



COMMONWEALTH of VIRGINIA

NELSON SMITH
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

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 - Initial DRAFTS of 'Center-Based Chapter' and 'Case Management Chapter'

DATE: July 15, 2022

Cc: Emily Bowles, Associate Director, Office of Licensing
Veronica Davis, Associate 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 decided 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, Home/Non-Center Based, Center-Based, Case Management, and Crisis. Please see the attached listing of the chapters 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 published in 2021 a revised draft of the General Chapter and also initial drafts of a Residential Chapter and a Home/Non-Center Based Chapter.

Drafts for Comment

DBHDS is releasing initial drafts of the Center-Based and the Case Management chapters for public comment.

There is a public comment forum for each of the two draft chapters open from August 15 – September 30, 2022. All are accessible

here, <https://townhall.virginia.gov/L/generalnotice.cfm>. The link to the initial draft of the Center-Based Chapter is pasted below. 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, Room 411, 1220 Bank St., 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.virginia.gov.

Future Drafts

Work continues on the last of the newly structured chapter, the initial draft Crisis Chapter, and continued revisions to previously published chapters.

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 2024 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.

List of Drafts in Progress

INITIAL DRAFT – Services by Chapter

Center-Based Chapter:

- Center-based day support service
- Mental health intensive outpatient service
- Mental health outpatient service
- Mental health partial hospitalization
- Substance abuse partial hospitalization
- Psychosocial rehabilitation service

- Substance abuse intensive outpatient
- Substance abuse outpatient
- Center based therapeutic day treatment for children and adolescents
- Center based respite service
- Medication assisted opioid treatment programs

Case Management Chapter:

- Case management

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

Link to Initial Draft NEW Center-Based Chapter (109): <https://dbhds.virginia.gov/wp-content/uploads/2022/07/Center-Based-Service-Chapter.2022.7.12.pdf>

Link to Initial Draft NEW Case Management Chapter (110): <https://dbhds.virginia.gov/wp-content/uploads/2022/07/Case-Management-Service-Chapter.2022.07.12.pdf>

Both drafts and this memo are posted to: <https://dbhds.virginia.gov/quality-management/Office-of-Licensing>