

ARKANSAS DEPARTMENT OF HUMAN SERVICES
 DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
 DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Service	Licensure/Certification	3009-I

1. Purpose. This policy has been prepared to implement Ark. Code Ann. 20-48-201 et. seq.
2. Scope. This policy is applicable to all Division of Developmental Disabilities Services (DDS) staff charged with implementation of licensure/certification requirements, and to the following types of community programs/voucher program providers/certified case management service providers in Arkansas serving individuals who have a developmental disability:
 - A. Any program for the provision of services to persons with developmental disabilities unless the program in its entirety is licensed by the Office of Long Term Care.
 - B. All community programs which are classified as Sheltered Workshops must be certified by the Arkansas Rehabilitation Services, Program Facilities Section, Arkansas Department of Education. The Work Activity Center components will be licensed by DDS.
 - C. All programs for school age children will be monitored and regulated by the Local Education Agency in accordance with P.L. 94-142 and regulations established by the Arkansas Department of Education, Special Education Section.
 - D. All voucher program providers and certified case management providers will be certified by DDS Licensure. (DDS licensed community programs will meet licensure requirements).
 - E. All ACS Waiver providers of the following services: Crisis Abatement Respite Care, Consultation, Specialized Medical Supplies, Adaptive Equipment, and Physical Adaptations will be certified.

Replacement Notation: This policy replaces DDS Deputy Director's Office Policy 3009-I dated January 8, 1987 and October 1, 1988.

Effective Date: July 1, 1996

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References: Ark. Code Ann. 20-48-201 et. seq.; Ark. Code Ann. 25-15-201 et. seq.;
 DDS Standards for Community Programs.

Administrative Rules & Regulations Sub Committee of the Arkansas
 Legislative Council: November 4, 1993.

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- F. Codes: Nothing stated herein relieves the sponsor from compliance with building codes, ordinances, and regulations which are required by city, county, State or jurisdictions. Where such codes are not in effect, it is the sponsor's responsibility to consult one of the national building codes generally used in the area for all components of the building type being used or constructed.

- 3. License Certificate(s). Licensure certificates shall be issued for each specified community program or program component. Licenses are valid and effective only for the physical location reviewed and the entity to whom the license is issued. Licenses are not transferable. A copy of the Adult Services license shall be kept on file in all residential components, and must be posted in a conspicuous place at all other licensed sites.

- 4. Access. DDS shall have access to the premises, staff and people served records, of licensed community programs, and access to all records of early intervention voucher providers and certified management providers at all times for the purpose of making inspections relative to compliance with applicable standards.

- 5. Licensure Team Composition.
 - DDS Program Evaluator(s) and/or Supervisor
 - DDS Quality Assurance/Training Coordinator (optional)
 - DDS Educational Representative (optional)
 - DDS Consultant (optional)
 - Community Program Director (optional)
 - Advocate/Consumer Representative (optional)
 - DDS Therapeutic Services Director (optional)

- 6. Time frames as specified in the policy will be based on the community program operational calendar.

- 7. Time frames for the voucher program, certified case management program, and ACS waiver (certified) providers will be based on the date of annual certification.

- 8. License Definitions.
 - A. Provisional License – Granted for a maximum term of ninety (90) days to allow start-up of a new community program(s) or new component(s) of an existing community program.

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- B. Annual License - Granted for a term of twelve (12) months to community program components or programs which are in full compliance with applicable standards.
- C. Probationary License - Granted for a maximum term of six (6) months to community program components or programs which are not in full compliance with applicable standards. only one probationary license shall be issued to a community program within a three-year period during the continuous operation of the community program.

9. Procedural Guidelines for Licensure.

- A. Existing community programs will provide the Program Evaluator/Supervisor with a copy of their Articles of Incorporation and Amendments, by-laws, policies and procedures, and further, will provide copies of any change or amendment to any such document prior to the effective date of such change or amendment. Within fifteen (15) days of receipt of such items, the Program Evaluator/Supervisor will review the items for compliance with all applicable standards and will notify the Executive Director and President of the Board of Directors of the community program in writing of the results of the review.

If during the course of a licensed year, a community program is found to be non-compliant with the applicable standards, the community program will be allowed a period of time not to exceed sixty (60) days to return to compliance without jeopardizing the current license status. If requested, the program will submit a written plan of correction to the Program Evaluator/Supervisor within thirty (30) days of receipt of any report of deficiency or item of noncompliance. The correction plan shall specify the method of correction and establish time frames for completion of corrections. The Program Evaluator/Supervisor will reply to the correction plan in writing within fifteen (15) days. If the plan is disapproved the reply shall state the reason(s) for such disapproval.

Applications for licensure shall be filed with the Program Evaluator Supervisor, DDS, on forms provided for that purpose. Applications submitted without Attachments required by any law, rule or regulation shall be considered incomplete and shall be returned.

Licenses shall be issued only for the premises/component and organization stated on the official forms, and shall not be transferable.

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B. Provisional Licensure:

1. After review of the complete application, the licensure evaluation team will review the program for compliance with Safety, Physical Plant, Food service, Transportation, Board of Directors, Personnel Procedures and Records, Staff Training, Case Management Services Procedures, and Individual/Parent/Guardian Procedures Sections of the applicable standards.
2. A provisional license will be granted if the program is in full compliance with the above stated applicable standards. if, at the initial evaluation, the program is in full compliance with all applicable standards an annual license will be issued for a twelve (12) month term subject to interim adverse action.
3. If at the initial evaluation all applicable standards are not met, DDS may elect either to deny a provisional license or issue a probationary license.
4. If a program cannot achieve full compliance with the applicable standards during the provisional licensure term, DDS may deny annual or probationary licensure.

C. Annual License/Renewal:

1. All licenses shall remain effective contingent upon continued compliance with applicable standards.
2. A self-study packet will be sent to the community program one-hundred twenty (120) days to one hundred fifty (150) days prior to the expiration of the license. This self-study should be completed with the involvement of at least one (1) member of the Board of Directors of the community program. The purpose of this self-study packet is to assist the community program in preparation for the license evaluation.
3. The community program will be reviewed by the licensure evaluation team ninety (90) to one hundred twenty (120) days prior to the expiration

of the license. The Director and Board President of the community program will be notified in writing specifying that the licensure evaluation will take place during the next thirty (30) days.

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An exit interview will be held at the community program immediately following the evaluation. Within fifteen (15) days, a written report will be sent to the community program documenting the licensure evaluation findings.

4. If the community program is in full compliance with applicable standards at this visit, an annual license will be issued.
5. Within forty-five (45) to sixty (60) days after the licensure evaluation a follow-up visit will be scheduled to verify compliance of any deficient item(s) of the community program as cited by the licensure evaluation team. Within fifteen (15) days, a written report will be sent to the community program documenting the findings.
6. If the community program is in compliance with applicable standards, an annual license will be issued.

D. Probationary License:

1. Recommendation of licensure evaluation team and approval by the Assistant Director, Administrative Services, is required prior to Director's issuance.
2. Monthly reports concerning progress toward compliance must be submitted to the Program Evaluator/Supervisor until all deficiencies have been corrected.
3. Monthly visits will be made by appropriate DDS staff as assigned to assess correction efforts and to assist the community program in obtaining compliance.
4. A report of compliance will be submitted to the Program Evaluator/Supervisor within thirty (30) days after the last projected date on the plan of correction.

5. On receipt of the report of compliance, the community program will be visited by the licensure evaluation team. The team will determine whether the program is eligible for annual license.

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6. If the community program is not in full compliance with the applicable standards at the end of the probationary license, not to exceed six (6) months, recommendations will be made to the Assistant Director, Administrative Services, to deny an annual license.
 - E. A license will be revoked for failure to subsequently comply with any of the regulations at any time and/or allowing conditions to exist which are not in the best interest of the individuals, i.e., permitting, aiding, or abetting the commission of any unlawful act in connection with the operation of the community program. Approval by the Assistant Director, Administrative Services, is required.
 - F. Extension of an annual license may be granted due to an emergency or administrative decision as determined by recommendation to the Program Evaluator/Supervisor, with written documentation between the Board of Directors of the community program and Administrative Services, DDS.
 - G. If during the course of the licensed year, physical plan location is to be changed, the assigned Program Evaluator/Supervisor must be notified prior to the proposed move. A visit must be scheduled to review Physical Plant and Safety standard items for compliance before individuals are moved.
 - H. If a community provider is found through a DDS Licensure investigation to have solicited an individual to change providers, the provider's license/certification can be placed on probation, revoked, the provider could be required to submit a plan-of-correction, or prohibited from serving as the individuals provider or be required to reimburse for services billed. Solicitation is defined as: Any verbal or written appeal that would exert undue influence to encourage an individual or his/her responsible party to select one provider over another.
10. Procedural Guidelines for Certification.
 - A. Voucher providers will provide the Program Evaluator/Supervisor copies of all staff requirements out-lined in the VOUCHER PARTICIPANT AGREEMENT. Within fifteen (15) days of receipt of such items, the Program

Evaluator/Supervisor will review the items for compliance and will notify the provider in writing of the results of the review. Voucher providers must also, submit a copy of their Social Services Central Registry check prior to certification and/or re-certification.

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NOTE: For A above:

Voucher Participation agreements will be provided to DDS Licensure by Grants Administration for approval. Documentation submitted with the agreement will be reviewed. If documentation is incomplete certification will be disapproved.

- B. ACS Waiver Providers of services listed under 2E will provide the Program Evaluator/Supervisor copies of all certification criteria requirements outlined in The DDS Standards for ACS Waiver Certification within fifteen (15) days of receipt of such items, the Program Evaluator/Supervisor will review the items for compliance and will notify the provider in writing of the results of the review.
- C. Certified case management providers must submit to the Program Evaluator/Supervisor documentation of certified case management training provided by DDS approved certified case management trainers or Exempt Status (i.e. licensed social worker, registered nurse, etc. ...) documentation. Annually CCM providers must submit documentation of ten (10) continuing education credits. CCM's must also submit a copy of their Social Services Central Registry Check prior to certification and/or recertification if not currently on file. At any time, a new Social Services Central Registry Check may be requested. A signed/dated copy of the code of ethics must also be submitted prior to issuance of the Provisional Certification and prior to issuance of the Annual Certification and will be kept on file.

NOTE: For A, B and C above:

If during the course of a certified year, a certified provider is found to be non-compliant with the requirements, the provider will be allowed a period of time not to exceed thirty (30) days to return to compliance without jeopardizing the current certification status. The provider will submit to the Program Evaluator/Supervisor within fifteen (15) days of receipt of any report of Deficiencies or item of noncompliance. The correction plan shall specify the

method of corrections. The Program Evaluator Supervisor will reply to the correction plan in writing within fifteen (15) days. If the plan is disapproved the reply shall state the reason(s) for such disapproval.

Certification will be issued for specific provider and shall not be transferable.

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D. Provisional Certification for Voucher and ACS Certification Providers:

1. After review of the submitted material, the Program Evaluator/Supervisor will determine compliance with requirements.
2. A provisional certification will be issued if the provider has sufficient documentation attached but additional information is required to be submitted. DDS may elect to deny a provisional.
3. If all requirements are met during the initial review an annual certification can be issued for a maximum of twelve (12) months, however, the time frame will not exceed the contract year and is subject to interim adverse action.
4. If the provider can not achieve full compliance with requirements during the provisional certification, DDS may extend the provisional or deny an extended provisional or annual certification.

E. Provisional Certification for Certified Case Manager:

1. After review of the submitted material, the Program Evaluator/Supervisor will determine compliance with requirements.
2. A provisional certification will be issued for a 12-month time frame, if the provider has required documentation attached. DDS may elect to deny a provisional.
3. If all requirements are met at the end of the provisional time frame, an annual certification can be issued for a maximum of twelve (12) months, however, the time frame is subject to interim adverse action.
4. If the provider can not achieve full compliance with requirements during

the provisional certification, DDS may extend the provisional or deny extended provisional on annual certification.

F. Annual Certification/Renewal:

1. All certifications shall remain effective contingent upon continued compliance with applicable requirements.

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2. The required certification material and documentation will be reviewed by the Program Evaluator/Supervisor at renewal time.
3. The provider will be notified within fifteen (15) days of review in writing if deficiencies are noted and/or if additional information is needed. The provider will have thirty (30) days to come into full compliance.
4. If the provider is in full compliance with requirements an annual certification will be issued.

11. Procedural Guidelines for Change of Community Program Director/Executive Officer.

- A. Written notification of a change in the community program Director/Executive Officer shall be made to the Program Evaluator/Supervisor immediately upon resignation or discharge of the person in that position.
- B. Within sixty (60) days after a change of Director/Executive Officer, a Quality Assurance/Training Coordinator will conduct a technical assistance visit to assist the new Director/Executive Officer prior to C. below.
- C. Within ninety (90) days after the Director/Executive Officer change, a licensure review will be conducted as specified in the policy, Section 9. (Procedural Guidelines for Licensure, page 3.)

12. Procedural Guidelines for Certification Specialist/Program Evaluator/Supervisor.

- A. Written notification of a change in the community program Director/Executive Officer shall be made to the Program Evaluator/Supervisor immediately upon resignation or discharge of the person in that position.
- B. Licensure/certification reviews and evaluations shall be in writing and all decisions shall be based upon documented observation, statements by representatives of the program, or available written documents.
- C. Individual's files shall be subject to review for licensure/certification purposes and shall be made available to DDS upon request. The number of individual files reviewed will be based on the number of individuals served per component,

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however, at a minimum, three (3) individual's files will be reviewed per component per community program. At least one-third individual's files will be reviewed for Medicaid Waiver Providers and Case Management Providers under Medicaid Waiver Program through DDS. If required, the number of individual's files reviewed for the following certified services: Early Intervention Voucher Program, Certified Case Management, and ACS Waiver Providers (not licensed ACS Providers); will be based on the number of individuals served but will not exceed one-third, unless otherwise notified.

- D. Community Program employee/volunteer personnel files shall be subject to review for licensure purposes and shall be made available to DDS staff upon request. The Director's file and at least two (2) employee files shall be reviewed. At least one-third personnel files shall be reviewed for Medicaid Providers and Case Management Providers under Medicaid Waiver Program through DDS.
- E. The Program Evaluator/Supervisor will send a copy of the one hundred twenty (120) day notice letter to the Director/Executive Officer and Board President of the community program.
- F. The Program Evaluator (Certification Specialist) will send a letter to certified providers notifying participant(s) of required information to be submitted.
- G. The Program Evaluator will send the initial deficiency list to the community program Director/Executive Officer and the community program Board President.

- H. Upon the follow-up review of the community program, the Program Evaluator will send an updated report outlining the findings to the Director and Board President of that program and depending on the severity of non-compliance, all members of the Board of Directors may be sent a copy of the report.
13. Form. The application form appended to this Policy will be used in the Division of Developmental Disabilities Services licensure/certification process. Additional copies may be obtained from the Division of Developmental Disabilities Services, Licensure office.
14. Appeals. Appeal of any decision made in regard to this policy may be filed according to procedures outlined in DDS Director's Office Policy #1076.

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