



# COMMONWEALTH of VIRGINIA

NELSON SMITH  
COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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## MEMORANDUM

**To:** DBHDS Licensed Providers  
**From:** Jae Benz, Director, Office of Licensing  
**Cc:** Veronica Davis, Associate Director for State Licensure Operations  
Mackenzie Glassco, Associate Director of Quality & Compliance  
Angelica Howard, Associate Director of Administrative & Specialized Units  
**Date:** May 2, 2025  
**RE:** Expectations Regarding Provider Training and Development

**This memo is applicable to ALL DBHDS licensed providers required to comply with [Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services \[12 VAC 35 105\]](#) .**

This memo addresses DBHDS' expectations related to *450 Provider training and development* which is a regulatory requirement outlined in 12VAC35-105. Additionally, this memo outlines the requirements for providers of developmental services as it relates to the Permanent Injunction (PI).

DBHDS regulation 12VAC35-105-450 states, "*The provider shall provide training and development opportunities for employees to enable them to support the individuals receiving services and to carry out their job responsibilities. The provider shall develop a training policy that addresses the frequency of retraining on serious incident reporting, medication administration, behavior intervention, emergency preparedness, and infection control, to include flu epidemics. Employee participation in training and development opportunities shall be documented and accessible to the department.*"

The PI related to the DOJ Settlement Agreement was approved by the Court on January 15, 2025. It requires the Commonwealth to meet certain criteria regarding training and competency of direct support professionals specifically for providers of development services. However, all DBHDS licensed providers are required to demonstrate compliance with *12VAC35-105-450 Provider training and development*.

TERM 47 states, "*Training Requirement Compliance. The Commonwealth will work to achieve a goal that 86% of DBHDS-licensed providers receiving an annual inspection will have a training policy that meets established DBHDS requirements. DBHDS will take action it determines appropriate if providers fail to comply with training requirements required by regulation.*"

It's essential that providers ensure that employees, contractors, volunteers, and students are oriented commensurate with their function or job-specific responsibilities and that all employees and contractors are trained to carry out the responsibilities outlined in their job description. A provider's training policy must include all training that is required by the provider, address all training required by the DBHDS licensing regulations as well as the frequency of retraining for each required training. Providers must be able to demonstrate compliance with their written policy. Additionally, providers are responsible for documenting employee or contractor training to include maintaining accurate records regarding which training each employee or contractor has completed and the date of completion. Having appropriately trained staff significantly reduces risk by ensuring employees and contractors are aware of potential hazards in their workplace, understand protocols, and know how to respond appropriately, leading to a decreased likelihood of accidents, injuries, and errors, ultimately improving overall safety and operational efficiency.

**Based on data, the primary reason providers are non-compliant with this regulation is because providers are not maintaining documentation, within the employee or contractor record, to demonstrate their participation in training and development activities.**

If it is determined during an annual inspection that any licensed service failed to comply with any component of regulation 12VAC35-105-450, the Office of Licensing shall issue a licensing report describing the noncompliance and request the provider submit a Corrective Action Plan (CAP) that addresses all components of the cited violation. **The provider will be required to submit their revised training policy, which must include the effective date, and proof that they are compliant with their training policy.**

DBHDS recently developed policy and form templates to assist providers with meeting the training and development requirements outlined 12VAC35-105-450. Additionally, training has been provided by the Office of Licensing to assist providers of developmental services with meeting these requirements. It is recommended that providers utilize these templates and review the recording along with the associated PowerPoint presentation from this training. These documents and other relevant materials are available on the [DBHDS Office of Licensing webpage](#).

Sample Templates:

- [Employee Orientation, Training and Development Policy Template 12VAC35-105](#)
- [Orientation Form Template 12VAC35-105-440](#)
- [Training and Development Form Template 12VAC35-105-450, 460](#)

In addition to the above, providers of developmental services should review the following:

- [2025 Annual Inspections for Providers of Developmental Services Memo](#) (December 2024)
- [2025 DD Inspections Kickoff Training](#) (December 2024)
- [2025 DD Inspections Kickoff Training Webinar](#) (December 2024)