



Excerpt from [Title 175 Chapter 18](#)

18-001 SCOPE

These regulations govern licensure of substance abuse treatment centers.

The regulations are authorized by and implement the Health Care Facility Licensure Act, Neb. Rev. Stat. sections 71-401 to 71-462.

18-001.01 These regulations apply to:

18-001.01A Inpatient Facilities

18-001.01A1 An in patient facility is any private dwelling, where:

1. Shelter; and
2. Food, and
3. Care, or treatment, or maintenance, or related services are directly provided or arranged for by the facility to persons who are substance abusers living in a group setting.

18-001.01A2 Inpatient facilities are residential settings.

18-001.01B Outpatient facilities An outpatient facility is a program or service provided for less than 24 consecutive hours primarily or exclusively to persons who are substance abusers.

18-001.01B1 Outpatient substance abuse treatment centers do not include services that can be rendered only by a physician or within a hospital.

18-001.01B2 Outpatient facilities are non-residential programs.

18-001.02: These regulations do not apply to:

18-001.02A Self-run or self-help programs;

18-001.02B A home, apartment or facility which does not exercise even minimum supervision over the personal care, activities of daily living, or health maintenance of the clients; or

18-001.02C Licensed or certified professionals who are in private practice providing services under their individual professional license or certification.

18-002 DEFINITIONS

Abuse means any knowing, intentional, or negligent act or omission on the part of a person which results in physical, sexual, verbal, or mental abuse, unreasonable confinement, cruel punishment, exploitation, or denial of care, treatment or services to a client.

Activities of daily living (See definition of “Care”.)

Adjoining means located to allow access without having to enter a general corridor area used or observed by other facility occupants.

Administrator means the operating officer of a substance abuse treatment center and may include such titles as administrator, chief executive officer, manager, superintendent, director or similar designation.

Apartment means the portion of a building that contains: living and sleeping areas; storage room(s); separate room(s) containing a toilet, lavatory, and bathtub or shower; and a kitchen area with a sink, and cooking and refrigeration appliances.

Applicant means the individual, government, corporation, partnership, limited liability company or other form of business organization who applies for a license.

Care means the exercise of concern or responsibility for the comfort, welfare, and habilitation of persons, including a minimum amount of supervision and assistance with or the provision of personal care, activities of daily living, health maintenance activities, or other supportive services.

1. Activities of daily living means transfer, ambulation, exercise, toileting, eating, self-administered medication, and similar activities;
2. Health maintenance activities means noncomplex interventions which can safely be performed according to exact directions, which do not require alteration of the standard procedure, and for which the results and client responses are predictable; and
3. Personal care means bathing, hair care, nail care, shaving, dressing, oral care, and similar activities.

Chemical restraint means a drug that is used for discipline or staff convenience and is not required to treat medical symptoms.

Civil protective custody means the taking custody:

1. Of an intoxicated person who is on public or quasi public property;
2. For not longer than 24 hours;
3. In order to preserve life or prevent injury;
4. By a law enforcement officer in whose judgement the person is a danger to self or others or is otherwise incapacitated;
5. As provided in Neb. Rev. Stat. section 53-1,121.

Client means any person receiving care and/or treatment in a residential or nonresidential substance abuse treatment center.

Complaint means an expression of concern or dissatisfaction.

Completed application means an application that contains all the information specified in 175 NAC 18-003 and includes all required attachments, documentation, and the licensure fee.

Counseling means a professional relationship in which a mental health practitioner assists the client to understand, cope with, solve, and/or prevent problems, such as, but not limited to areas of education, vocation, and/or interpersonal relationships in the social environment.

Crisis management means treatment provided to immediately resolve an acute physical, social, or psychological emergency. It may include temporary housing, food, care, treatment, or referral to an emergency medical service or to a facility appropriate to meet the needs of the person. It is frequently the entry point into the continuum of care and provides an initial screening and evaluation.

Department means the Department of Health and Human Services Regulation and Licensure.

Designee means a person who is authorized by law or by the client to act on his or her behalf, for example: a parent of a minor child, a legal guardian, a conservator, and an attorney in fact named in a durable power of attorney for health care.

Diagnosis means the act or process of identifying or determining the nature of a disease by way of examination.

Direction and monitoring, means, for the purpose of medication administration, the acceptance of responsibility for observing and taking appropriate action regarding any desired effects, side effects, interactions and contraindications associated with the medication. Direction and monitoring may be done by a:

1. Competent individual for himself or herself;
2. Caretaker; or
3. Licensed health care professional.

Director means the Director of Regulation and Licensure.

Dwelling means a building that contains living and sleeping areas; storage room(s); separate room(s) containing a toilet, lavatory, and bathtub or shower; and a kitchen area with a sink, and cooking and refrigeration appliances.

Emergency detoxification program means civil protective custody and/or social setting emergency detoxification.

Existing facility means a substance abuse treatment center whose construction or remodeling plans were approved by the Department prior to the effective date of 175 NAC 18.

Facility means a substance abuse treatment center.

Financial exploitation means the taking of property of a client by means of undue influence, breach of a fiduciary relationship, deception, or extortion or by any unlawful means.

Five rights means getting the right drug to the right recipient in the right dosage by the right route at the right time.

Food means nourishment or meals directly provided or arranged for the client by the facility regularly.

Food Code means the Nebraska Food Code, 1999 Edition, Chapters 1-7 as published by the Nebraska Department of Agriculture, Bureau of Dairies and Foods.

Foreign, when applied to a corporation, means one incorporated in a state other than Nebraska.

Grievance means a written expression of dissatisfaction which may or may not be the result of an unresolved complaint.

Health care facility means an ambulatory surgical center, an assisted-living facility, a center or group home for the developmentally disabled, a critical access hospital, a general acute hospital, a health clinic, a hospital, an intermediate care facility, an intermediate care facility for the mentally retarded, a long-term care hospital, a mental health center, a nursing facility, a pharmacy, psychiatric or mental hospital, a public health clinic, a rehabilitation hospital, a skilled nursing facility, or a substance abuse treatment center.

Health care service means an adult day service, a home health agency, a hospice or hospice service, or a respite care service.

Health maintenance activities (See definition of “Care”.)

Individualized service plan (ISP) means a written action plan based on assessment data that identifies the client’s needs and the strategy for providing care and/or treatment to meet those needs.

Inpatient facility means a residential facility that provides food, shelter, and an organized program of therapeutic activities that includes evaluation, rehabilitation, care and/or treatment for persons who are substance abusers.

Licensed health care professional means an individual for whom administration of medication is included in the scope of practice.

Licensee means the individual, government, corporation, partnership, limited liability company, or other form of business organization legally responsible for the operation of the facility and to whom the Department has issued a license.

Maintenance activities means provision of services intended to support the person who is a substance abuser to reduce or eliminate the abuse of substances.

Manual restraint means the direct application of physical force by staff to a client, without the client’s permission, to restrict his or her freedom of movement, without the use of mechanical or chemical restraints.

Mechanical restraint means any device, such as, a material or piece of equipment (such as, leather straps/belts and steel cuffs) attached or adjacent to an individual’s body that he or she cannot remove easily and that restricts freedom of movement or normal access to his or her own body. This does not include the use of protective devices, such as, orthopedic appliances, braces or other devices used for postural support or to assist in obtaining and maintaining normal bodily functioning.

Medical practitioner means any licensed physician, osteopathic physician, dentist, podiatrist, optometrist, chiropractor, physician assistant, certified registered nurse anesthetist, advanced practice registered nurse, or certified nurse midwife.

Medication means any prescription or nonprescription drug intended for treatment or prevention of disease or to affect body function in humans.

Medication administration means:

1. Providing medications for another person according to the five rights;
2. Recording medication provision; and
3. Observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired effects, side effects, interaction, and contraindications associated with the medication.

Medication aide means an individual who is listed on the medication aide registry operated by the Department as provided in 172 NAC 95 and 96.

Medication provision means giving or applying a dose of medication to an individual and includes helping an individual in giving or applying the medication to himself or herself.

Mental abuse means humiliation, harassment, threats of punishment or deprivation, or other actions causing mental anguish.

NAC means Nebraska Administrative Code.

Neglect means a failure to provide care, treatment or services necessary to avoid physical harm or mental anguish of a client.

New construction means a facility or a distinct part of a facility in which care and treatment is to be provided and which is enlarged, remodeled or altered in any fashion or is built from the ground up on or after the effective date of 175 NAC 18.

New facility means a facility or a distinct part of a facility in which care and treatment is to be provided and which is enlarged, remodeled or altered in any fashion. New facility also includes those facilities, which were previously licensed for care and treatment in another licensure category which now seeks licensure in a different category and those facilities that were not previously licensed to provide care and treatment in any licensure category.

Outpatient facility means an organized program of therapeutic activities that includes evaluation, rehabilitation, care and/or treatment on a regularly scheduled basis or in response to crisis management for persons who are substance abusers that are not residents of this facility but receive care and treatment in non-residential setting.

Personal care (See definition of “Care”.)

Physical abuse means hitting, slapping, pinching and kicking or other actions causing injury to the body.

Premises means a facility, the facility’s grounds and each building or grounds on contiguous property used for administering and operating a facility.

PRN means an administration scheme, in which a medication is not routine, is taken as needed, and requires assessment for need and effectiveness.

Qualified inspector means a professional architect or engineer licensed to practice in Nebraska, an official or employee of a local jurisdiction authorized by that jurisdiction to make inspections of particular building equipment or systems, or an individual certified by a nationally recognized organization to make such inspections.

Related services means those activities that assist the client in carrying out their therapeutic activities as outlined in their individualized service plan.

Restraints means the use of manual, mechanical, chemical or other means to temporarily subdue an individual or otherwise limit a person’s freedom of movement. (See definitions of “Mechanical restraints”, “Chemical restraints”, and “Manual restraints”.)

Schematic plans means a diagram of the facility which describes the number and location of beds; the location of care and treatment rooms, Life Safety Code construction and occupancy classifications locations, fire compartments, and Fire Marshal approved points of safety.

Seclusion means the involuntarily confinement of an individual in a locked room. A locked room includes a room with any type of door locking device, or physically holding the door shut. (See definition of “Time-out”.)

Self-help program means a program, in which persons who are substance abusers provide mutual support and encouragement to avoid substance abuse. If a substance abuse professional is involved in a self-help program it is only in an advisory or informational rather than a supervisory or administrative capacity.

Self-run program means a program, which may be residential, which is operated by persons who are substance abusers for their own benefit. If a substance abuse professional is involved in a self-run program it is only in an advisory or informational rather than a supervisory or administrative capacity.

Sexual abuse means sexual harassment, sexual coercion, or sexual assault.

Shelter means lodging that is directly provided to the client or arranged for the client by the facility for compensation.

Social setting emergency detoxification means a program, as described in 203 NAC 5-021, for the treatment of individuals who are experiencing acute intoxication and whose condition necessitates observation by a qualified person but does not necessitate medical treatment.

Substance abuse means the abuse of substances which have significant mood-changing or perception-changing capacities, which are likely to be physiologically or psychologically addictive, and the continued use of which may result in negative social consequences.

Supervision means the daily observation and monitoring of clients by direct care staff and oversight of staff by the administrator or administrator’s designee.

Supportive services means those services which support personal care, provision of medications, activities of daily living and health maintenance activities.

Therapeutic activity means a professionally directed set of actions designed to lessen the effects of the disease whether physical or mental and designed to facilitate a behavior change in the individual.

Time-out means the removal of a client from the setting in which he or she is exhibiting inappropriate behavior until the client exhibits appropriate behavior. Staff requires the client to remain in an unlocked room or area where there are no other individuals except for staff monitoring the client.

Treatment means a therapy, modality, product, device, or other intervention used to maintain well being or to diagnose, assess, alleviate, or prevent a disability, injury, illness, disease, or other similar condition.

Verbal abuse means the use of oral, written, or gestured language including disparaging and derogatory terms to clients or within their hearing distance, or within their sight.