

CHAPTER 3

Rules and Regulations of the Behavioral Health Division Mental Health and Substance Abuse Services

Application for Funds and Selection of Providers

Section 1. Authority. This Chapter is promulgated by the Wyoming Department of Health pursuant to W.S. § 9-2-102; W.S. § 9-2-2701; W.S. §§ 35-1-611 through 627; and the Wyoming Administrative Procedure Act at W.S. § 16-3-101 through 115.

Section 2. Purpose and Applicability. These rules have been adopted to prescribe provider eligibility requirements to apply for funding by the Division for behavioral health services, and to define the process for review and selection of the recipients of such funding.

Section 3. Eligibility for Funding.

(a) Any public or private provider may apply to the Division for a contract to provide behavioral health services which are available on a statewide and/or regional basis, provided the provider meets the following minimum qualifications:

(i) A public provider must have organizational documents which may include bylaws, articles of incorporation, or other documents demonstrating legal authority to conduct business in the State of Wyoming.

(ii) A private provider must comply with the eligibility requirements in W.S. § 35-1-624; and

(iii) The provider must be governed by a governing board which provides oversight to the agency and whose members represent the provider's proposed service area, set the provider's policy, vision, and mission, have fiduciary oversight and meet quarterly at a minimum, and minutes of the meetings are documented.

(iv) The provider must be nationally accredited and certified by the Division pursuant to Chapter 2 of these Rules.

(v) The provider must have the capacity to provide the full range of required services as determined by the Division to include twenty-four (24) hour emergency services seven (7) days a week and to provide all services even after all funds contracted to the provider by the Division are exhausted.

(b) A public or private provider which provides behavioral health services within a separate unit or as a segment of its overall services may apply for funding ~~as a~~

~~segment of its overall services~~ provided the minimum qualifications are met, the unit or segment meets the definition of a community mental health or substance abuse center and funds received are maintained separate and apart from other funds of the applicant.

Section 4. Letter of Intent to Provide Services.

(a) Prior to the beginning of a funding cycle, the Division shall seek letters of intent to provide funded services. A notice shall be publicized and shall include the eligibility requirements to receive Division funding as specified in Section 3. At a minimum the notice shall be distributed to currently funded providers and posted on the Division's public website.

(b) Each provider interested in applying for funding shall submit to the Administrator a letter of intent signed by the chair of the governing board and by the executive director. If the provider has not received funding within the last funding cycle, the letter of intent must be accompanied by documentation substantiating the provider meets the minimum eligibility requirements specified in Section 3.

(c) The letter of intent must include the service area for which the provider is seeking funding and the services to be provided.

(d) Upon receipt of a letter of intent, the Administrator shall determine if the provider meets the eligibility requirements listed in Section 3. If the Division determines that the eligibility requirements are not met, the Division shall notify the provider that it is not eligible to apply for funding and specify the criteria it has not met.

(e) If the Division determines that the provider is eligible to apply for funding, the Administrator shall determine if the application is competing or ~~renewal~~ not competing and notify applicants of the status of competition within their service region.

(f) The Administrator shall send the application packet and the criteria the Division will use in its review and selection process as specified in Section 5 to eligible providers. The application packet may contain specific requirements in addition to the criteria in Section 5 (a) and 6 (a).

Section 5. Selection Criteria and Funding Priorities.

(a) Scoring of applications shall be completed based on the content of the application as submitted to the Division, data and other pertinent information owned by the Division and criteria which supports integration with primary care and quality services as specified in the application packet. Competing and non-competing applicants must meet the same criteria unless otherwise noted below. The criteria shall include, at a minimum:

(i) Compliance with applicable Federal, State and local laws, and rules and standards required by the Division;

(ii). Demonstrated ability to provide a range of comprehensive and integrated behavioral health services that support quality care to the priority populations as determined by the Division;

(iii) Staffing patterns and staff adequate to provide the continuum of services required and the specific services for which funding is requested;

(iv) Demonstrated oversight by the governing board;

(v) Performance at the level prescribed by the Division as measured by the provision of the required minimum number of service hours the previous two years (for currently funded providers only);

(vi) Demonstrated positive performance outcomes as defined by the Division;

(vii) Demonstrated strategic planning process;

(viii) Demonstrated capacity and utilization of health care electronic technologies that support the Division's reporting requirements;

(ix) Demonstrated clinical practices that address quality and cost effective care; and

(x) Use of recovery supports.

(b) The Division may deny any application that does not meet the criteria documented in Section 5 (a) and the criteria specified in the application packet. If the application is denied, the Division shall document the reasons why the application was denied, notify the applicant of the denial and may solicit additional applications to provide services in the service area.

Section 6. Competing Applications.

(a) When two or more applicants are competing to provide services in the same service area and each application meets the criteria in Section 5 (a) and the criteria in the application packet, the Division shall give preference to applications from providers which substantially meet the following criteria:

(i) Propose to serve multiple counties or participate in a multi-county consortium;

(ii) Propose to provide both mental health and substance abuse treatment services using an integrated model;

(iii) The extent to which behavioral health services are integrated with primary health services;

(iv) Meet or exceed the statewide average of the Division's performance standards;

(v) Maximize all applicable funding sources;

(vi) Received funding from the Division the previous year, unless:

(A) The provider has failed to meet the minimum hours of service required for two consecutive years; or

(B) The provider fails to meet the minimum application criteria specified in Section 5 (a); or

(C) The provider has not provided all deliverables specified in the previous year's contract.

(vii) The history of the applicant, if available, in providing services to priority populations.

(b) If competing applicants receive the same scores on the criteria in Section 6 (a), the Administrator shall appoint a review committee within fourteen (14) calendar days of the end of the scoring process to review the applications, the scores provided each applicant by the Division, the extent to which the criteria in Section 5 (a) are met, the preferences met in Section 6(a), data provided by the Division, and other information as applicable. The review committee shall consist of no fewer than five (5) seven (7) persons. At least two members of the committee shall be composed of representatives from state agencies other than the Department, one member shall be a representative of the Department, one member shall be a consumer representative of the Behavioral Health Advisory Council, one member shall be a representative of funded behavioral health service providers outside of the region affected by the competing application, and one representatives selected by each applicant. Members of the review committee shall have no vested or competitive interest in the program or services proposed by the applicants. If more than two applicants are competing for the same funds within the same service area, the Administrator shall appoint additional members, at his discretion, to serve on the review committee to ensure an odd number of committee members.

(c) The Division shall notify each county commission within the service areas of each of the competing applicants and seek comments on the applicants. The information shall be provided to the review committee.

Section 7. Review Committee Process.

(a) Once it is determined that a committee review and recommendation is necessary, the Division shall provide written notification to the competing applicants and to the public in the service area. Notification shall be published as a legal notice in at

least one (1) newspaper of general circulation in the area of the competing applications a minimum of ten (10) calendar days prior to the public hearing. The notice shall include:

- (i) The proposed review schedule;
- (ii) The procedure to be used by interested parties to submit written comments, which shall be received by the Division prior to the date of the public meeting;
- (iii) The date, time, and nature of the public meeting;
- (iv) The legal authority and jurisdiction under which the meeting is to be held;
- (v) The particular sections of the statutes and rules involved; and
- (vi) A statement of the nature of the applications being reviewed.

(b) A public meeting shall be held on all applications for the same funds if the applications

- (i) Meet the funding eligibility criteria in Section 3;
- (ii) Substantially meet the criteria in Section 5(a) and the criteria in the application packet; and
- (iii) Receive equal preference using the criteria in Section 6.

(c) The public meeting shall be held within thirty (30) calendar days of the selection of the review committee in a location as determined by the Division.

(d) The committee shall elect a chair.

(e) The order of procedure shall be determined by the chair of the review committee.

(f) Time shall be granted during the public meeting to allow each applicant to make a presentation to the review committee, either in person, by phone, or other electronic means.

(g) Comments received from county commissioners shall be entered into the public record at the public hearing.

(h) After considering public input and all information specified in Section 6(b) the committee shall, by majority vote, select a provider for funding and provide written notification to the Administrator of its decision within three (3) business days after the public hearing.

Section 8. Application and Selection Process for Funding that is not Available Statewide and/or Regional. When funding is available for projects or services

which cannot be purchased on a regional or statewide basis, the Division shall define the purpose of the funding; develop an application and funding process; notify current contractors and interested parties of the definition, purpose, funding available and define how funding decisions will be made. Such notification shall be posted on the Division's public website and included in the application packet for the funding.

Section 9. Severability. If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.

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