



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Affected Stakeholders

**From: Eric Williams, Director, Provider Development
Division of Developmental Services**

**Cc: Jae Benz, Director, Office of Licensing
Challis Smith, Director, Office of Community Quality Improvement
Eric Williams, Director, Provider Development, DD Services Division**

Date: September 25, 2019

Re: PUBLIC NOTICE: Request for Comment on DRAFT 2019 Developmental Disabilities DSP and Supervisor Competencies Checklist for DBHDS Licensed Providers and Direct Support Professional (DSP) and DSP Supervisor DD Waiver Orientation and Competencies Protocol to Comply with Requirements of the U. S. Department of Justice's Settlement Agreement with Virginia (United States of America v. Commonwealth of Virginia, Civil Action No. 3:12cv059-JAG), and the DBHDS Office of Licensing Regulations [12VAC35-105] and the Department of Medical Assistance DD Waiver Regulation Requirements [12VAC30-50]. A public comment forum will open on Monday, October 14, 2019, for 30 days at the link listed below.

Background

Virginia's Competencies Checklist for Direct Support Professionals and Supervisors Supporting Individuals with Developmental Disabilities was updated to address concerns identified by the Independent Reviewer for the Settlement Agreement. During the completion of Appendix H of the Independent Reviewers 13th report to the court, the Study on Quality, Risk Management, and Training, a streamlined draft of the basic competencies checklist was provided to the consultant for review. In the 13th Report to the Court, the Independent Reviewer stated the following on pages 60 - 61:

For the current review, DBHDS provided a "Draft DSP Competencies Checklist Template," dated August 28, 2018. For this document, DBHDS' goals were to simplify 61 the competencies to identify the minimal requirements that all DSPs

must meet, to make them more measurable, and to replace the basic competencies document.

Overall, the changes provide simpler and more measurable competencies, which will be more likely to be implemented fully and consistently by providers. These changes:

- *Maintain the three overall competencies:*
 - *Demonstrating person-centered skills, values, and attributes;*
 - *Understanding and following service requirements; and*
 - *Demonstrating abilities that improve or maintain the health and wellness of those they support;*
- *Significantly reduce the number of specific competencies;*
- *Add observation indicators that provide more descriptions of observable actions or activities to demonstrate competency; and*
- *Allow supervisors to document a staff member's progress and check-off final proficiency.*

The consultant has offered suggestions (Appendix H) to improve important competencies that were lost when the number was reduced, to ensure the measurability of the competencies to verify that staff deemed proficient can actually demonstrate the competencies, and to ensure that external monitors can reliably measure compliance with the competency-based training requirements. It is the Independent Reviewer's informed opinion that more evidence than a check mark is needed to verify that proficiency has been achieved. The Independent Reviewer's studies have found many examples of boxes being checked without the task in question having been completed.

In Appendix H referenced by the Independent Reviewer, the consultant recommended the following changes on pages 219 - 222:

DBHDS should consider adding the following competencies/skills/abilities to the specific overall competencies:

Demonstrating person-centered skills, values, and attributes should also include:

- *Using person-first language;*
- *Recognizing behavior as a form of communicating choice; and*
- *Involving individuals in choices throughout their days;*

Understanding and following service requirements should also include:

- *For supervisors, providing DSPs with guidance or taking remedial action to the*
- *Extent necessary to ensure: a) provision of services; and b) necessary documentation; and*

Demonstrating abilities that improve or maintain the health and wellness of those they support should also include:

- *Adhering to privacy requirements;*
- *Accurately recording health data/information (e.g., seizures, falls, bowel*
- *Movements, intake/output, etc.);*
- *Implementing health/behavioral health care support plans as written;*

- *Maintaining a safe environment; and*
- *Adhering to safety procedures (e.g., evacuation procedures).*

In addition to ensuring that these areas are included, the consultant provided specific guidance related to:

- *Increasing measurability*
- *Improving observation indicators*
- *Using clear descriptions which measure one skill*
- *Providing space for supervisors to document observations and evidence*

Therefore, notice is hereby given that the following draft guidance relating to licensed providers is posted to Town Hall today and after publication, a public comment period will open on October 14, 2019, at the link below.

Title:	<ul style="list-style-type: none"> • 2019 Developmental Disabilities DSP and DSP Supervisor Competencies Checklist for DBHDS Licensed Providers; and • DDW DSP Orientation and Competencies Protocol (2019.08.30).
Summary of guidance:	These draft documents would update and replace Virginia's Competencies for Direct Support Professionals and Supervisors who support individuals with Developmental Disabilities revision 11.28.16.
Current goals of the draft guidance:	The document is designed to establish direct support professional and supervisor competencies in developmental disability programs licensed by the Department of Behavioral Health and Developmental Services.
Impact on Staffing or Payment Matters:	It is not anticipated that the changes shall have an impact on staffing or payment matters for the affected stakeholders as this document clarifies what is currently required.
<ul style="list-style-type: none"> ▪ Comments may be made by going to this link http://townhall.virginia.gov/L/Register.cfm and registering as a public user. ▪ If you are already a registered user, the forum will be listed at this link beginning October 14, 2019: https://townhall.virginia.gov/L/Forums.cfm ▪ Comments may also be submitted by email, mail, or fax. ▪ <u>All comments must be received by 12 p.m. on Wednesday, November 13, 2019.</u> 	
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