



COMMONWEALTH of VIRGINIA  
STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**DRAFT MEETING AGENDA**

Wednesday, March 29, 2023, 9:30 a.m.  
DBHDS Southwestern Virginia Mental Health Institute, B Building  
340 Bagley Circle, Marion, VA 24354, VA

**CONCURRENT COMMITTEE MEETINGS**

Wednesday, March 29, 2023, 8:30 a.m. – 9:20 a.m.  
DBHDS Southwestern Virginia Mental Health Institute, B Building  
340 Bagley Circle, Marion, VA 24354, VA

*\*These meetings will be in person with a physical quorum present,  
but electronic or phone connection is available.*

8:30	<ul style="list-style-type: none"> <li><b><u>Policy and Evaluation Committee</u></b> <b>Small Conference Room</b> <i>*OR Teams Meeting:</i> <a href="https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting">Click here to join the meeting</a> (or <a href="https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting">https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting</a>) Meeting ID: 224 721 039 834 Passcode: iMxjVu  <b><u>OR call in (audio only)</u></b> <i>Phone:</i> <a href="tel:+14342300065321718956">+1 434-230-0065,321718956#</a> Phone Conference ID: 321 718 956#</li> </ul> <hr/> <ul style="list-style-type: none"> <li><b><u>Planning and Budget Committee</u></b> <b>Dogwood Conference Room</b> OR see main meeting info below (same login↓)</li> </ul>	<p style="text-align: right;">Josie Mace <i>Legislative Manager</i> <b>Agenda p.18</b></p> <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> <p style="text-align: right;">Ruth Anne Walker <i>Board Liaison</i> <b>Agenda p.17</b></p>
9:20	<b>Adjourn</b>	

**CONTINUED -**

**STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

**REGULAR MEETING**

**Wednesday, March 29, 2023**

9:30 a.m. – 2:00 p.m.

DBHDS Southwestern Virginia Mental Health Institute, B Building  
340 Bagley Circle, Marion, VA 24354, VA

**\*This meeting will be in person with a physical quorum present, but electronic or phone connection is available:**

**Join Teams Meeting**

(this **login** is also used for the Planning Committee)

[Click here to join the meeting](#)

(or <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>)

Meeting ID: 214 239 600 443

Passcode: ijYFPD

**OR**

**Phone: (audio only)**

[+1 434-230-0065, 951762340#](tel:+14342300065951762340)

Phone Conference ID: 951 762 340#

1.	9:30	<p><b>Call to Order and Introductions</b></p> <p><b>Approval of March 29, Agenda</b> ➤ <i>Action Required</i></p> <p><b>Approval of Draft Minutes</b> <b>Regular Meeting, December 7, 2022</b> ➤ <i>Action Required</i></p>	<p>Rebecca Graser <i>Vice Chair</i></p>	4
2.		<p><b>Public Comment</b> (<i>3 minute limit per speaker</i>) <i>Notice: It is preferred but not required that persons wishing to give comment email <a href="mailto:ruthanne.walker@dbhds.virginia.gov">ruthanne.walker@dbhds.virginia.gov</a> no later than 5:00 p.m., March 28, 2023, indicating they wish to provide comment. As the names of these individuals are announced at the beginning of the public comment period, three minutes of comment may be offered, within the overall time allowed for comments. Written public comment may be presented at the meeting or sent by email to <a href="mailto:ruthanne.walker@dbhds.virginia.gov">ruthanne.walker@dbhds.virginia.gov</a> no later than 10:00 p.m. on March 28, 2023.</i></p>		
3.	9:40	<b>Director's Welcome and Presentation</b>	<p>Cynthia McClaskey, Ph.D. <i>DBHDS SWVMHI Director</i></p>	
4.	10:00	<b>Commissioner's Report</b>	<p>Ellen Harrison <i>Chief Deputy Commissioner</i></p>	
5.	10:45	<b>Regulatory Updates</b>	<p>Ruth Anne Walker <i>Regulatory Affairs Director</i></p>	13
6.	11:00	<b>Update: State Hospital Discharges</b>	<p>Suzanne Mayo <i>Senior Director, Office of Patient Continuum Services</i></p>	
7.	11:20	<b>Facility Tour</b>	<p>Cynthia McClaskey</p>	
8.	12:00	<b>Lunch: Break and Collect Lunch</b>		

9.	12:30	<b>Recognition</b>	Ellen Harrison	
10.	12:40	<b>Update: 2023 General Assembly Legislation and Budget</b>	Nathan Miles <i>Budget Director</i> Josie Mace <i>Legislative Affairs Manager</i>	
11.	1:00	<b>Virginia Association of Community Services Boards</b>	Jennifer Faison <i>VACSB Executive Director</i>	
12.	1:30	<b>Update: CIT, Cross Systems Mapping, CITAC</b>	Curt Gleeson <i>Assistant Commissioner, Crisis Services</i>	
13.	1:50	<b>Committee Reports</b> <b>A. Policy and Evaluation</b> <b>B. Planning and Budget</b>	Josie Mace Ruth Anne Walker	<b>18</b> <b>17</b>
14.	2:00	<b>Miscellaneous</b> <b>A. Liaison Updates</b> <b>B. Nominating Committee</b> <b>C. 2023 December Meeting Date</b>	Rebecca Graser	
15.	2:15	<b>Adjournment</b>		

*(Note: Times may run slightly ahead or behind schedule. If you are a presenter, please plan to be at least 10 minutes early.)*

<b>2023 REGULAR MEETING SCHEDULE</b>	
July 11, 2023 afternoon July 12, 2023	DBHDS Central Office (Biennial Planning Meeting), Richmond DBHDS CSH, Petersburg
September 27, 2023	DBHDS PGH and VCBR, Burkeville
December ?, 2023	DBHDS Central Office, Richmond

# STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

## Regular Meeting DRAFT MEETING MINUTES

**9:30 a.m., Wednesday, December 7, 2022**

*This meeting was held in person with a physical quorum present,  
with electronic or phone connection available. A recording of the meeting is available.*

<b>Members Present</b>	Elizabeth Hilscher, Chair; R. Blake Andis; Varun Choudhary; Rebecca Graser, Vice Chair; Kendall Lee; Moira Mazzi; and Christopher Olivo.
<b>Members Absent</b>	Sandra Price-Stroble.
<b>Staff Present</b>	<ul style="list-style-type: none"> <li>• Jae Benz, Director, Office of Licensing.</li> <li>• Ellen Harrison, Chief Deputy Commissioner.</li> <li>• Bill Howard, Acting Assistant Commissioner, Crisis Services.</li> <li>• Emily Lafon, Executive Budget Manager.</li> <li>• Madelyn Lent, Policy Manager.</li> <li>• Josie Mace, Legislative Affairs Manager.</li> <li>• Meghan McGuire, Deputy Commissioner, Policy and Public Affairs.</li> <li>• Dev Nair, Assistant Commissioner, Provider Management.</li> <li>• Heather Norton, Assistant Commissioner, Developmental Services.</li> <li>• Susan Puglisi, Regulatory Research Specialist.</li> <li>• Nelson Smith, Commissioner.</li> <li>• Ruth Anne Walker, Regulatory Affairs Director and State Board Liaison.</li> <li>• Michael Zohab, Grant Manager, Virginia State Opioid Response.</li> </ul>
<b>Guests Present</b>	<p>Invited guests:</p> <ul style="list-style-type: none"> <li>• Jennifer Faison, Executive Director, Virginia Association of Community Services Boards.</li> </ul> <p>Other Guests In Person:</p> <ul style="list-style-type: none"> <li>• John Littel, Secretary of Health and Human Resources (HHR).</li> <li>• Leah Mills, Deputy Secretary, HHR.</li> </ul> <p>Other Guests Attending Electronically:</p> <ul style="list-style-type: none"> <li>• Mark Hickman; Rebecca Neville.</li> </ul>
<b>Call to Order and Introductions</b>	At 9:32 a.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed those present. A quorum of seven members was physically present.
<b>Approval of Agenda</b>	<i>At 9:33 a.m. the State Board voted to adopt the December 7, 2022, agenda. On a motion by Christopher Olivo and a second by Moira Mazzi, the agenda was approved.</i>
<b>Approval of Draft Minutes</b>	<i>On a motion by Rebecca Graser and a second by Moira Mazzi, the September 28, 2022, minutes were approved as final.</i>

<b>Public Comment</b>	At 9:34 a.m., Ms. Hilscher stated a period for public comment was included on the draft agenda, but there were no citizens signed up to speak.
<b>Secretary of Health and Human Services</b>	<p>At 9:56 a.m., John Littel, Secretary of Health and Human Resources provided an overview of the Governor’s <a href="#">behavioral health care initiative</a>, called “Right Help, Right Now,” in advance of the Governor’s <a href="#">budget</a> announcement.</p> <p>Three members made comments: Dr. Choudhary regarding the benefits of telehealth; Dr. Lee regarding early intervention services; and Ms. Hilscher on being heartened by the Secretary’s comments about plans for the system but sadness at the lack of transformation over the past 15 years, including transition programs for students graduating out of the system and also, wondering how the Deeds commission fits with the Administration’s plans.</p> <p><i>At 10:46 a.m., Ms. Hilscher called for a five minute break.</i></p>
<b>Commissioner’s Report</b>	<p>At 10:52 a.m., Nelson Smith, Commissioner, updated the State Board on: the Prompt Placement Taskforce; the Behavioral Health System Redesign; the DBHDS strategic planning effort, North Star Plan; the Certified Community Behavioral Health Clinic (CCBHC) Grant; and STEP-VA.</p> <p>Ms. Graser asked about how many CSBs would be CCBHCs. Mr. Smith responded that all would be.</p>
<b>Regulatory Business</b>	<p>At 11:17 a.m., Ruth Anne Walker asked members to consider acting on the following:</p> <p><b>A. Exempt Action: Licensing Regulations, [12VAC35-105]: Mobile Medication Assisted Treatment (MAT).</b>  Jae Benz presented the action to the members. Sheriff Andis asked how the providers work with the communities to pick the physical location. Ms. Benz responded that it would be up to the provider, but the site does have to be specific. He also asked about the type of medication used. Ms. Benz stated it would be up to the individual; the regulations do not get into those specifics. Ms. Puglisi provided further clarifications.</p> <p><i>On a motion by Christopher Olivo and a second by Kendall Lee, the board unanimously approved initiation of the <a href="#">exempt action</a>.</i></p> <p><b>B. Fast Track Action: Certified Recovery Residences [12VAC35-260]</b>  Dr. Choudhary asked why certification was not mandatory. Mark Blackwell responded that it is due to the model for recovery residences.</p> <p><i>On a motion by Rebecca Graser and a second by Varun Choudhary, the board unanimously approved initiation of the <a href="#">fast track action</a>.</i></p>

	<p><b>C. Initiate Periodic Review: Peer Recovery Specialists [12 VAC 35-250].</b>  <i>On a motion by Varun Choudhary and a second by Kendall Lee, the board unanimously approved initiation of the <a href="#">periodic review</a>.</i></p> <p>Ms. Walker then provided a review of regulatory actions and drafts in process as listed in the matrix on page 59 of the packet.</p>
<p><b>Update: Community-based Crisis Services</b></p>	<p>At 11:27 a.m., Bill Howard, Acting Assistant Commissioner, Crisis Services, reported on the: Office of Crisis Services and Supports created July 2021; vision for the Crisis System Transformation; three required crisis system protocols; evaluation of existing crisis data; crisis system infrastructure by locality; 988 hotline buildout; and implementation schedule for the first five Marcus Alert programs. <i>The presentation is available upon request.</i></p> <p>Sheriff Andis asked about lack of funding to localities for 911 dispatchers taking the additional 988 calls. For example, in his locality, his office is answering up to 4,700 calls per month. Mr. Howard stated the department plans to put out guidance around Marcus Alert, but it is up to the localities to let the office know what is needed. DBHDS is trying to explore with DCJS ways to build up local capacity. Also, direct lines are planned for the regional locations to help take some of the burden off localities.</p>
<p><b>Update: SOR Grant (Opioid Crisis)</b></p>	<p>At 11:45 a.m., Michael Zohab, Grant Manager, Virginia State Opioid Response, provided an update on all grant-funded activities and programs including peer support efforts, substance use disorder treatment, cross-agency data collection, certification of recovery residences, training to prevent opioid overdoses, and collegiate recovery communities. <i>The presentation is available upon request.</i></p> <p>Sheriff Andis discussed local concerns regarding the opioid crisis.</p>
<p><b>Lunch: Break and Collect Lunch</b></p>	<p><i>At 12:09 p.m., Ms. Hilscher suspended the meeting for a lunch break, to reconvene at 12:30 p.m.</i></p>
<p><b>Board Member Spotlight</b></p>	<p>At 12:36 p.m., Dr. Choudhary shared that he lives in Glen Allen with his wife, two sons, and dog. He has been in Virginia since 1999, having trained at MCV. In 2003, he spent a year in New Haven, Connecticut. Beginning in 2004, he was in private practice for 10 years and that time included public sector work at the now-closed DBHDS Southside Virginia Training Center (SVTC).</p> <p>In 2006, he began doing telepsychiatry and became a large part of his work. He joined a company and helped it build its telehealth psychiatry section. In 2014, Dr. Choudhary moved into managed care as the Medical Director for Magellan of Virginia, which really gave him exposure to Virginia’s system of care. As the Behavioral Health Services Administrator for the Department of Medical Assistance Services (DMAS), he gained insight into the dichotomy between DMAS and DBHDS, particularly the siloed care system. This also sparked his interest in policy.</p>

	<p>Serving at the national level for Magellan as the Behavioral Health Chief Medical Officer, in 2019 he moved to Talkspace as he was interested to get back into the provider world from managed care.</p> <p>Dr. Choudhary loves to travel, with a family trip every year. He enjoys photography, scuba diving, reading, audiophile collecting of records, and spending time in his home theater.</p> <p>The reason he thinks it is important to serve on the State Board is service. While he works at the national level without a practice here, it keeps him connected to Virginia's services. He became very aware of the gaps in the state system and wanted to remain a part of the work going into improving the system of care. The role of the State Board is vital in that members get to have a voice in how to improve the system and help those individuals that don't have voice. He is grateful for his appointment.</p>
<p><b>Update: DD Services Across the Life Span</b></p>	<p>At 12:46 p.m., Heather Norton, Assistant Commissioner, Developmental Disabilities Division, used the department's <a href="#">MyLifeMyCommunity</a> web site to demonstrate and explain service choices for individuals with developmental disabilities at different stages of life. <i>A recording is available upon request.</i></p>
<p><b>Update: Virginia Association of Community Services Boards</b></p>	<p>At 1:07 p.m., Jennifer Faison, Executive Director, VACSB, reported on the association's perspective on the status of the services system, and its budget <a href="#">priorities</a> and session activities.</p>
<p><b>2023 General Assembly Legislative and Budget</b></p>	<p>At 1:30 p.m., Emily Lafon, Executive Budget Manager, and Josie Mace, Legislative Affairs Manager, provided information on preparations for the upcoming legislative session including budget themes and legislative topics.</p>
<p><b>Committee Reports</b></p>	<p>At 1:45 p.m., Ms. Graser and Josie Mace reported that the Policy and Evaluation Committee met that morning and heard background information on specific policies currently under review:</p> <p>Revisions</p> <ul style="list-style-type: none"> <li>• 1008(SYS)86-3 Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders.</li> <li>• 1040(SYS)06-3 Consumer and Family Member Involvement and Participation.</li> </ul> <p>Background</p> <ul style="list-style-type: none"> <li>• 1043(SYS)08-1 Disaster Preparedness (Craig Camidge). The policy needs updates.</li> <li>• 1044(SYS)12-1 Employment First (Heather Norton). This is not just DD focused, but includes substance used disorder and serious mental illness.</li> </ul> <p>Ms. Mace said another meeting will be held in late February to get back on track with the review schedule.</p> <p>At 1:53 p.m., Ms. Hilscher reported on the discussion in the Planning and Budget Committee. A detailed presentation was received by</p>

	<p>Lisa Jobe-Shields on the CCBHCs. The planning chart of topics by meetings was reviewed, along with a typical schedule for meetings outside of Richmond. An update on regulatory reduction efforts was given. It was announced that Bylaws are due to be reviewed in 2023. A quarterly budget report was distributed to all members.</p>
<b>Miscellaneous</b>	<p>At 1:58 p.m., Ms. Hilscher opened the miscellaneous topics:</p> <ul style="list-style-type: none"> <li>• Annual Executive Summary: The draft was endorsed by the members.</li> <li>• Liaison Updates: Sheriff Andis reached out to area contacts. Dr. Lee reported was invited to a virtual Crossroads CSB meet and greet.</li> </ul>
<b>Adjournment</b>	<p>There being no other business, Ms. Hilscher adjourned the meeting at 2:02 p.m.</p>



STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Planning and Budget Committee**

**DRAFT MINUTES**

December 7, 2022

8:30 a.m. – 9:25 a.m.

DHBDS, 13TH FLOOR CONFERENCE ROOM,  
JEFFERSON BUILDING, 1220 BANK STREET, RICHMOND, VA 23219

*This meeting was held in person with a physical quorum present, with electronic or phone connection available. A recording of the meeting is available.*

**Members Present:** Elizabeth Hilscher, Board and Committee Chair; R. Blake Andis; Christopher Olivo.

**Members Absent:** None (one vacancy).

**Staff Present:** Susan Puglisi, Ruth Anne Walker.

**I. Call to Order**

A quorum being present, at 8:35 a.m., Elizabeth Hilscher, Chair, called the meeting to order.

**II. Welcome and Introductions**

At 8:31 a.m., Ms. Hilscher welcomed all present. She indicated that the meeting would need to end 15 minutes early to accommodate Secretary Littel's visit to the full board meeting.

**III. Adoption of Minutes, September 28, 2022**

*On a motion from Christopher Olivo and a second from Blake Andis the meeting minutes from September 28, 2022, were adopted unanimously.*

**IV. Standing Item:** *Identification of services and support needs, critical issues, strategic responses, and resource requirements to be included in long-range plans; work with the department to obtain, review, and respond to public comments on draft plans; and monitor department progress in implementing long-range programs and plans.*

*Ensure that the agency's budget priorities and submission packages reflect State Board policies and shall, through the Board's biennial planning retreat, review and comment on major funding issues affecting the behavioral health and developmental services system, in accordance with procedures established in POLICY 2010 (ADM ST BD) 10-1.*

**A. Certified Community Behavioral Health Clinics (CCBHCs)**

At 8:40 a.m., Lisa Jobe-Shields, Assistant Commissioner of Behavioral Health Services, gave a presentation on the purpose of the CCBHC model and Virginia's activities to align services to the model. *The presentation is available upon request.*

Ms. Jobe-Shields also spoke about the staff and position changes within the division.

**B. Review the priorities set at the Biennial Planning Meeting and topic areas for board meetings through July 2023.**

Ms. Walker reviewed the chart with the committee, and an example agenda from a past Board dinner when a meeting was held away from Richmond. She also mentioned that the Bylaws were due for review in 2023.

**V. Other Business**

**A. State Board Budget Quarterly Report. *Handout***

At 9:05 a.m., the board's quarterly budget report was reviewed.

**B. Regulatory Process Changes: ED1 and EO19.**

At 9:07 a.m., Ms. Walker updated members on the agency's activities to comply with the new regulatory requirements for all agencies set out under the Governor's [Executive Directive 1](#) and [Executive Order 19](#). Namely, updates on staff development on draft actions to eliminate or reduce 'low hanging fruit' of agency discretionary mandates, those requirements that would be most likely to be noncontroversial to remove. An ongoing concern is the ability of licensing specialists and human rights advocates to have to retrain when there are amendments to the regulations, particularly across multiple regulatory actions.

**VI. Next Steps:**

**A. Standing Item: Report Out**

Updates from committee planning activities would be reported out to the Board in the regular meeting.

**B. Next Meeting:**

The next meeting is scheduled for March 28, 2023.

**VII. Adjournment**

At 9:14 a.m., Ms. Hilscher adjourned the meeting.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Policy and Evaluation Committee**

**DRAFT MINUTES**

December 7, 2022

8:30 a.m. – 9:25 a.m.

DHBDS, Room 844, 8TH FLOOR

JEFFERSON BUILDING, 1220 BANK STREET, RICHMOND, VA 23219

*This meeting was held in person with a physical quorum present, with electronic or phone connection available. A recording of the meeting is available.*

**Members Present:** Varun Choudhary, Rebecca Graser, Kendall Lee, Moira Mazzi.  
**Members Absent:** Sandra Price-Stroble.  
**Staff:** Josie Mace, Legislative Manager and Committee Staff.  
Craig Camidge, Director, Enterprise Management Services.  
Heather Norton, Assistant Commissioner, Developmental Services.  
Madelyn Lent, Policy Manager.  
**Guests:** None.

**I. Call to Order**

Rebecca Graser, Committee Chair and Board Vice Chair, called the committee meeting to order at 8:45 AM.

**II. Welcome and Introductions**

Ms. Graser welcomed all present, and the committee members introduced themselves.

**III. Review of 2022 Policy Review Plan and Presentation of Policies for Discussion**

**a. 1008(SYS)86-3 Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders (Revisions)**

Revisions for this policy will be discussed at the next meeting of the committee.

**b. 1040(SYS)06-3 Consumer and Family Member Involvement and Participation (Revisions)**

Revisions for this policy will be discussed at the next meeting of the committee.

**c. 1043(SYS)08-1 Disaster Preparedness**

Craig Camidge presented background information on this policy to the committee. After committee discussion, Moira Mazzi motioned to move this policy to the revision phase. Kendall Lee seconded.

**d. 1044(SYS)12-1 Employment First**

Heather Norton presented background information on this policy to the committee. After committee discussion, Mr. Lee motioned to move this policy to the revision phase. Ms. Mazzi seconded.

**IV. Next Quarterly Meeting: March 2023**

## **V. Other Business (10 min)**

Josie Mace alerted the committee that another committee meeting will be held in February to catch-up on the policy review schedule and discuss the revisions for policy 1008(SYS)86-3 and 1040(SYS)08-1. The date is TBD.

## **VI. Adjournment**

Ms. Graser adjourned the meeting at 9:30 AM.

All current policies of the State Board are on the agency website at:

<https://www.dbhds.virginia.gov/about-dbhds/Boards-Councils/state-board-of-BHDS/bhds-policies>



# COMMONWEALTH of VIRGINIA

NELSON SMITH  
COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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## MEMORANDUM

**To:** Members, State Board of Behavioral Health and Developmental Services

**Fr:** Ruth Anne Walker, Director of Regulatory Affairs

**Date:** March 15, 2023

### I. **Actions for July.**

- Three mandate reductions: Office of Licensing, 2; Office of Human Rights, 1.
- Streamline: Chapter 190, Regulations for Voluntary Admissions to State Training Centers *combined into* Chapter 200, Regulations for Emergency and Respite Care Admission to State Training Centers. Minimal updates to Chapter 210, Regulations to Govern Temporary Leave from State Facilities.

Note: Initial drafts of all the above will be posted for public comment this spring.

- Final exempt: To amend the Licensing Regulations to incorporate changes by the 2020 General Assembly in Chapter 723 (HB597) that added a new section §37.2-405.2, relating to licensure and negative actions.

### II. **Licensing Overhaul (Chapters 46 and 105): Regulatory Advisory Panel.**

Established in accordance with the department's Public Participation Guidelines (12VAC35-12-70, Appointment of Regulatory Advisory Panel). Specifically, the purpose of a regulatory advisory panel (RAP) is to:

*"provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action..."*

In 2019, a public comment forum and a RAP were held to discuss the [revision of the Licensing Regulations General Chapter](#). Since the development of the draft General Chapter, the Office of Licensing has worked steadily on the "overhaul" of the Licensing Regulations and developed drafts for five new service specific chapters. The

department received public comment via Town Hall on the first four of these chapters in 2021 and 2022:

- [Case Management](#)
- [Center-Based Services](#)
- [Home/Non-Center Based Services](#)
- [Residential Services](#)

The draft of the new Crisis Services Chapter, the fifth and final service-specific chapter, will be available on Town Hall for public comment spring 2023. Note that current drafts intend to incorporate the requirements of the current Chapter 46 (12VAC35-46), Regulations for Children's Residential Facilities.

#### RAP Membership and Public Comment

- Membership on the RAP is by invitation. Individuals from state agency partners and providers around the state are being invited to have balanced representation.
- The meetings will be formal in nature and open to the public.
- The draft text under review by the RAP will be posted concurrently on Town Hall in a public comment forum and sent to all providers as required by § 2.2-4007.04:01.C. of the Code of Virginia.

#### Meetings

Three electronic meetings of the RAP are planned from 10:00 AM until 2:00 PM on the following Tuesdays: April 25, May 2, and May 9, 2023.

### III. Periodic Reviews.

(See the flow chart of the process: <http://townhall.virginia.gov/UM/chartperiodicreview.pdf>)

**Background:** Existing regulations must be examined at least every four years to review statutory authority and assure that the regulations do not exceed the Board's statutory authority. Investigation should be conducted for any alternatives to the regulation and any need to modify the regulation to meet current needs.

#### **Status:**

##### Retained:

- 12 VAC 35-180, Regulations to Assure the Protection of Participants in Human Research. 2/17/2023 (no federal changes since 2018). No comments received.
- 12 VAC 35-240, Victims of Sterilization Fund Program. No comments received.
- 12 VAC 35-250, Peer Recovery Specialists. One comment received.

##### Upcoming:

- 12 VAC 35-230, Operation of the Individual and Family Support Program: Set to initiate with the proposed stage. (Held from 1/17/2022; filed to as part of current action 7/2022).
- 12 VAC 35-225, Requirements for Virginia's Early Intervention System: 12/1/2023.

## IV. REGULATORY ACTIVITY STATUS REPORT: MARCH 2023 (REVISED 03/15/23)

Board		STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES		
VAC CITATION	CHAPTER TITLE (FULL TITLE)	REGULATIONS IN PROCESS		
		PURPOSE	STAGE	STATUS
<u>12 VAC 35-46</u> Certain sections and NEW sections.	<b>Regulations for Children's Residential Facilities</b>	In accordance with Item 318.D. of the 2021 Appropriation Act to align with the requirements of the federal Family First Prevention Service Act to meet the standards as qualified residential treatment programs (QRTPs).	<ul style="list-style-type: none"> <li><b>Emergency: To Standard; in proposed stage.</b></li> </ul>	<ul style="list-style-type: none"> <li>Effective 01/10/22; <del>expires 07/09/23</del> <b>extended until 01/08/2024</b>. Proposed stage filed 3/31/2022 with OAG; 8/15/2022 to HHR.</li> </ul>
<u>12 VAC 35-46</u> Certain sections	<i>same</i>	<i>Regulatory reduction of discretionary mandates.</i>	<ul style="list-style-type: none"> <li><b>Fast Track.</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Draft in progress; expect in July.</i></li> </ul>
12 VAC 35-105 Certain sections and NEW sections.	<b>Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services</b>	In accordance with federal regulation, amendments for mobile medication assisted treatment programs in Virginia.	<ul style="list-style-type: none"> <li><b>Final Exempt.</b></li> </ul>	<ul style="list-style-type: none"> <li>Submitted to OAG 12/8/2022.</li> </ul>
<u>12 VAC 35-105</u> Certain sections	<i>same</i>	<i>Regulatory reduction of discretionary mandates.</i>	<ul style="list-style-type: none"> <li><b>Fast Track.</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Draft in progress; expect in July.</i></li> </ul>
12 VAC 35-115	<b>Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services</b>	<i>Clarifying and updating; reduction of discretionary mandates.</i>	<ul style="list-style-type: none"> <li><b>TBD.</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Response to periodic review; expect in July.</i></li> </ul>
<u>12 VAC 35-190</u>	<b>Regulations for Voluntary Admissions to State Training Centers</b>		<ul style="list-style-type: none"> <li><b>Fast Track</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Draft in progress; expect in July.</i></li> </ul>
<u>12 VAC 35-200</u>	<b>Regulations for Emergency and Respite Care Admission to State Training Centers</b>		<ul style="list-style-type: none"> <li><b>Fast Track</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Draft in progress; expect in July.</i></li> </ul>
<u>12 VAC 35-210</u>	<b>Regulations to Govern Temporary Leave from State Facilities</b>		<ul style="list-style-type: none"> <li><b>Fast Track.</b></li> </ul>	<ul style="list-style-type: none"> <li><i>Draft in progress; expect in July.</i></li> </ul>

<u>12 VAC 35-230</u>	<b>Operation of the Individual and Family Support Program</b>	In accordance with the mandate in <a href="#">Item 313.NN</a> , of the 2022 Special Session 1 <i>Appropriation Act</i> to facilitate compliance with the U. S. Department of Justice’s Settlement Agreement with Virginia by establishing criteria, annual funding priorities, and to ensure annual public input.	• <b>Emergency/NOIRA.</b>	• <b>Emergency/NOIRA</b> effective 1/19/2023; periodic review initiates with <i>proposed stage; expect in July.</i>
<u>12 VAC 34-260</u>	<b>Certified Recovery Residences</b>	To implement the changes in the Code of Virginia per <a href="#">HB 277/SB 622</a> (2022) regarding DBHDS certification, minimum square footage, and disclosure of credentialing entity.	• <b>Fast Track.</b>	• Filed with OAG 12/8/2022.



STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Planning and Budget Committee  
DRAFT AGENDA**

March 29, 2023  
8:30 a.m. – 9:20 a.m.

DBHDS Southwestern Virginia Mental Health Institute, Dogwood Room, B Building  
340 Bagley Circle, Marion, VA 24354, VA

*This meeting will be held in person and virtually. Log in information is the same as for the regular meeting of the State Board on page 2 of the meeting packet.*

- I. Call to Order**
- II. Welcome and Introductions**
- III. Adoption of Minutes, December 7, 2022**
  - *Action Required*

**IV. Standing Items:**

*Identification of services and support needs, critical issues, strategic responses, and resource requirements to be included in long-range plans; work with the department to obtain, review, and respond to public comments on draft plans; and monitor department progress in implementing long-range programs and plans.*

*Ensure that the agency's budget priorities and submission packages reflect State Board policies and shall, through the Board's biennial planning retreat, review and comment on major funding issues affecting the behavioral health and developmental services system, in accordance with procedures established in POLICY 2010 (ADM ST BD) 10-1.*

- A. Governor Initiative: Right Help Right Now

*Ellen Harrington  
Chief Deputy Commissioner*

- B. Review the priorities set at the Biennial Planning Meeting and topic areas for board meetings through July 2023.

**V. Other Business**

- A. State Board Quarterly Budget Report. *handout*
- B. Discuss 2023 expected changes to the Bylaws.

**VI. Next Steps:**

- A. Standing Item: *Provide updates on committee planning activities to the Board.*
- B. Next Meeting (*July 12, 2023*)

**VII. Adjournment**

**STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

**Policy and Evaluation Committee**

**DRAFT AGENDA**

March 29, 2023

8:30 a.m. – 9:20 a.m.

DBHDS Southwestern Virginia Mental Health Institute, Small Conference Room, B Building  
340 Bagley Circle, Marion, VA 24354, VA

*This meeting will be held in person and virtually. Log in information is on  
page 1 of the meeting packet.*

- I. Call to Order**
- II. Welcome and Introductions (5 minutes)**
- III. Review of 2022 Policy Review Plan and Presentation of Policies for Discussion (40 min)**
  - A. 1008(SYS)86-3 Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders (Revisions)**
  - B. 1040(SYS)06-3 Consumer and Family Member Involvement and Participation (Revisions)**
  - C. 1043(SYS)08-1 Disaster Preparedness (Revisions)**
  - D. 1044(SYS)12-1 Employment First (Revisions)**
  - E. 1010(SYS)86-7 Board Role in the Development of the Department's Comprehensive State Plan for Mental Health, Mental Retardation and Substance Abuse Services (Background)**
  - F. 1023(SYS)89-1 Workforce Cultural and Linguistic Competency (Background)**
- IV. Next Quarterly Meeting: July 12, 2023**
- V. Other Business**
- VI. Adjournment**



## COMMONWEALTH of VIRGINIA

### STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

#### MEETING AGENDA

Tuesday, March 28, 2023

6:00 p.m. – 7:30 p.m.

Smyth-Wythe Conference Room, E.W. Cline Building (Mt. Rogers CSB)  
770 West Ridge Road, Wytheville, VA 24382

- 6:00**            **Welcome and Introductions**  
Rebecca Graser, Vice Chair  
State Board of Behavioral Health and Developmental  
Services  
  
Sandy Bryant, Executive Director  
Mt. Rogers Community Services Board
- 6:10**            **DINNER**
- 6:25**            **PRESENTATION – HIGHLANDS COMMUNITY SERVICES BOARD**  
Rebecca Holmes, Executive Director
- 6:55**            **REMARKS**  
Cynthia B. McClaskey, Ph.D., Director  
DBHDS SWVMHI Hospital  
  
Area CSB Representatives:  
James Pritchett, Executive Director, New River Valley  
Sandy Bryant
- 7:20**            **COMMENTS/DISCUSSION**
- 7:25**            **CLOSING REMARKS**  
Ellen Harrison, Chief Deputy Commissioner  
Department of Behavioral Health and Developmental Services  
  
Rebecca Graser
- 7:30**            **ADJOURNMENT**

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**REGULAR BOARD MEETING, 9:30 A.M., WEDNESDAY, MARCH 29, 2023** (INCLUDES FACILITY TOUR AT 11:20 A.M.)

SOUTHWESTERN VIRGINIA MENTAL HEALTH INSTITUTE, 340 BAGLEY CIRCLE, MARION, VA 24354-3390

*NO BUSINESS WILL BE CONDUCTED AT THIS MEETING.*

## EVENT SCHEDULE

Tuesday-Wednesday, March 28-29, 2023

<b>Tuesday, March 28<sup>th</sup></b>	<b><u>COMMUNITY LOCATION TOURS AND DINNER MEETING</u></b>
<u>4:30 – 5:00 p.m.</u>	<b>BOARD MEMBER TOUR:</b> Mt. Rogers Wythe House-Geriatric Transition House, 2095 North 4th Street, Wytheville, VA 24382. Depart at 5 p.m.
<u>5:15 p.m.</u>	<b>BOARD MEMBER TOUR:</b> Mt. Rogers Crisis Center, 750 West Ridge Road, Wytheville, VA 24382. Move to dinner meeting at 5:45 p.m.
<u>6:00 – 7:30 p.m.</u>	<b>DINNER MEETING</b> <b>MT. ROGERS CSB, E.W. CLINE BUILDING, SMYTH-WYTHE CONFERENCE ROOM, 770 WEST RIDGE ROAD, WYTHEVILLE, VA 24382</b> Attendees: State Board members, DBHDS staff, CSB staff and Board members, other guests. <i>No business will be conducted.</i>
<u>8:00 p.m.</u>	<b>Arrive at hotel.</b>

<b>Wednesday, March 29<sup>th</sup></b>	<b><u>REGULAR BOARD MEETING SCHEDULE</u></b>
	SOUTHWESTERN VIRGINIA MENTAL HEALTH INSTITUTE 225 STATE ST., B BUILDING, TOP FLOOR, MARION VA 24354
<u>8:30 a.m.</u>	<b>Committee Meetings</b>
<u>9:20 a.m.</u>	<b>Regular Meeting at 9:30 a.m. (see Agenda, p.2)</b>
<u>2:15 p.m.</u>	<b>Adjournment</b>

### **3/28 Crisis care tour and dinner meeting location:**

- Crisis Care is at the top of the parking lot. Either park at the Cline Building and walk up to Crisis Care or move your vehicle down closer for the dinner.
- The dinner will be in the E.W. Cline building: The entrance to the administrative office is located on the bottom level of the E.W. Cline Building where there is an awning. There should be ample parking directly in front of the entrance and across from the door on the other side of the parking lot. Enter through the administration door and the Smyth-Wythe door is in the lobby.

→ For those members staying overnight, this page has **driving directions to the:**

### **3/28 Directions to the General Francis Marion Hotel:**

107 E. Main Street  
Marion, VA 24354  
Ph: (276) 783-4800, <https://www.gfmhotel.com/#about>

- **Interstate 81 South Exit 45:** Upon exiting, just follow the Marion sign to Main Street, about 3 minutes.
- Turn left on Main Street and go through one traffic light.
- The hotel is on the right, four blocks up Main Street.

**3/29 From the hotel to SWVMHI:** Go east on Main St., going straight up the hill where Main St. splits into two. Turn right onto Hospital Drive, between two brick pillars. You will be facing the historic Henderson Building, the oldest building still in use in the DBHDS system. Turn right just before the Henderson Building onto Circle Drive. Go halfway around the circle and turn right onto State St. You will pass a large building with a razor wire fence around it (that is Corrections, not us). The B Building (Training Building) is the next building on your right. Meetings are in the B Building (Training Building) on the TOP floor, on the east side of the building.

# DIRECTIONS

Wednesday, March 29, 2023

Virginia Department of Behavioral Health and Developmental Services  
Southwestern Virginia Mental Health Institute  
225 State St., B Building, TOP Floor  
Marion VA 24354

**Committees at 8:30 a.m.**, Regular Board Meeting at 9:30 a.m.

- **Planning and Budget Committee** will meet in the Dogwood Room.
- **Policy and Evaluation Committee** will meet in the Small Conference Room.

**Regular Meeting at 9:30 a.m.: Dogwood Room.**

From Interstate 81 from the North/East

Traveling on I-81, take the second Marion Exit (Number 45). At the bottom of the exit ramp, turn right and then take the first right onto State Street.

From the Interstate 81 from the South/West

Traveling on I-81, take the second Marion Exit (Number 45). At the bottom of the exit ramp, turn left, cross under the interstate and take the first right onto State Street.



\*Once on State Street.

You will pass a large building with a razor wire fence around it (that is Corrections, not us). The B Building (Training Building) is the next building on your right.

We are meeting in the B Building (Training Building) on the TOP floor, on the east side of the building.

**B-Bldg (upper level entrance)**



Receptionist's number is 276-783-0854.  
Training Director's Cell: 276-780-8677.

Turn right onto Porterfield Lane, which runs between the B Building and another three story old building. Once on Porterfield Lane, park in any of the spaces on the right *on the diagonal*. They are marked SWVMHI Instructor, Visitor, Fire Marshall, but any space is a good place for you to park.

Alternatively, there is parking in front of the B Building just off State St. Walk up the hill to the top of the building (east side) to enter.

There will be signs and staff to direct you.

From downtown Marion

Go east on Main St., going straight up the hill where Main St. splits into two. Turn right onto Hospital Drive, between two brick pillars. You will be facing the historic Henderson Building, the oldest building still in use in the DBHDS system. Turn right just before the Henderson Building onto Circle Drive. Go halfway around the circle and turn right onto State St. \*See above.

If you have any questions about the information in this meeting packet, contact [ruthanne.walker@dbhds.virginia.gov](mailto:ruthanne.walker@dbhds.virginia.gov).