

LEGAL STATUS AND ORGANIZATIONAL STRUCTURE

**Purpose:** This procedure outlines the Northwest Educational Service District 189 (NWESD 189) compliance with [RCW 43.43.830](#), [RCW 43.43.832](#), [RCW 43.43.8321](#), [RCW 43.43.834](#), [WAC 388-877](#), [WAC 388-877A](#), [WAC 388-877B](#) and North Sound Mental Health Administration (NSMHA) Policies [#1006.00](#), [#1018.00](#), [#2001.00](#), [#2002.00](#), [#2003.00](#), and [#5004.00](#).

**Governing Body:** The NWESD 189 Board of Directors is ultimately responsible for the conduct and quality of the Department of Behavioral Health and Prevention Services pursuant to [WAC 388-877-0400](#). Specifically, the Board of Directors will:

- 1) assure there is an administrator responsible for the day-to-day operations of services;
- 2) maintain a current job description for the administrator, including the administrator's authority and duties;
- 3) approve the mission statement and the Coordinated Quality Improvement and Compliance plan/process; and,
- 4) notify the Department of Behavioral Health and Rehabilitation (DBHR) within thirty (30) days of changes of administrator.

**Administrator Key Responsibilities:** The NWESD 189 Director of the Department of Behavioral Health and Prevention Services has been delegated the responsible for the day-to-day operations of the licensed or certified behavioral health treatment services pursuant to [WAC 388-877-0410](#). Specifically, the Director is responsible for:

- 1) all administrative matters;
- 2) individual care services; and,
- 3) complying with all applicable rules, polices, procedures, and ethical standards.

Furthermore, the Director will:

- 1) designate a staff person to act in his/her behalf when the he/she is not on duty or on call;
- 2) ensure sufficient qualified personnel to provide adequate treatment services and facility security;
- 3) ensure all persons providing clinical services are credentialed for their scope of practice as required by the Washington State Department of Health;
- 4) designate a least one (1) person to be responsible for clinical supervision duties;

- 5) ensure up-to-date personnel files are maintained for each employee, trainee, student, volunteer, and contracted staff person who provides or supervises an individual's care, including Washington State Patrol background checks consistent with [RCW 43.43.830](#), [RCW 43.43.832](#), [RCW 43.43.8321](#), and [RCW 43.43.834](#) for employees with contact with individuals receiving services; and,
- 6) coordinate [WAC 388-877-0410\(3\)](#) compliance with the Quality Manager.

**Delegation of Authority- External and Internal Operations:** As a contracted provider of mental health services to children, youth, and families through the NSMHA, the NWESD 189 will comply with [NSMHA Policy #1018](#) as it relate to the delegation of authority for external operations.

When the Director of the Department of Behavioral Health and Prevention Services is not on duty or on call, the Mental Health Clinical Supervisor is delegated the authority and responsibility to act on the Director's behalf.

If the Mental Health Clinical Supervisor is not on duty or on call, he/she will designate a program lead to act in his/her behalf for the duration of his/her absence.

When neither the Director nor the Mental Health Clinical Supervisor is available and a program lead has not been established, the Superintendent will designate a program lead.

**Business Ethics:** As a contracted provider of mental health services to children, youth, and families through the NSMHA, the NWESD 189 will comply with NSMHA Policies [#2001.00](#), [#2002.00](#), and [#2003.00](#).

**Licensure:** The NWESD 189 will maintain appropriate licenses and program-specific certifications in order to:

- 1) conduct business in Washington State;
- 2) provide mental health services in Washington State pursuant to [WAC 388-877-0300](#) and [WAC 388-877-0315](#), including program-specific certifications as described in [WAC 388-877A](#); and,
- 3) provide substance abuse treatment services in Washington State pursuant to [WAC 388-877-0300](#) and [WAC 388-877-0315](#), including program-specific certifications as described in [WAC 388-877B](#).

The NWESD 189 will ensure that any contractors providing mental health or substance abuse treatment services on behalf of the NWESD 189 hold all necessary licenses, program-specific certifications, and permits as required by law.

**Policies and Procedures:** The NWESD 189 maintains administrative, personnel, and clinical policies, procedures, manuals, and a *Coordinated Quality Improvement and Compliance Manual*

pursuant to [WAC 388-877](#). Development of policy, administrative procedures, and manuals are delineated in [NWESD 189 Policy 1310](#).

The following additional procedures apply to the NWESD 189 Behavioral Health Program.

- 1) The Director of the Department of Behavioral Health and Prevention Services will review policy, procedures, and manuals on an ongoing basis to ensure compliance with federal, state, regional, and local laws, regulations, and contracts.
- 2) The NWESD Quality Management Team will review NWESD 189 Behavioral Health Program policies, procedures, and manuals as needed, but at least annually, in order to respond to changes in federal, state, regional, and local laws, regulations, and contracts.
- 3) The Quality Management Team will provide proposed written policies, procedures, or manual content revisions and/or additions to the Superintendent as well as relevant information related to related requirements.
- 4) The Superintendent, as the Board's Secretary responsible for policy and procedure drafts, shall seek the advice of legal counsel when, upon recommendation of the Quality Management Team, in his/her opinion, or in the Board's opinion, there may be a question of legality or proper legal procedures in the development or implementation of the proposed procedure.

Presented to the Board:        01/28/15

Reference:

[RCW 43.43.830](#)  
[RCW 43.43.832](#)  
[RCW 43.43.8321](#)  
[RCW 43.43.834](#)  
[WAC 388-877](#)  
[WAC 388-877-0300](#)  
[WAC 388-877-0315](#)  
[WAC 388-877-0400](#)  
[WAC 388-877-0410](#)  
[WAC 388-877A](#)  
[WAC 388-877B](#)

Cross Reference:

[NWESD Policy #1310.00](#)  
[NSMHA Policy #1006.00](#)  
[NSMHA Policy #1018.00](#)  
[NSMHA Policy #2001.00](#)  
[NSMHA Policy #2002.00](#)  
[NSMHA Policy #2003.00](#)  
[NSMHA Policy #5004.00](#)