

CHAPTER VIII
CERTIFICATION OF PROGRAMS

Section 1. Certification Procedure.

- (a) The Division shall promulgate standards for each service purchased by the Division.
- (b) All programs receiving funds from the Division shall request regular certification and recertification in accordance with these rules in order to continue to receive funding from the Division.
- (c) Any program providing human services to the public without state funds may request certification and recertification by the Division in accordance with these rules.
- (d) Certification and recertification shall be in accordance with the time line established by the Administrator. The Administrator shall schedule the certification of Division programs on a regular basis.
- (e) Each program desiring recertification from the Division shall submit a request for recertification not less than thirty (30) days prior to the end of the current certification.
- (f) Upon receipt of a request for recertification, the Administrator shall make or cause to be made a review of program documents which demonstrate compliance with the standards and make or cause to be made one or more on-site inspections of the program. Based upon the information on hand and the result of the on-site inspection, the Administrator shall certify the program if:
 - (i) The program meets the standards prepared by the Division for the particular area of services;
 - (ii) The program complies with the applicable federal, state, and local laws and rules of the Division;
 - (iii) No complaints have been filed against the program which have not been resolved as provided in either Chapter X or XI of these rules.
- (g) Each certificate is issued for the premises and persons or governmental units named in the certificate. It is not transferable nor assignable except with the prior written approval of the Division. The provider shall notify the Administrator in writing of all changes in personnel, premises, or governmental units named in the certificate.

Section 2. Waiver of Standards or Regulations.

- (a) The board chairman of the program may request the Administrator to waive a particular regulation or standard if at the time of the initial application for certification or at any other time, the program finds that a particular regulation or standard does not apply to it because it is not compatible with the manner in which the program functions to provide services. The request shall be in writing and shall give the following information:

(i) The particular regulation or standard that is incompatible with the program functions and why it is incompatible;

(ii) All operational systems which function to meet the intent or purposes of the regulation or standard; and

(iii) Documentation that the waiver of the regulation or standard, if granted, will not diminish the quality of services given by the program.

(b) The Administrator shall review the request for a waiver and the information submitted with the request and shall notify the board chairman of the program of his decision within thirty (30) days of the request for the waiver.

(c) The Administrator may grant a waiver of the particular standard or regulation with respect to a program if the Administrator determines:

(i) That immediate compliance with the particular standard or regulation would create an undue hardship on the program; and

(ii) That temporary noncompliance with the particular standard or regulation would not substantially impair the quality of services provided by the program.

(d) Prior to or as a condition to granting a waiver under this section, the Administrator may:

(i) Establish schedules or time lines setting forth time limits during which the program shall achieve compliance with the standard or regulation which is waived;

(ii) Require the program to submit a written plan to the Administrator setting forth proposed methods of achieving compliance with the standard or regulation;

(iii) Set a time limit on the effective duration of the waiver; or

(iv) Solicit public comment concerning the proposed waiver.

(e) No waiver granted pursuant to this section shall be construed to affect in any way the responsibility of any program to comply with any other applicable legal requirement or standard of the Division.

(f) If the waiver is granted, the program will then be certified with the type of certification clearly indicated on the face of the certificate.

Section 3. Abandonment of Services.

(a) No program provider shall discontinue services or change its services under the certification without first obtaining approval from the Administrator. Approval may be obtained only upon the filing with the Administrator a petition setting forth the reasons for discontinuance or change of services.

(b) Any discontinuance of services for reasons other than those over which the provider has no control shall be limited to a reasonable period of time. If the discontinuance is beyond a reasonable period of time or is permanent, the Administrator shall revoke the certification of the provider.

Section 4. Monitoring Programs.

(a) After a program has been certified, the Division shall monitor the program to assure its compliance with its certification and with all the applicable federal, state, and local laws, and the rules and standards of the Division. As an element of the monitoring process, the Division shall make on-site inspections and evaluations based on these rules. The monitoring process may include also examination of reports received from or about the provider, on-site examinations, discussions with the board or boards of county commissioners of the county or counties where the services are provided, discussion with allied agencies, public meetings, and recourse to any other pertinent and reliable sources of information concerning the provider and its services.

Section 5. Investigation for Noncompliance.

(a) The Division may investigate the program as provided in Chapter X of these rules, on its own initiative or upon receipt of a complaint against a provider filed with the Department or with the Division for noncompliance with any applicable federal, state, or local laws, the Division contract with the program, or the rules of the Division or the standards developed for the particular program area.

(b) If the Division determines that the program is not in substantial compliance with the applicable federal, state, or local laws, the rules of the Division, the standards developed for the particular program area, or the contract with the Division, it shall give the board president notice of noncompliance. The parties shall then proceed as provided in Section 6 of this chapter.

Section 6. Plan for Compliance.

(a) Within thirty (30) days after receipt of the notice of noncompliance as provided in Section 5(b) of this chapter, the board president shall submit to the Administrator written data and a plan and schedule for achieving full compliance with respect to the matter not in compliance. The Administrator shall review the program's data, plan, and schedule and shall:

(i) Approved the proposed plan and schedule; or

(ii) Approve a plan and schedule as modified by the Administrator; or

(iii) Disapprove the plan and schedule and revoke or suspend the prior certification of the program pursuant to Section 7 of this chapter.

(b) When the Division approves a proposed or modified plan and schedule for achieving full compliance, the Division may grant provisional certification not to exceed one hundred twenty (120) days. A second provisional certification may be granted by the Division if it finds that more time is necessary for the program to achieve full compliance.

Section 7. Suspension or Revocation of Certification.

(a) The Division may suspend or revoke a program's certification after its monitoring and investigation proceedings and after:

(i) It makes written findings of fact that the program has failed to comply with any applicable federal, state, or local laws, the rules of the Division, or the Division standards developed for the particular program area;

(ii) It gives the program notice of noncompliance and opportunity for hearing as outlined in Chapter IX; and

(iii) It serve the program director with the Order of Suspension or of Revocation of Certification.

(b) Unless an emergency exists, revocation or suspension of certification shall become effective thirty (30) days following the date of issuance of the Order of Suspension or Revocation of Certification.

(c) If the Administrator finds that the public health, safety, or welfare imperatively require emergency action and incorporates a finding to that effect in his order, suspension prior to a hearing may be ordered in accordance with the provision in W.S. 16-3-113(c).

(d) If at any time the Administrator finds that the health and safety of clients are in imminent danger, the Administrator shall immediately make arrangements to place the clients in a safe setting and terminate all funding to the program.

(e) Suspension of Certification shall remain in effect until the date set out in the Administrator's Order or until the program demonstrates substantial compliance with the rules and standards of the Division, whichever occurs first. No suspension shall be unreasonably prolonged by the Division.

Section 8. Termination of Contract. If the Division revokes a program's certification in accordance with this chapter, the Administrator shall terminate the contract with the provider.