

CHAPTER X

STANDARDS MANAGEMENT

Section 1. On-Site Evaluation.

(a) The Division shall conduct a biennial on-site evaluation of the program to ensure that the program is in substantial compliance with these standards.

(i) The Division shall provide the program with at least forty-five (45) days' written notice prior to the date scheduled for the on-site review, except as pursuant to subsection (c) of this Section.

(ii) The Division shall provide the program with a copy of the applicable Standards and a written format upon which the on-site review shall be based.

(iii) The on-site review personnel team shall consist of representative(s) of the Division and may also include mutually agreed upon mental health and substance abuse professionals and other appropriate persons.

(iv) During an on-site visit, the review and evaluation team shall provide administrative and program consultation as requested by the program.

(v) There shall be an entrance conference that shall include the executive director and an exit conference that shall review significant items and shall be held at a mutually agreed time and shall include the executive director and representation from the governing body.

(vi) The Division shall prepare a report of the findings of the review and shall send a copy to the chairperson of the governing body and to the executive director of the program within 45 days after the last day of the on-site review. The report shall contain at least the following information:

(A) Required actions for the program to take in order to comply with standards for which deficiencies were found;

(B) Specifications and conditions prescribed for any standard or standards for which the Division has granted a waiver or variance.

(C) Documentation that any required actions from the previous site visit have or have not been resolved.

(b) The program shall provide for review a representative sample of client records, program records, financial statements, and other documents needed by the Division to make its determinations, including any information that may have changed since the time the program's application(s) was submitted.

(i) Records or materials not related to compliance with these Standards, Division Rules, statutes, and the program's contract with the Division will not be reviewed.

(ii) The program may elect, but is not required, to cover any client identifying information in clinical records to be reviewed.

(iii) When client identifying information is not covered, the program shall have the reviewer(s) sign an oath of confidentiality for any information in clinical records.

(c) In addition to the on-site evaluation conducted pursuant to subsection (a) of this Section, the Division may:

(i) Upon a written notice that outlines the issues related to compliance, conduct other on-site evaluations of the program necessary to determine continued compliance with these Standards and other applicable requirements; or

(ii) Conduct other on-site evaluations to determine the continued capability of the program to provide services.

(d) The Division shall offer education and consultation on these Standards to the executive director and/or to the governing body when the program has an interim executive director or a new executive director.

Section 2. Notification of Compliance.

(a) A written notice and certification shall be issued to the program by the Division if it determines, in accordance with the provisions of this Chapter, that the program is in substantial compliance with these Standards.

(b) The program shall be required by the Division to correct any deficiencies within a reasonable period of time specified by the Division in the on-site report. If the program disputes the accuracy of any of the significant findings of the site visit, the Division Administrator will verify the accuracy of findings.

(c) Certification under Standards is not automatically continued when board ownership or control is changed. The Division shall be notified within thirty days of any such change.

Section 3. Expiration and Redetermination of Compliance.

(a) A finding of substantial compliance with the mental health and substance abuse Standards shall be valid for two years from the first day of the next month following such determination, except as pursuant to (b) of this Section.

(b) The Division may determine that a program is not in substantial compliance with these Standards but does not warrant a finding of non-compliance because there exists evidence that the program is able to correct deficiencies.

(i) The Division may issue certification for any period of time less than the usual two years.

(ii) The Division shall conduct another on-site review prior to the expiration of certification to determine that deficiencies have been corrected.

(c) A program may apply for redetermination by submitting an application.

(d) The Division shall review each program requesting redetermination within ninety days of such request.

Section 4. Waivers.

(a) The Division may grant a waiver of any standard or standards in this document.

(b) If the Division determines that requiring immediate compliance with a particular standard would create an undue hardship on a program and that temporary noncompliance with that particular standard would not substantially impair the quality of the services being provided by the program, the Division may grant a waiver of the particular standard with respect to that program.

(c) Any governing body requesting a waiver may request the waiver at the time of the initial application or any other time that the governing body deems a standard to represent undue hardship to that program.

(d) The Division, prior to or as a condition to granting a waiver under this Section, may:

(i) Establish schedules or timetables setting forth time limits during which the program must achieve compliance with the standard in question;

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

(iii) Set a time limit on the effective duration of the 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.

Section 5. Variances.

(a) The Division may grant a variance of any personnel standard in Chapter III or Chapter IV, if requested by the governing body.

(b) A variance may be granted only on the basis of information satisfactory to the Division that such variance shall maintain or enhance the quality of program operation and client services.

(c) Division decisions on variance requests shall be communicated to the program in writing.

Section 6. Finding of Noncompliance.

(a) If, as the result of a review of the application for compliance or as the result of any on-site

evaluation, the Division determines that the program is not in substantial compliance with the Standards, the Division shall notify the program within forty-five days of the on-site evaluation. Any program that has been found not to be substantially in compliance is entitled to a hearing, in accordance with the provisions of W.S. 16-3-113(c).

(b) The Administrator shall suspend or revoke an existing determination of compliance if s/he determines that the program is not in substantial compliance with these standards. Unless an emergency exists, revocation or suspension under this Section shall become effective no less than thirty days following the date of issuance of the Administrator's order suspending or revoking the determination of compliance. Prior to the issuance of a suspension or revocation order, the Division shall comply with the procedural requirements of W.S. 9-2-102(a)(iii) and W.S. 9-2-102 (a)(iv).

(c) The Administrator may deny, revoke, or suspend all or any part of a determination of compliance in accordance with this Section.

(d) Any hearing conducted pursuant to the denial, suspension, or revocation under this Section shall be held as a contested case hearing, in accordance with the provisions of W.S. 16-3-107, and the Department of Health Rules of Practice and Procedure.

(e) Suspension shall be lifted when the program has demonstrated substantial compliance with the Standards.

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