



# COMMONWEALTH of VIRGINIA

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ACTING COMMISSIONER

DEPARTMENT OF  
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## PUBLIC HEARING MINUTES

Monday, November 18, 2019  
Fairfield Area Library, FA Meeting Room  
1401 N Laburnum Ave, Richmond, VA 23223  
10:00 a.m. – 12:00 p.m.

### I. CALL TO ORDER

Ruth Anne Walker called the meeting to order at 10:15.

### II. WELCOME AND INTRODUCTIONS

Ms. Walker welcomed all present and began introductions.

Staff present: Emily Bowles, Office of Licensing Assistant Director for Licensing, Quality, Regulatory Compliance, and Training; Susan Puglisi, Office of Regulatory Affairs Regulatory Research Specialist; Ruth Anne Walker, Office of Regulatory Affairs Director.

Citizens present: Travis Carter, Susan Griffith, Chesterfield CSB Day Support; Erin Hew, Joclyn Hamilton, Henrico CSB Quality Assurance; Shaka Johnson, Wyatt Services; Renee Trivisonno, Chesterfield CSB Day Support; and Diane Wilson, CSB Day Support.

### III. PURPOSE

The purpose of the hearing was to receive comment on Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services [12 VAC 35 - 105], "Licensing Regulations," in regard to Action 5040, Compliance with Virginia's Settlement Agreement with US DOJ. The proposed changes to the Licensing Regulations are intended to ensure compliance with the requirements of Section V. Quality and Risk Management System of the U. S. Department of Justice's Settlement Agreement with Virginia (United States of America v. Commonwealth of Virginia, Civil Action No. 3:12cv059-JAG), that states individuals in the Settlement Agreement population who are receiving services in Virginia's public system of services shall receive a level of care that complies with the requirement of the Agreement. Quality improvement measures are required of CSBs for services they provide, but are not currently in the DBHDS Licensing Regulations for other providers. The proposed amendments would provide clarifications to and expand the

requirements for the quality practices for the health, safety, care, and treatment for adults who receive services from service providers. The action was brought under Code of Virginia 2.2-4011(A). The action would replace current emergency regulations effective September 1, 2018 – February 20, 2020.

#### **IV. HEARING PROCESS**

Ms. Walker explained the standard regulatory action stages and that Action 5040 was in the proposed stage. She further explained that the action would take time before it is through the final stage and effective. The hearing process is about receiving comment and is not a discussion. There was a time limit of three minutes per person, but citizens could submit additional public comment in writing via different formats (email, fax, hard copy mail, Town Hall).

#### **V. PUBLIC COMMENTS (*TIME LIMITED PER SPEAKER*)**

No comments were made on the DOJ action. All present were interested in the Licensing 'Overhaul' (not yet filed but under development). Therefore, Ms. Walker provided an overview of the purpose of that upcoming action as a response to a periodic review.

Citizens present made comments in discussion:

Jocelyn Hamilton: Include a financial impact analysis the proposed regulations will have on providers.

Shaka Jackson: Look at best practices of other states.

During the discussion, Ms. Walker shared onscreen the "State of the States" and "Mental Health America" rankings. She provided a brief tutorial of Virginia's Town Hall web site, and a flow chart of the standard process noting that there will be three public comment periods the 'overhaul' once introduced.

Ms. Walker displayed on screen the open proposed stage for the DOJ compliance action. Emily Bowles went through the substantive edits for the proposed stage. Ms. Bowles showed that there are root cause analysis trainings available online. She also referenced the Office of Community Quality Improvement and Risk Management web page on the DBHDS site as a resource for providers who are interested in that information. It will receive future updates.

Ms. Walker then briefly explained the Virginia Legislative Information System web site and how to utilize resources to track information during the sessions of the Virginia General Assembly. Providers expressed gratitude of the time staff spent with them.

#### **VI. ADJOURNMENT**

There being no further business, Ms. Walker adjourned the hearing at 12:15 p.m. (end time adjusted to accommodate the late start.

