



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: DBHDS Licensed Providers

From: Jae Benz, Director, DBHDS Office of Licensing
Taneika Goldman, DBHDS Office of Human Rights

Date: October 21, 2024

Re: **Clarification Related to the DBHDS Risk Management Requirements Specific to “Conducting Investigations” and the Required OHR Investigator Training**

The purpose of this memo is to provide additional clarification related to the Risk Management requirements outlined in the [Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services \[12 VAC 35 - 105\]](#) and the Investigator Training required by the Office of Human Rights. To demonstrate compliance with 12VAC35-105-520.A, DBHDS requires the person responsible for the risk management function to complete department approved training, which shall include training related to risk management, understanding of individual risk screening, conducting investigations, root cause analysis, and the use of data to identify risk patterns and trends. The Office of Human Rights requires that any person conducting abuse and neglect investigations to be a trained investigator prior to conducting investigations as required per 12VAC35-115-175.F.4. The requirements for each office are outlined below. Please note that although both processes refer to investigations, these are two very different functions and as such, have different training requirements.

Office of Licensing Requirements

DBHDS licensed providers are required to designate a person responsible for the risk management function. A provider’s designated Risk Manager must complete the *Risk Management Attestation Form*. The Attestation form shall be signed and dated by the designated Risk Manager. It must also be signed and dated by the Risk Manager’s direct supervisor, if applicable.

The *Risk Management Attestation Form* outlines the five (5) training topic areas indicated in 12VAC35-105-520.A. The form specifies the name(s) of the DBHDS approved trainings for each topic area and includes the associated hyperlink(s) to access each training.

To demonstrate compliance with 12VAC35-105-520.A, specifically for the topic area “Conducting Investigations,” the OL does not require the designated risk manager to be a trained investigator. Therefore, they may choose to attend a live training offered by the Office of Human Rights **or** watch the YouTube video as outlined in the Crosswalk and the *Risk Management Attestation Form*.

- [Updated Crosswalk of DBHDS Approved Attestation Trainings \(September 2024\)](#)
- [Updated Risk Management Attestation Form \(September 2024\)](#)

Office of Human Rights Requirements

The Office of Human Rights (OHR) has different requirements. Compliance with 12VAC35-115-175.F.4. requires that any person conducting abuse and neglect investigations be **trained** to conduct investigations. Proof of training is a certificate of completion from a “live” investigation training offered by the OHR or another investigation training offered by another entity. Proof of training must be maintained in the investigator’s personnel file.

The OHR does not accept the *Risk Management Attestation Form* as an acceptable form of evidence of compliance with Human Rights Regulation 12VAC35-115-175.F.4. Additionally, developing a certificate to document review of the YouTube video also **does not** meet the requirement of a trained investigator. It is only a supplemental resource for OHR investigation training, and the office does encourage providers to use it as a supplemental resource. For example, as a refresher, after the person has received a full investigation training, or as an interim solution when the person assigned to complete the investigation has registered for an appropriate training session that is more than 30 days away, and only after approval by the Human Rights Advocate.