

**Minutes**  
**State Mental Health, Mental Retardation and**  
**Substance Abuse Services Board**  
**April 10, 2003**  
**Holiday Inn Central**  
**Richmond, Virginia**

***Call to Order:*** The meeting was called to order by the Chair, Virginia Dofflemyer, at 10:15 am. on Thursday, April 10, 2003.

***Members Present:*** Virginia Dofflemyer, Mike Flynn, Bunny Gunn, William Pierce, Garnett Robinson, Doug Turner and Nancy Ward.

***Staff Present:*** Marlene Butler, Paul Gilding, Jane Hickey, Wendy Brown, Leslie Anderson Jim Bowser, Dr. James Reinhard.

***Agenda:*** The agenda was approved as presented.

***Minutes:*** The minutes of January 16, 2003 were approved as printed.

***Public Comment:*** Mary Ann Bergeron, Exec. Director of the Va. Assoc. of Community Services Boards, presented an update on the activities of the VACSB including a conference on reinvestment, "A Road Map to Action" to be held in Williamsburg on May 8-9.

Following a request by Mrs. Bergeron, it was moved, seconded and approved that the VACSB would be on each agenda of the State Board.

***Human Rights:*** Peter McIntosh, Chair of the State Human Rights Committee, presented their annual report highlighting several sections for the Board's attention, with specific attention to two local human rights committees, NVTC and Western, for volunteering to take on extra responsibilities to fill immediate needs. Following his presentation, the Board requested more information on the break down of abuse allegations/substantiated data contained in the report.

A video tape on ECT was presented by Jim Bowser and previewed by the Board.

***Commissioner's Report:*** Dr. Reinhard presented information on several issues including: Regional Partnership Planning, reinvestment and the Sexually Violent Predator Program which became effective by law on April 2, 2003. This program will be located on the North campus of the Southside Va. Training Center and the Department will be responsible for treatment.

The issue of notification of the Board in the event of incidents in the facilities which would become public knowledge was brought up. With agreement by the Commissioner, it was moved, seconded and approved that the Board Secretary would be notified of any such incidents by the Commissioner and would report those to the Board.

**HIPPA Training:** Miranda Turner, Office of Risk Management, presented a video tape on the Health Insurance Portability and Accountability Act And answered questions for the Board. Jane Hickey, Office of the Attorney General, enlarged upon the HIPPA Regulations, Human Rights Regulations and State laws.

**Evaluation Committee:** State Board Policy 6002(FIN)8886-14 *Services Availability and Ability of Client to Pay Philosophy* - Ray Ratke, Deputy Commissioner, and representatives of several Community Services Boards have negotiated and believe that solutions can be reached on this issue, and that no changes to this policy will be recommended. Upon recommendation of the Evaluation Committee, action on this issue was deferred.

The Committee reviewed a listing of policies prepared by staff which will be forwarded to the appropriate staff for review and recommendations prior to coming back to the committee for action.

They also recommended a list of policies for rescission which the Board approved. (see attached)

**Regulations:** The State Board approved for final promulgation the amended *Public Participation Guidelines* 12 VAC 35-11-1- et seq.

The Board approved for promulgation new *Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children* 12VAC 35-45-10 et seq. as amended. They repealed the existing Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children and replaced them with the current regulations. Also approved was a thirty (30) day delay from the standard effective date.

**Defining Directions:** Doug Turner led in a discussion of directions and priorities for the future.

The Chair appointed a committee consisting of the current Evaluation Committee members (Mike Flynn, Doug Turner, Elaine McConnell and Bill Pierce) to study and make recommendations on issues that the Board may wish to take a position on, and to suggest agenda items for educational purposes.

*Adjournment:*            There being no further business, the State Board adjourned at 3:45 p.m.

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Virginia Dofflemyer, Chair

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Marlene Butler, Secretary

## STATE BOARD POLICIES RECOMMENDED FOR RECISSION

Policy Number	<i>Title</i>
1003(SYS)81-3B	Rules and Regulations to Assure the Protection of Participants in Human Research
2004(ADM)84-2	Public Participation Guidelines for Developing and Promulgating Regulations
4005(CSB)80-7	Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals/Other Psychiatric Facilities Licensed by the Department ( <i>repealed and replaced 10/21/01</i> )
4007(CSB)83-2B	Mandatory Standards for Community Mental Retardation Programs ( <i>repealed 3/26/02</i> )
4008(CSB)83-2C	Mandatory Standards for Community Substance Abuse Programs ( <i>repealed 3/26/02</i> )
4009(CSB)83-2D	Mandatory Standards for Community Mental Health Programs ( <i>repealed 3/26/02</i> )
4014(CSB)85-3A	Mandatory Standards for the Certification of First Offenders – Drug Abuse Diversion and Education Programs ( <i>repealed 3/26/02</i> )
4015(CSB)85-3B	Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children
4016(CSB)85-3B	Rules and Regulations Assuring the Rights of Clients in Community Programs ( <i>Repealed and replaced 10/21/01</i> )
4017(CSB)85-6B	Core Standards for the Interdepartmental Licensure and Certification of Residential Facilities for Children
4035(CSB)90-6	Emergency Regulations for Certification of Therapeutic Consultation and Residential Services ( <i>Expired</i> )
4036-(CSB)91-1	Rules and Regulations for the Certification of Case Management ( <i>Repealed and replaced 10/21/01</i> )
4039(CSB)97-1	Rules and Regulations for the Licensure of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services ( <i>Repealed and replaced 10/21/01</i> )
5000(FAC)76-12A	Regulations Establishing Procedures for Voluntarily Admitted Persons Who Are Mentally Retarded in State Mental Retardation Facilities
5001(FAC)80-9A	Regulations for Respite and Emergency Care Admission to Mental Retardation Facilities
5002(FAC)83-2A	Rules and Regulations to Assure the Rights of Patient/Residents of Hospitals/Other Facilities Operated by the Department ( <i>Repealed and replaced 11/21/01</i> )

7001(INTER)86-3A	Rules and Regulations for Licensure of Correctional Psychiatric Facilities <i>(Repealed)</i>
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- 1003(SYS)81-3B Rules and Regulations to Assure the Protection of Participants in Human Research---  
***amendment now in process***
- 2004(ADM)84-2 Public Participation Guidelines for Developing and Promulgating Regulations—  
***amendment now in process***
- 4005(CSB)80-7 Rules and Regulations to Assure the Rights of Patients of Psychiatric Hospitals/Other  
Psychiatric Facilities Licensed by the Department—***repealed and replaced 10/21/01***
- 4007(CSB)83-2B Mandatory Standards for Community Mental Retardation Programs—***repealed 3/26/02***
- 4008(CSB)83-2C Mandatory Standards for Community Substance Abuse Programs—***repealed 3/26/02***
- 4009(CSB)83-2-D Mandatory Standards for Community Mental Health Programs---***repealed 3/26/02***
- 4014(CSB)85-3A Mandatory Standards for the Certification of First Offenders – Drug Abuse Diversion and  
Education Programs—***repealed 3/26/02***
- 4015(CSB)85-3B Mandatory Certification/Licensure Standards for Treatment Programs for Residential  
Facilities for Children—***amendment now in process***
- 4016(CSB)85-6A Rules and Regulations Assuring the Rights of Clients in Community Programs—***repealed  
and replaced 10/21/01***
- 4017(CSB)85-6B Core Standards for the Interdepartmental Licensure and Certification of Residential  
Facilities for Children—***jointly adopted by the Boards of Correction, Education, Social  
Services and MHMRSAS***
- 4035(CSB)90-6 Emergency Regulations for Certification of Therapeutic Consultation and Residential  
Services—***expired***
- 4036(CSB)91-1 Rules and Regulations for the Certification of Case Management—***repealed 9/19/2002***
- 4039(CSB)97-1 Rules and Regulations for the Licensure of Facilities and Providers of Mental Health,  
Mental Retardation and Substance Abuse Services—***repealed and replaced 9/19/02***
- 5000(FAC)76-12A Regulations Establishing Procedures for Voluntarily Admitted Persons Who Are Mentally  
Retarded in State Mental Retardation Facilities—***amended 1/15/03***
- 5001(FAC)80-9A Regulations for Respite and Emergency Care Admission to Mental Retardation  
Facilities—***amended 5/22/02***
- 5002(FAC)83-2A Rules and Regulations to Assure the Rights of Patient/Residents of Hospitals/Other  
Facilities Operated by the Department---***repealed and replaced 11/21/2001***
- 7001(INTER)86-3A Rules and Regulations for Licensure of Correctional Psychiatric Facilities—***repealed***