

Recovery Services Organization Certification Rule

1.0 Authority

This rule is adopted pursuant to 8 V.S.A § 4089b (f)(2) and 18 V.S.A §§ 102 and 4806.

2.0 Purpose

This rule provides certification requirements for Recovery Services Organizations. Certification is required pursuant to this rule for any Recovery Services Organizations that receive state or federal funding for the provision of recovery support services through the Vermont Department of Health.

3.0 Scope

3.1 This rule applies to organizations that provide recovery support services, as defined in this rule, except:

3.1.1 This rule does not apply to Preferred Providers that are certified pursuant to the Department of Health’s Substance Use Disorder Treatment Certification Rule. Preferred Providers comply with the Department’s Preferred Providers: Substance Use Disorder Treatment Standards.

3.1.2 This rule does not apply to recovery residences who are providing residential recovery support services. Recovery residences are certified by the certifying body authorized by the Department of Health.

4.0 Definitions

4.1 “Certification” means that a Recovery Services Organization has demonstrated compliance with Department requirements including compliance with the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards document for the provision of recovery support services.

4.2 “Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards” means the document published by the Department that establishes the required minimum expectations related to operations, staff conduct, organizational performance, structure and/or workplace environment of a certified Recovery Services Organization.

- 4.3 **“Code of Federal Regulations” or “CFR”** means the codification of rules published in the Federal Register by the departments and agencies of the Federal Government.
- 4.4 **“Commissioner”** means the Commissioner of the Vermont Department of Health.
- 4.5 **“Department”** means the Vermont Department of Health.
- 4.6 **“Grievance”** means an expression of dissatisfaction about any matter.
- 4.7 **“Inspection”** means the review of participant records, staff personnel files, program practices, policies and procedures, and the physical building(s).
- 4.8 **“Participant”** means an individual who receives recovery support services from a certified Recovery Services Organization.
- 4.9 **“Preferred provider”** means a program that has attained a certificate from the Department, has an existing contract or grant from the Department to provide treatment for substance use disorder, provides treatment services in accordance with the most recent version of the American Society of Addiction Medicine (ASAM) Criteria, and complies with the Department’s Preferred Providers: Substance Use Disorder Treatment Standards.
- 4.10 **“Recovery Services Organization”** means a non-residential and non-clinical facility certified by the Department to provide recovery support services in compliance with this rule and the Department’s Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards.
- 4.11 **“Recovery support services”** means a set of culturally competent, non-clinical, evidence-based activities coordinated in accordance with a written individualized recovery plan of care that documents the substance use disorder and reflects the needs and preferences of the individual in achieving the specific, individualized goals that have measurable results and are specified in the plan. This can include a range of social and other services that facilitate recovery, wellness, linkage to services providers, and other supports shown to improve quality of life for people, and their families, in and seeking recovery from substance use.
- 4.12 **“Recovery Residences”** means the same as defined in 24 V.S.A. § 4412(1)(G).
- 4.13 **“Substance Use Disorder”** means the same as the definition of substance use disorder included in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric

Association.

5.0 Certification

5.1 General Requirements

- 5.1.1 Certification is required pursuant to this rule for any Recovery Services Organizations that receive state or federal funding for the provision of recovery supports services through the Vermont Department of Health.
- 5.1.2 The Department maintains complete discretion to grant, deny, suspend, and revoke a certification.
- 5.1.3 Certification shall be for a period of three years, unless suspended or revoked, and can be renewed.
- 5.1.4 Recovery Services Organizations shall provide services in accordance with the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards document, found on the Department's website.
- 5.1.5 Recovery Services Organization shall comply with applicable federal and state laws regarding privacy.

5.2 Initial Certification Application

- 5.2.1 To apply for certification, an organization shall submit to the Department a completed "Substance Use Disorder Recovery Services Organization Certification Application," found on the Department's website.
- 5.2.2 Applicants shall describe:
 - 5.2.2.1 How the organization is filling a need or gap in recovery services and supports;
 - 5.2.2.2 The target population the organization will serve;
 - 5.2.2.3 The proposed service area;
 - 5.2.2.4 The operation, fiscal, and staffing models;
 - 5.2.2.5 The organization's capacity and system to track and report data to the Department in accordance with Department requirements;
 - 5.2.2.6 All policies and procedures relating to Internal Controls in accordance with 2 CFR § 200.303;
 - 5.2.2.7 All policies and procedures relating to client records; and
 - 5.2.2.8 The organization's proof of good standing with respect to any and all taxes payable to the Vermont Department of Taxes

pursuant to 32 VSA § 3113.

5.3 Applications for Renewal of Certification

5.3.1 At least sixty (60) days prior to the expiration of a current certification, Recovery Services Organizations seeking a certification renewal shall submit to the Department a completed “Recovery Services Organization Renewal Certification Application,” found on the Department’s website.

5.3.1.1 Failure to submit a timely and completed application may result in the decertification of the Recovery Services Organization.

5.3.1.2 Applications must include, at a minimum:

5.3.1.2.1 Any organizational policies and procedures requested by the Department;

5.3.1.2.2 A roster of employees; and

5.3.1.2.3 A mechanism to log grievances.

5.3.2 During the renewal process, Recovery Services Organizations shall continue to be recognized as certified as long as the Recovery Services Organization is deemed by the Department to be in compliance with this rule and the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards.

5.4 Site Visits

5.4.1 Organizations seeking initial and/or renewal certification may be required to undergo a site visit, at the discretion of the Department.

5.4.2 The site visit form, named the “Recovery Certification Compliance Tool” is available at the Department of Health’s website.

5.4.3 The site visit must demonstrate, at a minimum, the following:

5.4.3.1 Compliance with the standards published in the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards document;

5.4.3.2 Maintenance of Internal Controls in accordance with 2 CFR § 200.303;

5.4.3.3 Proper maintenance of client records; and

5.4.3.4 Any other information, documentation, or records that the Department deems necessary to evaluate the organization's regulatory compliance and provision of services.

6.0 Waivers

- 6.1 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 organization and the variance would not adversely impact the organization's quality of services or health and safety of the individuals being served.
- 6.2 All requests for waivers must be made in writing and submitted to the Department.
- 6.3 Requests for the waiver shall include the following:
- 6.3.1 The requirement for which the waiver is requested;
 - 6.3.2 An explanation of why the requirement cannot be met;
 - 6.3.3 A description of the alternative method proposed for meeting the intent of the requirement in question; and if applicable,
 - 6.3.4 A timeframe for implementing the alternative method proposed that meets the intent of the requirement for which the waiver is being sought.
- 6.4 The Department shall have the discretion to reject, approve, and modify the timeframe requested by the organization. Waivers shall not be granted for a time period that exceed the term of the certification.

7.0 Inspection

- 7.1 Organizations applying for certification, recertification, or that are currently certified shall:
- 7.1.1 Permit the Department, at all times and without notice, the opportunity to perform an inspection of the organization and survey for compliance with this rule.
 - 7.1.2 Grant the Department access at all times and without notice to all records demonstrating compliance with this rule.

8.0 Suspension and Revocations

- 8.1 A Recovery Services Organization found to be in violation or non-compliance with the requirements of this rule, or with any other applicable law or regulation, may be offered an opportunity to cure the violation(s) within a specified time at the Department's discretion.

8.2 Failure to cure the violation may result in decertification of the recovery organization.

8.3 Opportunity to Cure

8.3.1 The Department shall notify a Recovery Services Organization in writing of a violation(s) and shall provide the organization with an opportunity to cure the facts or conduct which warranted the intended action.

8.3.2 Upon notification by the Department, the Recovery Services Organization shall cure the violation(s) within the time period set by the Department in its notice of violation and shall provide proof of its compliance with all lawful requirements for the retention of its certification in accordance with 3 V.S.A § 814(c).

8.3.3 Pending the Recovery Services Organization's curing of a violation, the Department may place conditions on the Recovery Services Organization's certification which may be lifted upon successful completion of the corrective action.

8.4 Suspension or Revocation

8.4.1 The Department may order the suspension or revocation of a certification at any time for non-compliance with Department requirements, subject to the requirements of 3 V.S.A. § 814(c).

8.4.2 If the Department finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a certification may be ordered pending proceedings for revocation or other action. All summary suspension proceedings shall be instituted and determined promptly.

8.5 Appealing a Revocation or Suspension

8.5.1 A Recovery Services Organization may appeal the revocation or suspension of a certification in accordance with 3 V.S.A. § 809.

9.0 Appeals

9.1 Denials of Certification:

9.1.1 When the Department denies certification or the renewal of a certification, the Recovery Services Organization shall be afforded an opportunity for a hearing with the Commissioner or designee pursuant to the provisions of 3 V.S.A. § 814.

9.1.2 The Department shall provide the Recovery Services Organization with notice of denial by mail which shall include the facts or conduct that warrants the denial of the application and their right to a hearing. The notice shall state the time, place, and nature of the hearing, a statement of the legal authority and jurisdiction

under which the hearing is to be held and shall reference the particular sections of the statutes and rules involved.

9.2 Appeals to the Superior Court

- 9.2.1 Pursuant to 18 V.S.A. § 128(a), the Commissioner’s decision may be appealed to the Civil Division of Superior Court in the county where the applicant resides or maintains a business. Appeals are governed by Vermont Rule of Civil Procedure 74.
- 9.2.2 To appeal a decision, a Notice of Appeal specifying who is taking the appeal, the decision being appealed, and name the court where the decision is being appealed must be sent to the Commissioner’s office within thirty (30) days of the decision.
- 9.2.3 Upon receipt of the Notice of Appeal, the Department of Health will provide the appellant with a list of all interested parties and instructions to serve all interested parties, and the Civil Division of the Superior Court, with the Notice.
- 9.2.4 Pursuant to V.R.C.P. 74(c), an appeal to Superior Court does not stay enforcement of the Commissioner’s decision. You are obligated to follow the decision unless the Court grants a motion to stay the Department’s decision pending the appeal.
- 9.2.5 The Superior Court will consider the matter de novo (anew) and all persons and parties in interest, as determined by court rule, may appear and be heard. The appellant has the right to bring an attorney and witnesses.