CHAPTER 7

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

Court Supervised Treatment Programs

Section 1. Authority. This rule is promulgated by the Department of Health pursuant to W. S. §§ 7-13-1601 through 7-13-1615, 2013 Wyoming Session Laws 206; and the Wyoming Administrative Procedure Act at W.S. § 16-3-101 through 115.

Section 2. Purpose and Applicability. This rule has been adopted and amended for the purpose of complying with Wyoming Session Laws 206 and ~~to~~ defining standards for court supervised treatment (CST) programs.

Section 3. Eligibility for Funding.

(a) A governing body of a city, town or county, a tribal government of either the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation, or a nonprofit organization recognized under 26 U.S.C. 501(c) (3) which operates a CST program may apply to the Division for a contract to provide a CST program, if they meet the following minimum qualifications:

(i) ~~All CST program employees shall be employees of the applicant with the exclusion of referring judges, participating judges, other judicial branch personnel, and department of corrections personnel who shall not be program employees;~~ The applicant must comply with W.S. § 7-13-1606 (b);

~~(ii) The applicant shall be the contracting agent for all its program contracts and memorandums of understanding;~~

~~(iii) All program funds and grants awarded by the Division shall be managed by the applicant;~~

(ii) The applicant must have the capacity and capability of utilizing health care electronic technologies that support the Division's reporting requirements; and

(iii) The applicant shall have a CST program team ~~and~~ which includes a CST program coordinator.

(b) The applicant must be certified by the Division pursuant to Chapter 2, to include national accreditation to provide substance abuse treatment services or subcontract with a substance abuse treatment provider or providers who is/are certified by the Division and nationally accredited.

Section 4. Applications for Funding.

(a) The Division shall notify currently funded CST program coordinators of changes to the funding formula at least thirty (30) days prior to the release of funding applications.

(b) Applications for funding shall be on a form determined by the Division and shall clearly indicate the date the application is due at the Division and the funding formula. At minimum, applications shall include:

(i) The identification of participating judges and a plan for participation of judges;

(ii) Identification of each CST program team member;

(iii) Identification of the treatment provider(s) and the specific treatment services to be provided including the location where treatment services are to be provided;

(iv) Evidence of state certification and national accreditation of the substance abuse treatment provider which may be part of the CST program team or under subcontract with the applicant ~~to provide substance abuse treatment services~~.

(v) Evidence of the completion of the training and/or continuing education requirements listed in Section 9;

(vi) The process by which fees or contributions to the program are made by program participants;

(vii) Demonstration of local contributions to the program, which shall meet or exceed twenty-five percent (25%) of the amount requested from the state, and the source and nature of the local contributions;

(A) The local contribution may include cash match or in-kind ~~match~~ contribution.

(B) Payments by CST participants may not be used to meet local contribution requirements.

(viii) ~~A narrative detailing the program's efforts to obtain supplemental funding; and~~

~~(ix)~~ Any other information requested by the Division.

(c) A review of each application as submitted and received at the Division by the due date shall be completed by the Division and funding recommendations developed.

(i) Funding recommendations shall be based in part on a funding formula pursuant to W.S. § 7-13-1605(c)(i). The Division shall apply the funding formula to each application prior to making funding recommendations.

(ii) The Division may use data provided by the applicant in applying the funding formula and calculating funding recommendations. ~~Calculations used by the Division to determine funding recommendations shall be made available to CST programs~~. Each CST program shall have access to the data and other information used by the Division to determine its funding recommendation for the program.

(d) The Division shall, within thirty (30) days of the due date for submitting applications, forward its funding recommendations and all applications to the CST Program Panel.

Section 5. CST Program Panel

(a) CST program panel members shall notify the Division in writing of their intent to serve on the Panel or provide the name and contact information of their designee. A designee must be an employee or officer of the agency to be represented. A designee shall continue to serve until the designation is revoked.

(b) The Panel shall select a chair, a vice chair, and secretary at its initial meeting each year. Records of the Panel, including minutes of all Panel meetings, shall be maintained ~~at the~~ by Division staff.

(c) The Panel shall consider each application and render its funding decision within thirty (30) days of receiving the applications and recommendations from the Division. In order to approve any application for funds, the Panel must find:

(i) The CST program meets the criteria established by the U.S. Department of Justice, the National Drug Court Institute or National Association of Drug Court Professionals;

(ii) The CST program is in compliance with W.S. §§ 7-13-1601 through 7-13-1615 and these rules and regulations;

(iii) The CST program can reasonably be expected to meet the goals of the legislature as listed in W.S. § 7-13-1603(b).

(d) The Panel shall determine whether to approve funding requests, the amount of funds to be disbursed to individual applicants, conditions of funding consistent with law and the schedule for disbursement to each successful applicant.

(i) The Panel shall consider the Division's recommendations in making funding decisions.

(ii) The Panel shall notify the Division and shall notify all applicants in writing of its funding decision. The decision of the Panel is final.

(iii) The Division shall disburse funding in a manner consistent with the Panel's decision.

Section 6. Treatment and Support Services.

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(a) CST programs shall provide directly or through subcontracts or referral relationships a continuum of care for each participant that is individualized, based on the needs of the participant and to include at a minimum, substance ~~abuse~~ use treatment, support services, continuing care, and integrated treatment for mental illness and substance use disorders for persons with co-occurring diagnoses.

(b) CST programs which subcontract for substance use treatment services shall require the subcontractor to comply with Chapter 6 of these Rules.

(c) All providers of treatment and support services, either as part of the CST program team, under contract with the CST program, or through referral relationships, shall have sufficient training and/or experience to provide services to the criminal justice population using a drug court model.

Section 7. Confidentiality of Records. CST program staff designated by the participating judge shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant. Governmental agency employees shall fully inform the designated CST program staff member(s) of all matters affecting the treatment and program process of a participant. No contents of records and reports shall be disclosed to any person outside the CST program. The records and reports shall be maintained by the CST program in a confidential file not available to the public. Participants shall be required to sign such releases as are necessary to carry out this provision and the duties of the CST program. The CST program must ensure that all releases comply with 42 CFR Part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records) and other federal confidentiality regulations.

Section 8. CST Program Policies and Procedures.

(a) Each CST program shall develop and implement policies and procedures:

(i) Enforcing participation requirements listed in W.S. § 7-13-1607;

(ii) Enforcing the incentives and sanctions guidelines listed in W.S. §7-13-1608;

(iii) Ensuring required training and continuing education requirements listed in Section 9 are attained;

(iv) Ensuring all participants contribute to the cost of their CST program;

(v) Guiding processes for contracting substance abuse and/or integrated co-occurring mental health and substance abuse services to treatment providers; and

(vi) Avoiding conflicts of interest and the appearances of such conflicts related to contracts with treatment providers.

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Section 9. Training and Continuing Education.

(a) CST program team members shall complete:

(i) A minimum of ~~forty (40)~~ twenty (20) hours of drug court specific training or Division approved CST training ~~prior to~~ ~~participating~~ during the first year of participation in a CST program. A minimum of ten (10) hours shall be formal training and the remaining ten (10) hours of training may be informal such as shadowing and peer-sponsored training. ~~In the event an application for funding is submitted prior to completing the training, any award shall be contingent upon completion of the training.~~ This requirement does not apply to those applicants whose CST program team members have completed a Division approved training program or the Drug Court Planning Initiative training for another CST program.

(ii) A minimum of six (6) hours of drug court specific or other relevant training each fiscal year. Training which qualifies to meet this requirement may include drug court courses and seminars provided by the United States Department of Justice, the National Association of Drug Court Professionals, the National Drug Court Institute, any state drug court association recognized by the Division, or the Division.

(b) Providers of treatment and/or support services, as part of the CST program team or under contract with the CST program, shall complete:

(i) A minimum of ~~forty (40)~~ ten (10) hours of drug court specific training or Division approved training prior to providing CST services; and

(ii) Six (6) hours of drug court specific or other relevant training annually.

Section 10. Data Collection and Maintenance. The Division, in collaboration with CST program team members, shall develop a uniform statewide data set and collection system which complies with W.S. § § 7-13-1613(a) and 7-13-1613(b) and other data as needed that will assist in conducting research and demonstrating outcomes of the program.

Section 11. 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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