

Adult Social Care

Approved Mental Health Professional (AMHP) Policy & Procedure

Approved Mental Health Professional (AMHP) for Adult Social Care Policy Governance

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| Title | Approved Mental Health Professional (AMHP) Policy & Procedure |
| Purpose/scope | To support the practice, approval and re-approval of Approved Mental Health Professionals (AMHP) under the Mental Health Act 2007 within the boundaries of Telford & Wrekin Council. |
| Subject key words | <ul style="list-style-type: none"> • AMHP, Mental Health (see key definitions below) |
| Council Priority | <ol style="list-style-type: none"> 1. Every child, young person and adult lives well in their community 2. Everyone benefits from a thriving economy 3. All neighbourhoods are a great place to live 4. Our natural environment is protected, and the Council has a leading role in addressing the climate emergency 5. A community-focussed, innovative council providing efficient, effective and quality services. |
| Lead author & contact details | Lyn Hall |
| Date Established | February 2017 |
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| Service Improvement & Efficiency Validation | |
| Legal Sign Off | Not Applicable |
| Finance Sign Off | Not Applicable |
| Approver | Director – Adult Social Care |

DEFINITIONS

- AMHP – Approved Mental Health Professional
- AMHP Lead - The professional lead responsible for AMHPs’ practice and service delivery
- Approval – in the regulations under The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 (Statutory Instrument 2008 No 1206); approve and approval include re-approve and re-approval
- Approval – statutory status with national recognition agreed for a 5 year term
- Authorisation – local official status based on additional criteria agreed for flexible periods up to 5 years

- CYP – Children & Young People
- EDT – Emergency Duty Team
- LSSA – Local Social Services Authority
- Mental Disorder – defined in the Mental Health Act 2007 as “any disorder or disability of the mind”
- MHA – Mental Health Act 1983 as amended by the Mental Health Act 2007
- Panel – the decision-making group which authorises AMHPs on behalf of Telford & Wrekin Council
- SDM – Service Delivery Manager
- SWE – Social Work England
- Warrant – the card of authorisation issued by the LSSA to the AMHP under S115 of the MHA

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1. POLICY STATEMENT

This is the Telford & Wrekin Policy, Procedure and Guidance in relation to becoming an Approved Mental Health Professional (AMHP) as identified in the Mental Health Act 1983 amended 2007 (the Act). It will set out procedures to become an AMHP, maintain AMHP status and cease AMHP work on behalf of Telford & Wrekin Council.

2. PURPOSE OF THE POLICY

The purpose of this policy is to ensure Telford & Wrekin Council is compliant with the requirements set out in the Mental Health Act, and Code of Practice to the Act (CoP) in ensuring it has enough AMHPs to undertake its duties.

3. POLICY INFORMATION

This policy describes the process for recruitment and selection of appropriate candidates to undertake the training as an Approved Mental Health Professional (AMHP). It also describes the approval and re-approval procedures. It will cover authorisation by the Local Authority, validation of approval gained in other authorities and authorisation of AMHPs not employed by Telford & Wrekin Council as well as suspension of approval and ending of approval.

4. PROCEDURE STATEMENT

Local Social Service Authorities (LSSAs) are responsible for ensuring that sufficient AMHPs are available to carry out a variety of statutory functions under the Mental Health Act 1983. One of their key responsibilities is to make applications for the detention of individuals in hospital, ensuring the Mental Health Act and its Code of Practice is followed.

It is the AMHP's duty, when two medical recommendations have been completed, to decide whether it is necessary to make an application for the detention of the person under the Mental Health Act, also known as 'sectioning'. This includes the consideration of other legal frameworks, specifically the Mental Capacity Act, including Deprivation of Liberty Safeguards, The Care Act and the Human Rights Act. The AMHP's key role is to consider 'least restrictive' alternatives to an admission, taking into account all the circumstances of the person's situation.

There is no clear national guidance on the numbers of AMHP's Local Social Services Authorities (LSSAs) should employ to ensure it can fulfil responsibilities under the Mental Health Act. The generally accepted figure is one AMHP per 10,000 population, however, given the increase in mental health act work and level of complexity, a more robust model calculation of actual AMHP numbers is required.

For Telford & Wrekin the calculation is approximately 22 AMHPs.

In order to fulfil statutory duty, LSSAs must have arrangements in place to provide a 24-hour AMHP service that can respond to patient's needs in line with Code of Practice (CoP) chapter 14.35 to the Mental Health Act 1983. Each AMHP has to be approved and registered by a local authority, who has assessed their competence to practice and carry out the functions of the MHA.

This policy will ensure that Telford & Wrekin Council meets this requirement by outlining the process in place for recruitment and training of AMHP's and arrangements to provide 24 hour AMHP cover on behalf of Telford & Wrekin Council as per requirements set out in the Act.

The AMHP Lead and EDT Manager are responsible for ensuring 24 hour AMHP cover and alerting senior managers at times of high demand.

5. STATEMENT OF LEGISLATION

Approval of AMHPs by Local Social Services Authorities (LSSA).

- S. 114 (1) A local social services authority may approve a person to act as an Approved Mental Health Professional for the purposes of this Act.
- S. 114 (2) but a LSSA may not approve a registered medical practitioner to act as an AMHP.
- S. 114 (3) Before approving a person under subsection (1) above, a LSSA shall be satisfied that he/she has appropriate competence in dealing with persons who are suffering from mental disorder.

6. SERVICE-SPECIFIC INFORMATION

The Mental Health Act 1983 (MHA) was amended in 2007 and is neither service nor age specific and applies to everyone who may have a mental disorder and need a MHA Assessment for compulsory admission to hospital for assessment, assessment and/or treatment of a mental disorder.

Therefore this policy & procedure applies to all professionals who want to become an AMHP and all approved AMHPs employed by Telford & Wrekin Council regardless of which service area they work in.

AMHPs need to apply the Guiding Principles of the Act in all aspects of their work and develop the ability to work with all service user groups, across both adults and children's services. AMHP's should have or be able to develop skills in managing complex and challenging situations where risks and rights may be compromised. The ability to make lawful, well-reasoned decisions under difficult circumstances, whilst maintaining high standards of proficiency (Social Work England) are paramount to the role.

7. GUIDING PRINCIPLES OF THE ACT

When considering decisions made under the Act, practitioners should follow the guiding principles of the Act as set out in Chapter 1 (1-5) of the Code of Practice as detailed below:

Least Restrictive option and maximising independence

Where it is possible to treat a patient and lawfully without detaining them under the Act, the patient should not be detained. Wherever possible a patient's independence should be encouraged and supported with a focus on promoting recovery wherever possible.

Empowerment and involvement

Patients should be fully involved in decisions about care, support and treatment. The views of families, carers and others, if appropriate, should be fully considered when taking decisions. Where decisions are taken which are contradictory to views expressed, professionals should explain the reason for this.

Respect and dignity

Patients, their families and carers should be treated with respect and dignity and listened to by professionals.

Purpose and effectiveness

Decisions about care and treatment should be appropriate to the patient, with clear therapeutic aims, promote recovery and should be performed to current national guidance and/or current, available best practice guidance.

Efficiency and equity

Provider, commissioners and other relevant organisations should work together to ensure that the quality of commissioning and provision of mental healthcare services are of high quality and are given equal priority to physical health and social care service. All relevant services should work together to facilitate timely, safe and supportive discharge from detention.

8. USING THE PRINCIPLES

All decisions must, of course, be lawful and informed by good professional practice. Lawfulness necessarily includes compliance with the Human Rights Act 1998.

The principles, are of equal importance and inform decisions, they do not determine them. Although all the principles must inform every decision made under the Act, the weight given to each principle in reaching a particular decision will depend on the context.

That is not to say that in making a decision any of the principles should be disregarded. It is rather that the principles as a whole need to be balanced in different ways according to the particular circumstances of each individual decision.

9. AMHP PROTOCOL

Telford & Wrekin's AMHP Service delivers a high quality and responsive service, the above protocol outlines the operational expectations and duties of individual AMHP's to ensure these standards are maintained.

[See Appendix A](#) – Daytime AMHP Protocols & Duties

10. TRAINING AS AN AMHP IN TELFORD & WREKIN

Under the amended MH Act the regulations allow the role of the Approved Mental Health Professional to be undertaken by:

- Registered Social Workers
- First level nurses whose field of practice is mental health or learning disabilities
- Registered Occupational Therapists

- Chartered Psychologists

Any registered professional embarking upon training with a view to undertaking the work of an AMHP will have to satisfy the criteria set out in the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 of the Act.

[Microsoft Word - uksl_20081206_en.doc \(legislation.gov.uk\)](#)

11. AMHP TRAINING

The responsibility for the regulation of AMHP training is held by Social Work England.

The 'Decision Making and Interventions with Adults in a Legal Context' (also referred to as the Pre AMHP Course), and the 'Post Graduate Certificate in Mental Health Practice for Approved Mental Health Professionals (PG Cert/AMHP)' training, is provided by the University of Wolverhampton. This is subject to annual review to ensure quality and value for money by the AMHP Lead.

12. SELECTION AND APPLICATION PROCESS

- Minimum of 3 years post qualifying experience.
- Evidence of being able to practice autonomously and manage complex high risk caseloads.
- Advanced Practitioner status or working towards this.
- Evidence that they are able to study at a post graduate level.
- Interest and awareness of mental health.
- Commitment to part take in the AMHP rota for a minimum of 2 days per month.

Request for AMHP training should initially be discussed with your line manager as part of your Continued Professional Development and Personal and Professional Development session.

Expressions of interest should be submitted via email to both the AMHP Lead and Senior AMHP.

For those applying with none or limited experience in mental health back-ground there will be an expectation that they undergo the 'Decision Making and Interventions with Adults in a Legal Context' prior to commencing on the Post Graduate Certificate.

[See Appendix B](#) – Application for Post Qualifying Training

13. PRACTICE ASSESSORS

The Local Social Services Authority (LSSA) has the responsibility to ensure there are an adequate number of competent practice assessors available. Once an AMHP candidate has been selected, the AMHP Lead will identify an AMHP assessor for each individual AMHP candidate. Criteria to be an AMHP Assessor:

- Five years' experience as a practicing AMHP.
- To be a qualified Practice Educator or hold an equivalent qualification (PQ6).

- To be available to attend Practice Assessor sessions prior to the candidate commencing and/or any refresher training.

14. MAINTAINING AND DEVELOPING COMPETENCE

AMHPs will take responsibility for identifying their learning needs and making use of opportunities for meeting those needs. The approving Local Social Services Authority (LSSA) is responsible for providing the opportunities for AMHPs to develop and maintain competence through:

- Refresher AMHP training courses offered through T&W AMHP service.
- Regular AMHP meetings offering group supervision, policy and practice updates.
- Informal ad-hoc peer support and 1:1 AMHP supervision.
- Direct observation of practice.
- Case file audit.

A minimum of 18 hours mandatory refresher training every year will be provided. It is a legal requirement that AMHP's attend the designated AMHP refresher training days and this will link with the re-approval process. If an AMHP does not complete the required 18 hours/3 days of refresher training within a 12 month period it will be the responsibility of the AMHP Lead to determine how the training deficit should be addressed in order for the AMHP to continue practicing. One of the required training days all AMHPs should aim to attend is a legal update.

Formal refresher training is an important means by which AMHP's maintain and develop their competence, although not the only means. Also important are opportunities such as in-house information sessions and the dissemination of written material on policy, law and research. The AMHP Lead/Senior AMHP is responsible for circulating any practice and policy updates to the team.

The AMHP qualification will attract an allowance payable monthly. In order to receive this allowance AMHP's are required to be on the AMHP rota a minimum of twice a month (with exception of Team Leaders who are required to do a minimum of once a month).

[See Appendix C](#) – AMHP Supervision Record

[See Appendix D](#) – AMHP Report Audit Checklist

15. PROCESS FOR APPROVAL AND RE-APPROVAL

AMHP's are individually accountable for ensuring that they maintain their competence. AMHP's will be notified three months before their approval expires. AMHP's will need to submit their evidence to the AMHP Lead/Senior AMHP one week prior to the AMHP panel meeting.

16. ANNUAL APPROVAL

- Completing 18 hours/3 days of training relating to the specialist role of the AMHP.
- A copy of two MHA reports.
- A log of activity undertaken as an AMHP, to include: MHAA's (and outcomes), reports to Mental Health Review Tribunals and any other relevant work carried out as an AMHP.

- Completion of a minimum of six MHAA's a year.
- Evidence of attendance at AMHP meetings or equivalent for EDT professionals (a minimum of six per year).
- Evidence of attendance at five peer group supervision.
- Dates of Individual AMHP supervision (a minimum of 3 per year).
- One direct observation of practice per year.
- At least two audited AMHP/MHAA reports.

[See Appendix E](#) - AMHP Annual Approval Checklist & Appraisal Summary

17. NEWLY QUALIFIED AMHP's

Newly qualified AMHP's will initially be approved for six months. HR and payroll will be notified and the additional two increments awarded from the first date on the AMHP rota.

To help mentor newly qualified AMHP's the following support will be available:

- Joint MHAA's, so no lone working.
- Access to weekly supervision.
- Opportunity for peer support.

18. 5 YEAR RE-APPROVAL

- The AMHP should provide evidence of 5 years annual approval.
- A minimum of 1000 – maximum 2000 word reflective piece on the AMHP's personal and professional development, with reference to any legislative or policy changes since their last re-approval.

[See Appendix F](#) - AMHP 5 Year Approval Checklist & Reflective Template

Panel outcomes are:

- Approval/Re-approval granted.
- The panel concluding that the AMHP did not adequately evidence all the competences within the portfolio and/or during the panel discussions. The AMHP will be asked to complete additional work to present to the panel at a later date for consideration of approval /re-approval.
- If after providing additional evidence and the panel remain unsatisfied the AMHP/practitioner meets all the competences, approval will not be granted.
- Further extensions/suspensions will/may be considered depending on individual circumstances.
- In some circumstances the AMHP Lead or Senior AMHP will work with the practitioner to identify a development plan to consider approval/re-approval at a later stage.

Adjustments/amendments will be applied for AMHP's who have not been approved with Telford & Wrekin for the subsequent 5 years.

The AMHP will receive a written confirmation of their re/approval or any additional requirements from the Panel notifying them when their approval will end.

[See Appendix G](#) – AMHP Approval Letter for Newly Qualified

[See Appendix H](#) - AMHP Approval Letter

[See Appendix I](#) – AMHP Warrant Card

19. CONDITIONS OF AMHP APPROVAL

When any approval is granted under these Regulations, it shall be subject to the following conditions:

- In each year the AMHP is approved, the AMHP shall complete at least 18 hours of training agreed with the approving LSSA as being relevant to their role as an AMHP.
- The AMHP shall undertake to notify the approving LSSA in writing as soon as reasonably practicable if they agree to act as an AMHP on behalf of another LSSA, and when such agreement ends.
- The AMHP shall undertake to cease to act as an AMHP and to notify the approving LSSA immediately if they are suspended from any of the registers or listings referred to in the professional competencies, or if any such suspension ends.
- The AMHP shall undertake to cease to act as an AMHP and to notify the approving LSSA immediately if they no longer meet at least one of the professional requirements.

There is a difference between granting Approval and Authorising an AMHP to act on behalf of the LSSA.

Every AMHP must be approved by a LSSA, (but not by more than one LSSA). An AMHP may be authorised to act on behalf of a local authority but not be approved by them. They are therefore accredited to act on behalf of another authority. Once approved by Telford & Wrekin Council, an AMHP may be accredited to act on behalf of another authority. It is a condition of the LSSA that you notify them of your intention to act on behalf of another authority in writing to both the AMHP Lead and Senior AMHP.

Anyone wishing to be accredited to act on behalf of Telford & Wrekin Council will need to provide evidence of his or her approval. This should be done in writing and the appropriate form completed by the approving authority.

The information received must satisfy the Council that they are competent to practice by their ongoing professional AMHP record under Schedule 2.

A record will be kept of individuals authorised by us to act on our behalf, including dates of their approval and re-approval.

An LSSA may approve a person to act as an AMHP for a period of five years.

[See Appendix J](#) - AMHP Application for Accreditation

[See Appendix K](#) - AMHP Application for Transfer of Warrant

[See Appendix L](#) – AMHP Accreditation Letter

20. SUSPENSION OF APPROVAL AMHP Approval Regs 6

- (1) If at any time after being approved, the registration or listing required by the professional requirements of a person approved to act as an AMHP is suspended, the approving LSSA shall suspend that AMHP's approval for as long as the AMHP's registration or listing is suspended.
- (2) Where an AMHP's approval is suspended, that person may not act as an AMHP unless and until the suspension of approval is ended by the approving LSSA in accordance with subsection (3).
- (3) Where the approving LSSA is notified that the suspension of the AMHP's registration or listing has ended, the approving LSSA shall, unless it is not satisfied the AMHP has appropriate competence in dealing with persons suffering from mental disorder, end the suspension of approval.
- (4) Where the suspension of approval has ended, the approval shall continue to run for any unexpired period of approval, unless the approving LSSA ends it earlier in accordance with regulation 7.

[See Appendix M](#) - AMHP Suspension of Approval Letter

21. END OF APPROVAL AMHP approval Regs 7.

- (1) Except where paragraph (2) applies, a person shall cease to be approved to act as an AMHP at the end of the day on which their approval expires.
- (2) Except where regulation 6 applies, the approving LSSA shall end the approval of a person it has approved to act as an AMHP before their period of approval expires:
 - (a) in accordance with a request in writing to do so from that AMHP;
 - (b) if it is no longer satisfied that the AMHP has appropriate competence taking into account the matters set out in Schedule 2;
 - (c) immediately on becoming aware that the AMHP:
 - (i) is no longer a person who meets at least one of the professional requirements;
 - (ii) is in breach of any of the conditions set out in regulations 5, or
 - (iii) has been approved to act as an AMHP by another LSSA
- (3) When an approval ends, the approving LSSA shall notify the AMHP immediately that the approval has ended and give reasons for ending the approval.
- (4) When an approval ends, the approving LSSA shall notify that fact to any other LSSA for whom it knows the AMHP has agreed to act as an AMHP.
- (5) If an LSSA approves a person as an AMHP knowing that that AMHP is already approved by another LSSA, it shall notify the previous approving LSSA.

It is the responsibility of the AMHP Lead/EDT Team Manager to ensure they follow the Leaver/change of job checklist.

[See Appendix N](#) - AMHP End of Approval Letter

22. PROCEDURE FOR REQUESTING TO CEASE AMHP DUTIES

A worker no longer wishing to practice as an AMHP for any reason should discuss this with their manager and the AMHP Lead. The AMHP should put the request in writing outlining their reasons and any time restrictions. This will be passed to the relevant Service Delivery Manager (SDM) for consideration.

If the SDM considers the request is appropriate it will be discussed at the next AMHP panel meeting. Decisions reached will be recorded on the AMHP's record along with any other conditions or considerations agreed.

If this is an agreement to permanently cease AMHP work then the panel will end the approval.

All agreements and/or decisions reached by the panel will be minuted and put in writing to the AMHP. The AMHP Lead will notify payroll of any changes.

23. AMHP PANEL

The panel will meet quarterly and meetings will be minuted
In addition extraordinary meetings will be convened if required.

The AMHP panel is responsible for:

- Quality assurance in relation to The Mental Health Regulations 2008 (Sch 3.2).
- The selection of AMHP candidates who are funded by or require placements with the LA.
- Approval and validation of AMHP's working on behalf of the Council.
- Keeping a record of each AMHP it approves.

An AMHP's re/approval information is recorded with the Mental Health Administrator with the Foundation Trust. This information will include requirements as set out in the Regulations in schedule 1.

24. FUNCTION OF AMHP PANEL:

- Approval of Approved Mental Health Professionals – AMHP's and related matters.
- Consideration of a range of issues relating to the implementation of Mental Health Law.
- Quality assurance and strategic implementation of new policies and procedures.

25. RESPONSIBILITIES:

- To approve and re-approve AMHP's.
- To assess authorisations and accreditations in Telford.

- Recommend AMHP approval on completion of training or other actions if training has not been completed.
- To manage appeals and complaints procedure in respect of AMHP status.
- To monitor provision of AMHP's.
- To monitor training and refresher training (including applications for AMHP training).
- End approval and authorisation if the AMHP is suspended from practicing for any reason.

26. **REVIEW**

- Changes in legislation and/or guidance.
- Local Use of Mental Health Act, including Community Treatment Orders.
- Relationships with partner organisations.

27. **MEMBERSHIP AND DECISION MAKERS ON THE PANEL INCLUDE**

- Service Delivery Manager – Chair
- AMHP Lead – Vice Chair
- Principle Social Worker
- EDT Manager
- Senior AMHP
- Mental Health Act Administrator for the Foundation Trust
- AMHP representative from BAME
- Representation from Stakeholder organisations e.g. Foundation Trust, Children's Mental Health Services, PCT
- Service User representative
- Carer representative

For the Panel to be quorate, the following must be present:

- One representative from the Foundation Trust.
- One representative from the Local Authority.
- AMHP Lead or Senior AMHP

28. **SYSTEMS IMPLICATIONS**

AMHPs Approval and Re-Approval information is recorded and stored as per GDPR guidelines within the Local Authority data base. It is expected that both day time and out of hours managers should have access.

All AMHP activity, Mental Health Act Assessment referrals and Mental Health Act Assessments are recorded on Liquid Logic (LAS and Protocol/LCS).

29. **ROTA**

Senior AMHP and AMHP Business Support Officer are responsible for compiling a 3 x monthly rota for the daytime AMHP service. This should be accessible several months in advance and accessible on Telford & Wrekin Intranet site. Copies should be sent to Family Connect.

The EDT manager is responsible for ensuring AMHP cover for out of hours.

Once issued it is the responsibility of individual AMHP's to arrange cover if they are not available and notify both the AMHP Lead and Senior AMHP of any changes. Sickness cover is the responsibility of the AMHP Lead and Senior AMHP.

Requests for MHAA's are a statutory duty and therefore there is an expectation that all AMHP's will be available to cover outside their allocated duty days.

30. APPENDICES

Appendix A: Daytime AMHP Protocols & Duties



Appendix A -
Daytime AMHP Protc

Appendix B: Application for Post Qualifying Training



Appendix B -
Application for Post

Appendix C: AMHP Supervision Record



Appendix C - AMHP
Supervision Record.

Appendix D: AMHP Report Audit Checklist



Appendix D - AMHP
Report Audit Checkl

Appendix E: AMHP Annual Approval Checklist & Appraisal Summary



Appendix E – AMHP
Annual Approval Ch

Appendix F: AMHP 5 Year Re-approval Checklist & Reflective Template



Appendix F - AMHP
5 Year Re-approval C

Appendix G: AMHP Approval Letter for Newly Qualified



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Appendix H: AMHP Approval Letter



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Appendix I: AMHP Warrant Card



Appendix I - AMHP
Warrant Card.docx

Appendix J: AMHP Application for Accreditation



Appendix J - AMHP
Application for Accr

Appendix K: AMHP Application for Transfer of Warrant



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Appendix L: AMHP Accreditation Letter



Appendix L - AMHP
Accreditation Letter.

Appendix M: AMHP Suspension of Approval Letter



Appendix M -
AMHP Suspension o

Appendix N: AMHP End of Approval Letter



Appendix N - AMHP
End of Approval Let