



CHAPTER 8

Rules and Regulations for State Funding and Certification of 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 and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.*

Section 2. Purpose.

(a) This rule has been adopted for the purpose of establishing standards for court supervised treatment programs (CST programs) which are consistent with the national key components of drug courts defined by the United States Department of Justice; providing local CST programs a process for applying for state funding; establishing a funding formula for CST programs; requiring participants to contribute financially to their CST programs, establishing requirements, operational standards and protocols for CST programs; establishing CST program team and staff training requirements; monitoring treatment personnel participating in CST programs; establishing a system for collection and maintenance of data evaluating CST programs; and establishing incentive and sanction limitations.

(b) The Wyoming Department of Health may issue manuals or bulletins to interpret the provisions of these rules and regulations. Such provider manuals and provider bulletins shall be consistent with these rules and regulations. The provisions contained in provider manuals or provider bulletins shall be subordinate to the provisions of these rules and regulations.

(c) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of these rules and regulations.

Section 3. Severability. If any portion of this rule is found invalid or unenforceable, the remainder shall continue in effect.

Section 4. Definitions. The following definitions shall apply in the interpretation and enforcement of this rule. Where the context in which words are used in this rule indicates that such is the intent, words in the singular number shall include the plural and visa-versa. Throughout this rule gender pronouns are used interchangeably, except where the context dictates otherwise. The drafters have attempted to utilize each gender pronoun in equal numbers in random distribution. Words in each gender shall include individuals of the other gender.

For the purposes of this rule, the following shall apply:

(a) “Applicant” means the 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) as defined by W.S. § 7-13-1602(a)(ii).

(b) “Case management” is a method of providing services whereby the CST program team or its designee assesses the needs of the participant and arranges, coordinates, monitors, evaluates, refers and advocates for a package of multiple services to meet the complex needs of the participant.

(c) “Cash match” means United States currency, certified bank checks or bank cashier’s checks payable in United States currency which is generated by the CST program or donated by a third party to the CST program, and is expended to fund allowable CST program costs.

(d) “Division” shall mean the Mental Health and Substance Abuse Services Division of the Department of Health.

(e) “In-kind match” means property or services that benefit the CST program and are contributed by third parties without charge to the CST program. In-kind match may include, but is not limited to, staff time, direct salaries and benefits, office space, lease rental costs or office materials. In-kind match may not be calculated from funds already being used to match another federal program or state program.

(f) “Local contribution” shall mean cash match or in-kind match.

(g) “Panel or CST Panel” shall mean the entity established pursuant to W.S. § 7-13-1605(d).

(h) “Participant” means a substance abuse offender or other person who has been referred to and accepted into a program.

(i) “Participating judge” means the district, juvenile, circuit, municipal or tribal court judge or magistrate acting as part of a program team.

(j) “Program team or CST program team” shall mean the local team established in compliance with the provisions of W.S. § 7-13-1609(a); provided, however, that in the event any team member refuses to participate, the CST program team may continue to operate in the absence of such member.

Section 5. Funding Application Procedure; Eligibility.

(a) Prior to submitting an application for state funds, the CST program team shall have either completed or be scheduled to complete a Division approved training

prior to receiving funds sought under the application. In the event a CST program team submits an application prior to completing the training, an award shall be contingent upon completion. 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.

(b) Local CST program teams are encouraged to apply for federal funds and other state grants to supplement CST program funds.

(c) To apply for state funds, the local CST program team shall submit an application to the Division on a date determined by the Division.

(d) The Division shall promptly review each application. The Division may request the applicant provide additional information as it deems necessary to make recommendations. The Division shall, within thirty (30) days of the deadline for submitting applications, forward all applications to the Panel together with its recommendations.

(e) The Panel shall consider each application and render its 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).

(f) The Panel shall determine whether to approve funding requests, the amount of funds to be disbursed to particular applicants, conditions on funding consistent with law and the schedule for disbursement to each successful applicant. All applicants shall be immediately notified in writing of the Panel's decision. The Panel shall also notify the Division of its decision. The Division shall disburse funding in a manner consistent with the decision.

(g) Funding shall be approved for a period of time to be determined by the Panel.

Section 6. CST Program Panel.

(a) Composition. The Panel shall consist of those persons named in W.S. § 7-13-1605. Panel members shall notify the Division in writing of their intent to serve on the Panel or provide the name of a designee, and shall notify the Panel in writing of changes in designees. A designee must be an employee or officer of the agency of the person making the designation. A designee shall continue to serve unless the person making the designation or his or her successor revokes the designation.

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

Section 7. Funding Formula and Local Matching Funds.

(a) Recommendations of the Division for funding shall be based in part on a funding formula pursuant to W.S. § 7-13-1605(c)(i). The Division shall provide funding formula information to applicants and notify applicants of changes in the funding formula. The Division shall provide notice of changes to the funding formula to CST programs at least forty-five (45) days prior to the release of funding applications. The Division may use data provided by the applicant and collected by the data collection software in applying the funding formula and calculating funding recommendations. Any data used by the Division in application of the funding formula shall be reviewed by CST programs. The funding formula shall include provisions requiring local contributions to the cost of the program. The Division shall apply the funding formula to each application for state funds prior to making a recommendation to the Panel. The Panel may increase or decrease funding determinations based upon need.

(b) Each local CST program shall, pursuant to W.S. § 7-13-1605(c)(ii), require all participants to contribute to the cost of their CST program; provided, however, contributions made by participants may not be used to meet local contribution requirements.

(c) No application shall be considered unless the total of the local contribution exceeds twenty-five percent (25%) of the amount of state funding sought. The local contribution may include cash or in-kind match, but the combined total must exceed twenty-five percent (25%).

(d) The application must be accompanied by a narrative explaining in detail the source and nature of any local contributions.

(e) The application for state funds should be accompanied by a narrative explaining in detail a CST program's efforts to obtain supplemental funding. The narrative should include the CST program's application to other potential funding sources, the identification of programs or other sources to which the applicant intends to apply, and any efforts the applicant has made to collaborate or integrate its programs with other programs in the community that are receiving state or private funds. Whenever the

program applies for other funding, a copy of the application or summary of the application should be promptly forwarded to the Division.

(f) Local CST programs receiving state funds shall promptly notify the Division of the amount and source of any other funding awards it receives in an amount of five thousand dollars (\$5,000.00) or more.

Section 8. Treatment and Support Services; Certification. All CST programs, pursuant to W.S. § 7-13-1611, shall provide directly or through contractual or referral relationships an adequate continuum of care, as defined by W.S. § 7-13-1602(a)(iii), for each participant, including substance abuse treatment, as defined by W.S. § 7-13-1602(a)(xv), a range of treatment modalities and adequate support services and continuing care to meet the varying needs of participants.

(a) The applicant shall be the contracting agent for all its program contracts and memorandums of understandings.

(b) Treatment planning should be coordinated with other agencies and one comprehensive treatment plan should be developed for each participant. Treatment plans are to be determined on the basis of individual needs. Therefore, if appropriate, every CST program must offer or refer a participant to the following treatment modalities and components, if the treatment modality or component is available in their community or region:

- (i) Education, including job-related trainings;
- (ii) Drug testing and monitoring that complies with W.S. § 7-13-1612;
- (iii) Case management;
- (iv) Detoxification;
- (v) Screening with use of the ASAM (American Society of Addiction Medicine);
- (vi) Assessment using the Addictions Severity Index (ASI) as defined by W.S. § 7-13-1602(a)(xiv);
- (vii) Diagnosis and treatment planning using ASAM;
- (viii) Traditional outpatient treatment;
- (ix) Intensive outpatient treatment;
- (x) Transitional residential treatment services;

- (xi) Residential treatment;
- (xii) Prevention and primary healthcare;
- (xiii) Mental health services for co-occurring disorders;
- (xiv) Specialized treatment for women and women with children;
- (xv) Family treatment and education;
- (xvi) Life skills, coping skills, and social skills training;
- (xvii) Corrective thinking therapy and cognitive skills; and
- (xviii) Relapse planning and handling.

(c) A local CST program may contract with one or more licensed entities and/or certified providers for substance abuse or other necessary CST program services. Those entities and individuals may employ or contract with other certified individuals to provide the services, provided they shall screen, supervise and evaluate the performance of such subcontractors or individuals. All substance abuse contracts shall:

(i) Be awarded, in the case of substance abuse treatment service providers, on a competitive basis, unless the Division finds there is only one qualified provider in the local program area or willing to provide services to that CST program;

(ii) Not necessarily be awarded to the lowest bidder, but to the bidder that demonstrates the ability to provide effective services in a cost-effective manner;

(iii) Be for a period of not more than one year and may be extended, one year at a time, for a period of three years without subsequent competitive bidding;

(iv) Contain the following provisions:

(A) Minimum professional qualifications of all individuals who will perform substance abuse services under the contract and clear standards for evidencing the individual possession of the qualifications;

(B) An agreement to provide specified services;

(C) A requirement that the provider comply with all applicable state, federal and local laws and other legal requirements for the provision of services;

(D) A clear and unambiguous statement of all compensation to be received by the provider, conditions for payment, and method of computing payments;

(E) A requirement that the provider maintain detailed, accurate and current records of each participant's treatment, drug testing and other related activities for the purposes of evaluating progress, reports to the CST program, the local CST program team, and the Division, and billing;

(F) A requirement that in the event a provider should receive direct payment from a participant, the provider shall document and receipt all such payments made by participants as contributions to the cost of treatment and provide records of such to the CST program team;

(G) A requirement that the provider submit all claims and take all steps necessary to obtain any Medicaid or other insurance or third party payments or reimbursements, and credit all such receipts against compensation to which the provider is otherwise entitled under the contract; and

(H) Such other provisions as are deemed necessary to assure the provider understands the goals and methods of the CST program and will work cooperatively as a member of the team to achieve those goals, including, but not limited to, a provision assuring the contractor will keep the CST program and CST program team fully informed of all matters relevant to the treatment and program progress of any participant.

(d) Local CST programs receiving state funding shall adopt and enforce written policies designed to avoid conflicts of interest and the appearances of such conflicts related to substance abuse contracts. Copies of these policies shall be submitted together with grant applications.

(e) Local CST programs may contract only with substance abuse treatment providers that are certified by the Division, as required by W.S. § 9-2-2701(c). Providers of other ancillary or specialized services other than substance abuse treatment need not be certified; provided, however, the CST program team shall assure itself that all such providers understand their role in the context of drug court concepts. All treatment providers must demonstrate they have sufficient training and/or experience to provide such services to the criminal justice population using a drug court model. CST programs may provide substance abuse services directly or contract with substance abuse providers only if the CST program or substance abuse contractor meets the following requirements:

(i) Be certified by the Division pursuant to the State of Wyoming, Department of Health, Standards for Substance Abuse and maintain current certification;

(ii) Have received at least forty (40) hours of drug court specific training or Division approved CST training prior to entering into a contract with the CST program; provided however, this provision shall not apply to treatment providers under contract with a drug court that was fully operational on July 1, 2001, so long as the person or entity has been providing services for that CST program prior to that date. Substance abuse providers may be provisionally certified provided they demonstrate their commitment to complete the forty (40) hours of training within six (6) months of certification;

(iii) Agree to complete six (6) hours additional annual continuing drug court specific training or Division approved CST training in any subsequent year in order to maintain certification. Training hours in excess of the annual six (6) hours may be carried over for up to one (1) year subject to Division approval; and

(iv) Training which qualifies to meet the requirements of paragraphs (ii) and (iii) above may include drug court courses and seminars provided by the US 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. In order to receive credit for training sponsored by any other person or entity, the applicant must first receive the written approval of the Division. To request approval of the course or seminar, the applicant must first submit a written request together with a detailed summary of the training and course outline at least thirty (30) days prior to the training.

Section 9. Continuing Education of CST Program Team. All members of the local CST program team are required to complete at least six (6) hours of drug court specific training each calendar year. Training which qualifies to meet this requirement may include drug court courses and seminars provided by the U.S. 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. In order to receive credit for training sponsored by any other person or entity, the applicant must first receive the written approval of the Division. To request approval of the course or seminar, the applicant must first submit a written request together with a detailed summary of the training and course outline at least thirty (30) days prior to the training. Training hours in excess of the annual six (6) hours may be carried over for up to one (1) year subject to Division approval.

Section 10. Annual Reviews.

(a) Within thirty (30) days after the end of each fiscal year, all CST programs receiving state funds shall prepare an itemized year-end financial statement for the entire program. The statement shall show on a monthly, quarterly, annual and biennial basis all amounts budgeted, received and actually spent for each category of receipt and expenditure. The statement shall be signed by the participating judge or his/her designee and submitted to the Division no later than sixty (60) days after the end of the fiscal year.

(b) All CST programs receiving state funds shall arrange for an independent audit of each year-end financial statement by a certified public accountant or other qualified auditor. Unless otherwise authorized by the Division, the audit shall be complete no more than six (6) months after the end of the fiscal year to which it applies and shall be submitted to the Division within thirty (30) days of its completion.

(c) During each fiscal year, the Division shall arrange for a CST program audit and treatment review of each CST program. The program audit shall assess the performance of all programs, including case management services that are provided by or through the CST program, providing recommendations to improve the program, including changes in service provider contracts. The treatment review shall be an examination of the performance of the CST program in providing effective treatment and shall include any recommendations for improving treatment services. A report summarizing findings to include strengths and weaknesses of the program shall be prepared by the Division and submitted to the CST program.

(d) Local CST programs shall conduct a self-evaluation or Division approved evaluation every two (2) years. The self-evaluation should include a review of the most current financial statement and report of the Division submitted pursuant to paragraph (c) above. It should include an evaluation of the strengths, weaknesses, successes, failures, challenges, opportunities and threats to the program. In conducting this evaluation, the CST program team shall review state and local data relevant to these issues. The CST program team shall submit to the Division with its funding application a written copy of the self evaluation or Division approved evaluation, demonstrating the extent to which its conclusions are supported by data. The report shall also indicate any programmatic changes that were made as a result of the review.

Section 11. Participation in CST Programs and Participant Conditions.

(a) No person may participate in a CST program unless that person meets the requirements listed in W.S. § 7-13-1607.

(b) Local CST programs shall develop and implement policies and procedures enforcing the participation requirements listed in W.S. § 7-13-1607.

(c) Local CST programs shall develop and implement policies and procedures enforcing the incentives and sanctions guidelines listed in W.S. § 7-13-1608.

Section 12. 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. Agency employees shall fully inform the designated CST program staff member(s) of all matters affecting the treatment and program progress 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 2.31 and other federal confidentiality regulations.

Section 13. Data Collection and Outcome Evaluation.

(a) Each CST program team shall cooperate with requests from the Division for data, using such data collection software and procedures as the Division may deem appropriate. Each CST program, pursuant to W.S. § 7-13-1613(a), shall gather, maintain and provide the Division with access to the following participant information:

- (i) Gender, race, ethnicity, marital status, and child custody and support obligations;
- (ii) Criminal history;
- (iii) Substance abuse history, including substance of choice and prior treatment;
- (v) Employment, education and income history;
- (vi) Number and health of children born to female participants; and
- (vii) Incidents of recidivism occurring before, during and after successful completion of a CST program, or failed participation in a program.

(b) Each CST program, pursuant to W.S. § 7-13-1613(b), shall gather, maintain and report the following information:

- (i) The number of participants screened for eligibility, the number of eligible persons who were, and who were not, admitted to the program and their case disposition;
- (ii) The costs of operation and sources of funding of the program; and
- (iii) Data demonstrating the extent to which the goals established in W.S. § 7-13-1603(b) have been met, including the nature and number of subsequent criminal charges committed by each participant, the number of days each participant was retained in program, the number of graduated participants, the number of days of sobriety for each participant, the number of drug tests administered by the program and the results of each test, and the number of units of treatment (support services and after care) and ancillary services provided to each participant.

(c) The Division, with advice from local CST program teams, shall establish a uniform statewide data collection system. The Division shall ensure that data is collected

efficiently, in a uniform manner, and in a format that facilitates research and the evaluation of outcomes.