



Certification Page Regular and Emergency Rules

Revised September 2016

☐ **Emergency Rules** (After completing all of Sections 1 through 3, proceed to Section 5 below)

☒ **Regular Rules**

1. General Information

a. Agency/Board Name Wyoming Department of Health - Behavioral Health Division		
b. Agency/Board Address 6101 Yellowstone Rd. Ste. 220	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Shirley Pratt	f. Agency Liaison Telephone Number 307-777-2525	
g. Agency Liaison Email Address shirley.pratt@wyo.gov		h. Adoption Date July 16, 2018
i. Program Adult Developmentally Disabled Programs and Services		

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ **No.** ☐ **Yes.** Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number: 1	Chapter Name: General Introduction and Information	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Compliance with Commission on Accreditation of Rehabilitation Facilities Standards	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Determination of Eligibility	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number:	Chapter Name: Medicaid Supports and Comprehensive Waivers	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the **Registrar of Rules**; and
- provided to the **Legislative Service Office** and **Attorney General**:

11-16-16

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ No. ☐ Yes. ☒ N/A

b. A public hearing was held on the proposed rules. ☒ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:

July 16, 2018

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the **Legislative Service Office**:

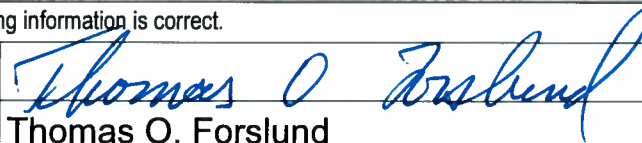
July 16, 2018

c. ☒ The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual



Printed Name of Signatory

Thomas O. Forslund

Signatory Title

Director

Date of Signature

July 16, 2018

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

Statement of Reasons

Adult Developmentally Disabled Programs and Services

Chapters 1 - 3

The Wyoming Department of Health proposes to repeal the following Rules to comply with all provisions of Wyoming Statutes §§ 9-2-102, 42-4-104, 42-4-120; and the Wyoming Administrative Procedures Act found at §§ 16-3-101 through 16-3-115.

Chapters 1 through 3 of Adult Developmentally Disabled Programs and Services are being repealed because all waiver services are administered through the Medicaid program, and necessary language regarding compliance with CARF and eligibility determination is now incorporated into the Wyoming Medicaid rules. For further information on these rules, please refer to the Statement of Changes and Reasons for Chapters 41 – 46 of the Medicaid Rules.

Consistent with the Governor's directive to reduce rules, the Department of Health removed unnecessary redundancy between these chapters, other existing Medicaid rules, and Wyoming statutes. The Department of Health also eliminated provisions where lawmaking is not necessary in favor of providing better regulatory guidance.

Wyoming Adult Developmentally Disabled Programs and Services Rules
CHAPTER 1 - General Introduction and Information

Summary of Public Comment

Public notice was given that the Wyoming Department of Health proposed to repeal Chapter 1, General Introduction and Information to comply with all provisions of Wyoming Statutes §§ 9-2-102, 42-4-104, 42-4-120; and the Wyoming Administrative Procedures Act found at §§ 16-3-101 through 16-3-115.

The public comment period for these rules began on November 15, 2016 and ended on January 4, 2017.

No public comments were given.

Wyoming Adult Developmentally Disabled Programs and Services Rules
CHAPTER 2 – Compliance with Commission on Accreditation of Rehab Facilities (CARF)

Summary of Public Comment

Public notice was given that the Wyoming Department of Health proposed to repeal Chapter 2, Compliance with Commission of Accreditation of Rehab Facilities (CARF) to comply with all provisions of Wyoming Statutes §§ 9-2-102, 42-4-104, 42-4-120; and the Wyoming Administrative Procedures Act found at §§ 16-3-101 through 16-3-115.

The public comment period for these rules began on November 15, 2016 and ended on January 4, 2017.

No public comments were given.

Wyoming Adult Developmentally Disabled Programs and Services Rules
CHAPTER 3 – Determinations of Eligibility

Summary of Public Comment

Public notice was given that the Wyoming Department of Health proposed to repeal Chapter 3, Determinations of Eligibility to comply with all provisions of Wyoming Statutes §§ 9-2-102, 42-4-104, 42-4-120; and the Wyoming Administrative Procedures Act found at §§ 16-3-101 through 16-3-115.

The public comment period for these rules began on November 15, 2016 and ended on January 4, 2017.

No public comments were given.

WYOMING ADULT DEVELOPMENTALLY DISABLED
PROGRAMS AND SERVICES RULES

CHAPTER 1

GENERAL INTRODUCTION AND INFORMATION

[This chapter is repealed.]

Adult Developmentally Disabled Programs and Services

Chapter 1

General Introduction and Information

[This Chapter is repealed]

~~**Section 1. Purpose.** The purpose of this document is to establish minimum standards for services to adults afflicted with developmental disabilities. The standards herein adopted are intended to protect the public from unsafe practices and to set forth requirements which will ensure high quality care and training, in the least restrictive setting, at the lowest possible cost. The Division of Community Programs of the Department of Health and Social Services shall purchase adult developmental disabilities services only from those adult developmental disabilities programs which are accredited by the Commission on the Accreditation of Rehabilitation Facilities (CARF).~~

~~**Section 2. Statutory Authority.** The standards are adopted pursuant to the authority vested in the Department of Health and Social Services by 4.5. 35-1-620(b) and 4.5. 9-2-102(a)(iii).~~

~~**Section 3. Applicability of the Standards.** These standards are applicable to all adult developmental disabilities programs from which the Division of Community Programs, Office of Developmental Disabilities, purchases services(s), who are not currently accredited by CARF.~~

~~**Section 4. Exception.** The Division of Community Programs has the option of purchasing services for developmentally disabled adults from an agency that is not accredited by CARF if:~~

~~a. The agency has been in existence for less than twelve months; or~~

~~b. The agency has been in existence for more than twelve months, but has been providing services to developmentally disabled adults for less than twelve months.~~

~~**Section 5. Compatibility with Other Laws, Rules and Regulations.** These standards are intended to supersede existing State regulations governing the operation of programs or provision of services to adults afflicted with developmental disabilities, and shall be considered to supplement applicable federal laws, rules and regulations.~~

~~**Section 6. Definitions.** As used in these standards, the term:~~

~~a. "Abeyance" means the up to twelve month delay in the accreditation decision that CARF can use to provide a facility the time to correct significant deficits.~~

~~b. "Adult" means an individual who has reached the twenty-first (21) anniversary of his birth.~~

~~c. "Developmental disability" is defined as a "severe, chronic, disability which (a) is attributable to a mental or physical impairment or a combination of mental or physical~~

impairments; (b) is manifested before the person attains age twenty two (22); (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activities; (i) self care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self direction, (vi) capacity for independent living, or (vii) economic self-sufficiency; (e) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are a life long duration and are individually planned and coordinated.

——d.——"Department" means the Department of Health and Social Services.

——e.——"Division" means the Division of Community Programs within the Department of Health and Social Services.

WYOMING ADULT DEVELOPMENTALLY DISABLED
PROGRAMS AND SERVICES RULES

CHAPTER 2

COMPLIANCE WITH COMMISSION ON ACCREDITATION
OF REHAB FACILITIES (CARF)

[This chapter is repealed.]

Adult Developmental Disabilities Programs and Services

Chapter 2

Compliance with Commission on Accreditation of Rehabilitation Facilities (CARF) Standards

[This Chapter is repealed]

~~**Section 1.** Compliance with the "Standards Manual for Facilities Serving People with Disabilities" of the Commission on Accreditation of Rehabilitation Facilities. The Department requires that any developmental disability adult program providing services, in any way funded by the Division of Community Programs, Office of Developmental Disabilities, to adults who are afflicted with a developmental disability complies with the standards listed in the "Standards Manual for Facilities Serving People with Disabilities" of the Commission on Accreditation of Rehabilitation Facilities (CARF), copyright 1986, which are herein adopted as the Departmental standards.~~

~~— **Section 2.** Levels of accreditation:~~

~~— a. The Department may contract with an agency providing services to adults afflicted with developmental disability, which is accredited at either the one or three year level.~~

~~— b. An agency which is reviewed for the first time by CARF and is given an abeyance is not considered CARF accredited.~~

~~— c. An agency which while previously accredited is given an abeyance during a reaccreditation survey is considered to be CARF accredited.~~

WYOMING ADULT DEVELOPMENTALLY DISABLED
PROGRAMS AND SERVICES RULES

CHAPTER 3

DETERMINATIONS OF ELIGIBILITY

[This chapter is repealed.]

CHAPTER 3

Determinations of Eligibility

[This Chapter is repealed]

~~**Section 1. Purpose.** The purpose of this document is to establish standards for the determinations and reviews of determinations of eligibility for developmental disabilities services.~~

~~**Section 2. Statutory Authority.** These standards are adopted pursuant to the authority vested in the Department of Health and Social Services by W.S. 35-1-620(b) and W.S. 9-2102(a)(iii).~~

~~**Section 3. Applicability of the Standards.** These standards are applicable to all adult developmental disabilities programs from which the Division of Community Programs, Office of Developmental Disabilities, purchases services.~~

~~**Section 4. Compatibility with Other Laws, Rules and Regulations.** These standards are not intended to supersede existing State regulations governing the operation of programs or provision of services to adults afflicted with developmental disabilities, and shall be considered to supplement applicable federal laws, rules and regulations.~~

~~**Section 5. Definitions.** As used in these standards, the term:~~

~~a) "Administrator" means the administrator of the Division of Community Programs.~~

~~b) "Advocate" means the parent, guardian, provider or other party that represents the client's grievance and/or assists the client with the grievance process.~~

~~c) "Client" means a person for whom a provider performs or proposes to perform service(s) in matters other than routine information and referral requests.~~

~~d) "Division" means the Division of Community Programs within the Department of Health and Social Services.~~

~~e) "Office" means the Office of Developmental Disabilities within the Division.~~

~~f) "Provider" means any agency with which the Division of Community Programs contracts for the provision of services to adults with a developmental disability.~~

~~g) "Reviewer" means a person or agency qualified to evaluate and/or judge the degree to which the client is developmentally disabled.~~

~~**Section 6. Review of Eligibility.** The Provider shall determine the eligibility of a person as developmentally disabled. However, nothing precludes the Division from altering eligibility~~

~~decisions as a result of on-site reviews. Such alterations of eligibility shall be subject to these rules.~~

~~— a) — Upon notification to the client regarding his or her eligibility determination, the Provider shall inform the client of the right to request a Division review of the Provider's decision.~~

~~— b) — The Client's request for the Division's review must be made within twenty (20) calendar days of the eligibility notice. The review request must be accompanied by an authorized client information release form, and if available, documents, evaluation reports, and/or other information may be submitted at that time.~~

~~— c) — The Office shall constitute a committee which shall determine the eligibility of a person as developmentally disabled.~~

~~———— 1) — The Office shall review all documents provided by the Client or Advocate to support or clarify the determination of eligibility;~~

~~———— 2) — May request additional information or clarification of information from the Client or Advocate prior to making a determination of eligibility;~~

~~———— 3) — May contract with one or more independent reviewers to review appropriate documents and recommend a determination of eligibility to the Administrator; or~~

~~———— 4) — May purchase independent evaluations as is necessary to render a determination of eligibility.~~

~~— d) — The Division will provide a written notice of the disposition of its review within forty-five (45) days after receiving the Provider's written request. Said time limit may be extended upon stipulation of agreement by the Administrator and the Client/Advocate.~~

~~— e) — Should the client be aggrieved by the decision of the committee regarding eligibility, the Client may appeal the decision in accordance with Chapter XI of the Division Rules as a contested case.~~

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