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CMS Proposes Community Mental Health Centers Conditions of Participation

By: [Christopher P. Dean](#)

The Centers for Medicare and Medicaid Services (CMS) published proposed conditions of participation (COP) for community mental health centers (CMHC) in the Federal Register on June 17, 2011. The proposed rule can be located at: www.gpo.gov/fdsys/pkg/FR-2011-06-17/pdf/2011-14673.pdf. The proposed rule, if finalized, would create the first set of COPs that CMHCs would need to satisfy to participate in the Medicare program. Issues addressed in these proposed COPs include restrictions on professionals who deliver care, client rights, the use of restraints, and the administration and governance of CMHC services. The open comment period for the proposed rule will close on August 5, 2011.

The proposed rule would establish COPs that include the following: (i) personnel qualifications, including licensure and educational requirements; (ii) client rights requiring a CMHC to inform each client in a manner in which the client or the client's representative understands; (iii) restraint rules that would prohibit physicians from ordering restraint on a client of a CMHC for more than one-hour periods; (iv) admission, transfer, and discharge of clients requirements; (v) the coordination of client services to require the CMHC to have an interdisciplinary approach to the delivery of care; (vi) a requirement that each CMHC develop a quality assessment and performance improvement program; and (vii) organizational, administration and governance of the CMHC, including staff training, the manner in which the CMHC is administratively supervised, and how the CMHC measures and meets a requirement that each CMHC provide at least 40% of its services to non-Medicare beneficiaries.

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The proposed COPs would establish initial thresholds that each CMHC must meet before providing care to Medicare beneficiaries. The proposed rule, if finalized, will likely not take effect until twelve months after the publication of the final rule to give each CMHC time to conform with the new COPs. Existing CMHCs, as well as physicians, psychiatrists, clinical psychologists, clinical social workers, occupational therapists, and psychiatric registered nurses who provide health care to patients of CMHCs, should consider reviewing and commenting on these newly proposed practice and administrative restrictions.

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