



COMMONWEALTH of VIRGINIA

ALISON G. LAND, FACHE
COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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October 5, 2021

To: DBHDS Service Provider
From: Heather Norton; DBHDS Assistant Commissioner, Developmental Services
Ann Bevan; DMAS, Division Director, High Needs Supports
Re: **Department of Medical Assistance Regulation Violation Warning: Provider Requirements**

Dear Provider,

In November 2020, a joint memo from the Department of Behavioral Health and Developmental Services, here in after referred to as DBHDS, and the Department of Medical Assistance Services, here in after referred to as DMAS, reiterated the expectation that service providers participate in the Quality Service Review (QSR) process. On June 14, 2021, DBHDS issued a second notice reiterating required participation in the QSR process and indicating that *“refusal to allow onsite observations for reasons other than instances where the provider has an active COVID 19 outbreak (in this instance prohibition to facility access, where there was an active COVID 19 outbreak, is allowable) and in the event that the service(s) slated for review were not provided during the QSR look back period”* would not be honored by DBHDS.

The QSR process aids the Commonwealth in the evaluation of programs and services to ensure that they are of good quality, meet individuals’ needs, and help individuals achieve positive outcomes, including avoidance of harms, stable community living, and increased integration, independence, and self-determination in all life domains (e.g., community living, employment, education, recreation, healthcare, and relationships), and helps to ensure that appropriate services are available and accessible for individuals receiving Developmental Disability waiver services. Your agency’s continued refusal to participate, prevents the Commonwealth from verifying that programs and services provided by its service providers operate as needed and expected, to those ends.

Your agency’s refusal to participate has now placed the Commonwealth at risk of non-compliance with the United States Department of Justice Settlement Agreement and is actively jeopardizing the Commonwealth’s ability to be released from the Agreement. Refusal to participate, for reasons other than those outlined above or as otherwise agreed in writing, between both parties (DBHDS and the provider), constitutes a violation of DMAS regulation 12VAC30-122-120.A.6 which states that service providers are required to *“Participate in the completion of Quality Service Reviews conducted by DBHDS or its contractor.”*

This third and final letter serves as notification that your refusal to participate in the QSR process is in violation of the above regulatory requirement. DBHDS's QSR vendor, Health Services Advisory Group (HSAG) will initiate Round Three reviews in October of 2021 and will begin with those providers that have previously not participated in the QSR review process. Participation, from this point forward is expected. **Further refusal to participate may result in referral to the DMAS Office of Provider Integrity.**

As always, if you need assistance, you may contact HSAG. If you have questions about the process, please contact Shauna Hooker, QSR Coordinator. (dbhds_qsr@dbhds.virginia.gov or call 804-385-5591).

Heather Norton; DBHDS Assistant Commissioner, Developmental Services
Ann Bevan; DMAS, Director, High Needs Supports

cc: Alison Land, FACHE; Commissioner
Alexis Aplasca; Chief Clinical Officer
Katherine Means; Senior Director of Clinical Quality Management
Shauna Hooker; QSR Coordinator
Jenni Schodt; Settlement Agreement Director