

**Substance Use Disorder Treatment Certification Rule**

**1.0 Authority**

This rule is adopted pursuant to 8 V.S.A § 4089b and 18 V.S.A §§ 102 and 4806.

**2.0 Purpose**

This rule provides substance use disorder treatment certification requirements for Preferred Providers. Certification is required pursuant to this rule for any substance use disorder treatment program that receives state or federal funding from the Department.

**3.0 Definitions**

- 3.1 “Certification”** means a treatment program for substance use disorder has demonstrated compliance with Department requirements. Certification may be granted for a period of not more than three years.
- 3.2 “Commissioner”** means the Commissioner of the Vermont Department of Health.
- 3.3 “Component”** means an organizational subsection of a program, either on-site or at another location. For example, multiple treatment units, community education, outreach, and emergency services might all be components of a substance use disorder treatment program.
- 3.4 “Days”** means calendar days.
- 3.5 “Department”** means the Vermont Department of Health.
- 3.6 “Inspection”** means review of client medical records, staff personnel files, physical building, and program policies and procedures.
- 3.7 “Preferred provider”** means a program that has attained a certificate from the Department and has an existing contract or grant from the Department to provide treatment for substance use disorder.
- 3.8 “Program”** means an organizational entity which provides treatment services to persons with substance use disorder. A program may be an identified administrative unit within a larger organization; it may also consist of more than one component.
- 3.9 “Requirements”** means applicable rules, regulations, policies, procedures and manuals.
- 3.10 “Substance Use Disorder”** means the definition of substance use disorder included in the most recent version of the Diagnostic and Statistical Manual of

Mental Disorders (DSM).

#### **4.0 Certification**

**4.1** Certification is required for any substance use disorder treatment program that receives state or federal funding from the Department.

##### **4.1.1 Initial Certification Application**

Programs interested in certification must complete and submit the Department's application describing:

- 4.1.1.1 How the program is filling a need or gap in services;
- 4.1.1.2 The population to be served;
- 4.1.1.3 The proposed service area;
- 4.1.1.4 The operation, fiscal and staffing models;
- 4.1.1.5 How the program has the capacity and system to track and report data to the Department per Department requirements;
- 4.1.1.6 The anticipated impact on health care costs, access, quality and health outcomes;
- 4.1.1.7 The schedule for startup with major milestones and deliverables; and
- 4.1.1.8 That the program is in good standing with the Vermont Department of Taxes pursuant to 32 V.S.A. § 3113.

##### **4.1.2 Renewal Certification Application**

At least sixty (60) days prior to the expiration of a current certification, programs must submit a completed renewal application to the Department. Failure to submit a timely renewal application may result in decertification. Applications must include, at a minimum:

- 4.1.2.1 Requested policies and procedures;
- 4.1.2.2 A roster of employees; and
- 4.1.2.3 The grievance log.

#### **4.2 Site Visits**

Programs seeking initial certification and renewal certification may be required to undergo a site visit. The site visit must demonstrate that:

- 4.2.1 The program has written and dated policies and procedures for the supervision of all individuals providing direct services.
  - 4.2.1.1 The policies and procedures must require supervision of any clinical or direct service personnel that provides substance use disorder treatment services by a Vermont licensed qualified professional.
  - 4.2.1.2 Every practitioner providing billable substance use disorder treatment services is acting within their scope of practice.
- 4.2.2 The program utilizes written and standardized admission criteria for each level of care offered.
- 4.2.3 The program has written and dated assessment policies and procedures that include the American Society of Addiction Medicine (ASAM) Criteria to determine the most appropriate level of care for the person served and result in a signed and dated assessment for each person served.

- 4.2.4 Each person served receives a person-centered treatment plan that is developed with the person served and is based on the assessment, is documented and signed.
- 4.2.5 The program has written and dated policies and procedures on persons served who are transitioning or are discharged from the program.
  - 4.2.5.1 The policies must require the development of a written aftercare plan developed with the person served for all planned discharges or transitions from the program.
  - 4.2.5.2 The policy must require the development of a written discharge summary.
- 4.2.6 The program has written and dated policies and procedures regarding pharmaceutical practices.
- 4.2.7 The program has written and dated guidelines for the management of mental health crisis and emergency care.
- 4.2.8 The program will provide case management and care coordination services that provide goal-oriented and individualized support.
- 4.2.9 The program maintains and implements a quality improvement plan informed by data and outcomes and documents actions toward the areas shown to need improvement.

## **5.0 Waivers**

- 5.1 The Department may grant a waiver for variance from any certification requirement if the Department determines that strict compliance would impose substantial hardship on the program and the variance would not result in decreased or deficient services to, or protections of the health or safety of, the individuals in the designated service area.
- 5.2 All requests for waivers must be made in writing and submitted to the Department.
- 5.3 Requests for the waiver must:
  - 5.3.2 Identify the requirement for which a waiver is requested;
  - 5.3.3 Provide an explanation of why the requirement cannot be met; and
  - 5.3.4 Provide a description of the alternative method proposed for meeting the intent of the requirement in question.
- 5.4 Waivers may be granted for a specific period not to exceed the term of the certification.

## **6.0 Inspection**

The Department may, without notice, perform an inspection and survey for compliance with this rule at any time. At a minimum, programs must be compliant with all renewal certification requirements established in section 4.0.

## **7.0 Suspensions and Revocations**

### **7.1 Opportunity to Cure**

- 7.1.1 A program found to be in non-compliance of Department requirements will be notified by the Department in writing of the violation(s).

7.1.2 A program must cure the non-compliance in the timeframe set forth in the notice.

7.2 The Department may order the suspension or revocation of a certification at any time for non-compliance of Department requirements subject to 3 V.S.A. § 809, including summary suspension if the Department finds that public health or safety imperatively requires emergency action, and incorporates a finding to that effect in its order.

7.3 Following the suspension of a certification, the Department may reinstate certification.

## **8.0 Appeals**

8.1 If a program has been denied a certification or had their certification suspended or revoked, the program must be afforded an opportunity for a hearing with the Commissioner or designee pursuant to 3 V.S.A § 809.

8.1.1 During the appeal process the program does not maintain certification as a preferred provider.

8.2 If a program wishes to appeal the decision of the Commissioner or designee, the program may appeal to the Board of Health pursuant to 18 V.S.A. § 128.

8.3 All appeals must be in writing and must state the reason for the appeal.