

14 NYCRR Parts 587, 593 and 594
Express Terms

1. Subparagraph (vi) of paragraph (4) of subdivision (c) of Section 587.4 of Title 14 NYCRR is amended to read as follows:

- (vi) rehabilitation services provided to a resident of OMH rehabilitation treatment services [and family based treatment programs];

2. Paragraph (5) of subdivision (a) of Section 593.4 of Title 14 NYCRR is amended to read as follows:

(5) *A residential program for children and adolescents*, for purpose of this Part, means [family based treatment,] teaching family home and community residence programs licensed pursuant to Part 594 of this Title.

3. Paragraphs (1) and (2) of subdivision (b) of Section 593.7 of Title 14 NYCRR are amended to read as follows:

(1) A full monthly rate will be paid for services provided to an eligible resident in residence for at least 21 days in a calendar month, who has received at least four contacts with a staff person of the program. For a [family-based treatment program or a] teaching family home program, a youth shall have received at least 11 contacts, at least three of which must be provided by authorized program staff other than the [professional family or] teaching parents. At least four different community rehabilitative services must have been provided.

(2) A half monthly rate will be paid for services provided to an eligible resident in residence for at least 11 days in a calendar month, who has received at least two contacts with a staff person of the program. For a [family-based treatment program or a] teaching family home program, a youth shall have received at least six contacts, at least two of which must be provided by authorized program staff other than the

[professional family or] teaching parents. At least two different community rehabilitation services must have been provided.

4. Subdivision (c) of Section 593.7 of Title 14 NYCRR is amended to read as follows:

(c) The rates for each approved residential program for adults [as well as] and community residence programs for children [and family based treatment programs] shall be established by the Office of Mental Health, subject to the approval of the Director of the Budget, pursuant to the following criteria:

NOTE: PARAGRAPHS (1) –(3) OF THIS SUBDIVISION REMAIN UNCHANGED.

5. Subdivision (b) of Section 594.1 of Title 14 NYCRR is amended to read as follows:

(b) It is the purpose of these regulations to establish standards for licensed housing programs which provide residential treatment alternatives for children and youth who require such treatment in this setting due to a serious emotional disturbance. This Part sets forth standards for licensed housing for [four] three types of residential options: [family-based treatment homes,] teaching family homes, community residences, (including the Community Residence for Eating Disorder Integrated Treatment “CREDIT” Program), and Crisis Residences.

6. Subdivision (a) of Section 594.3 of Title 14 NYCRR is amended to read as follows:

(a) This Part applies to the operation or proposed operation of a licensed housing program, including [family-based treatment,] teaching family home, crisis residence, and community residence programs, including Community Residence for Eating Disorder Integrated Treatment (CREDIT) programs, for children and adolescents licensed pursuant to article 31 of the Mental Hygiene Law.

7. Subparagraph (i) of paragraph (2) of subdivision (a) of Section 594.4 of Title 14 NYCRR is amended to read as follows:

- (i) for persons admitted to licensed housing programs[,] (including [family-based treatment,] teaching family homes, community residence programs that are not CREDIT programs, or State operated licensed housing programs for children and adolescents), an individual who has attained at least the 5th birthday but not the 18th; or

8. Paragraph (10) of subdivision (a) of Section 594.4 of Title 14 NYCRR is repealed and paragraphs (11) through (14) are renumbered as (10) through (13).

9. Paragraph (1) of subdivision (g) of Section 594.5 of Title 14 NYCRR is repealed and paragraphs (2) and (3) are renumbered as (1) and (2).

10. Subparagraph (ii) of paragraph (7) of subdivision (b) of Section 594.6 of Title 14 NYCRR is amended to read as follows:

- (ii) written personnel policies which provide for screening of employees [and FBT parents] through the New York Statewide Central Register of Child Abuse and Maltreatment, verification of employment history, personal references, work record and qualifications, as well as requesting the Office to perform criminal history record checks in accordance with Part 550 of this Title;

11. Subdivisions (c) and (d) of section 594.8 of Title 14 NYCRR are amended to read as follows:

- (c) The provider of a [family-based treatment,] teaching family home[,] or community residence[,] that is not a CREDIT program[,] must establish an intake committee to review the applications of children and adolescents referred for admission to the program from the youth's home single point of access

process (or similar successor process) and determine the eligibility for admission to such program. The intake committee shall, at a minimum, include appropriate representation from the residential program and other agencies impacting the care and treatment of the child such as, but not limited to, the local governmental unit, social service district, school district, and family and consumer representation.

(d) A referral for admission to a [family-based treatment,] teaching family home or community residence program that is not a CREDIT program shall be submitted to the provider from the youth's home single point of access process (or similar successor process). Each referral must contain the following documents, and all assessments must have occurred within the last 90 days, except for the educational assessment which must have occurred within the last year:

NOTE: PARAGRAPHS (1) –(7) OF THIS SUBDIVISION REMAIN UNCHANGED.

12. Subdivision (f) of Section 594.8 of Title 14 NYCRR is repealed and subdivisions (g) through (l) are amended and re-lettered as follows:

(f)[For family-based treatment programs, the provider shall establish a policy that articulates the criteria to be used to match the child with FBT parents.

(g)] Prior to placement, each youth referred to a [family-based treatment,] teaching family home[,] or community residence, including a CREDIT program, shall be afforded at least one pre-placement visit to the [FBT family's home,] teaching family home or community residence. Where appropriate, the family shall also be afforded such opportunity.

[(h)](g) Determination of eligibility for acceptance in the [family-based treatment,] teaching family home[,] or community residence, including a CREDIT program, must be made, once all intake materials have been received, within 10 working days.

[(i)](h) If the child is not accepted into the [family-based treatment,] teaching family home or community residence that is not a CREDIT program, the provider shall send a notice of rejection to the

youth's home single point of access committee (or similar successor process entity) and the child or adolescent's parent or guardian, accompanied by an explanation of the rejection and suggestion for other treatment alternatives. If the child is not accepted into a CREDIT program, the CREDIT program will send the notice of rejection to the referral source in a timely manner, but in no event not later than seven days after request has been made.

[(j)](i) Each provider shall develop a discharge policy and specific discharge criteria. The discharge policy shall indicate that the provider will begin discharge planning upon a child or adolescent's admission to the program. Although discharge planning shall begin prior to the youth's 18th birthday, the youth may remain in the program for up to one year following the 18th birthday, if clinically appropriate. The discharge plan must set forth the resident's functional levels and family and community supports needed to enable the youth to move home or live independently. Additionally, the discharge plan must identify goals for the youth to work towards which will strengthen his or her success upon discharge.

[(k)](i) As part of the discharge planning process, for both planned and unplanned discharges, the provider shall ensure that each child or adolescent and family is linked with the appropriate services needed for the youth to successfully transition into the community or other appropriate alternative. Attempts should be made to ensure that the discharge process allows for gradual transition to the child's discharge living environment.

[(l)](k) [Family-based treatment, teaching] Teaching family homes and community residences, including CREDIT programs, shall maintain contact with youth and family for up to 90 days after discharge for the purpose of providing support during transition to the discharge living environment.

13. Subdivisions (a), (c), and (d) of Section 594.10 of Title 14 NYCRR are amended to read as follows:

(a) Services provided within a [family-based treatment,] teaching family home or community residence, including a CREDIT program, shall be provided in accordance with a service plan developed within four weeks of admission to the program. In the case of a community residence that is a CREDIT program or a

crisis residence, the initial service plan must be developed within three days of admission. At the time of admission, an admission note must be prepared and signed by a qualified mental health staff person which, at a minimum, indicates a description of the strengths and needs of the youth, as well as a brief description of the services necessary to meet these needs during the initial period after admission.

(c) Progress notes shall be recorded by authorized program staff members. Such notes shall be prepared at least monthly for all programs other than crisis residence and CREDIT programs, and shall indicate the type of services which have been provided, any significant events which have occurred, progress towards achieving goals of the service plan and, if appropriate, any recommendations for changes to the goals and objectives of the service plan. For [family-based treatment and] teaching family programs, these notes must be based upon daily logs maintained by [FBT or] teaching parents which are reviewed weekly by program staff. For the crisis residence and CREDIT programs, progress notes shall be completed weekly.

(d) The individualized service plan shall be reviewed at least every three months for all programs other than the crisis residence and CREDIT programs with the initial review occurring three months from the date of admission. For crisis residence and CREDIT programs, the service plan must be reviewed weekly. For all programs, review shall include participation of staff [and FBT families] involved in the provision of services to the resident, the resident and/or, if appropriate, the resident's family or other collateral. Such review shall include the following:

NOTE: PARAGRAPHS (1) –(3) OF THIS SUBDIVISION REMAIN UNCHANGED.

14. Subdivisions (j) and (k) of Section 594.11 of Title 14 NYCRR are repealed and subdivision (l) is re-lettered accordingly as subdivision (j). The paragraphs and subparagraphs accompanying subdivision (l) – now known as subdivision (j) - remain unchanged.

15. Subdivision (b) of Section 594.13 of Title 14 NYCRR is repealed and subdivisions (c) and (d) are re-lettered as (b) and (c) respectively.

16. Subparagraph (i) of paragraph (3) of subdivision (a) of Section 594.16 of Title 14 NYCRR is amended to read as follows:

(i) [Family-based treatment, teaching] Teaching family homes and community residences shall meet the requirements of the appropriate chapter LSC for one- and two-family dwellings.

17. Paragraph (1) of subdivision (b) of Section 594.16 of Title 14 NYCRR is amended to read as follows:

(1) Single bedrooms for teaching family homes, community residences and crisis residences shall be at least 90 square feet (exclusive of closets) and a multiple bedroom shall provide at least 75 square feet per resident. [Single bedrooms for family-based treatment programs shall be at least 70 square feet (exclusive of closets) and a multiple bedroom shall provide at least 60 square feet per resident.]

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