



COMMONWEALTH of VIRGINIA

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TO: Providers Licensed by the Department of Behavioral Health and Developmental Services

FROM: Jae Benz
Director, Office of Licensing

SUBJECT: Response to Periodic Review: 'Overhaul' of Licensing Regulations to Service Specific Chapters - DRAFT Revisions to 'General Chapter;' Initial DRAFTS of 'Residential Chapter' and Home/Noncenter Based Chapter'

DATE: May 19, 2021

Cc: Emily Bowles, Assistant Director, Office of Licensing
Veronica Davis, Assistant Director, Office of Licensing
Dev Nair, Assistant Commissioner, QAGR Division
Susan Puglisi, Regulatory Research Specialist, Office of Regulatory Affairs
Ruth Anne Walker, Director, Office of Regulatory Affairs

Background

In late 2017, the Department of Behavioral Health and Developmental Services (DBHDS) conducted a periodic review of the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services [12VAC35-105] ("Licensing Regulations"). At the completion of that review, the department decided amendments to the regulations were needed. After researching other states and other agencies within Virginia, the Office of Licensing determined to split the regulations into several separate regulatory chapters, revising both the structure and the content.

In response to significant public comment, the structure will include one overarching 'General Chapter' that will apply to all providers and five 'service specific' chapters: Residential, Crisis, Center-Based, Home/Non-Center Based, and Case Management. Please see the attached table for more information. This methodology allows DBHDS to write more

detailed service specific regulations that will assist providers in understanding exactly which regulatory provisions apply to their services.

In late 2019, the Office of Licensing [published an initial draft of the General Chapter](#) for public comment and also held two regulatory advisory panel (RAP) meetings to receive technical assistance on the content of that initial draft. Since reviewing the public comments received and the feedback provided by the RAP, DBHDS edited the General Chapter and also developed initial drafts of a Residential Chapter and a Home/Non-Center Based Chapter.

Drafts for Comment

DBHDS is releasing an extensively revised draft General Chapter, and initial drafts of the Residential and the Home/Non-Center Based chapters for public comment. There is a public comment forum for each of the three draft chapters. All will be accessible here: <https://townhall.virginia.gov/L/Forums.cfm>. Please feel free to provide your feedback via the public comment forums for any of the draft chapters on Town Hall or by emailing Susan Puglisi, Regulatory Research Specialist, DBHDS Office of Regulatory Affairs, at susan.puglisi@dbdhs.virginia.gov. Public comments may also be submitted by fax (804) 371-4609, or by hard copy mail to: Attn: Susan Puglisi, DBHDS, Jefferson Building, 1220 Bank St., 4th Floor, Richmond, VA 23219. Should you have any questions you can direct them to Susan Puglisi, or Ruth Anne Walker, Director of the Office of Regulatory Affairs at ruthanne.walker@dbdhs.virignia.gov.

Future Drafts

Work continues on the Crisis, Center-Based, and Case Management chapters; initial drafts of those chapters will be released at a later time.

Response to Periodic Review *versus* Behavioral Health Redesign

It is important to distinguish this drafting effort of the response to periodic review of the Licensing Regulations from other current discussions and regulatory actions regarding only behavioral health redesign (Project BRAVO).

- **Response to Periodic Review:** Draft changes for the response to periodic review will be in a separate action and are not expected to take effect until 2023 following the [standard process](#), which takes an average of 18 months to two years to complete. These are only drafts at this time; no formal regulatory action has been filed.
- **Behavioral Health Redesign (Project BRAVO):** The [current effective](#) Licensing Regulations will be the vehicle for any required department regulatory changes that come from the behavioral health redesign, in effect through [emergency regulations](#) authorized by the General Assembly.

REVISED DRAFT
General Chapter
○ Article 1. Scope of the Chapter
○ Article 2. Licensing Requirements
○ Article 3. Administration.
○ Article 4. Personnel.
○ Article 5. Operational Practices.
○ Article 6. Risk Management and Quality Improvement.
○ Article 7. Responsibilities to Individuals.
○ Article 8. Physical Environment Standards.
○ Article 9. Emergency Preparedness.

INITIAL DRAFT – Services by Chapter
Residential Chapter:
○ Clinically managed high-intensity residential services ;
○ Clinically managed low-intensity residential services;
○ Clinically managed population-specific high-intensity residential services;
○ Community gero-psychiatric residential services;
○ Group home;
○ ICF/IDD;
○ Inpatient;
○ Medically managed intensive inpatient service;
○ Medically monitored intensive inpatient service;
○ Respite residential;
○ Substance abuse residential treatment for women with children service
○ Sponsored residential home; and
○ Supervised living.

Home/Non-Center Based Chapter:
○ Assertive community treatment service (ACT)
○ Non-center based day support service;
○ Intensive community treatment service (ICT)
○ Functional Family Therapy
○ Intensive in-home service;
○ Mental health skill building;
○ Multi-Systemic Therapy
○ Home/Non Center Based Respite care service;
○ Supportive in-home service;
○ School based therapeutic day treatment for children and adolescents.

UNDER DEVELOPMENT
Crisis Chapter:
○ 23- Hour Crisis stabilization;
○ Crisis Intervention;
○ Emergency services;
○ Community based crisis stabilization;
○ Crisis stabilization unit;
○ Residential crisis stabilization;
○ Non-residential crisis stabilization;
○ REACH

Center Based:
○ Day support services;
○ Mental health intensive outpatient service:
○ Mental health outpatient service;
○ Medication assisted treatment;
○ Partial hospitalization;
○ Psychosocial rehabilitation service;
○ Substance abuse intensive outpatient;
○ Substance abuse outpatient;
○ Therapeutic day treatment for children and adolescents.

Case Management
