

# DOJ Settlement Agreement



Virginia Department of  
Behavioral Health &  
Developmental Services

DBHDS: *A Life of Possibilities for All Virginians* [Facebook.com/DBHDS](https://www.facebook.com/DBHDS) [@VirginiaDBHDS](https://twitter.com/VirginiaDBHDS)

On January 26, 2012, a Settlement Agreement was reached to address the US Department of Justice findings that the Commonwealth failed to provide services to individuals with intellectual disabilities in the most integrated setting appropriate to their needs as required by the Americans with Disabilities Act and US Supreme Court's Olmstead Decision. Implementation of the requirements of the Agreement were projected to take 10 years.

## Virginia is in the final year of its ten-year implementation process of the Settlement Agreement.

- Over the last nine years, we've seen substantial improvement in services and supports for individuals with developmental disabilities.
- Virginia also now has more comprehensive home and community-based services that promote community integration and quality improvement.
- Challenges have included not having well-defined expectations around the provisions. Despite this, the Commonwealth successfully came into compliance with 68% of those provisions.

## In January 2020, Virginia, DOJ, and the judge finalized 328 compliance indicators.

- As of October 2020 DBHDS has achieved 68% compliance with the settlement agreement and made accomplishments such as closing all of the training centers that were scheduled to close, developing a crisis system, implementing waiver design, and continuing the trend toward integrated services.
- In addition, in March, we plan to start the 3<sup>rd</sup> phase of the DOJ project, which is a Quality Improvement Portion.
- Leadership and project resources have been trained and are being held accountable (with measurements) for application of the process, methods, and tools to drive success.
- Completing the remaining 32% will take exceptional partnership with the General Assembly, providers, and other stakeholders.

## DBHDS is currently looking at what it will take to implement the compliance indicators, particularly the data requirements.

- In early 2020, DBHDS launched a massive project management plan to build out the indicators.
- In August 2020, DBHDS shifted from the "build phase" to the "run phase" which focuses on implementing all the processes, tools, reports, and data collection mechanisms.
- In March 2021, DBHDS plans to start the 3<sup>rd</sup> phase of the DOJ project, the "Quality Improvement Phase," to improve on what has been implemented.
- The most significant challenges are in the areas of community provider capacity to serve those with the most complex needs, data reliability, and data validity.
- Critical to the success of implementation is the availability of developmental disability (DD) waiver slots and provider rates, which help ensure access to these services.

DBHDS works to ensure behavioral health, substance use disorder, and developmental disability services are available to all Virginians who need them in the most community-oriented, integrated setting possible. More information is available at [dbhds.virginia.gov/about-dbhds/policy-and-public-affairs/ga2021](https://dbhds.virginia.gov/about-dbhds/policy-and-public-affairs/ga2021)

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