~~CHAPTER 2 - REGULATIONS PERTAINING TO THE RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC INSTITUTIONS~~

~~001 - ADMINISTRATION. - The Division shall administer the provisions of the Act.~~

~~001.01 - The Division shall develop a comprehensive and integrated statewide plan for substance abuse services.~~

~~001.02 - The Division shall allocate funds and develop guidelines for expenditure of funds. Guidelines for expenditure of regional funds must be provided to the regions at least 90 days prior to the date on which the Regional Plan of Expenditures is due.~~

~~001.03 - The Division shall seek the advice of the state advisory committee for purposes of planning and setting policy for substance abuse service provision.~~

~~001.04 - The Division shall determine by on-site inspection and/or document based reviews whether providers funded by it are meeting minimum standards for financial management and program certification as specified respectively in 203 NAC 4 and 203 NAC 5.~~

~~001.05 - The Division shall take whatever action is necessary, including withholding payments, to enforce 203 NAC 2 through 203 NAC 5.~~

~~001.06 - The Division shall coordinate its activities with federal, other state, and private agencies involved directly or indirectly with the delivery of substance abuse services.~~

~~002 - LIMITATIONS ON INPATIENT SUBSTANCE ABUSE SERVICES. - Pursuant to Neb. Rev. Stat. § 71-5022, the Division shall provide necessary limitations on payment for inpatient services.~~

~~002.01 - The Division shall contract with regions or providers for substance abuse detoxification or treatment services in hospital settings only when such services are not available in a non-hospital setting.~~

~~003 APPEAL PROCEDURE. Any party aggrieved by the application of any regulation shall be entitled to an appeal and may request a hearing with the Department of Public Institutions.~~

~~003.01 The aggrieved party shall request from the Director of the Department of Public Institutions, a Complaint and Request for Hearing Form.~~

~~003.02 The Director, shall within 5 days of the request, send a Complaint and Request for Hearing Form to the aggrieved party.~~

~~003.03 The aggrieved party shall complete and file the Form with the Director within 30 days of the date of the decision being grieved.~~

~~003.04 The Department of Public Institutions shall, upon receipt of the Form, commence the hearing process pursuant to 207 NAC 1.~~

~~004 WAIVER PROCEDURE. Unless otherwise stated in these regulations, the Division may waive the application of any regulation in 203 NAC 2 through 203 NAC 5 as deemed appropriate to further the implementation of the Act.~~

~~004.01 To apply for a waiver the provider shall submit a written request. The request must include:~~

~~004.01A A citation of the regulation to be waived;~~

~~004.01B Reason(s) for the waiver request;~~

~~004.01C Activities to replace the requirement of the regulation(s) and the date the provider is expected to achieve compliance;~~

~~004.01D Authorization from the regional governing board or its designee, for those programs under contract to the Region;~~

~~004.01E Authorization from the provider's governing authority for programs directly funded by the Department.~~

~~004.02 The Division shall make a determination to grant the waiver when the provider's proposed alternative performance meets the following conditions:~~

~~004.02A It is consistent with the intent of the specified regulation;~~

~~004.02B It conforms to generally accepted administrative and programmatic practices;~~

~~004.02C It protects the rights, health, and safety of clients; and~~

~~004.02D It does not relieve the provider of the responsibility to comply with other pertinent regulatory requirements.~~

~~004.03 The Division shall review the waiver request and render a decision by certified mail to the provider within 30 days following receipt of the request.~~

~~004.04 If the Division grants a waiver it must be for a specified time period not to exceed one year.~~

~~004.05 A provider shall receive written approval from the Division prior to implementation of a waiver.~~

~~004.06 A provider shall meet all the conditions prescribed by the Division in granting the waiver. Failure to comply with the specified conditions automatically voids the waiver.~~

~~004.07 A provider aggrieved by a decision to deny a waiver may appeal to the Director of Public Institutions pursuant to 203 NAC 2-003.~~