Protocol for Providers’ Waiver Request
February 2007

This protocol has been established in order to comply with 10A NCAC 27G .0800 Waivers & Appeals. The rule requires contracted providers to obtain recommendation by the LME Area Board prior to authorization of its request by DMH.

1) Providers shall submit its “Waiver Request” and any supporting documents to the Contracts.

2) Contracts will present request to Corporate Compliance for review.

3) Corporate Compliance will support, deny, and/or seek additional information from provider.

4) Recommendation from Corporate Compliance will be presented to the Executive Committee of the Area Board by Area Director and/or designee.

5) Contracts will maintain a file of all requests and recommendations.

Source of Authority:
10A NCAC 27G .0802 CONTENTS OF WAIVER REQUESTS
Except as provided in Rules .0806 and .0813 of this Section, waiver requests shall be in writing and shall contain:
(1) the name, address and telephone number of the person making the request;
(2) the name, address and telephone number of the facility, program, agency or other entity for which the waiver is requested;
(3) the rule number and title of any rule for which the waiver is requested;
(4) a statement of facts including:
(a) the reason for the request;
(b) the nature and extent of the request; and
(c) confirmation that the health, safety or welfare of clients will not be threatened;
(5) the time frame for which the waiver is requested; and
(6) authorization for the waiver request and the date of such authorization. Required authorization is as follows:
(a) by the area board for a facility operated by an area program;
(b) by the governing board of the contract agency with a recommendation by the area board, for a contract agency (of area programs);
(c) by the governing body for a private facility; and
(d) by the Director of the Division of Prisons for the Department of Correction.