TITLE 206 BEHAVIORAL HEALTH SERVICES

CHAPTER 1-000 INTRODUCTION

1-001 Scope and Authority: This title governs the administration of Nebraska's Public Behavioral Health System.

1-001.01 Legal Basis: These regulations are authorized by and implement the Nebraska Behavioral Health Services Act, Neb. Rev. Stat. §§ 71-801 to 71-830.

CHAPTER 2-000 DEFINITIONS

Activities of Daily Living 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".

Adult with severe and persistent mental illness means an individual who:

1. Is age 19 and older;
2. Has a primary diagnosis of schizophrenia, major affective disorder, 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;
3. Is 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
4. Has a 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 at least two of three areas:
   a. Vocational/educational;
   b. Social skills; or
   c. Activities of daily living.

Assessment means the process that a program completes with each consumer to gather information and documentation needed to identify the individual's status, strengths, preferences, and needs in order to develop an Individual Treatment, Rehabilitation, and Recovery Plan. The assessment process must include:

1. Identification of the consumer's status, strengths, needs, ~~and~~ problem(s), resiliencies, experiences (including past trauma), cultural background, and preferences;
2. Identification of the various people and situations involved in the individual's life;
3. Determination of the consumer's strengths, ~~and~~ weaknesses, resiliencies, experiences (including past trauma), cultural background, and preferences to address the identified problem(s); and
4. The goals that the consumer wants to accomplish in receiving services.

Behavioral Health Disorder means mental illness or alcoholism, drug misuse, problem gambling, or other addictive disorder.

Behavioral Health~~/Medicaid~~ Adult Service~~s~~ Definitions means a set of standards ~~statements (posted on the Department's website)~~ that specify requirements for services that are covered by the Division of Behavioral Health ~~and/or the Division of Medicaid and Long-Term Care~~. These standards are attached and incorporated in these regulations by this reference and are posted on the Department's website. ~~statements include funding sources, setting, licensure requirements, basic definition of the service, service expectations, length of service, staffing requirements, hours of operation, desired consumer outcome, description of rates, and clinical guidelines (admission, exclusions, continued stay, and discharge). The adult services definitions are adopted jointly by the Division of Behavioral Health and the Division of Medicaid and Long-Term Care. Every effort has been to make these consistent to the extent possible. The regulations in this title~~ These service definitions will be very close to the Division of Medicaid and Long-Term Care's service definitions, but there may be some differences.

Behavioral Health Region means a behavioral health geographic region established by Neb. Rev. Stat. §71-807. May also be referred to as a "region".

Behavioral Health Services means services, including, but not limited to, consumer-provided services, support services, inpatient and outpatient services, and residential and nonresidential services, provided for the prevention, diagnosis, and treatment of behavioral health disorders and the rehabilitation and recovery of persons with behavioral health disorders.

Community-Based Behavioral Health Services or Community-Based Services means behavioral health services that are not provided at a Regional Center.

Confidentiality means the legal requirement and ethical principle that a provider or a program will not reveal any information disclosed during the course of service provision. Information received by program staff or maintained in the service records which deals with the identity, diagnosis, prognosis, treatment, rehabilitation, or 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 state and federal law.

Consumer means an individual who is utilizing substance use disorder, mental health, problem gambling, or other addiction services. ~~from licensed or certified professionals.~~

Cultural Competence means an integrated pattern of human behavior, which included but is not limited to thought, communication, languages, beliefs, values, practices, customs, courtesies, rituals, manners of interacting, roles, relationships, and expected behaviors related to a racial, ethnic, religious, social, or political group or individuals with disabilities, and the ability to transmit the above to succeeding generations. The capacity of an organization and its personnel to communicate effectively and convey information in a manner that is easily understood by diverse audiences.

Department means the Nebraska Department of Health and Human Services.

Diagnostic Statistical Manual (DSM) means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders as published by the American Psychiatric Association.

Director means the Director of Behavioral Health.

Division means the Division of Behavioral Health of the Department of Health and Human Services.

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

EPC (Emergency Protective Custody) means a situation in which an individual who is believed to be mentally ill and dangerous or a dangerous sex offender and for whom there is a substantial risk of serious harm to others or to oneself is taken into custody by a law enforcement officer and admitted to an appropriate facility for a limited period of time.

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 adults (age ~~18~~19 and older), 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.

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 the five following areas:

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, or housing services; or
5. Recognition and avoidance of common dangers or hazards to self and possessions.

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 situation, 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 behavioral health diagnoses; or (3) a history of dangerousness to self or others.

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.

Gambling means betting money or something of value on the outcome of a game, contest, or other event where the results lie in chance and the outcomes are uncertain. For an activity to be considered gambling in Nebraska, it must include all of the following three elements: paying (betting with monies, goods, or services) to play, an element of chance, and a prize or payout.

HIPAA means the Health Insurance Portability and Accountability Act.

Medical Assistance Program means the program established pursuant to the Medical Assistance Act, also known as Medicaid.

National Accreditation means meeting the standards set by The Joint Commission (TJC), the Commission on Accreditation of Rehabilitation Facilities (CARF), the Council on Accreditation (COA), or other nationally recognized accreditation organization(s) approved by the Director.

Peer Support Services means ~~persons with behavioral health disorders as defined by Nebraska law meeting as equals with others with similar issues to give them the benefit of their learned experiences, encouragement, and support to help them resolve those issues~~ individualized, recovery-focused services, based on a mutual relationship between consumers that allows a consumer the opportunity to learn to manage his/her own recovery and advocacy process. Activities of Peer Support serve to move the individual to a place of wellness and recovery through demonstration that recovery and wellness are possible, sharing of wellness planning tools, group facilitation, empowering the individual with advocacy and self-help skills and supports, relaxation response training, engaging individuals with natural supports, understanding the importance of shared decision-making, self-advocacy, communication, creating relationships of quality, and education of training staff about the importance of the individual's needs to enhance wellness and recovery. Unique services include but are not limited to peer perspective crisis prevention, smoking cessation, peer-run respite, support groups, relaxation response training, and warm lines.

Prevention Systems means, for the purpose of substance abuse services, purposeful, effective, and sustained partnerships of agencies, organizations, and individuals committed to preventing

substance abuse, addictive disorders, and related societal problems. Prevention systems are designed to operate at the community level embracing community culture while leading the development of strong, sustainable, community-based prevention activities focused on producing pro-social changes. Prevention system activities are designed to prevent the onset and reduce the progression of substance abuse; reduce substance abuse-related problems in communities; and build prevention capacity and infrastructure at the State/Tribal and community level.

Problem Gambling means gambling to the extent that it causes emotional, family, legal, financial, or other problems for the gambler and the people around the gambler. A problem gambler is an individual who is experiencing problems of any kind as a result of his/her gambling behavior. In these regulations, the term Problem Gambling also includes the continuum of levels of severity including Pathological Gambling.

> Pathological Gambling means features of persistent, recurrent, maladaptive gambling behavior that disrupts personal, family, or other pursuits. A pathological gambler is an individual who suffers from a pathological gambling disorder as described by clinical criteria in the DSM-IV.

Problem Gambling Counseling means rendering counseling services, under clinical supervision when necessary, to problem/pathological gambling consumers for remuneration. Specific tasks must include, but are not limited to:

1. Responding to consumer needs during periods of acute emotional and/or physical distress related to problem gambling behavior via application of appropriate counseling techniques;
2. Assisting consumers to evaluate their gambling behaviors and to identify problem/pathological gambling when it exists; and
3. Assisting consumers through the counseling relationship to develop understanding, define goals, plan action, and change the problem gambling behavior, taking into consideration the consumer's abilities, aptitudes, needs and desires.

Problem Gambling Clinician means an individual who possesses the specialized knowledge and skills in the field of problem/pathological gambling who is a Certified Compulsive Gambling Counselor (CCGC); or is fully licensed (not provisionally licensed) in a profession whose scope of practice includes diagnosing and treating problem gambling disorders.

Provider means an organization or individual that has contracted with one of the Regional Behavioral Health Authorities to provide publicly-funded behavioral health services to consumers.

Psychological Trauma means events or experiences that confront the person directly or as a witness where there exists an immediate perceived threat of death, extreme human suffering, severe bodily harm or injury, coercive exploitation or harassment, or sexual violation. Response to traumatic event involves intense fear, helplessness, or horror. Psychological trauma has a direct impact on the brain, body, and stress response system. This disrupts the cognitive, emotional, physical, spiritual, and relational functioning. Persons with severe and persistent

behavioral health problems, including mental illness, and/or substance use disorders, often have experienced trauma. Many suffer from post-traumatic symptoms which exacerbate their other behavioral health problems, impair their psychosocial functioning, and interfere with the quality of their lives. Traumatic events may include rape, physical, emotional, or sexual abuse, war combat, urban street violence, torture, motor vehicle accidents, natural disasters and violence associated with crime.

Public Behavioral Health System means the statewide array of behavioral health services for children and adults provided by the public sector or private sector and supported in whole or in part with funding received and administered by the Department, including behavioral health services provided under the Medical Assistance Program (Medicaid).

Recovery means ~~the process of changing one's attitudes and values to emphasize hope, self-empowerment, and the development of new purpose in one's life~~ a process of healing the mind, body, and spirit; inclusive of transformation of individuals with behavioral health conditions (consumers), family and friends, communities, and care systems to equip the person with the choices and rights of all citizens. This transformation or change can influence individual goals, roles, skills, attitudes that result in moving from hopelessness to hopeful life, dysfunctional relationships to quality relationships, and from illness to wellness.

Regional Behavioral Health Authority (RBHA) means the regional administrative entity responsibility for each behavioral health region.

Regional Behavioral Health Authority Network means those providers who have contracted with a regional behavioral health authority to form a network to provide behavioral health services in that region.

Regional Center means one of the state hospitals for persons with mental illness as designated in Neb. Rev. Stat. § 83-305.

Regional Center Behavioral Health Services or Regional Center Services means behavioral health services provided at a Regional Center.

Regional Governing Board means an entity established in each behavioral health region by the counties which governs the regional behavioral health authority (RBHA). The board consists of one county board member from each county in the region. Each regional governing board appoints a regional administrator who is responsible for the administration and management of the RBHA. The regional governing board of each RBHA, in consultation with all counties in the region, determines the amount of funding to be provided by each county under Neb. Rev. Stat. § 71-808.

Rehabilitation means services to promote recovery, full community integration and improved quality of life for persons who have been diagnosed with any mental health condition that seriously impairs their ability to lead meaningful lives. Rehabilitation services are collaborative, consumer-directed and individualized. They focus on helping individuals develop skills and access resources needed to increase their capacity to be successful and satisfied in the living, working, learning, and social environments of their choice.

Screening means the process by which the consumer is determined appropriate and eligible for admission to a particular program.

Secondary Consumer means a family member who has utilized substance use disorder, mental health, gambling, or other addictions services from licensed or certified professionals. This includes 'treatment of the significant other' as identified in the services of problem gambling treatment.

Strength-based means an ongoing approach that identifies the positive resources and abilities that an individual possesses. These strengths are then built upon by developing strategies to address the identified needs in order to achieve a defined outcome.

Subcontractor means an individual or business firm that contracts to perform part or all of the provider's/program's obligations under a primary contract.

System Management means the managed care vendor contracted with the Division of Behavioral Health.

Telehealth means the delivery of health-related services and information via telecommunication technologies.

Trauma-informed Services means services that are informed about, and sensitive to, trauma-related issues present in survivors; but they need not be specifically designed to treat symptoms or syndromes related to sexual or physical abuse or other trauma. Trauma-informed services are provided based on an understanding of the vulnerabilities or triggers of trauma survivors that traditional service delivery approaches may exacerbate, so that these services and programs can be more supportive and avoid re-traumatization. Trauma-informed services are designed to include a basic understanding of how trauma impacts the life of an individual seeking services.

Trauma-informed System means one in which all components of a given service system have been reconsidered and evaluated in the light of a basic understanding of the role that violence plays in the lives of people seeking mental health and addictions services. A 'trauma informed' system uses that understanding to design service systems that accommodate the vulnerabilities of trauma survivors and allows services to be delivered in a way that will avoid re-traumatization and will facilitate consumer participation in treatment. It also requires, to the extent possible, closely knit collaborative relationships with other public sector service systems serving these clients and the local network of private practitioners with particular clinical expertise in traumatology" (Harris & Fallot, 2001).

Treatment means clinical evaluations and/or interventions provided to consumers to ameliorate disability or discomfort and/or reduce signs and symptoms of a behavioral health diagnosis.