



COMMONWEALTH of VIRGINIA

ALISON G. LAND, FACHE
COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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MEMORANDUM

To: Affected Stakeholders

From: John Cimino, Legal and Regulatory Manager
Office of Licensing

Cc: Jae Benz, Director
Office of Licensing

Veronica Davis, Associate Director
Office of Licensing

Emily Bowles, Associate Director
Office of Licensing

Date: September 14, 2020

Re: PUBLIC NOTICE: Request for Comment on Fast-Track Regulatory Action
Affecting 12VAC35-105

Pursuant to Code of Virginia [§ 2.2-4007.04:01](#), notice is given of the following:

- ✓ A new action to review the following regulations relating to licensed providers was posted to Town Hall. A public comment period for this regulation began on September 14, 2020.

VAC number:	12 VAC35-105
Regulation title:	Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services
Summary of regulatory action:	This regulatory action is in compliance with Chapter 776 (HB2652) of the 2019 General Assembly, which requires every licensed provider of all services (excluding children's residential) to provide a statement regarding the character, ability, and fitness for employment of a current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check to any other licensed provider with which the current or past

	<p>employee has applied for employment or to fill a role that requires a criminal history background check upon receipt of a request for such information from the other licensed provider and written consent to the disclosure of such information executed by the current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check.</p> <p>The proposal places the new language in its own new section 12VAC35-105-435, which would follow immediately after 12VAC35-105-430, a section regarding employee or contractor personnel records.</p> <p>The comment period begins Monday, September 14, 2020 and ends on Wednesday, October 14, 2020.</p> <p>https://townhall.virginia.gov/L/comments.cfm?stageid=8703</p>
Date:	September 14, 2020
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