allow this broad constituency an additional avenue to evaluate progress on state plan objectives on an ongoing basis, to review goals and objectives, and make recommendations for revisions as needs and available resources change.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.3.3 ESTABLISHMENT:

In accordance with the Bylaws of the Mississippi Board of Mental Health, the Board may appoint representatives or agents with such powers to perform acts or duties on behalf of the Board. Therefore, the Board hereby authorizes the Executive Director of the Department of Mental Health to appoint individuals to a Mississippi Alcohol and Drug Abuse Advisory Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.3.4 PARTICIPANTS:

- A. Membership shall be in keeping with the guidelines set forth by applicable federal law(s), specifically, P.L. 102-321, the "ADAMHA Reorganization Act," and its successors.
- B. Membership of the Alcohol and Drug Abuse Advisory Council shall include individuals and representatives of entities concerned with the need, planning, operation, and funding of substance abuse services. The Council shall be composed of a balanced number of both service providers and non-service providers, including consumers of substance abuse services and families and consists of not less than twenty- five (25) members.
- C. Members of the Mississippi Alcohol and Drug Abuse Advisory Council shall serve for a term of four years.
- D. Vacancies on the Council at any time during the year shall be filled by the Executive Director of the Mississippi Department of Mental Health.

- E. Routine operation of the Mississippi Alcohol and Drug Abuse Advisory Council shall be in accordance with the established Bylaws of the Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.3.5 FUNCTIONS:

The responsibilities and functions of the Mississippi Alcohol and Drug Abuse Advisory Council shall be in accordance with applicable federal law(s), specifically, P.L. 102-321, "The ADAMHA Reorganization Act," and its successors.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.3.6 MEETING:

- A. Meetings shall be held at least quarterly and more often as deemed necessary by the Council or the Department of Mental Health.
- B. Determination of date, time and location of meetings and notification of meetings and notification of meetings shall be in accordance with the Bylaws of the Mississippi Alcohol and Drug Abuse Advisory Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

**Subchapter 4: Mississippi Alzheimer's Disease and Other Dementia Planning Council**

Rule 7.4.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and 41-4-9

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.4.2 PURPOSE: To advise and assist the Department of Mental Health, Bureau of Community Services in developing, reviewing and updating a long range state plan for individuals with Alzheimer's disease and other forms of dementia.

The Planning Council will also provide a mechanism for patients, family members, care givers, and providers of services to individuals with Alzheimer's disease and other forms of dementia, to work together to identify needs and provide training and education. The Planning Council will allow this broad constituency an additional avenue to evaluate progress on state plan objectives on an ongoing basis, to review goals and objectives and make recommendations for revision as needs and available

resources change.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.4.3 ESTABLISHMENT:

In accordance with the Bylaws of the Mississippi Board of Mental Health, the Board may appoint representatives or agents with such powers to perform acts or duties on behalf of the Board. Therefore, the Board hereby authorizes the Executive Director of the Department of Mental Health to appoint individuals to a Mississippi Alzheimer's Disease and other Dementia Planning Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.4.4 PARTICIPANTS:

- A. Membership shall be in keeping with the guidelines set forth by applicable state law(s).
- B. Membership of the State Alzheimer's Disease and Dementia Planning Council shall include individuals and representatives of entities concerned with the training/education, planning, operation, and funding of services for individuals with Alzheimer's disease and other forms of dementia. The Council shall be composed of both service providers and non service providers, including family members of individuals diagnosed with Alzheimer's disease or other forms of dementia and shall include three representatives from the states five congressional districts, to include no more than fifteen (15) members.
- C. Members of the Mississippi Alzheimer's Disease and other Dementia Planning Council shall serve for a term of four (4) years (January through December) and may be reappointed.
- D. Vacancies on the Council at any time during the year shall be filled by the Executive Director of the Mississippi Department of Mental Health.
- E. Routine operation of the Mississippi Alzheimer's Disease and other Dementia Planning Council shall be in accordance with the established Bylaws of the Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.4.5 FUNCTIONS:

- A. The Mississippi Alzheimer’s Disease and other Dementia Planning Council shall provide information and training on needs for services and supports in Mississippi.
- B. The Mississippi Alzheimer’s Disease and other Dementia Planning Council shall advocate for services and supports for persons in Mississippi with Alzheimer's and other dementia.
- C. Routine operation of the Mississippi Alzheimer’s Disease and other Dementia Planning Council shall be in accordance with the established Bylaws of the Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

Rule 7.4.6 MEETINGS:

- A. Meetings shall be held at semi-annually and more often as deemed necessary by the Council or the Department of Mental Health.
- B. Determination of date, time, and location of meetings shall be in accordance with the By-laws of the Mississippi Alzheimer’s Disease and other Dementia Planning Council.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-9.

**Part 1 Chapter 8: Business**

**Subchapter 1: Rate Setting and Sliding Fee Scale**

Rule 8.1.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq., 41-7-79 and 41-4-7

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.2 PURPOSE To ensure that no person is denied services because of inability to pay for such services.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.3 ABILITY TO PAY:

The director or the governing board of each program, as appropriate, shall investigate or cause to be investigated the financial ability of each person, their estate, and all other persons legally liable for the cost of care of the person. The charges assessed shall be in accordance with the ability of the person to pay. The determination shall not place an undue hardship on any patient or person legally responsible for such a patient. The value of a homestead shall not be considered in determining the ability to pay. The number of dependents of a patient

or the party legally responsible for such patient shall be considered in determining ability to pay. The value of real and/or personal property may also be considered. If it is determined that a person receiving services is unable to pay the total fee, the Department shall collect any amount such person is able to pay.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.4 SCHEDULE OF RATES:

The director of each program is instructed to prepare and, at least annually, update a schedule of private pay rates for such services that a private pay rate is applicable. In establishing such rates, the director shall ensure that the rate so established is in accordance with relevant Mississippi statutes, and that such rates are set at such value to ensure no loss of third party reimbursement (Medicare, Medicaid, or any other) which is limited to the lesser of the private pay rate or the rate approved by the third party. Upon notification of any rate or per-diem changes by any third party, the director of such program shall immediately amend private pay rates to ensure the private pay rate at least equals the third party reimbursement for which such notification was received.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.5 RATE CHANGES:

Directors of programs shall abide by any relevant rules and regulations governing notice of rate changes before reflecting the proposed rates on any billings to patients or patients' responsible parties.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.6 BOARD NOTICE OF RATE CHANGES:

At the next Board of Mental Health meeting following such a rate change, the director of the program shall present a report to the Board of Mental Health listing all private pay rates and indicating, for those rates that have changed since the last presentation, the old rate and the new rate.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.7 SLIDING FEE AND BOARD NOTICE OF SLIDING FEE CHANGES:

There shall be a Department wide sliding fee discount scale adopted. This sliding fee discount shall take into consideration family size and income as reflected in federal poverty guidelines and shall be adjusted annually when such federal poverty guidelines are adjusted.

This sliding fee discount scale shall specify percentage discounts from regular rates based on family size and income. In the event that the person even with such discount cannot pay, further discounts even zero, are permitted based on the individual facts and circumstances of each case. In no event shall a person be denied service solely because of inability to pay. At the next Board of Mental Health meeting following a change in the sliding fee discount, the Bureau Director of Administration shall present a report to the Board of Mental Health listing the calculation of the sliding fee and indicating, for those sliding fees that have changed since the last presentation, the old sliding fee discount and the new one.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.8 INCOME:

In determining a person's or family's income, the following definition will be used:

- A. Income includes the total annual cash receipts before taxes from all sources, with the exceptions noted below.
- B. Income includes money wages and salaries before any deductions; net receipts from non-farm self employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from unemployment compensation, strike benefits from union funds, workers' compensation, public assistance (Aid to Families with Dependent Children or Temporary Assistance for Needy Families, and non-federally funded General Assistance or General Relief money payments, and training stipends), alimony, child support, and military family allotment or other regular support from an absent family member or someone not living at the household; and regular insurance or annuity payments; college or university scholarships, grants, fellowships, and assistantships; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.
- C. Income does not include the following types of money received: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; or tax refunds, gifts, loans, lump-sum inheritances, one time insurance payments, or compensation for injury. Also excluded are non-cash benefits, such as the employer paid or union paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner occupied non-farm or farm housing, and such federal non-cash benefit programs such as Medicare, Medicaid, food stamps, school lunches, and housing assistance.

- D. Income received from the following sources are not subject to the discounted rate: regular payments received from social security, railroad retirement, veterans payments, supplemental security income, private pensions, government employee pensions (including military retirement pay). The ability to pay for persons receiving income from any of these sources will be determined on a case by case basis.
- E. Any item of income which does not fit within any of the categories listed for inclusion or exclusion in this definition will be evaluated on a case by case basis to determine whether such income should be included or excluded.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.9 POVERTY GUIDELINES:

Annual poverty guidelines published by the U.S. Department of Health and Human Services shall be used to determine a discount to be applied to the regular private pay charge. Families receiving income equal to 200% or more of the federal poverty guideline applicable to their family size shall receive no discount. Families receiving less than 200% of the federal poverty guideline shall receive the discount specified in the column of the Sliding Fee Scale for their level of income and family size. Once an amount due is determined, additional discounts may be made on a case by case basis to ensure that no person is denied services based on inability to pay for such services.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

Rule 8.1.10 DISCOUNTED RATES:

- A. In determining the discounted rate, the program may require submission of proof of income amounts claimed (W-2, pay check stub, etc.). The program may require such documentation when granting discounts above the percentage discount, but is not required to do so
- B. Even where a discounted rate is determined, billings may still indicate the full private pay rate with the discount shown separately. The purpose of this provision is to ensure that, in the event of an estate settlement, the full interest of the state in collecting from such estate shall be preserved.
- C. The discounted rate shall apply only to private pay amounts. Amounts due from third party insurers, including Medicare and Medicaid, shall not be discounted using this policy but may be discounted below the full private pay rate in the case of participation agreements with such third parties. In cases where the third party payment is deemed payment in full, the remaining balance shall not be billed to the patient. In cases where the third party payment is not deemed payment in full, the remaining balance may be

discounted.

- D. The discounted rate calculated under this policy will not be applied to nursing home admissions. Private pay rates for nursing home residents will be determined by the program based on each resident's ability to pay and giving due consideration to requirements of third party payers.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-7-79, and § 41-4-7.

## **Subchapter 2:        **Audit Guide****

Rule 8.2.1 SOURCE OF AUTHORITY:    Section 41-4-1 et seq. and Section 41-4-7

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.2.2 PURPOSE:    To ensure the Board and Department of Mental Health fulfills its obligations set out in Mississippi law and state and federal regulations and to ensure all programs are aware of the relevant regulations and procedures relating to business function.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.2.3    NAME:

The auditing procedures of all programs shall be included in either the:

- A.    Central Office Auditor's Guide; or
- B.    Regional Program Internal Audit Policies and Procedures.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.2.4    CONTENT:

A committee known as the Audit Guide Committee, appointed by the Executive Director, shall select a standard format to be utilized in all manuals and a standard outline of topics to be addressed in each manual.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.2.5    DEVELOPMENT:

- A.    Each program shall review and provide recommendations for modification of the audit

guides to the Audit Guide Committee.

- B. The program director shall review these recommendations prior to submission to the Audit Guide Committee.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.2.6 REVIEW:

- A. The Central Office Auditor's Guide and the Regional Program Internal Audit Policies and Procedures shall be reviewed for revisions at least every three (3) years.
- B. Recommendations concerning proposed changes in format or content shall be made at least three (3) months prior to the review date.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.2.7 DISSEMINATION:

Copies of the Central Office Auditor's Guide and Regional Program Internal Audit Policies and Procedures shall be provided to all appropriate staff as determined by the Director of the Bureau of Administration.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

**Subchapter 3: Authority to Contract**

Rule 8.3.1 SOURCE OF AUTHORITY: Section 41-4-7

Source: Miss Code Ann. § 41-4-7.

Rule 8.3.2 PURPOSE: To authorize program directors to contract on behalf of the program pursuant to all applicable state and federal laws and regulations.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 8.3.3 AUTHORITY:

- A. The Director of each program shall have the authority to enter into contracts on behalf of the program in accordance with all applicable state and federal laws and regulations.
- B. The Executive Director of the Department of Mental Health, or their designee, shall

be granted the authority to enter into contracts on behalf of the Central Office and/or Department of Mental Health in the same manner as granted to program Directors.

- C. This authority shall include contracting directly with Medicare/Medicaid for the purpose of billing and receiving funds.
- D. This authority shall continue until specifically revoked by the Board of Mental Health.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

## **Part 1 Chapter 9: Personnel**

### **Subchapter 1: Fingerprinting and Background Checks**

Rule 9.1.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and Section 41-4-7

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.1.2 PURPOSE: To ensure the safety of the people we serve and to ensure compliance with state law all programs are required to obtain fingerprints and request background information on potential employees, employees, potential volunteers, and volunteers.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.1.3 FINGERPRINT:

- A. Each potential employee and potential volunteer shall be fingerprinted by the Department of Mental Health.
- B. All employees and volunteers working with children shall be fingerprinted. No potential employee and/or potential volunteer who has a criminal history of conviction or pending indictment of a crime, whether a misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of children as specified in Section 45-31-12(5) of the Mississippi Code shall be employed or approved as a volunteer in a program that serves children.
- C. Employees being considered for promotion and others in sensitive positions as deemed necessary by the program directors shall also be fingerprinted.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.1.4 NOTICE:

Current employees and volunteers and prior to the offering of a position, potential employees or volunteers shall be advised that:

- A. each person shall be fingerprinted.
- B. a records check of documented disciplinary actions of a current or former employer, and disciplinary actions of a professional licensing agency, etc., shall be requested.
- C. the potential employee or volunteer must authorize fingerprinting and a records check in writing.
- D. it is the right of the Department of Mental Health to require fingerprinting and a records check as a condition of employment or approval as a volunteer.
- E. a person has the right to challenge, within fourteen (14) calendar days, the accuracy and completeness of any information received by the employer as a result of such a check.
- F. a person has the right to challenge, within fourteen (14) calendar days, the agency's decision to refuse to hire or to terminate a person based on the result of such a check.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.1.5 INFORMATION:

- A. No information received shall be re-disseminated to the fingerprinted person or any other employee not authorized by personnel, except as required by other pertinent law, and/or to inform the person of a negative result of such a check.
- B. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.
- C. All records shall be received from the FBI via a secure fax machine or other secured means and shall be retained in a secure place for a minimum of thirty (30) days from the time the decision of whether or not to hire is made. After thirty (30) days, the records must then be destroyed by means of shredding.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.1.6 Fingerprint/Affidavit:

All persons employed prior to July 1, 2002, shall either be fingerprinted or sign an affidavit stating that he/she has not been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Section 45-33-23(f), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea. If it is later determined that the person actually had been convicted or pleaded guilty or nolo contendere to any of the offenses listed previously, and the conviction or pleas has not been reversed on appeal or a pardon has not been granted for the conviction or plea, disciplinary action will be taken which may lead to termination and the person referred for appropriate penalties provided by law.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

**Subchapter 2:            Chemical Testing**

Rule 9.2.1 SOURCE OF AUTHORITY:    Section 41-7-1, et seq.

Source: Miss Code Ann. § 41-7-1 et seq.

Rule 9.2.2 PURPOSE: To provide assurances that all employees of the Department of Mental Health and its programs are not under the influence of chemical substances, either legal or illegal, which might impair their performance.

Source: Miss Code Ann. § 41-7-1 et seq.

Rule 9.2.3    The Department of Mental Health shall establish a policy outlining the procedures of testing employees and future employees for chemical substances.

Source: Miss Code Ann. § 41-7-1 et seq.

Rule 9.2.4    All potential employees shall be advised of the testing program prior to hiring.

Source: Miss Code Ann. § 41-7-1 et seq.

**Subchapter 3:    Licensure and Certification**

Rule 9.3.1 SOURCE OF AUTHORITY:    Section 41-4-1 et seq. and Section 41-4-7

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.3.2 PURPOSE: The Department of Mental Health shall develop and maintain the rules, requirements, and application guidelines for community support specialists, mental health therapists, intellectual and developmental disabilities therapists, peer support specialists, licensed administrators, addiction therapists and others as deemed appropriate by the Board of Mental Health.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.3.3 NAME:

The Department of Mental Health professional credentialing rules, requirements and application guidelines shall be delineated in booklet form. DMH professional credentialing programs shall be entitled:

- A. DMH Intellectual and Developmental Disabilities Therapist Program;
- B. DMH Mental Health Therapist Program;
- C. DMH Licensed Administrator Program;
- D. DMH Addiction Therapist Program;
- E. DMH Community Support Specialist Program; and
- F. DMH Peer Support Specialist Program.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.3.4 CONTENT:

The Department of Mental Health shall select a standard format to be utilized in all DMH professional credentialing rules and requirements booklets and a standard outline of topics to be addressed in each booklet.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.3.5 DEVELOPMENT:

The Department of Mental Health will be responsible for development of certification and licensure rules, requirements, and application guidelines utilizing input from appropriate sources.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.3.6 REVIEW:

DMH professional credentialing rules and requirements booklets shall be reviewed for changes/modifications every two years, or more often if needed.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 9.3.7 DESSEMINATION:

Copies of DMH professional credentialing rules and requirements booklets shall be made available online at the agency website, [www.dmh.ms.gov](http://www.dmh.ms.gov). Individuals may request a print copy from DMH by calling (601) 359-1288.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

**Part 1 Chapter 10: General**

**Subchapter 1: Visitor Policy**

Rule 10.1.1 SOURCE OF AUTHORITY: 41-4-1, et seq.

Source: Miss Code Ann. § 41-4-1 et seq.

Rule 10.1.2 PURPOSE: To assure the privacy and protection of person in the care of the Department of Mental Health and to provide an orderly procedure for campus visits.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.1.3 CHECK IN:

- A. All visitors must check in at the program's designated location.
- B. Visitors will be required to sign in and provide pertinent data as required on the visitor registration form.
- C. A visitor pass will be issued to authorized visitors.
- D. Visitors functioning in an official capacity for the purpose of monitoring, compliance, or licensure, may be escorted by program staff while on program
- E. Other visitors may be escorted by program staff while on program grounds as deemed necessary to protect the therapeutic environment or confidentiality of residents.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.1.4 Visitation may be terminated at any time such visits are deemed disruptive to the resident/clients or to other residents/clients.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.1.5 Visitors will comply with all rules and regulations promulgated by Department of Mental Health programs.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.1.6 Unauthorized visitors will not be permitted on campus.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

**Subchapter 2: Health Insurance portability and Accountability Act Compliance (HIPAA)**

Rule 10.2.1 SOURCE OF AUTHORITY: Sections 41-4-1 et seq., 41-4-97 and Federal Regulations

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-97, and Federal Regulations.

Rule 10.2.2 PURPOSE: To ensure adherence to federal regulations.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-97, and Federal Regulations.

Rule 10.2.3 IMPLEMENTATION:

The Department of Mental Health shall review all policies and regulations which come under the purview of HIPPA and make modifications as needed for compliance.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-97, and Federal Regulations.

Rule 10.2.4 TRAINING:

Further, the programs shall develop a training program for all employees to ensure that employees understand their responsibilities relating to HIPPA compliance.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-97, and Federal Regulations.

**Subchapter 3: Minimum Standards for Community Mental Health/Intellectual and Developmental Disability Services**

Rule 10.3.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq. and 41-4-7

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.3.2 PURPOSE: To accomplish the Department of Mental Health's mission of developing a consistent, accessible, comprehensive service and support system for individuals with mental illness, alcohol and drug abuse problems, Alzheimer's disease and other dementia, and/or intellectual and developmental disabilities, the Department has established minimum standards that must be met by community programs receiving funding.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.3.3 DEVELOPMENT:

The Department of Mental Health shall be responsible for development of minimally acceptable operating standards in manual form to serve as requirements for community programs receiving funding from the Department of Mental Health utilizing input from appropriate sources.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.3.4 CONTENT:

The Department of Mental Health shall select a standard format to be utilized and a standard outline of areas to be addressed in the manual. Each applicable Bureau shall participate in the development of the content of its applicable service areas.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.3.5 REVIEW:

The Minimum Standards for Community Mental Health/Intellectual and Developmental Disabilities Services shall be reviewed for changes/modifications every three years, or more often if needed.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

Rule 10.3.6 DISSEMINATION:

Copies of the manual shall be available to anyone free at *www.dmh.ms.gov*, from the Bureau of Mental Health by calling (601) 359-1288, or writing to Department of Mental Health, Bureau of Mental Health, 239 N. Lamar, Suite 901 Robert E. Lee Building, Jackson, Mississippi, 39201.

Source: Miss Code Ann. § 41-4-1 et seq. and § 41-4-7.

#### **Subchapter 4: Department of Mental Health Firearms Policy**

Rule 10.4.1 SOURCE OF AUTHORITY: Section 41-4-1 et seq., 41-4-7 and 41-4-23

Rule 10.4.2 PURPOSE:

To ensure that unauthorized firearms do not enter The Department of Mental Health (DMH) campuses and firearms maintained on DMH campuses are secured. The Mississippi Department of Mental Health operates statewide programs for adults and children with mental illness or emotional disturbance, alcohol/drug problems, intellectual or developmental disabilities, and individuals in need of nursing home care. The programs are owned by the State of Mississippi and under the control of the State Board of Mental Health and DMH. The programs are sensitive places that are not open/accessible to the public without invitation or a specific business purpose. They provide care for vulnerable populations. Individuals in DMH care, their families, and DMH staff have a reasonable expectation that DMH will maintain campuses free of foreseeable harm.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-7 and § 41-4-23, § 41-19-116, § 41-19-155, § 41-19-211, § 41-19-243, § 41-19-261, § 41-19-279, § 41-19-291, 41-19-301 and § 45-9-101.

Rule 10.4.3 SIGNS:

Signs containing written notice clearly readable at a distance of not less than ten feet that state “no weapons allowed on this property” shall be posted at the entrance of all DMH programs.

Source: Miss Code Ann. § 41-4-1 et seq. § 41-4-7 and § 41-4-23, § 45-9-101 .

Rule 10.4.4 SEARCHES

Signs shall be posted at the entrance of all DMH programs clearly stating that vehicles entering and exiting campus are subject to search.

Campus Police/Security may conduct standardized inspections on vehicles entering and exiting campus.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-7 and § 41-4-23, § 41-19-116, § 41-19-155, § 41-19-211, § 41-19-243, § 41-19-261, § 41-19-279, § 41-19-291, 41-19-301 and § 45-9-101.

#### Rule 10.4.5 PROSECUTION

Any visitor or staff who brings an unauthorized firearm on a DMH campus shall be prosecuted to the full extent of the law. Law enforcement officers visiting campus on official duty may be permitted to lock firearms in the trunk of the vehicle.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-7 § 41 4 23, § 41-19-116, § 41-19-155, § 41-19-211, § 41-19-243, § 41-19-261, § 41-19-279, § 41-19-291, 41-19-301 and § 45-9-101.

#### Rule 10.4.6 CAMPUS POLICE/SECURITY

If approved by the DMH Program, Campus Police who have graduated from the MS Law Enforcement Training Academy or an equivalent facility and successfully completed a BLEOST (Board on Law Enforcement Officer Standards and Training) approved firearms qualification course within the last 12 months may be armed at the entry security stations, designated security locations, or while on routine patrol of the campus in order to protect the lives of DMH clients/patients/staff/visitors. Any firearm carried by a Campus Police staff member must be issued or approved by the DMH Program (no personal firearms) and must be secured in a level 3 retention holster. Campus Police/Security may maintain additional firearms in a locked secure location at the entry security stations or designated security locations. Campus Police are not to be armed in any client/patient/resident area unless there is an emergency situation threatening the lives of clients/patients/residents/staff/visitors which could warrant the use of a firearm. In the event a Campus Police staff member is called to a patient care area while armed, he/she shall secure the firearm in a locked box inside a locked vehicle prior to entering the patient care area. Campus Police who have obtained the proper firearms education, training and certification, as set forth hereinabove, may have access to firearms.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-7 and § 41 4 23.

#### Rule 10.4.7 CAMPUS HOUSING

Firearms shall not be maintained in campus housing except with written approval of the Program Director and if maintained in a locked gun safe or locked reasonable substitute.

Source: Miss Code Ann. § 41-4-1 et seq., § 41-4-7 § 41 4 23, and § 45-9-101.

