



COMMONWEALTH of VIRGINIA

ALISON G. LAND, FACHE
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

June 11, 2021

To: CSB Executive Directors
Licensed Developmental Disability Service Provider Executive Directors
From: Heather Norton, DBHDS Assistant Commissioner, Developmental Services
Date: June 11, 2021
Subject: Required Quality Service Review Participation

The Department of Behavioral Health and Development Services (DBHDS) conducts Quality Service Reviews (QSR), through its contracted vendor Health Services Advisory Group (HSAG) at least annually. As shared with Community Service Boards (CSB) and licensed developmental disability (DD) service providers, prior to HSAG QSR inception, CSB and licensed DD service provider participation is required. The Commonwealth's compliance with Department of Justice Settlement Agreement (DOJ SA) provisions, related to the QSR, is reliant on a collaborative partnership between HSAG and DBHDS partners (CSBs and licensed DD service providers). Compliance and, in this case, noncompliance with the DOJ SA provisions impacts not only DBHDS but the Commonwealth at large; participation, at a degree less than expected, endangers the Commonwealth's ability to generalize QSR findings to the larger population served and those who provide services to these individuals, making it exceedingly challenging to accurately identify opportunities for system and service enhancement that would benefit the individuals served, CSBs, and licensed DD service providers.

In FY 21, DBHDS and the Department of Medicaid Assistance Services (DMAS) became aware of provider refusal to allow support coordinator, service facilitator and other service provider (licensing and HSAG Quality Service Reviewers) entry to conduct associated visits and observations. DBHDS acknowledges that there may have been some provider confusion around QSR participation, as a requirement, given Appendix K of the waiver amendment allowances, so to provide clarity; while Appendix K provides flexibility to residential providers (related to the Home and Community-Based Setting requirement allowing individuals to choose visitors (42 CFR 441.301 (c)(4)(vi)(D))), this flexibility related only to those people who were not the service providers of the individuals receiving services or were not persons acting on state agency business. Therefore, it did not pertain to the support coordinators, services facilitators or other service providers providing services that an individual may need or desire or those that require monitoring.

While participation in the QSR process is required, there are exceptions related to whether or not an observation or interview was required to be conducted in person. During the height of the pandemic, HSAG performed all observations and interviews virtually or telephonically. However, CSBs and licensed DD service providers were notified by DBHDS that this practice would cease in April of this fiscal year. As of April 1, 2021 observations were expected to be conducted in person with two exceptions; 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. Other reasons for refusal to participate will not be honored by DBHDS, as participation in this process is required for the Commonwealth. As indicated in previous joint memos from DBHDS and DMAS, most recently in November 2020, providers are expected to participate in the QSRs to meet the requirements set forth by DMAS and DBHDS. In addition, refusal to participate in the QSRs may be considered as a refusal to meet the DOJ SA requirements and may be noted in the Independent Reviewer's Report to the Court as factor of non-compliance.

Providers that have thus far refused to participate in QSR process, for reasons that fall outside of the above exceptions, are hereby required to contact HSAG, not later than June 18, 2021, to schedule your QSR. Failure to do so will be considered as refusal to participate in the QSR process.

For those providers that have participated in the QSR process thus far, DBHDS would like to thank you for committing your staff and resources to this effort to aid the Commonwealth in coming into compliance with the DOJ SA. DBHDS cannot accomplish this achievement without your support and the role you play in the process! DBHDS knows that it has been a long road through the height of the pandemic; battling staffing challenges, loss (personally and professionally), and the general constraints under which you have had to operate and on behalf of the community that you faithfully continue to serve, DBHDS thanks you for all that you have done and continue to do to keep your community and employees engaged and needed services provided. Thank you for all of your continued efforts to provide quality services! There's room for improvement around the implementation of the QSR process but we can get there, with a little assistance from you. As always, if you need an extension to make this happen, you can contact HSAG to issue your request for same. If you have questions about the process, please contact Shauna Hooker; QSR Coordinator (dbhds_qsr@dbhds.virginia.gov or 1-804-385-5591).

Sincerely,

Heather Norton; Assistant Commissioner, Developmental Services

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