~~CHAPTER 1 - DEFINITIONS~~

~~001 The words and phrases below apply to these regulations:~~

~~001.01 ACT means the Nebraska Comprehensive Community Mental Health Services Act. NEB. REV. STAT. § 71-5001 through 71-5015.~~

~~001.02 ADMISSION TO PROGRAM means the mental health program has accepted clinical/programmatic responsibility for a consumer.~~

~~001.03 ASSESSMENT means the process a mental health program completes with each consumer, to gather information and documentation needed to identify the individual's status and needs in order to develop an individualized service plan. The assessment process shall include the (1) identification of the individual's status, needs, and problem(s); identification of the various people and situations involved in the individual's life; determination of the consumer's strengths and weaknesses to address the identified problem(s); and (4) the goals the consumer wants to accomplish in receiving the services.~~

~~001.04 DIAGNOSIS means the decision made regarding the identification of major mental illness in a consumer by a qualified physician licensed by the Department of Health or by a certified clinical psychologist licensed by the Department of Health.~~

~~001.05 ASSESSMENT DIAGNOSTIC SERVICES means services designed to assess the functioning level of the consumer, assess the consumer's service needs, relate the diagnosis assigned by a qualified practitioner, and establish objectives for service provision. These services are conducted for purposes of determining admission, readmission or continuation of services. This service may also be used to determine an individual's need for regional center admission as well as completing a one-time evaluation contact at the request of a third party such as the court or a mental health commitment board.~~

~~001.06 CASE-ORIENTED CONSULTATION means mental health expertise is focused on assessment and treatment of a specific individual who is the programmatic and legal responsibility of the consultee.~~

~~001.07 CHILD OR ADOLESCENT WHO HAS A SEVERE EMOTIONAL DISTURBANCE means: (a) the youth's age must range from birth up to age 18, however, for purpose of transition into adult services, the youth may be age 18 to 20; (b) the youth must have a mental illness diagnosable under the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, (c) the condition must be persistent in that it has existed for one year or longer, or is likely to endure for one year or longer; and (d) the mental illness must result in functional impairments in TWO or more of the following areas: (i) self-care at an appropriate developmental level, (ii) developmentally appropriate perception and expressive language, (iii) learning, (iv) self-direction, including developmentally appropriate behavioral controls, decision-making, judgment, and value systems, and (v) capacity for living in a family or family equivalent.~~

~~001.08 COMMUNITY LIVING SKILLS means the proficiencies which allow individuals~~

~~to live successfully in non-institutional settings. Development of community living skills involves an organized service which provides skill building needed by the CONSUMER in such areas as: maintenance of the living environment, money management/bill paying, taking prescribed medication, acquiring and maintaining adequate housing, addressing needs for income support and entitlements, self-advocacy, appropriate use of community services, transportation and related community oriented mobility skills, communication skills including the appropriate use of the telephone and telephone book, interpersonal skills, social skills, development of natural support systems, as well as other related areas required to successfully live independently in the community. This may also be referred to as "instrumental living skills."~~

~~001.09 COMPREHENSIVE HUMAN SERVICE/HEALTH ORGANIZATION means an organization which delivers a broad range of services, including but not limited to, mental health services.~~

~~001.10 CONFIDENTIALITY means the ethical principle that a program may not reveal any information disclosed in the course of service provision. Information received by program staff or maintained in the service records which deals with the identity, diagnosis, prognosis, treatment or rehabilitation of any consumer is confidential and must be disclosed only with the written consent of the consumer, the consumer's legal guardian, by order of a court of competent jurisdiction, or as otherwise required by law.~~

~~001.11 CONSUMER means an individual or group being provided service(s) as a recipient, member, patient, client, youth, student and/or resident of a mental health program. Within these regulations, the consumer may also be referred to as individual, client, persons, service recipient, youth or student.~~

~~00 1.12 CONSUMER BASED REIMBURSEMENT SYSTEM means funding for specialized rehabilitation/support services program for persons disabled by severe and persistent mental illness authorized originally under the laws of Nebraska, Legislative Bill 813, Program 365 (1989) which states "To carry out provisions of the Nursing Home Reform Act contained in the federal Omnibus Budget Reconciliation Act of 1987," under Program 365 of LB 1022 (1992) and subsequent appropriations or amendments. These were passed to implement the federal planning requirements under P.L. 99-660 and the Nursing Home Reform Act under the Omnibus Budget Reconciliation Act of 1987 and subsequent amendments, as well as other related federal requirements.~~

~~001.13 CONSUMER RUN SERVICE means a program or a project in which mental health consumers conduct the design, implementation, and maintenance of the program or project and in which there is program and financial self-governance by mental health consumers.~~

~~001.14 CONTRACT AUTHORITY means the Regional Governing Board when the contract is between a provider and Regional Governing Board, or the Department when the contract is between a Regional Governing Board and/or provider and the Department.~~

~~001.15 COST CENTER means a budget entity (program, service, or specified activity), as identified or defined by the organization, which has a distinct budget as a subpart of an organization's overall budget, for which income and expenses are recorded.~~

~~001.16 DAILY LIVING SKILLS means the proficiencies which allow individuals to live~~

~~successfully in non-institutional settings. Development of daily living skills involves an organized service which provides skill building needed by the CONSUMER in such areas as personal hygiene, self-care, leisure skills, interpersonal skills, meal preparation and nutrition, as well as other related areas required to successfully live independently in the community. This may also be referred to as "basic daily living skills."~~

~~001.17 DEPARTMENT means the Nebraska Department of Public Institutions including but not limited to its administration of community mental health funds and programs.~~

~~001.18 DIRECTOR means the Director of the Division of Medical Services or such officer of the Department as he or she may designate.~~

~~001.19 DOCUMENTATION means the provision of written, dated, and signed evidence to substantiate performance as part of an organized system of official records.~~

~~001.20 EQUIPMENT means a physical resource other than land and buildings which has a useful life of over one year and a purchase price designated by the Department.~~

~~001.21 EXPENSE REIMBURSEMENT means payment from the Department to a contractor based on the actual costs involved in operating a program, agreed to by the Department in advance, within the terms and limitations of the signed contract.~~

~~001.22 FAMILY THERAPY means conjoint therapeutic interventions with a consumer and one or more family members, or other person significant to the consumer, for purposes of improving the consumer/family functioning.~~

~~001.23 FUNCTIONAL IMPAIRMENT means serious limitations an individual has which substantially interfere with or limit role functioning in major life activities, as determined through an assessment by qualified personnel. In children/adolescents (birth up to age 18), "major life activities" may include difficulties that substantially interfere with or limit a child or adolescent from achieving or maintaining developmentally-appropriate social, behavioral, cognitive, communicative, or adaptive skills. In adults (age 18 and over), it is the degree of limitation that seriously interferes with the individual's ability to function independently in an appropriate and effective manner in two of three functional areas of (1) Vocational/Educational, (2) Social Skills, or (3) Activities of Daily Living. .~~

~~001.24 FUNCTIONAL LIMITATIONS IN VOCATIONAL/EDUCATIONAL means (1) an inability to be consistently employed or an ability to be employed only with extensive supports, except that a person who can work but is recurrently unemployed because of acute episodes of mental illness is considered vocationally impaired; (2) deterioration or decompensation resulting in an inability to establish or pursue educational goals within a normal time frame or without extensive supports; (3) an inability to consistently and independently carry out home management tasks, including household meal preparation, washing clothes, budgeting, and child care tasks and responsibilities.~~

~~001.25 GROUP THERAPY means three or more consumers who are not family members receiving together therapeutic treatment activities designed to address problems such as reduce maladaptive behaviors and maximize skills in behavioral self-control; restore psychological functioning, reality orientation and emotional adjustment; or attain appropriate interpersonal relationships and social functioning.~~

~~001.26 INDIVIDUAL THERAPY means one-to-one interventions which focus on improving the consumer's emotional/psychological adjustment and social functioning.~~

~~001.27 INTERNAL CONTROL is defined as the plan of organization and all of the coordinate methods and measures adopted within a business to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.~~

~~001.28 MEDICATION SERVICES means prescription of appropriate psychotropic drugs, as well as following the therapeutic response to and identification of side effects associated with the prescribed medication.~~

~~001.29 MENTAL HEALTH PROGRAM means assessment, treatment and rehabilitation/support services provided to a consumer within a program which has as its primary mission the delivery of mental health care. The services are designed for persons with a diagnosis classified within the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than individuals with solely a mental retardation or substance abuse diagnosis.~~

~~001.30 MENTAL HEALTH SERVICE AREA means a defined geographic area and the population therein which is served by a given mental health organization; identical to or a subdivision of one of the mental health regions defined in the Act.~~

~~001.31 NATIONAL ACCREDITATION means meeting the standards set by the Joint Commission on Accreditation of Healthcare Organizations (also referred to as JCAHO), the Commission on Accreditation of Rehabilitation Facilities (also referred to as CARF), or other nationally recognized accreditation organization(s), approved by the Director.~~

~~001.32 ORGANIZATION means a legal entity and the persons within that administrative structure as defined by law, charter, license, contract, or agreement. This may include organizations such as mental health providers, service agencies, and regional administration.~~

~~001.33 PERSONS DISABLED BY SEVERE AND PERSISTENT MENTAL ILLNESS means (a) the individual is age 18 and over; (b) has a primary diagnosis of schizophrenia, major affective disorders, or other major mental illness under the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Developmental Disorders, or Psychoactive Substance Use Disorders may be included if they co-occur with the primary mental illnesses listed above; (c) are at significant risk of continuing in a pattern of either institutionalization or living in a severely dysfunctional way if needed mental health services are not provided, and this pattern has existed for 12 months or longer or is likely to endure for 12 months or longer; and (d) degree of limitation that seriously interferes with the individual's ability to function independently in an appropriate and effective manner, as demonstrated by functional impairments which substantially interferes with or limits TWO of three areas: (1) Vocational/Educational, (2) Social Skills, or (3) Activities of Daily Living.~~

~~001.34 PROGRAM means an organized set of resources and process administered by an organization or individual which are designed to meet the needs of a defined population and directed towards the accomplishment of a defined set of outcomes.~~

~~001.35 PROGRAM-ORIENTED CONSULTATION means the mental health expertise is focused on mental health skills development and the understanding of social systems to address specific organizational issues and problems of the consultee.~~

~~001.36 PROVIDER means an organization or individual certified or seeking certification as a community mental health program(s) by the Department and/or receiving mental health funds directly from the Department or through a subcontract with a Regional Governing Board for developing community mental health program(s).~~

~~001.37 PSYCHIATRIC REHABILITATION means an organized system of services provided to persons disabled by severe and persistent mental illness with the goal of attainment of the individual's highest functioning in such areas as employment, self-care, socialization, residential living, and leisure time use. Psychiatric Rehabilitation is based on functional assessments, a comprehensive array of services, as well as a team approach using a systematic method in working with each individual to develop the best rehabilitation approach for the consumer. The goal of psychiatric rehabilitation is to assist the consumer to compensate for, or eliminate any functional impairments and other barriers created by the disability as well as develop/restore skills required to successfully live independently in the community.~~

~~001.38 PSYCHIATRIC REHABILITATION/SUPPORT refers to specialized programs designed to assist persons disabled by severe and persistent mental illness by teaching the useful, constructive skills needed to live in the community and by providing assistance as needed.~~

~~001.39 PURCHASE OF SERVICE means payment from the Department to a certified program based on the number of billable units of service provided during a defined period of time, times the payment rate, within the terms and limitations of the signed contract.~~

~~001.40 REGION means any one of the geographical areas within the state as provided for in the Act (§ 71-5002).~~

~~001.41 REGIONAL GOVERNING BOARD means any combination of counties which have appointed a Governing Board under the requirements of the Act, to organize and supervise community mental health programs under its jurisdiction.~~

~~001.42 SERVICE DEVELOPMENT means the program is in the initial phase of being established and is being paid on an expense reimbursement basis by the Department within the terms and limitations of the signed contract.~~

~~001.43 SERVICES means specific processes which contribute to the outcomes of an organized mental health treatment or rehabilitation program.~~

~~001.44 SPECIALIZED SUBSTANCE ABUSE SERVICE SYSTEM means the system of specialized programs, services, facilities, and professionals whose primary mission or occupational objective is the provision of substance abuse services.~~

~~001.45 STAFF-ORIENTED CONSULTATION means the mental health expertise is focused on providing training to the personnel employed by the consultee in order to improve their mental health related knowledge and skill(s).~~

~~001.46 SUBCONTRACT means an agreement between a provider and another organization to deliver all or part of the services provided for in the primary contract and/or certified program.~~

~~001.47 SUBSTANCE ABUSE means abuse of substances which have significant mood or perception changing capacities; which are likely to be physiologically or psychologically addictive; and the continued use of which has a high potential for negative personal and/or social consequences. "Abuse" means use in ways that have, or are likely to have, significant adverse personal and/or social consequences.~~

~~001.48 TREATMENT means clinical evaluations and/or interventions provided to consumers to ameliorate disability or discomfort and/or reduce signs and symptoms of a mental disorder.~~

~~001.49 UNIT OF SERVICE means a quantifiable measurement of a mental health service used within contracts to report to the Department the amount of mental health service provided in order to receive payment of Department administered community mental health funds within the terms and limits of the contract.~~

~~001.50 FUNCTIONAL LIMITATIONS IN SOCIAL SKILLS means (1) repeated inappropriate or inadequate social behavior or an ability to behave appropriately or adequately only with extensive or consistent support or coaching or only in special contexts or situations, such as social groups organized by treatment staff; or (2) consistent participation in adult activities only with extensive support or coaching and when involvement is mostly limited to special activities established for persons with mental illness or other persons with interpersonal impairments; or (3) a history of dangerousness to self or others.~~

~~001.51 FUNCTIONAL LIMITATIONS IN ACTIVITIES OF DAILY LIVING means an inability to consistently perform the range of practical daily living tasks required for basic adult functioning in the community, in three of five areas listed below:~~

(1) ~~Grooming, hygiene, washing of clothes, and meeting nutritional needs;~~

(2) ~~Care of personal business affairs;~~

(3) ~~Transportation and care of residence;~~

(4) ~~Procurement of medical, legal, and housing services; or~~

(5) ~~Recognition and avoidance of common dangers or hazards to self and possessions.~~