# COMMONWEALTH of VIRGINIA

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**MEMORANDUM**

**To:** DBHDS Licensed Providers

**From:** Jae Benz, Director, Office of Licensing (OL)
Taneika Goldman, Director, Office of Human Rights (OHR)

**Date:** Originally issued: October 21, 2024, Revised: June 16, 2026

**Re:** **Clarification Related to the DBHDS Risk Management Requirements Specific to "Conducting Investigations" and the Required OHR Investigator Training-Revised to reflect changes to the OHR training process**

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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.

## Office of Licensing Requirements

DBHDS licensed providers are required to designate a person responsible for the risk management function. In accordance with 12VAC35-105-440, the employee or contractor designated for this function must complete all required training within 15 business days of hire or upon assuming the duties of the risk manager. This requirement includes completion of the trainings identified in the *Crosswalk of DBHDS Approved Attestation Trainings*. The *Risk Management Attestation Form* shall be completed, 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 designated risk manager must complete the required *Investigating Abuse and Neglect Course Series* as required by the Office of Human Rights.

- **Updated Crosswalk of DBHDS Approved Attestation Trainings (June 2026)**
- **Updated Risk Management Attestation Form (June 2026)**

Beginning July 1, 2026, when an employee or contractor is hired as the Risk Manager, or assumes the role of the risk management function, the provider will be required to use the June 2026 Updated Risk Management Attestation Form.

**Office of Human Rights Requirements**

1. *DBHDS: Office of Human Rights - Investigating Abuse and Neglect Course Series* is a self-paced/self-study recorded course consisting of three (3) modules and concluding with a comprehensive assessment. All components MUST be completed in the TRAIN Learning Management System for any person seeking certification as a "trained investigator" per 12VAC35-115-175(F)(4).

2. Please see the Office of Human Rights webpage for instructions on TRAIN account creation and/or accessing the Investigating Abuse and Neglect training.

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. As evidence of compliance, the Office of Human Rights will accept a copy of an approved trained investigator's certificate. For example, an OHR facilitated training in the past, or the current TRAIN Certification of Completion. Developing a certificate to document review of the previously available YouTube recording **does not meet the requirement** of a trained investigator. If accessed, the YouTube recording is only a supplemental resource, and the office encourages providers to use it as a refresher, after the person has completed the full investigation training.