



COMMONWEALTH of VIRGINIA

JACK BARBER, M.D.
INTERIM COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

MEMORANDUM

To: Affected Stakeholders
From: Cleopatra L. Booker, Psy.D.
Cc: Ruth Anne Walker, Regulatory Coordinator
Date: July 28, 2017
Re: PUBLIC NOTICE

This notice follows the memo on June 5, 2017, which is posted on the DBHDS web site and includes instructions on how to sign up to receive notice automatically from Town Hall.

<http://www.dbhds.virginia.gov/library/licensing/ol-townhallsignup%20dbhdsregnotice%20comments%202017%2006%2005.pdf>

Pursuant to Chapter 599 of the 2017 Acts of Assembly (<http://leg1.state.va.us/cgi-bin/legp504.exe?171+ful+CHAP0599>), notice is given of the following:

- ✓ A new action to **initiate change to the** regulation relating to licensed providers will be posted to Town Hall today.

VAC number:	12 VAC 35-105, Section 925
Regulation title:	Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services
Summary of regulation:	The purpose of this fast-track regulatory action is to align Section 925 of the Licensing regulations with changes in the Code of Virginia § 37.2-406. Specifically, in the code there are three exceptions to the geographic restriction on DBHDS-licensed providers of treatment for persons with opiate addiction through the use of opioid replacements that are within half-mile of a K-12 school or licensed day care center for the treatment of opioid addiction. The history of the exemptions is: • Chapter 845 of the 2004 Acts of Assembly added Planning District 8. • Chapter 415

	<p>of the 2014 Acts of Assembly added Planning District 23. • Chapter 480 of the 2016 Acts of Assembly added using nonmethadone opioid replacements if the opioid replacement has been approved by the U.S. Food and Drug Administration for the treatment of opioid addiction. This fast-track action would update the existing regulation to reflect these, and any future, changes to state law. By deleting all language in Section 925 B., the remaining language would simply cross-reference to § 37.2-406.</p> <p>Information about this action may be viewed here: http://townhall.virginia.gov/L/ViewStage.cfm?stageid=7911</p>
<p>Why you are being notified:</p>	<p>In accordance with the Fast Track regulatory process (http://townhall.virginia.gov/UM/chartfasttrackpublic.pdf), the Governor approved the fast track action as described above.</p> <p>The action will be submitted today to the Virginia Register (http://register.dls.virginia.gov/) for publication on August 21, 2017. At that time, a 30-day public comment period begins, and a Town Hall public comment forum opens.</p> <p>(See in the header of this memo, the link to step by step instructions to sign up as a user on Town Hall to receive notices and participate in public comment forums. Comments may be submitted in hard copy mail, fax, or email rather than online via the contact information below.)</p>
<p>Current goals of regulation:</p>	<p>To clearly articulate adequate health, safety, care and treatment requirements to assure that individuals receive safe and protected behavioral health and developmental disability services that are appropriate to their needs and levels of functioning.</p> <p>To clearly articulate Department procedures and actions necessary to implement regulatory requirements with the least possible cost, intrusiveness to consumers, families, and provider organizations.</p> <p>To provide clear and precise criteria for (a) determining mental health, developmental disability, and substance abuse program accountability and, program compliance with regulatory requirements, and (b) taking actions to enforce compliance.</p>
<p>Date:</p>	<p>July 28, 2017</p>
<p>Contact name:</p>	<p>Cleopatra L. Booker, Psy.D.</p>
<p>Position title:</p>	<p>Director</p>
<p>Division/office:</p>	<p>Office of Licensing</p>
<p>Telephone number:</p>	<p>(804) 786-1747</p>
<p>Fax number:</p>	<p>(804) 692-0066</p>
<p>E-mail address:</p>	<p>cleopatra.booker@dbhds.virginia.gov</p>
<p>Mailing Address:</p>	<p>Post Office Box 1797 Richmond, Virginia 23218-1797</p>