



COMMUNITY MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT SERVICES WAIVER AND VARIANCE PROCESS

Department of Health Services / Division of Quality Assurance
P-02328 (01/2019)

The purpose of this publication is to provide information to certified community mental health and substance abuse treatment service providers on the updated process for requesting waivers and/or variances submitted to the Division of Quality Assurance (DQA), Bureau of Health Services (BHS), Behavioral Health Certification Section (BHCS). Certified programs may obtain a waiver and/or variance for certain program standards if approved by the Department of Health Services (DHS).

Definitions

A **waiver**, if granted, allows the certified program an exemption from the specified regulatory requirement(s).

A **variance**, if granted, allows the certified program to request permission to meet the regulations in a manner different than stipulated by the rule.

Process

Certified programs may request a waiver and/or variance on the Wisconsin Administrative Codes for which they are certified. Waiver and/or variance requests are required to be certification specific and must be separately applied to for each certification for which the request would cover. A waiver and/or variance received from one business entity to cover multiple certifications will not be accepted.

Before approving a waiver and/or variance, BHCS will examine each request individually and issue a decision based on factors such as: need, compliance history, and public safety. The fact that waivers and/or variances have been approved for other certified programs does not constitute evidence of need.

DHS may grant a waiver and/or variance to program requirements when it is determined that the granting of the waiver and/or variance would not diminish the effectiveness of the services provided by the program and would not adversely affect the health and safety of clients served by the program. Waiver and/or variance requests will only be accepted on the DQA form, [F-60289, Waiver or Variance Request](#).

The following are provisions of the Wisconsin Administrative Code permit waiver and variance requests:

Code	Description
DHS 34	Emergency Mental Health Service Programs (Crisis)
DHS 35	Outpatient Mental Health Clinics
DHS 36	Comprehensive Community Services Program (CCS)
DHS 40	Mental Health Day Treatment Services for Children
DHS 61	Community Mental Health and Developmental Disabilities
DHS 63	Community Support Program for Chronically Mentally Ill Persons (CSP)
DHS 75	Community Substance Abuse Services Standards <i>[The allowance for a waiver and/or variance is covered under DHS 61.20(3).]</i>

The following Wisconsin Administrative Codes and state statute do not permit waiver and variance requests:

DHS 92	Confidentiality of Treatment Records
DHS 94	Patient Rights and Resolution of Patient Grievances
CH 51	State Alcohol, Drug Abuse, Developmental Disabilities, and Mental Health Act

How does a program submit a request for waiver and/or variance?

Certified programs should complete and submit DQA form, [F-60289, Waiver or Variance Request](#), and send to:

Mail: Division of Quality Assurance
Behavioral Health Certification Section
P.O. Box 2969
Madison, WI 53701-2969

Email: DHSDQAMentalHealthAODA@dhs.wisconsin.gov

Fax: 608-261-0655

If a certified program has a previously approved waiver and/or variance that they are looking to extend, the program must reapply prior to the expiration date indicated in the approval letter (if applicable) to determine if an extension on the waiver and/or variance continues to be appropriate.

Waiver and variance approvals may be rescinded at any time upon determination by DHS.

For questions about the waiver and/or variance process, please contact BHCS administrative staff at 608-261-0656.