

**Rule 560-X-10-.20 Conditions Under Which Nursing Facilities are Not Classified as Mental Disease Facility Under Title XIX**

(1) Nursing facilities located on grounds of State Mental Hospitals or in the communities, must follow the required criteria to meet specific conditions in order to be eligible for Federal matching funds for care provided to all individuals eligible under the State Plan.

(2) The Alabama Medicaid Agency is responsible for coordinating with the proper agencies concerning the mental disease classification of nursing facilities. Facilities are NOT considered institutions for mental disease if they meet the following criteria:

(a) The facility is established under State law as a separate institution organized to provide general medical care and does offer and provide such care.

(b) The facility is licensed separately under a State law governing licensing of medical institutions other than mental institutions.

(c) The facility is operated under standards which meet those for nursing facilities established by the responsible State authority.

(d) The facility is operated under policies which are clearly distinct and different from those of the mental institutions and which require admission of patients from the community who need the care it provides.

(e) The facility is dual certified under Title XVIII and XIX.

(f) The facility is not maintained primarily for the care and treatment of individuals with mental disease.

(3) If the facility under examination meets one of the following criteria, it is deemed to be maintained primarily for the care and treatment of individuals with mental disease:

(a) It is licensed as a mental institution;

(b) It is advertised as a mental institution;

(c) More than fifty percent (50%) of the patients are receiving care because of disability in functioning resulting from a mental disease. Mental diseases are those listed under the heading of Mental Disease in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, International Classification of Diseases, adopted for use in the United States (ICD-910 or its successors), except for ~~mental retardation~~ intellectual disability.

(4) Mental illness definition: An individual is considered to have mental illness if he or she has a current primary or secondary diagnosis of a major mental disorder (as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition or its successors), and does not have a primary diagnosis of dementia (including Alzheimer's disease or a related disorder).

**Author:** Robin Arrington, Associate Director, LTC Provider/Recipient Services Unit.

**Statutory Authority:** State Plan; Title XIX, Social Security Act; 42 C.F.R. Section 401, et seq. and 483.

**History:** Rule effective October 1, 1982. Emergency rule effective January 1, 1989 and February 1, 1989. Amended April 14, 1989 and May 12, 1989. Emergency rule effective January 1, 1990. Amended April 17, 1990. Emergency rule effective October 1, 1990. Amended February 13, 1991.

**Amended:** Filed November 17, 2016.