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COMMONWEALTH of VIRGINIA

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
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Regular Meeting MEETING MINUTES

9:30 a.m., Wednesday, July 13, 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.*

Members Present	Elizabeth Hilscher, Chair; R. Blake Andis; Varun Choudhary (electronic); Kendall Lee; Christopher Olivo; Sandra Price-Stroble.
Members Absent	Rebecca Graser, Vice Chair; Moira Mazzi.
Staff Present	<ul style="list-style-type: none"> Emily Bowles, Office of Licensing Associate Director for Licensing, Regulatory Compliance, Quality, and Training. Taneika Goldman, Human Rights Director. Margaret "Mickie" Jones, Architectural and Engineering Services Director. Josie Mace, Legislative Affairs Manager. Meghan McGuire, Chief Public Relations Officer. Nathan Miles, Budget Director. Dev Nair, Assistant Commissioner, Provider Management. Heather Norton, Assistant Commissioner, Developmental Services. Susan Puglisi, Regulatory Research Specialist. Nelson Smith, Commissioner. Ruth Anne Walker, Regulatory Affairs Director and State Board Liaison.
Guests Present	<p>Invited guests:</p> <ul style="list-style-type: none"> Jennifer Faison, Executive Director, Virginia Association of Community Services Boards. Julie Allen, Chair, State Human Rights Committee. <p>Other Guests Physically Present:</p> <ul style="list-style-type: none"> Jennifer Spangler. Jessica DeLaRosa. <p>Other Guests Attending Electronically:</p>

	<ul style="list-style-type: none"> • Charlotte Arbogast, Virginia Department of Aging and Rehabilitative Services (DARS). • Leah Mills, Deputy Secretary, Office of the Secretary of Health and Human Resources (HHR). • LeVar Bowers; Maxwell Cason; Cindy DiFranco; Heidi Dix; Alex Guzman; Mark Hickman; phone ending in -100; phone ending in -428.
Call to Order and Introductions	At 9:33 a.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed those present. A quorum of five members was physically present, and a sixth member participated electronically.
Approval of Agenda	<i>At 9:34 a.m. the State Board voted to adopt the July 13, 2022, agenda, with one change to eliminate the Board Member Spotlight. On a motion by Kendall Lee and a second by Varun Choudhary, the agenda was approved.</i>
Approval of Draft Minutes	Regular Meeting, March 30, 2022 <i>At 9:33 a.m., on a motion by Sandra Price-Stroble and a second by Kendall Lee, the March minutes were approved as final.</i>
Officer Elections	<p>At 9:37 a.m., Ms. Hilscher turned the gavel over to Kendall Lee for the officer election process.</p> <p>A. Presentation of the Slate of Candidates Nominating Committee Chair Kendall Lee presented the slate of officers as adopted by the committee on July 12, 2022, to reelect Elizabeth Hilscher as Chair and Rebecca Graser as Vice Chair.</p> <p>B. Nominations from the Floor Dr. Lee asked for any nominations from the floor; there were none.</p> <p>C. Election <i>On a motion from Sandra Price-Stroble and a second from Blake Andis, Ms. Hilscher was reelected as chair. On a motion from Christopher Olivo and a second from Elizabeth Hilscher, Ms. Graser was reelected as vice chair.</i></p> <p>D. Passing of the Gavel Dr. Lee passed the gavel back to Ms. Hilscher.</p> <p>Ms. Hilscher returned to Introductions to welcome new board member R. Blake Andis, Washington County Sheriff.</p>
Public Comment	At 9:45 a.m., Ms. Hilscher stated a period for public comment was included on the draft agenda, public comment would not be accepted on petitions for rulemaking or regulatory actions in

which the comment period had closed, and that two citizens were in attendance to give comment.

1. Jessica DeLaRosa, resident of Virginia Beach, stated she is working towards certification this summer as a peer recovery specialist (CPRS). She spoke towards the important role of peers in the system, particular during the gap between discharge and the start of the continuum of care in the community as peers can facilitate that transition. Ms. DeLaRosa reported that the Behavioral Health Commission identified three major needs of the system: strengthening the workforce, expanding the continuum of care, and modernizing systems and processes. For instance, in 2017 [SAMHSA reported](#) on the value of peer support demonstrated in better outcomes.
2. Jennifer Spangler, resident of Chesterfield, former member of the State Board, and disability rights advocate, provided a handout of peer-run organizations funded by DBHDS around the state by region and asked that the board consider visits to those organizations when normal liaison and other board travel activities resume. She considers true peer-run organizations are those with people that identify as peers or individuals receiving services in all organization positions from staff and directors to board members and volunteers; some have at least 51% of their workforce as individuals receiving services. Ms. Spangler concurred with Ms. DeLaRosa that research shows that PRS professionals improve outcomes for individuals receiving services throughout behavioral healthcare systems. A recovery-oriented system is one that helps people find hope and empowerment in exerting their liberties. PRS professionals can help with individual and group counseling, in the development of a wellness recovery and action plan (WRAP), and other helpful activities. She asked the board to promote those services statewide. Ms. Spangler described the benefits of receiving PRS services herself, her involvement with PRS' since 2015, and how her understanding of the role and vital value of CPRS and RPRS (those certified and registered with the Board of Counseling who can bill Medicaid for services) increased by her own interactions with a local organization. She relayed how in her time of greatest vulnerability, having a group led by a peer who was not in a position of power over her provided a feeling of safety she had not before encountered.

Ms. Hilscher thanked Ms. DeLaRosa and Ms. Spangler for commenting, and also spoke of the value of having someone who had suffered a similar trauma as her own speak with her.

	<p>Dr. Lee also thanked the commenters for helping him to put a face to the work and increase his understanding of the peer role.</p>
<p>Commissioner's Report</p>	<p>At 10 a.m., Nelson Smith gave his report on the following topics:</p> <ul style="list-style-type: none"> • COVID and its impact on the Virginia population as a whole. Virginians continue to be more at risk of depression, anxiety, and substance misuse than before the pandemic. • The US Department of Justice's Settlement Agreement with Virginia, and the Medicaid Developmental Disability Waiver waiting list. • Prevention of substance use disorders. • State facility extraordinary barriers to discharge list (EBL). • Alternative Custody Workgroup. • Increase in DBHDS licensed providers over the past 10 years. • Crisis system transformation. • North Star Plan objectives: Strengthening workforce; expanding the continuum of care; and modernizing systems and processes. <p><i>Ms. Hilscher called for a 10 minute break at 10:35 a.m.</i></p>
<p>Regulatory Actions</p>	<p>At 10:46 a.m., Ruth Anne Walker provided updates and explanations of regulatory actions as listed in the matrix on page 24 of the packet. Members then took action on the following:</p> <p>A. Final Stage and Emergency Extension Requests Before taking action, the board received an explanation on the three final actions from Susan Puglisi, Regulatory Research Specialist. Emily Bowles, Office of Licensing Associate Director for Licensing, Regulatory Compliance, Quality, and Training, was available to answer questions.</p> <ol style="list-style-type: none"> 1. Childrens Residential Regulations, 12VAC35-46: ASAM Criteria. 2. Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services, 12VAC35-105: ASAM Criteria. 3. Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services, 12VAC35-105: Behavioral Health Expansion. <p><i>On a motion by Varun Choudhary and a second by Kendall Lee, the board unanimously approved initiation of the final stage for the above three actions. On a motion from Sandra</i></p>

	<p><i>Price-Stroble and a second by Blake Andis, the board unanimously authorized requests for emergency extensions for all three of the above actions, to allow for completion of the final stage.</i></p> <p>B. Petition for Rulemaking #366: Amendments to Incorporate Requirements for Certified Preadmission Screening Clinicians.</p> <p><i>On a motion by Blake Andis and second by Sandra Price-Stroble, the board voted unanimously to deny the petition (take no action) as the request was outside of the scope of the board.</i></p> <p>C. Operation of the Individual and Family Support Program (IFSP), 12VAC35-230: Emergency/NOIRA Action with Periodic Review.</p> <p>Ms. Norton provided background on the IFSP, including the focus of the program to prioritize individuals most at risk for institutionalization. She explained the purpose behind the amendments. Ms. Walker explained that the draft in the packet shows current language to new language, but the style requirements of the Office of the Registrar would require the formal filing to have all regulatory language look new when a subsection number is changed.</p> <ol style="list-style-type: none"> 1. Emergency Mandate to Facilitate Compliance (Item 313.NN.). 2. Periodic Review. <p><i>On a motion by Kendall Lee and a second by Varun Choudhary, the board voted unanimously to authorize promulgation of an emergency/NOIRA action for Item C.1. above. On a motion by Kendall Lee and a second by Christopher Olivo, the board voted unanimously to authorize initiation of a periodic review as part of that action.</i></p>
<p>Update: Settlement Agreement</p>	<p>At 11:17 a.m., Heather Norton, Assistant Commissioner for Developmental Services, outlined updates including:</p> <p>Settlement Agreement</p> <ul style="list-style-type: none"> • It was extended by court order to December 31, 2023. • A public status conference is scheduled for August 11, 2022, at 1:00 p.m. • Monthly parties meeting with the court for review of at least four actions taken by the Commonwealth to meet indicator requirements. • Curative action filings. • Independent Reviewer's 20th Report to the Court. • Provision areas for the upcoming review period.

	<p><u>Waiver Waiting List and Waiver Rates</u></p> <ul style="list-style-type: none"> • Counts for the waitlist and active Waivers. • Final budget updates for FY 2023 (waiver slots, DMAS has authority to (i) update rates for DD waiver services and the total amount budgeted for those increases, and (ii) increase rates for certain specific services. <p>Mr. Olivo asked two questions:</p> <ol style="list-style-type: none"> 1. With the understanding that funding is limited overall, is there any data on how many individuals placed in Priority 3 end up on Priority 1 as they wait for a waiver slot? Meaning, how often [the system] misses an opportunity for more intense services [sooner] that will mean a more independent future. Ms. Norton stated there are individuals on Priority 2 and 3 that will automatically move to Priority 1 because of graduating from high school at 22 years old. It is now a criteria in Priority 1 that as long as someone is no longer eligible for IDEA services and until they are 27 years old, they will be in Priority 1 because of the hope that in the five years until they are 27, they will get on a waiver. It can be reviewed on Priority 2 and 3 based on age who will be coming over to Priority 1 in the next year or two for that criteria. The other criteria is whether something happens to the caregiver situation; that is not available data. 2. Is there any longitudinal data tracking those who get on a waiver who then come off the list, for example, getting a slot versus moving away or someone gets tired of waiting? Ms. Norton stated it is known how many come off the list due to receiving a waiver slot, and have a dashboard that shows the trajectory over time based on those slots allocated by the General Assembly and reassignment of slots due to attrition. She noted that there is also an emergency slot process for those in a critical situation; there are about 50 slots that came from training center or state hospital discharges, or either crisis therapeutic or adult transition homes. So, in those three ways, slots are tracked. However, she is not sure there is a way to track when people move away; she would check with staff.
<p>Human Rights Annual Report</p>	<p>At 11:45 a.m., Taneika Goldman, State Human Rights Director, provided the annual report and was accompanied by Julie Allen, Chair, State Human Rights Committee. Information reviewed included the:</p> <ul style="list-style-type: none"> • History and authority of the office; organizational structure related to the rest of the agency; organization of the office

	<p>including regional boundaries; 2021 meetings; SHRC membership, and mission.</p> <ul style="list-style-type: none"> • Goals and activities of the SHRC 2021 work plan. • Highlights from 2021: COVID-19 pandemic response; mission critical re-organization; facility notice of violation letters; revised facility peer-to-peer neglect guidance; substantiated abuse response; inter-agency collaboration; statewide stakeholder training strategy. • Facility and community data related to complaints of violations of assured rights.
<p>Lunch: Break and Collect Lunch</p>	<p><i>At 12:12 p.m., Ms. Hilscher suspended the meeting for a 30 minute lunch break, to reconvene at 12:45 p.m.</i></p>
<p>A&E Update: General State of Agency Facilities and Capital Projects</p>	<p>At 12:45 p.m., Margaret (“Mickie”) Jones, Director, Office of Architectural & Engineering Services, gave an overview of how within the last 12 years DBHDS reduced its facility footprint from approximately 3,000 acres to 1,375 acres across all facilities, and further reduction of 645 acres is anticipated at two state hospitals. Current projects are valued at more than \$298M in various stages of design and construction. Ms. Jones explained the number of facilities replaced in the past 15 years, current major infrastructure projects at three facilities, and the highest priorities for the new budget year. Also, there are three projects managed by the Department of General Services at DBHDS facilities.</p> <p>Ms. Jones was asked how long she had served in state government and length of service at DBHDS; she responded 36 years, all at DBHDS. Ms. Jones stated that the mission of DBHDS is special and she hopes that improvements and design help the individuals receiving services and facility staff. She complimented the work of facility staff.</p>
<p>Update: Virginia Association of Community Services Boards</p>	<p>Jennifer Faison, Executive Director, VACSB, reported on outcomes from community services boards (CSBs) in the final budget, including that it did not have funding related to the four-pronged approach to workforce stabilization and development that VACSB put forth as its number one priority. Funding for that approach that was in the budgets passed by the House and Senate was removed by the conference committee. VACSB anticipates a similar request next session and to be able to tie it to the Joint Legislative Audit and Review Committee (JLARC) study on CSBs and the study required in budget language to study CSB workforce. CSBs are included in the category to receive raises of state supported local employees; however, the funding CSBs will receive will not be enough to cover a 5% pay increase for all of the full-time employees because of the way the distribution</p>

	<p>amount is calculated. Ms. Faison then reviewed other funding received for various services. Other activities VACSB is tracking include the Governor’s Safe and Sound Task Force, Joint Commission on Health Care (JCHC), a new DBHDS workgroup mandated in HB659 regarding appropriate investigations of recently deceased individuals with DD, and the Alternative Custody Workgroup.</p> <p>Dr. Lee stated the Early Intervention programs are grateful for the Part C funding and thanked Ms. Faison and VACSB for that advocacy. Also, referral numbers are increasing across the state; in his area they are up 10%. Ms. Faison responded that it is one of the few programs where there is excellent data to show the prevention of long-term costs.</p>
<p>Committee Reports</p>	<p>At 1:20 p.m., Ms. Walker reported on the discussion in the Planning and Budget Committee:</p> <ul style="list-style-type: none"> • Meghan McGuire, Chief Public Relations Officer, spoke to about the commissioner’s strategic North Star Plan. • New regulatory requirements for all agencies set out under Executive Directive 1 and Executive Order 19 were mentioned informationally. • Board topics by meeting through March 2023 and possible meeting dates for March and July 2023. • Quarterly board budget report. <p>Ms. Mace reported that due to a lack of a quorum, the Policy and Evaluation Committee did not meet that morning as planned; committee members would be polled to find the date of another meeting before the September meeting. The board received updated lists of the 2022 Policy Review Plan and the overall Policy Review Schedule. Ms. Mace reported on policy reviews completed in 2021, and that the committee decided not to review the STEP-VA package as originally planned, though that may be revisited. There are four policies due for review in 2022; a few more were added to the review scheduled for 2023.</p>
<p>2022 Post-Session Updates</p>	<p>At 1:30 p.m., Nathan Miles, Budget Director, reported on changes in the final budget versus that reported at the March board meeting including the 5% raise for state employees, additional funding for crisis receiving centers, DD Waiver rate increases (DMAS), and compensation for DBHDS state facility direct care staff to the 50th percentile. One other change was the elimination of \$100 million from the General Fund in the second year for unidentified behavioral health services based on a study included in the introduced budget (the study was also removed); this change was expected. The Governor added funding for additional security staff at two state facilities</p>

	<p>in order to improve patient and staff safety. Overall, there was approximately a \$200 million increase to the system, not counting Medicaid DD Waivers.</p> <p>Josie Mace, Legislative Affairs Manager, reported on legislative updates noting that the legislative proposal submission process for the 2023 session was underway internally. Most drafts were due to the internal Policy and Legislative Affairs team by Friday. Ms. Mace reminded the board that the draft proposals are considered Governor's Confidential Working Papers and thus, are confidential and could not be shared. All but one of the legislative workgroups for the year has had its first meeting. Active workgroups include Guardianship; Alternative Custody (led by the Secretary's Office with DBHDS closely involved); Mortality Investigations and Prevention; Problem Gambling and Treatment Fund; and a group of stakeholders meeting regularly around Marcus alert that will meet regionally.</p>
<p>Miscellaneous</p>	<p>At 1:47 p.m., Ms. Hilscher opened the miscellaneous topics:</p> <ul style="list-style-type: none"> • She explained a brief background of the liaison role, and asked Sheriff Andis to take the liaison assignment for the southwestern part of the state; he agreed. Also, she announced her appointment of Blake Andis to the Planning and Budget Committee. • Ms. Hilscher reminded the board to consider the March and July 2023 dates mentioned earlier in the meeting. • Members were reminded that the board budget allows for certain conferences around the state. If members are interested, they should reach out to Ms. Walker to coordinate. • If there is a topic of interest to a board member for possible presentation at a future meeting, members should let Ms. Hilscher and Ms. Walker know. <p>Ms. Walker reported that a resolution and plaque for two former members who resigned in the last six months (J. Hughes and E.P. Cash) were ready would be sent to the former members.</p>
<p>Adjournment</p>	<p>There being no other business, Ms. Hilscher adjourned the meeting at 1:54 p.m.</p>

2022 REGULAR MEETING SCHEDULE	
DATE	Location
September 28 (Wed)	<i>Central Office, DBHDS, Richmond</i>
December 7 (Wed)	<i>Central Office, DBHDS, Richmond</i>
2023 REGULAR MEETING SCHEDULE	
March 29 (Wed)	<i>TBD, outside of Richmond</i>
July 12(Wed)	<i>TBD, possibly outside of Richmond</i>
Fall	<i>Outside of Richmond</i>
December	<i>Central Office, DBHDS, Richmond</i>

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Nominating Committee
MEETING MINUTES**

4:45 p.m., Tuesday, July 12, 2022

DHBDS, CONFERENCE ROOM 844,
JEFFERSON BUILDING, 1220 BANK STREET, RICHMOND, VA 23219

This meeting was held in person with a physical quorum present.

Members Present: Christopher Olivo.

Members Absent: Moira Mazzi.

Staff: Ruth Anne Walker, Board Liaison and Director of Regulatory Affairs.

Call to Order	At 4:45 p.m., Committee Chair Kendall Lee called the meeting to order. A quorum was present.
Approval of Agenda	<i>At 4:46 p.m., on a motion by Mr. Olivo and a second by Dr. Lee, the agenda was approved.</i>
Consideration of Nominees for Slate	<p>At 4:47 p.m., Dr. Lee referenced that the Bylaws of the Board lay out the timeframe for the nominations and elections of officers. He reported that after communicating with all members to confirm interest of anyone interested in running for the chair and vice chair positions, that only the current chair and vice chair were interested in running.</p> <p><i>Mr. Olivo moved to nominate as a slate, Elizabeth Hilscher for the chair position and Rebecca Graser for the vice chair position. Dr. Lee seconded the motion. The vote was unanimous to adopt the slate as presented.</i></p> <p>Dr. Lee announced that the report of the committee would be made to the full board at the July 13, 2022, regular meeting.</p>
Adjournment	Dr. Lee adjourned the meeting at 4:50 p.m.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Planning and Budget Committee

MINUTES

July 13, 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: Meghan McGuire, Susan Puglisi, Ruth Anne Walker.

I. Call to Order

A quorum being present, at 8:33 a.m., Elizabeth Hilscher, Chair, called the meeting to order.

II. Welcome and Introductions

At 8:34 a.m., Ms. Hilscher welcomed all present. She provided an explanation to the new member on the role of the two standing committees, that new members typically start on this committee, and that the bylaws indicate the board chair is also the chair of this committee. Members introduced themselves.

III. Adoption of Minutes, March 30, 2022

On a motion from Christopher Olivo and a second from Blake Andis the meeting minutes from March 30, 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.*

A. Update on North Star Strategic Plan

At 8:52 a.m., Meghan McGuire, Chief Public Relations Officer, reported on the commissioner's North Star strategic plan, which should be released by the end of July. The plan is based on three overarching goals of the plan: strengthening workforce, expanding the continuum of care, and modernizing systems and processes. Specifically, Ms. McGuire addressed how the committee could set a cadence of review of the nine objective key results (OKRs) that would go towards fulfilling the code-mandated board duty to be involved in strategic, long range planning. Once the plan is approved by the Secretary for distribution, the commissioner welcomes the board's feedback on the plan.

- B. Discussion of Identified Priorities (within the framework of required agency strategic planning and budget development processes):**
 - a. Review the priorities set at the Biennial Planning Meeting.**

C. Review of topic areas for board meetings through December 2022.

At 8:46 a.m., took up Items B and C jointly by reviewing the chart of topics by meeting. Ms. Hilscher explained that board members choose topics based on pertinent activities out in the community or with facilities, the identified priorities from the biennial planning meeting, and also topics directly related to upcoming regulatory actions. She also reminded members that the document is a flexible working document and can be adjusted as needed. At 8:52 a.m., discussion on items B-C below was suspended for Item A; discussion resumed at 9:07 a.m.

D. Spring and Summer 2023 Meeting Dates

The committee reviewed board topics by meeting through March 2023 and possible meeting dates in 2023: March 29, 2023, and July 11-12, 2023 (this includes the biennial planning meeting the afternoon before).

- V. Standing Item:** *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. State Board Budget Quarterly Report. Handout

At 8:39 a.m., the board's quarterly budget report was distributed for review.

VI. Other Business

A. Regulatory Process Changes: ED1 and EO19.

At 8:41 a.m., the new regulatory requirements for all agencies set out under the Governor's [Executive Directive 1](#) and [Executive Order 19](#) were mentioned informationally to the committee as the Office of Regulatory Affairs works to organize the agency's compliance with those requirements during the implementation and ongoing.

VII. 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 September 29, 2022.

VIII. Adjournment

At 9:20 a.m., Ms. Hilscher adjourned the meeting.