



COMMONWEALTH of VIRGINIA

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COMMISSIONER

DEPARTMENT OF
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Office of Human Rights

Friday, September 27, 2024

MEMORANDUM

To: DBHDS Licensed Providers
From: Taneika Goldman, State Human Rights Director

The purpose of this memo is to clarify procedures concerning the CAP Dispute Resolution Process for citations issued by the Office of Human Rights specific to violations of the Human Rights Regulations.

Procedure

- Providers should promptly communicate disagreement with a citation directly to the Advocate. The disagreement can be indicated directly on the CAP, or the provider can contact the Advocate via CONNECT portal or telephone.
- If a provider does not communicate his disagreement before the CAP is due, a citation will be issued for not submitting the CAP on time. Consistent with licensing regulation, the provider must reach out to their Advocate to discuss the disagreement prior to reaching out to the Advocate's supervisor.
- If the disagreement is resolved between the Advocate and the provider, action will be taken for the citation to remain or be rescinded, and the dispute resolution process will not be initiated. If the citation is upheld, the provider will have 10 business days to submit the CAP. If the citation is not upheld, the Office of Human Rights will remove the violation from the licensing report.
- If a provider disagrees with a citation, and is not able to resolve the disagreement with their assigned Advocate, the CAP dispute resolution process will be initiated.
- The CAP dispute resolution process meeting may be initiated by the provider or the Advocate if the two parties are not able to come to an agreement related to the issued citation(s).
- The purpose of the CAP dispute resolution process meeting is fact-finding and will include open, respectful discussion of the dispute issues in order to promote understanding of the provider's position on citations issued. Accordingly, the provider and Advocate are encouraged to present information relevant to the grievance at this meeting.

- The Advocate’s supervisor (Office of Human Rights Regional Manager) is charged with facilitating the meeting and will serve as a neutral party to receive and review information.
- No decisions will be made at the time of this meeting and the information will be gathered from the meeting and discussed with the Office of Human Rights Associate Director for Community Operations and the State Human Rights Director to make a final decision.
- After the CAP dispute meeting, the Regional Manager will make a recommendation to the State Human Rights Director.
- The State Human Rights Director will issue a final decision in writing regarding the citation within 10 business days from the CAP dispute meeting. The State Human Rights Director’s decision is final.
- If the citation is upheld, the provider will have 10 business days to submit the CAP.
- If the citation is not upheld, the Office of Human Rights will remove the violation from the licensing report.

Nothing in this procedure will prevent the Office of Human Rights, and/or the Office of Licensing from requiring immediate corrective action when the violation presents a threat to the health, safety, or welfare of individuals served.

If you have questions regarding the information in this memo, please contact your assigned Regional Manager [Office of Human Rights Regional Manager - contact info map](#)

Licensing Regulations:

12VAC35-105-170. Corrective action plan. *(A) If there is noncompliance with any applicable regulation during an initial or ongoing review, inspection, or investigation, the department shall issue a licensing report describing the noncompliance and requesting the provider to submit a corrective action plan for each violation cited.*

Human Rights Regulations:

12VAC35-115-260 Provider and department responsibilities. *(C)(3) The Human Rights Advocate shall: Investigate and try to prevent or correct any alleged rights violation by interviewing, mediating, negotiating, advising, or consulting with providers and their respective governing bodies, directors, and employees;*
(D)(4) The department shall: Provide for regular monitoring and enforcement of this chapter

See also Guidance on Corrective Action Plans dated August 22, 2020, issued by the Office of Licensing linked here: [Virginia Regulatory Town Hall View Guidance Document](#)