**Section 119.300 Issuing a certificate and period of certification**

a) The Department shall issue a certificate after receipt of a completed application, including the authorized agency representative's signature and the date, and after verifying the provider's compliance with this Part.

b) The Department shall survey providers and their certified program. The Department shall review the provision of services, observe individuals and staff, and inspect the records and premises for the purpose of determining compliance with this Part.

c) The Department shall survey providers to determine their compliance with this Part at the time of initial certification or certificate renewal.

d) If a provider requests a waiver of any standard in this Part, it shall present to the Department a plan of correction to comply with the required standard, including a timetable for compliance and its rationale for the waiver request. Standards identified in Sections 119.325(a)(1)(A), (B), (C) and (D) shall not be waived.

e) If a provider is not able to comply with a standard in this Part due to insufficient funding or no funding, the following shall occur:

1) The provider shall request a waiver of the specific standard in its plan of correction which shall state that the provider cannot comply with the standard due to insufficient funding or no funding;

2) The Department's Division of Developmental Disabilities shall review the waiver request and determine if the waiver shall be granted, except that no waiver shall be granted for any standard identified in Sections 119.325(a)(1)(A), (B), (C), and (D); and

3) If the Division of Developmental Disabilities determines that a waiver should be granted, it shall direct the Bureau to waive the specific standard.

f) If a provider requests an equivalency for any standard in this Part, it shall present a written description to the Department of the equivalency containing specific reference as to how the equivalency meets the standard. An equivalency shall not be granted on standards identified in Sections 119.325(a)(1)(A), (B), (C), and (D).

g) A certificate shall be valid for one year unless denied by the Department.