

DEPARTMENT OF MENTAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Mental Health, pursuant to the authority set forth in section 114 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.14) (Act), hereby gives notice of the adoption of the following new Chapter 12, of Title 22A, of the D.C. Code of Municipal Regulations, entitled Priority Populations. Chapter 12, Title 22A, DCMR sets forth definitions of priority populations for the Department of Mental Health. No changes have been made to the text of the proposed rule, as published with the Notice of Emergency and Proposed Rulemaking in the D.C. Register on February 22, 2002, at 49 DCR 1734. These final rules will be effective upon publication of this notice in the Register.

Title 22A DCMR is amended by adding the following new Chapter 12:

DEPARTMENT OF MENTAL HEALTH
PRIORITY POPULATIONS RULE**1200 PRIORITY POPULATIONS – GENERAL REQUIREMENTS**

- 1200.1 The Mental Health Service Delivery Reform Act of 2001 (Act), D.C. Official Code §§ 7-1131.01 *et seq.*, requires the Department of Mental Health (DMH) to provide or arrange systems of care to serve the needs of children and youth with mental health problems and adults with mental illness, as defined in Section 102 of the Act, D.C. Official Code § 7-1131.02.
- 1200.2 The Act requires DMH to promulgate rules that define priority populations in order to prioritize service response and system design to focus on consumers with the more severe forms of mental or emotional illness.
- 1200.3 DMH shall issue an annual plan as required by the Act that includes an explanation of how DMH will provide or arrange systems of care to serve the needs of children and youth with mental health problems and adults with mental illness.

1201 CHILDREN OR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE

- 1201.1 Children or youth with serious emotional disturbance includes children and youth under age 22 who currently have, or at any time during the prior year have had, a diagnosable mental, behavioral, or emotional disorder, including those of biological etiology that:

- (a) Is or was of sufficient duration to meet diagnostic criteria specified within the DSM-IV or the ICD9-CM equivalent, except for DSM-IV "V" codes;
- (b) Is neither a substance abuse disorder nor a developmental disorder, unless co-occurring with another diagnosable serious emotional disturbance;
- (c) Results, resulted in, or will without treatment or other support services, result in a functional impairment that either substantially interferes with or limits the consumer's role or functioning in family, school, or community activities, or that limits the consumer from achieving or maintaining one or more developmentally-appropriate social, behavioral, cognitive, communicative, or adaptive skills; and
- (d) Includes functional impairments of episodic, recurrent, and continuous duration but not temporary and expected responses to stressful events in the consumer's environment.

1202**PERSONS WITH SERIOUS MENTAL ILLNESS****1202.1**

Persons with serious mental illness are individuals age 22 or over who currently have, or at any time during the prior year have had, a diagnosable mental, behavioral or emotional disorder (including those of biological etiology) that:

- (a) Is or was of sufficient duration to meet diagnostic criteria specified within DSM-IV or the ICD-9-CM equivalent (and subsequent revisions), except for DSM-IV "V" codes;
- (b) Is not a substance abuse disorder or a developmental disorder, unless co-occurring with another diagnosable mental illness; and
- (c) Results, resulted in, or will without treatment or other support services result in a functional impairment that substantially interferes with or limits one or more major life activities, including basic daily living skills, instrumental living skills, and functioning in social, family and vocational or educational contexts.

1299**DEFINITIONS**

"Basic daily living skills" - skills necessary to handle life activities, including but not limited to eating, bathing and dressing.

"Capacity" - the ability to understand and appreciate the nature and consequences of the proposed treatment, including the benefits and risks of,

and alternatives to, the proposed treatment, and to make and communicate a decision regarding the proposed treatment.

“Consumer” – an adult, child or youth who seeks or receives mental health services or mental health supports funded or regulated by the Department of Mental Health.

“DMH” - the Department of Mental Health, the successor in interest to the District of Columbia Commission on Mental Health Services.

“DSM-IV” – the most recent version of the Diagnostic and Statistical Manual of Mental Disorders as amended from time to time.

“DSM-IV ‘V’ Codes” – “V” codes as defined in the DSM-IV.

“ICD-9-CM” – the most recent version of the International Classification of Diseases Code Manual as amended from time to time.

“Mental Illness” - a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.