**Section 140.TABLE O Criteria for Participation as a Behavioral Health Clinic**

a) General Requirements. A Behavioral Health Clinic (BHC) shall:

1) Operate in a manner compliant with all applicable State and federal laws, regulations and adopted policies and procedures;

2) Establish and maintain policies and procedures to be used by all staff in the administration of programs and delivery of services;

3) Ensure facilities, staff and services are culturally competent, consistent with the needs of individuals served. Culturally competent shall mean compliance with the national Culturally and Linguistically Appropriate Standards (CLAS) (https:www.thinkculturalhealth.hhs.gov/clas), as detailed by the HHS Office of Minority Health;

4) Establish policies, protocols, and other necessary contracts or agreement to ensure individuals can access and maintain active support from an independent practitioner licensed by the State of Illinois to provide consultation, evaluation, prescription and management of medication; and

5) Hold, at a minimum, quarterly meetings with individuals served and community stakeholders to obtain feedback.

b) Clinic Location. BHC locations must meet the following standards:

1) Not be an individual's residence or a home;

2) Provide a sanitary and comfortable environment for individuals and staff conducive to the provision of behavioral health services;

3) Establish and maintain policies and procedures specific to emergency disaster plans, fire evacuation plans, and procedures for managing the basic maintenance of the site;

4) Provide an environment reflective of the interventions being offered and populations being served that, at a minimum, shall afford privacy to individuals;

5) Meet health and safety standards, as applicable;

6) Be accessible in accordance with the Americans With Disabilities Act of 1990 (42 USC 12101), as amended, and the Illinois Accessibility Code (71 Ill. Adm. Code 400) and the ADA Accessibility Guidelines (28 CFR 36), whichever is more stringent. Providers must maintain a written policy for reasonable accommodations for the provision of services to individuals unable to access the provider's sites due to physical inaccessibility;

7) Display a current letter from the Office of the State Fire Marshal or the local fire authority demonstrating annual compliance with 41 Ill. Adm. Code Part 100; and

8) Comply with building codes adopted by local ordinance.

c) Personnel Standards. A BHC shall:

1) Maintain sufficient staff of appropriate training and credentialing to meet the requirements for service delivery;

2) Employ a full-time Clinical Director who meets the requirements of a Licensed Practitioner of the Healing Arts (LPHA) to oversee and direct the clinical functions of the BHC;

3) Perform and record sufficient background checks on all prospective employees, volunteers, interns, unpaid personnel, or other individuals who are prospective agents of the BHC. Background checks shall be retained in the individual's personnel record. The BHC shall, at a minimum:

A) Access the Department of Public Health's Health Care Worker Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the provider shall not engage him/her in any capacity;

B) Perform background checks in compliance with requirements set forth in the Health Care Worker Background Check Act [225 ILCS 46] and in the Illinois Department of Public Health's rules (77 Ill. Adm. Code 955);

C) Review the Provider Sanctions List provided by the HFS Office of Inspector General (HFS OIG) to ensure the provider is not on the list of sanctioned providers. The provider shall not employ or contract with any provider found on the HFS OIG Provider Sanctions List; and

D) Meet any additional background check requirements required by the population or funder as approved by the Department.

d) Organizational Requirements. A BHC shall:

1) Maintain an appropriate level of insurance against professional and physical liabilities;

2) Not subcontract for the delivery of services detailed in Section 140.453.

e) Service Delivery Requirements. A BHC shall:

1) Coordinate service delivery with the individual's primary care provider, care coordination entity, and/or managed care entity;

2) Seek to enhance individual engagement through the:

A) Availability of services during non-traditional working hours (e.g., weekends and evening periods); and

B) Delivery of services in the home or other community-based settings.

3) Develop policies and procedures to ensure individuals receive referrals for substance use disorder treatment services, as needed.

(Source: Added at 42 Ill. Reg. 12986, effective June 25, 2018)