



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Providers currently licensed to provide Crisis Receiving Center Services (CRC) under the 07-006 license and providers of Residential Crisis Stabilization Services for Adults (01-019) or Children/Adolescents (01-020)

From: Jae Benz, Director, Office of Licensing

Date: August 12, 2024

Re: Crisis Service Modifications for providers currently licensed for a Mental Health Non-Center-Based Community Crisis Service (07-006)

Purpose: The purpose of this memorandum is to provide additional information related to the processing of crisis service modifications and the time-frame for submission, as well as requirements that must be adhered to if a provider choose to use seclusion in a mental health center-based crisis receiving center (CRC) “23-hour crisis stabilization” or mental health residential crisis stabilization service (CSU).

Background: The licensing and human rights regulatory amendments regarding implementation of the new crisis services are in direct response to the mandate in [SB569](#) to make changes to the system structure to have high-quality service, including to allow for seclusion in certain settings. A clause was added to the legislation to make it effective upon passage that speaks to the sense of urgency for the changes. Using the **final exempt process** allows for the changes to be effective as quickly as possible. The amendments were effective on July 17, 2024 and can be found in Chapters 105 and 115 in VAC: <https://law.lis.virginia.gov/admincode/title12/agency35/>.

Service Modifications for existing providers of non center-based crisis services for children, adolescents, and adults already enrolled with DMAS to provide crisis receiving center services (23-hour crisis stabilization)

Under the new regulations, CRC services now require a separate license and will no longer fall under the 07-006 service license. Providers currently approved to provide 23-hour crisis stabilization/CRC services under the 07-006 license must submit a service modification to the department to transition to: 02-040: A mental health center-based crisis receiving center (23-hour crisis stabilization) service for adults or 02-041: A mental health center-based crisis receiving center (23-hour crisis stabilization) service for children and adolescents. **To best ensure the continuity of existing crisis services, DBHDS will initially focus on licensing providers who are currently providing a 23-hour service to the new CRC service license (02-040 or 02-041).**

On **July 17, 2024**, the Office of Licensing began an expedited process to prioritize and process service modifications for providers currently licensed under 07-006 who have been enrolled with the Department of Medical Assistance Services (DMAS) to provide crisis receiving center services. Please note, the Office of Licensing is collaborating with the DBHDS Division of Crisis Services and DMAS to ensure providers applying for the new CRC service license during this initial roll-out are providers who have already been approved for this service. Providers who are currently providing CRC services and mobile crisis response and/or community-based crisis stabilization will need to maintain their 07-006 service license so that they can continue to provide mobile crisis response and/or community-based crisis stabilization. Providers licensed to provide only CRC services under their current 07-006 license will need to submit both a service modification, to add either the 02-040/02-041 license, and an information modification to close their 07-006 license.

Providers that have been delivering 23-hour services must transition to the CRC license within 90 days (October 17, 2024). To ensure sufficient time to review and approve these modification requests, all providers currently licensed under the 07-006 license and enrolled with DMAS to provide crisis receiving center services, must submit a service modification with all required attachments to apply for the new CRC service license no later than **August 30, 2024**. Providers have until **October 17, 2024**, to be in compliance with the new crisis regulations, including having the correct license type. Providers submitting their information after **August 30th** or who submit incomplete or inaccurate information may risk not being licensed by the due date. This will result in an inability to provide the service until the new license is approved which may also affect a provider's ability to bill for services.

Service Modifications or Applications for New Crisis License

DBHDS Office of Licensing is not currently processing any applications for new providers of crisis services and is not processing new modifications for providers who are not already licensed for a 07-006 license providing CRC/23 Hour Crisis Stabilization services. After the DBHDS Office of Licensing, Office of Human Rights and the Division of Crisis Services have transitioned current providers to the new license, new applicants and providers interested in applying for crisis license will be able to do so. We anticipate that we will begin to accept new applications or modifications after **October 17, 2024**. We will send notification that we are accepting applications through our mailing list and will post on our website.

Requirements for Seclusion

Currently licensed providers of CSU services who do **not** intend to use seclusion do not need to submit any information to the Department.

Existing Licensed Providers of a mental health residential crisis stabilization service for Adults (01-019) or for Children/Adolescents (01-020) who ***Intend to Utilize Seclusion*** must submit an information modification. Please note, this is a **NEW** process and not how a normal information modification is submitted and reviewed. Typically, an information modification allows you to submit changes and updates without receiving deficiencies related to the documents. This information modification process, specific to providers currently licensed to provide CSU services will include a review of the submitted documents which will in turn result in a deficiency letter if the documents do not meet the requirements. When the provider is deemed compliant with the required policies and documents a physical site visit will occur by a member of the Department. If a provider is compliant with physical site requirements, then a stipulation will be added to a provider's license indicating the provider is able to use seclusion in the specific service and in accordance with regulatory requirements.

Detailed instructions on how to submit service and information modifications related to the above situations were reviewed with providers during the Crisis Services Training held on July 10, 2024. The

PowerPoint, recorded webinar and other helpful tools may be found on the Office of Licensing Website and are listed below:

CRISIS SERVICES CRISIS SERVICES

- [Crisis Services Regulatory Training Q&A Submission Form for Licensed Providers](#)
- [Crisis Services Regulatory Training Recorded Webinar \(July 2024\)](#)
- [Crisis Services Regulatory Training PowerPoint \(July 2024\)](#)
- [At A Glance Crisis Chart \(July 2024\)](#)
- [DBHDS Policy & Procedure Attestation Form for CRC and CSU Services \(July 2024\) – MUST BE DOWNLOADED](#)
- [DBHDS Seclusion Attestation Form for CRC and CSU Services \(July 2024\) – MUST BE DOWNLOADED](#)
- [Compliance Requirements for Serving Individuals Under Temporary Detention Orders \(TDO\) Memo \(July 2024\)](#)
- [Crisis Services Regulatory Training Q&A \(July 2024\)](#)

What Happens After I Submit My Application?

Within 30 business days of the Department receiving the completed service modification or information modification application with all the requirements, a DBHDS representative will conduct an onsite quality review to determine a provider's compliance with DBHDS rules and regulations incorporating the crisis criteria. Please keep in mind that "Completed" means all the application requirements have been met, including any revisions required by the Policy Review Team or the Office of Human Rights.

For CRC services (02-040 or 02-041), once the provider has demonstrated compliance with the regulations as part of the quality review, the provider will be granted a Conditional License. Pursuant to Code of Virginia §37.2-415, a Conditional License may be granted to a provider to operate a new service to permit the provider to demonstrate compliance with all licensing standards.

Following the issuance of the Conditional License, a representative from the Office of Licensing will conduct an unannounced onsite inspection to determine compliance with the Rules and Regulations for Licensing Providers which includes the crisis criteria as part of the inspection process. Providers will need to demonstrate substantial compliance with these regulations prior to the issuance of an annual license.

For providers of a mental health residential crisis stabilization service/CSU (01-019 and 01-020), the Department will approve the use of seclusion; once all revised policies and procedures have been reviewed and approved, and all seclusion requirements have been met.

Current providers of 23-Hour Crisis Stabilization services have 90 days from July 17, 2024 to obtain the appropriate DBHDS license for the service they are providing.

Within the next month, the Office of Licensing will be hosting another virtual training, this time for new applicants and providers not currently licensed for crisis services but who are interested in becoming licensed. Due to capacity restrictions within TEAMS, the training is limited to two people per provider organization. The slide presentation will be sent out to providers soon after the training concludes via constant contact and will be posted on the Office of Licensing website.

Additional Questions

For additional questions related to the crisis service amendments providers may use the link below to submit questions related to the Crisis Services regulations changes. Questions will be answered by a DBHDS Subject Matter Expert and posted on the OL webpage. [Q&A Submission Form-Crisis Services Regulatory Changes](#). For general questions relating to licensing, please reach out directly to your assigned licensing specialist.