



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: All Providers of Mobile Crisis Response Services
From: DBHDS - Division of Crisis Services and The Office of Human Rights

Date: 10/23/2024

Subject: Misuse of Mobile Crisis Response Services for Financial Gain

The Department has been made aware of instances where some private providers have encouraged individuals to contact 988 call centers for the provider's own financial gain.

Mobile Crisis Response is designed to provide real-time support to individuals experiencing emergent behavioral health needs. It offers immediate assessment, crisis intervention, and care coordination to mitigate the risk of harm to self or others while reducing unnecessary law enforcement involvement, emergency room visits, and avoidable hospitalizations. Any attempt to manipulate this service for profit is not only an unethical misuse of the service, but it may also constitute exploitation.

12VAC35-115-30 of the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services defines exploitation as "the misuse or misappropriation of the individual's assets, goods, or property. Exploitation is a type of abuse. (See § 37.2-100 of the Code of Virginia.) Exploitation also includes the use of a position of authority to extract personal gain from an individual. Exploitation includes violations of 12VAC35-115-120 and 12VAC35-115-130. Exploitation does not include the billing of an individual's third-party payer for services. Exploitation also does not include instances of use or appropriation of an individual's assets, goods, or property when permission is given by the individual or his authorized representative:

1. With full knowledge of the consequences;
2. With no inducements; and
3. Without force, misrepresentation, fraud, deceit, duress of any form, constraint, or coercion."

Manipulating the 988 call centers and the mobile crisis response for financial gain undermines the service's integrity and violates the rights of individuals who depend on it during vulnerable moments.

Please be advised that any occurrences of this nature will result in notification to the DBHDS Office of Human Rights and may result in a licensing citation. These occurrences may also directly violate your agency's MOU with the Regional HUB and could result in removal from the Virginia Crisis Connect platform or other actions. Further, where deemed appropriate, referral will also be made to DMAS for evaluation of potential Medicaid fraud. The Department is committed to ensuring Mobile Crisis Response is used appropriately and for its intended purpose. We expect all providers to adhere to the highest ethical standards and prioritize the well-being of individuals in crisis above any financial considerations.

Additionally, under 12VAC35-115-260(A)(8), providers and their directors must comply with all state laws related to reporting abuse, neglect, or exploitation, as well as all procedures outlined in this chapter.

We strongly urge all providers to review their practices to ensure compliance with relevant laws and regulations, as well as the mission and principles of the Mobile Crisis Response Service.

Thank you for your prompt attention to this matter. If you have any questions or require further clarification, please contact the DBHDS Office of Human Rights Office of Human Rights Regional Manager [Contact-Map](#), and/or the DBHDS Division of Crisis Services at crisis_services@dbhds.virginia.gov.