



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

MEMORANDUM

To: Licensed Providers
From: Dev Nair, PhD, Assistant Commissioner, Division of Provider Management
Date: April 22, 2024
RE: Use of Seclusion in Crisis Settings

[Senate Bill 569](#), signed by Governor Youngkin on April 8, 2024, directs the Department of Behavioral Health and Developmental Services (DBHDS) to amend its regulations to “...support high-quality crisis services, including by authorizing the appropriate and safe use of seclusion in crisis receiving centers and crisis stabilization units.” The bill further states that the initial adoption of these regulatory amendments shall be exempt from the Administrative Process Act (APA) to allow for a faster adoption process. The Governor amended the bill to allow DBHDS to start the process of amending its regulations immediately, instead of waiting until the typical enactment date of July 1. This amendment was enacted by the General Assembly on April 17, 2024.

To address these requirements, DBHDS has started efforts to make amendments to its licensing regulations that will include defining requirements for crisis receiving centers (CRC) and crisis stabilization units (CSU). DBHDS will also amend its human rights regulations to allow the use of seclusion in CRCs and CSUs. Proposed amendments must be approved by the State Board of Behavioral Health and Developmental Services before they are finalized.

Please note that while the effective date of this legislation is 4/17/24, **the use of seclusion is not permissible in CRCs or CSUs until these regulatory changes are effective and providers make any required changes or adjustments defined in the changed regulations.** DBHDS will move as swiftly as possible to finalize amendments of the regulations, which is expected to take several months. We will update you as this process proceeds.

Should you have questions as to how this may impact your specific service, please reach out to your licensing specialist or human rights advocate.