



COMMONWEALTH of VIRGINIA

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OFFICE OF LICENSING DBHDS 2023 COMBINED STUDY WORKGROUP

MINUTES

Meeting #2, July 27, 2023

1:00 PM – 3:30 PM

This meeting was conducted entirely electronically.

I. INTRODUCTION AND SUMMARY OF JULY 20TH MEETING

Dr. Dev Nair, Assistant Commissioner, Division of Provider Management, opened the second meeting of the DBHDS 2023 Combined Study Workgroup convened in accordance with [HB2255 \(Hodges\)/SB1155 \(Mason\)](#) and [SB1544 \(Rouse\)](#). He thanked the workgroup members for their continued participation regarding the combined study of certain aspects of the department's licensing and human rights regulations.

Dr. Nair reviewed workgroup objectives and provided a summary of the July 20th meeting:

- A. Reviewed survey results and approaches to accreditation in other states.
- B. Reviewed discussion questions:
 - 1) Based on research from other states that are using accreditation, it may be advisable to begin with a pilot program. What recommendations does the group have for structuring a pilot?
 - 2) What other background research would be helpful before moving forward with implementation of deemed accreditation?
 - 3) Some states that use accreditation to deem licensing compliance have also required accreditation as a pre-requisite for licensure. Is this something that should be considered?
 - 4) There were many recommendations to change the requirement for reporting serious incidents and complaints involving abuse/neglect from 24 hours to next business day.

C. Reviewed potential workgroup recommendations:

- 1) RECOMMENDATION 1: Changes to reporting requirements.**

- A. Amend regulations to change requirements to report allegations of abuse, neglect, and exploitation and Level I and Level II serious incidents from 24 hours to within the next business day.
- B. Amend regulations to change the definition of what types of incidents are required to be reported within 24 hours.
- C. Amend regulations to require different time frames for residential vs other services.
- D. Amend guidelines for issuing citations to allow consideration of the provider size, and number of late reports as a percentage of all reports.
- E. Make no change to reporting requirements.

2) RECOMMENDATION 2: Changes to inspection requirements.

- A. Amend the Code of Virginia to allow providers with triennial licenses, without significant or unresolved health and safety violations, to be inspected once during their license period.
- B. Leverage inspections and investigations from other agencies to reduce the number of reviews that occur.
- C. Create a central repository for documents that can be shared across different agencies and review entities.
- D. Make no change to inspection requirements.

3) RECOMMENDATION 3: Accreditation.

- A. Amend the Code of Virginia to allow providers that are accredited by a recognized national accreditation body to have reduced frequency of inspections.
- B. Conduct further study to determine how to best utilize accreditation status to minimize the administrative burden associated with licensing. This would include evaluating outcomes in other states that utilize deemed accreditation.
Conducting a crosswalk of accreditation organization standards with licensing requirements. This would include a request for funding.
- C. Make no change - do not include a consideration of accreditation status in licensing oversight.

II. DBHDS LICENSING AND HUMAN RIGHTS SYSTEM

Ms. Jae Benz, Director, Office of Licensing, presented information regarding the Office of Licensing’s (OL) number of licensed services and license status. Also presented was the office’s role and requirements as it relates to serious incident reporting. Ms. Taneika Goldman, State Human Rights Director, presented information regarding the Office of Human Rights’ role and requirements as it relates to serious incident reporting. Also, presented was the Office of Human Rights process when complaints are received.

III. DISCUSSION

Dr. Nair provided the group with discussion topics regarding:

- 1) What are the benefits of requiring reporting of serious incidents and allegations of abuse, neglect, or exploitation to DBHDS within 24 hours?
- 2) A majority of survey respondents suggested changing the reporting requirements to next business day or later:
 - A. What would be lost/what are the risks in doing this?

<p>B. What additional safeguards would be needed to make this change?</p> <p>3) More than 25% of respondents supported leaving the requirement in place.</p> <p>A. Are there other ways of reducing unnecessary administrative burden related to reporting?</p> <p>4) What other strategies should this group consider?</p>
<p>IV. DEVELOPMENT OF WORKGROUP RECOMMENDATIONS</p> <p>There was extensive discussion regarding:</p> <p>A. The 24-hour reporting timeframe and what role DBHDS plays with receiving that information in that timeframe.</p> <p>B. The accuracy of the information included in the reporting seemed to be the area in which the timeframe debate rested.</p> <p>C. Costs incurred by providers associated with the current timeframe and how it adds to administrative burden.</p>
<p>V. PUBLIC COMMENTS – NO REQUESTS RECEIVED</p> <p>Dr. Nair reported prior to the question and discussion period that a time for public comment was set aside as the last item in each meeting for 20 minutes. However, no person indicated a desire to give comment nor had any person provided written public comment by the published deadlines prior to the meeting. This allowed more time for discussion on recommendations.</p>
<p>VI. CONCLUSION AND NEXT STEPS</p> <p>Dr. Nair thanked the members of the workgroup for their time. He reminded workgroup members of the recommendation matrix sent for consideration and comment prior to the next meeting.</p>
<p>NEXT MEETING: AUGUST 3, 2023</p>

Members or Acting Alternates Present:

Karin Addison; Barbara Barlow; Circe Black; Mindy Carlin; John Cimino; Jennifer Faison; Jennifer Faison; Shannon Hartung; Hannah Hirschland; Lisa Jobe-Shields; Carlinda Kleck; Jen Krajewski; Nicole Lewis; Paige McCleary; Emily McClellan; Colleen Miller; Tonya Milling; Heather Orrock; Laura Reed; Deanna Rennon; Cheryl Roberts; Lori Ryland; Karen Tefelski; Michael Triggs; Jennifer Wicker.

DBHDS Staff Present:

Jae Benz; Tonya Carr; Veronica Davis; Mackenzie Glassco; Taneika Goldman; Chesna Gore; Madelyn Lent; Dev Nair; Kimora Porter; Susan Puglisi; Candace Roney; Ruth Anne Walker; Britt Welch; Tonia Woolfolk.

Others Present:

Amber Allen	Brian Chizuk	T Feagans
Barbara Beverage	Rhonda Council	Brittany Freund
LeVar Bowers	Lynn Davis	Jeremy Greenfield
Katie Boyle	Dana Dewing	Alex Guzmán
Cherodnicker Brown	Virginia Dingler	Lori Harris
Eric Caminiti	Michele Elliott	LaBrenda Haynes

Helen Holz
 Lorie Horton
 Erica J.
 Jenny
 Megan Johnson
 Brian Jones
 Kerry Kruk-Borisov
 Courtney Lakin
 Betsy Lang
 Rebecca Ledingham
 Kristin A. Lee
 Nat Leonhard
 Thomas Luttrell
 Molly McBain

Elizabeth McCuean
 Teresa McNally
 Allison Meyer
 Tracy Moler
 Jenae Moore Kemetic
 Nina Moskowitz
 DeAnne Mullins
 Jan Nelson
 Michele Nester
 Sandy O'Dell
 O Oldenburg
 Matt Osborne
 Casey Papp
 Elizabeth Parker

Sheandar Peterkin
 Portia
 Cate Powell
 Holly Rhodenhizer
 Deborah Roundtree Pattie
 Schneeman
 Lavinia Smith
 Tara
 Brandi Tinsley
 Genhi Whitmer
 Gary Wilburn
 18048155292
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DBHDS 2023 Combined Study Workgroup Members

Type	Organization	Title	Initial Point of Contact
Advocacy-DD	The Arc of Virginia	Executive Director	Tonya Milling
Advocacy-Individuals	Centers for Independent Living	Centers for Independent Living	Maureen Hollowell
Advocacy-MH	Mental Health America-Virginia	Local Director	Barbara Barlow
Advocacy-MH	National Alliance on Mental Health-Virginia	Executive Director	Kathy Harkey
Advocacy-MH	VOCAL	Executive Director	Heather Orrock; Martin Mash
Advocacy-Protection and Advocacy	DisAbility Law Center of Virginia	Executive Director	Colleen Miller; John Cimino
Advocacy-Providers	Loudoun County (SB1544)	Assistant Director, MHSADS	Hannah Hirshland; Carlinda Kleck
Advocacy-Providers	Loudoun County (SB1544)	Loudoun County Legislative Liaison	John Freeman; Karin Addison
Advocacy-Providers	Provider-Pinnacle	Chief Clinical Officer	Lori Ryland
Advocacy-Providers	VaACCSES	Executive Director	Karen Tefelski
Advocacy-Providers	Virginia Association of Community Services Boards	Executive Director	Jennifer Faison;

			Circe Black; Nicole Lewis
Advocacy-Providers	Virginia Association of Community-Based Providers	Executive Director	Mindy Carlin
Advocacy-Providers	Virginia Coalition of Private Provider Associations	President	Michael Triggs; Bill Elwood
Advocacy-Providers	Virginia Hospital and Healthcare Association	Senior Director of Policy and Government Affairs	Jennifer Wicker
Advocacy-Providers	Virginia Network of Private Providers	Operations Officer-Eastern Division, Wall Residences	Deanna Rennon; Jennifer Fidura
Agency	DBHDS	Associate Director	Angelica Howard
Agency	DBHDS	Licensing Legal and Regulatory Manager	Chesna Gore
Agency	DBHDS	Assistant Commissioner, Division of Provider Management	Dev Nair
Agency	DBHDS	Assistant Commissioner, DD	Heather Norton
Agency	DBHDS	Director of Licensing	Jae Benz
Agency	DBHDS	Associate Director for Community Operations	Jennifer Kovack
Agency	DBHDS	Legislation Manager	Josie Mace
Agency	DBHDS	Associate Director	Mackenzie Glassco
Agency	DBHDS	Policy Manager	Madelyn Lent
Agency	DBHDS	Deputy Commissioner, Policy and Public Affairs	Meghan McGuire
Agency	DBHDS	Community Integration Manager	Michele Laird
Agency	DBHDS	Director of Regulatory Affairs	Ruth Anne Walker

Agency	DBHDS	Regulatory and Research Specialist	Susan Puglisi
Agency	DBHDS	State Human Rights Director	Taneika Goldman
Agency	DBHDS	Legal Operations Manager	Tonya Carr
Agency	DBHDS	Associate Director of State Licensing	Veronica Davis
Agency	Department for Aging and Rehabilitative Services - APS	APS Director	Paige McCleary
Agency	Department of Medical Assistance Services	Policy, Regulation, and Member Engagement Division Director	Emily McClellan
Agency	Department of Medical Assistance Services	BH Division Director	Lisa Jobe-Shields; Laura Reed
Agency	Department of Social Services - CPS	Program Manager, Quality Assurance and Accountability	Jennifer Phillips
Agency	Department of Social Services - CPS	Protection Program Manager, Division of Family Services	Shannon Hartung
Agency	DHP	Senior Policy Analyst	Erin Barrett
Agency	DHP	Executive Director, Board of Counseling	Jaime Hoyle
Agency	Virginia Board for People with Disabilities (state)	Deputy Director of Policy and Legislative Affairs	Jen Krajewski; Teri Morgan