

Summary of Updates to the Administrative Rule on Agency Designation Draft between Draft 1 (Fall 2023) and Draft 2 (Spring 2024)

Key to the table below

- **Topic:** specifies which area of Rule this change applies to. If ‘n/a’ it applies to the whole document.
- **Change:** describes what was updated
- **Purpose:** rationale for the update
- **Attn:** Identifies which of the following groups are likely most interested in the update. ‘All’ is an option.
 - State Program Standing Committees (SPSCs)
 - Designated and/or Specialized Service Agencies (DAs/SSAs)
 - Advocacy groups
 - Public / other interested parties
- Abbreviations used commonly in the document for populations served:
 - I/DD = Intellectual and/or Developmental Disabilities
 - MH = Mental Health

Topic	Change	Purpose	Attn:
n/a	Changed all iterations of ‘client’ to ‘individual’	Feedback from SPSCs	All
2.0 Purpose	Added Specialized Services Agencies to the ‘purpose’ section	Feedback from SSAs	SSAs
n/a	Added (or equivalent) to all instances of terms that are not universal in system of care, specifically for: <ul style="list-style-type: none"> - Board of Directors (or equivalent), - Executive Director (or equivalent), - Corrective Action Plan (or equivalent) 	Feedback from DAs	DAs
3.0 Definitions	Clarifying that ‘Certification’ equates to ‘Designation’ for the Developmental Disabilities Services Division (DDSD)	Certification is important to retain since it is written in regulation	I/DD DAs/SSAs
3.0 Definitions	In definition of ‘day’, changed from ‘working’ day to ‘business’ day	Feedback from DAs/SSAs	DAs/SSAs
3.0 Definitions	Updated definition of ‘Developmental Disability’ to align with regulation	Feedback from advocacy groups	All - I/DD

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3.0 Definitions	Added the definition for 'Intellectual Disability' from regulation	Feedback from SPSCs	All - I/DD
3.0 Definitions	Clarified that the 'Local Community Services Plan' is the same as what was previously called the 'Local System of Care Plan'	Feedback from DAs	All
3.0 Definitions	- Updated definition of SSAs to better reflect current use in the system of care - reordered definitions alphabetically	Feedback from contractor, DAs	DAs/SSAs
4.0 DAs & SSAs	Added SSAs to the title of the section	Feedback from DAs/SSAs	DAs/SSAs
4.0 DAs & SSAs	In 4.1.1 changed "DAs or SSAs" to "DAs and SSAs"	Feedback from advocacy groups	All
n/a	Abbreviated DDSD services as I/DD in general references where appropriate	Feedback from advocacy groups	All – I/DD
4.0 DAs & SSAs	4.1.9 updating language to clarify which organizational contracts require approval	Feedback from DAs/SSAs	DAs/SSAs
4.2 Designation process	Added 4.2.1.3 to describe the scenarios in which a SSA would apply for initial certification	Feedback from SSAs	SSAs
4.2 Designation process	Added end to 4.2.1.5 to clarify all regions have a current Designated Agency	Feedback from contractor	DAs
4.2 Designation process	Clarified in 4.2.2.2 & 4.2.2.3 that the designation process starts with written notification from the Commissioner(s)	Feedback from DAs/SSAs	DAs/SSAs
4.2 Designation process	Reinstated language from the 2003 version of the Rule requiring a public comment period during the designation process	Removal from the Rule was not intentional	All
4.3 Service Delivery	Added the statutory reference to 4.3.2	Clarity	DAs/SSAs
4.3 Service Delivery	- Clarified 4.3.3 items are specific to Designated agencies. - Added sub-points 4.3.3.1 and 4.3.3.2	Feedback from contractor	DAs/SSAs
4.3 Service Delivery	In 4.3.4.2 updated 'required services' to state 'comprehensive services'	Clarity, connect to 4.3.3.1	DAs/SSAs

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4.3 Service Delivery	In 4.3.4.4 reinstated language from 2003 version of the Rule regarding custody	Removal from the Rule was not intentional	DAs/SSAs
4.3 Service Delivery	In 4.3.4.7 updated ‘self-directed’ services to ‘self/family-managed’ services	Feedback from SSAs	All – I/DD
4.3 Service Delivery	In 4.3.4.8 added to this list: veteran and active military services, peer service organizations, therapeutic foster care services	More reflective of current system of care	DAs/SSAs
4.3 Service Delivery	In 4.3.7 updated provider ‘contract’ to provider ‘agreement’	Feedback from DAs/SSAs	DAs/SSAs
4.3 Service Delivery	In 4.3.8 & 4.3.9 clarified which pieces apply to those who self-manage and share-manage	Feedback from DAs/SSAs	DAs/SSAs
n/a	Changed all iterations of ‘stakeholder’ to another term like ‘community partner’ or ‘entity’ as appropriate	Move toward anti-racist language	All
4.5 CLAS	Added the section on Culturally and Linguistically Appropriate Services (CLAS)	Alignment with federal standards	All
4.6 Board	Added 4.6.1.3 that the board will be aware of potential conflicts of interest, especially in appointment and review of Executive Director (or equivalent) and new members	DDSD-identified need	All
4.6 Board	In 4.6.1.1 reinstated what the statute requires about board composition In 4.6.1.7 reinstated that the board should contribute to the Local Community Services Plan	Removal from the Rule was not intentional	All
4.6 Board	In 4.6.1.10 changed language from “review” new agency policy to “recommend or approve”	Feedback from DAs/SSAs	DAs/SSAs
4.7 LPSC	In 4.7.2.1.1 increased minimum number of members with I/DD direct lived experience from 2 to 3	To reach 50% required minimum standard	All – I/DD
4.7 LPSC	In 4.7.2.4 added clarity that agencies will train local program standing committee members if needed to participate	Feedback from DAs/SSAs	All

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4.7 LPSC	In 4.7.3.1.2.2 clarified that agency training plan is updated at least annually for I/DD services and every three years for MH services	Consistency with current regulation	All
4.8 CQI Plan	In 4.8.1 specified that the Continuous Quality Improvement (CQI) plan is reviewed annually but updated at least ever four years	Feedback from DAs/SSAs	DAs/SSAs
4.8 CQI Plan	In 4.8.1.1 added “and population served”	Clarity	DAs/SSAs
4.8 CQI Plan	In 4.8.1.2.2 added ‘health and safety’	Feedback from SSAs	DAs/SSAs
4.8 CQI Plan	In 4.8.2.1 clarified one measurable outcome is for each goal in the CQI plan	Feedback from DAs/SSAs	DAs/SSAs
4.8 CQI Plan	In 4.8.2.2 expanded from one responsible ‘individual’ to ‘team, program, or staff role’	Feedback from DAs/SSAs	DAs/SSAs
4.8 CQI Plan	In 4.8.3 changed ‘recommendations’ to ‘Corrective Action Plans (or equivalent)’	Clarity	DAs/SSAs
4.9 Event Reporting	Section header is new, subsection on Critical Incident Reports is new to Rule	Consistency with current regulation	All
4.9 Event Reporting	4.9.1.1.1 is new language requiring a timeline for submissions to the state reporting warehouse for grievances and client service appeals within 14 days	State identified need	DAs/SSAs
4.9 Event Reporting	In 4.9.1.2 added the specific names of entities that review grievances and appeals	Feedback from advocacy group	All
4.10 Data	In 4.10.1.3 updated ‘self-manage’ to ‘share-manage’	DDSD identified need	DAs/SSAs – I/DD
4.11 LCSP	In 4.11.1 clarified the Local Community Services Plan (LCSP) is required only for Designated Agencies In 4.11.2 named the board and staff should have consultative input to plan creation, reinstated that the plan must be fully revised every three years	Feedback from SSAs, Alignment with previous Rule, alignment with best practice	SSAs

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4.12 Personnel Policies	In 4.12.1 ended sentence at ‘high quality services’	Feedback from DAs/SSAs	DAs/SSAs
4.12 Personnel Policies	In 4.12.1.2 replaced both instances of ‘practices’ with ‘policies and procedures’	Feedback from DAs/SSAs	DAs/SSAs
4.12 Personnel Policies	In 4.12.2.1 (Staff Training Plan): <ul style="list-style-type: none"> - broadened the training plan from applying to ‘clinically-focused’ to ‘all’ staff and sub-contractors; - added that there can be different expectations for different staff types, - removed ‘as relevant’ from the end of the statement, - clarified that I/DD staff training plans must be updated annually 	State identified needs, consistency with current regulation	DAs/SSAs
4.12 Personnel Policies	Added item 4.12.2.1.7 – that staff should be trained on the Continuity of Services Plan	Consistency with current regulation	DAs/SSAs
4.13 Confidentiality	In 4.13.1: <ul style="list-style-type: none"> - replaced the term ‘practices’ with ‘procedures’, - Added ‘not’ before ‘limited to’ 	Feedback from DAs/SSAs, typo	DAs/SSAs
4.14 Rights	In 4.14.4.1 added language to allow signature exceptions with a rationale	Feedback from DAs/SSAs	All
4.14 Rights	In 4.14.6.2 and 4.14.6.3 tweaked language for clarity	Feedback from contractor	DAs/SSAs
4.14 Rights	4.14.7.1 is new language to give individuals power to name natural supports they do and don’t want having voice on their team	Feedback from DAs/SSAs/advocacy groups	All
4.14 Rights	4.14.7.2 broadened language to include all types of advance directives.	Mental/physical health integration	All
4.14 Rights	For every item in the section 4.14.7 on personal liberty and autonomy, the opening clarified individuals ‘or their guardian’ have the following rights	Feedback from DAs/SSAs	All
4.15 Accessibility	Updated 4.15.1.2 to clarify that transportation needs must be named	Feedback from DAs/SSAs	DAs/SSAs

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	in the service plan if they are necessary		
4.15 Accessibility	In 4.15.1.2 changed the term 'accessible' to 'understandable'	Clarity of purpose	DAs/SSAs
4.16 Continuity of Services Plan	Updates include: <ul style="list-style-type: none"> - In 4.16.1 removing language about 'accepting an individual into services' - In 4.16.1 adding 'disaster' as possible rationale for plan - In 4.16.1.2 including notifications to staff and community partner organizations - All of 4.16.1.6 is new - Removing language in 4.16.1.7 and 4.16.1.8 about required communication with the Department(s), since this is implied in the Rule 	Align with Certified Community Behavioral Health Clinic (CCBHC) Continuity of Operations Plan	DAs/SSAs
4.17 Records	In 4.17.4.1 removed 'immediate' access to align with regulation	Feedback from DAs/SSAs	DAs/SSAs
4.18 Budget & Fiscal Policy	In 4.18.2.3 added that a fee schedule goes into effect for I/DD services 7/1/25	DDSD identified need	DA/SSAs – I/DD
4.18 Budget & Fiscal Policy	In 4.18.2.9 removed the term 'manual'	Feedback from DAs/SSAs	DAs/SSAs
4.19 IT Policy	In 4.19.1.1 replaced 'Agency of Human Services (AHS) guidelines' with federal regulations (HIPAA, FERPA, 42 CFR Pt 2)	Feedback from DAs/SSAs	DAs/SSAs
4.19 IT Policy	In 4.19.1.2: <ul style="list-style-type: none"> - Changed 'alignment' to 'compliance' - Added a reference to AHS policy (also added to 4.19.1.3) 	Feedback from advocacy groups	DAs/SSAs, advocacy groups
5.0 SSAs	In 5.2 changed 'funding agreement' to 'Provider Agreement' (contract)	Feedback from SSAs	SSAs
6.0 State Program Standing	In 6.1 Reverted back to 2003 language to require two standing committees for adult and child, adolescent, and family	Feedback from SPSCs	SPSCs

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Committees (SPSCs)	(CAF) mental health populations, only at the state level		
6.0 SPSCs	Added back 6.1.2.2 stating a majority of members shall be disclosed as having lived experience. Clarifying that this can be family members for the CAF committee	Feedback from SPSCs	SPSCs
6.0 SPSCs	In 6.2.1.3: <ul style="list-style-type: none"> - updated 'may' to 'will' - Added 6.2.1.3.2 that SPSCs will meet with representatives from the Agency for (re)designation 	Feedback from SPSCs	SPSCs
6.0 SPSCs	In 6.1.2.3 reverted to 2003 language requiring governor-appointment of members	Feedback from SPSCs	SPSCs
6.0 SPSCs	In 6.2.1.4: <ul style="list-style-type: none"> - Set SPSC priority area ranking from at least biennially to every three years to align with local community services plan timeline - Added two sub items at request of committee members on other ways to give feedback to Departments 	Feedback from SPSCs	SPSCs
6.0 SPSCs	Expanded back to individual items to describe evaluation of quality (6.2.1.6), department policy (6.2.1.7), and grievances and individual service appeals (6.2.1.8)	Feedback from SPSCs	SPSCs
7.0 De-designation	Added 7.1.1.4 – failed to implement a Corrective Action Plan (or equivalent)	Alignment with current practice	DAs/SSAs
7.0 De-designation	In 7.1.1.5 updated 'formal complaint procedure' to be pattern of lack of implementation relating to 'grievances or individual service appeals'	Alignment with current practice	DAs/SSAs
8.0 Appeals	In 8.6 record retention for 'a reasonable time' updated to 'per the Department's Record Retention schedule'	Feedback from DAs/SSAs	DAs/SSAs

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9.0 Investigations	In 9.2 changed 'complaint' to 'concerns or feedback'		DAs/SSAs