


Georgia Department of Human Resources Division of Mental Health, Developmental Disabilities & Addictive Diseases	DHR Online Directive Information System (ODIS) Directive # 6001-801 <i>Replaces DMHDDAD POLICY #9.102</i> Page 1 of 3
Policy: Maintenance of Safety for Division of MHDDAD Consumers and Staff Subject: Requests for Waivers of the Standards for Mental Health, Developmental Disabilities and Addictive Diseases	
References: Official Code of Georgia Annotated 37-2-4	Original Effective Date: April 21, 1998 Revised Effective Date: July 1, 2008 Approved:
Applicability: Community Providers of MHDDAD Services MHDDAD State and Regional Offices	 _____ Gwendolyn B. Skinner, Director, Division of MHDDAD
Attachments: Attachment A: Request for Waiver of Standards Attachment B: Tracking Form for Request for Waiver of Standards	_____ 4/2/08 _____ Date

REQUESTS FOR WAIVERS OF THE STANDARDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND ADDICTIVE DISEASES SERVICES

POLICY

The Division of Mental Health, Developmental Disabilities and Addictive Diseases (DMHDDAD) has a standard process for review and approval of requests for waivers of standards that are contained in the Provider Manual for Mental Health, Developmental Disabilities and Addictive Diseases Providers (Provider Manual).

When the enforcement of one or more of DMHDDAD standards creates an undue hardship or barrier for consumers to access a needed service, DMHDDAD reviews the standard and situation in order to determine whether a waiver of the requisite standard(s) for a limited period of time is warranted. The waiver request and review process assures a continuing commitment to consumer health and safety, compliance with requirements of external funding, regulatory entities, and accreditation/certification requirements. All approved waivers of DMHDDAD standards expire at the end of the specified approved time period, not to exceed one year following their approval, unless otherwise specified in this policy.

PROCEDURES

A. Limitations regarding waivers of standards

Waivers are not granted under any circumstance to allow unlicensed or non-certified staff to provide, authorize or supervise any services that are required to be performed by a licensed/certified practitioner.

Waivers of standards of professional designations previously granted under this policy are not applicable to the meeting of provider qualifications specified in the Developmental Disability Medicaid waivers.

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As of June 30, 2008, no further requests are accepted for a waiver of a standard related to DMHDDAD professional designations included in the Provider Manual:

- Mental Health Professional (MHP)
- Substance Abuse Manager (SAM)
- Substance Abuse Professional (SAP)
- Mental Health Clinician (MHC)

All existing waivers previously granted for the above professional designations expire at the earlier of the two following dates:

- either one year after their approval (as already specified in this policy), OR
- at the time that the Medicaid State Plan Amendment is implemented (which is anticipated to occur during FY'09).

B. Process for requesting approval of waivers of standards

A service provider, consumer, family member, advocate, or other interested party may request that a standard be waived when the standard creates an undue hardship or barrier for consumers to access a needed service.

Waiver requests are sent to the DMHDDAD Regional Coordinator, accompanied by a completed **Request for Waiver of Standards** form (See Attachment A).

For requests related to waivers of standards other than professional designation, relevant information is included on **Attachment A - Request for Waiver of Standards** form, including:

- Justification of the reason for a waiver of standards due to an undue hardship or barrier for consumers to access a needed service;
- Plan for improvement or changes needed in order for services to be available in accordance with the standards;
- A recommendation and affirmation of the identified need for a waiver signed by the Director of the provider organization.

C. Process for review and approval of waivers of standards

1. The Regional Office completes an initial review to determine if the request falls within DMHDDAD guidelines.
2. Within five (5) days after receiving a waiver request, the DMHDDAD Regional Coordinator submits the request, along with his/her recommendations, to the appropriate DMHDDAD State Disability Office.
3. The DMHDDAD State Disability Office approves or disapproves the requested waiver within five business days after involving appropriate DMHDDAD staff in the review of the request. The decision is documented on the Attachment B - Tracking Form for Request for Waiver of Standards.
4. The DMHDDAD Medicaid Coordinator approves or disapproves the requested waiver within five business days after receipt from the DMHDDAD State Disability Office.
5. All approved waivers expire at the end of the specified approved time period, not to exceed one year following approval.
6. The DMHDDAD State Disability Office is responsible to notify the provider (or other requesting party) by letter of the decision that has been made. The letter outlines the

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decision regarding the waiver request; if the request is approved, the expectations for the provider (or other requesting party) are outlined as contained in section C. of this policy.

7. The Regional Coordinator and the DMHDDAD Medicaid Coordinator are copied on the letter.
8. For waivers of standards for services that are audited or monitored by a DMHDDAD External Review Organization or other contracted entity, the Division State Disability Office copies that entity on the letter.
9. The DMHDDAD State Disability Office maintains a record of the information regarding the waiver request in the **Tracking Form for Request for Waiver of Standards** in the DMHDDAD Shared Drive.

D. Provider Responsibilities following approval of a waiver request

1. The provider must maintain on file a copy of all approved waiver requests and have such waiver(s) available for review by the Division or its representatives.
2. The provider must notify the Regional Coordinator or designee when there is any change to services for which the waiver was requested.
3. For waivers of standards for services that are audited/monitored by a DMHDDAD External Review Organization or other contracted entities, the provider must produce a copy of the waiver letter at the time of the audit in order for the External Review Organization or other contracted entity to appropriately incorporate the approved waiver into the audit/monitoring activity.

E. Waiver requests for more than one year:

All approved waivers expire at the end of one year following their approval. If the petitioner believes there are special circumstances justifying an extension beyond one year, they may apply again prior to the expiration date, completing another *Request for Waiver of Standards* form with updated documentation.