



COMMONWEALTH of VIRGINIA

NELSON SMITH
COMMISSIONER

DEPARTMENT OF
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June 13, 2023

**To: Members,
2023 DBHDS Office of Licensing 'Overhaul' Regulatory Advisory Panel (RAP)**

**Fr: Jae Benz, Director
DBHDS Office of Licensing**

Re: Materials for the 2023 RAP (June 20, June 27, July 11)

Thank you for accepting the invitation to provide technical assistance to this office as a member of this year's reiteration of the Regulatory Advisory Panel regarding the "overhaul" of the department's licensing regulations. It is an understatement to say it is a significant undertaking to develop drafts for five service-specific chapters with an overarching general administrative chapter and to combine the current Childrens Residential Regulations [12VAC35-46] with the other licensing chapter, Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services [12VAC35-105]. In addition to comments received through public comment forums, your requested technical guidance on specific matters in these draft regulatory chapters will be most helpful to the final product.

Targeted Discussion

The amendments you see in these drafts reflect what the 2019 RAP recommended, and input from both comments received from general notice forums and internal staff subject matter experts. As explained in your invitation to the RAP, the three meetings will cover a targeted list of questions on which DBHDS seeks assistance for further refinement of draft language.

Covering the targeted list of questions is the priority for these meetings. However, if you have recommendations to suggest that point to language that might be eliminated or reduced, we plan to address those at the end of the third meeting. Also, please keep in mind that once submitted to the State Board of Behavioral Health and Developmental Services for formal action (currently planned for December), additional comment forums will be part of the official regulatory process. In other words, the RAP is not the last time to provide feedback.

Other Licensing Regulatory Projects

It is important to mention that simultaneous efforts are underway to meet the Administration's requirements to reduce regulatory requirements and streamline regulatory language while ensuring the health, safety, and welfare of some of Virginia's most vulnerable citizens. Over the past several months, this office prioritized draft actions for reduction of current mandates that are considered 'low hanging fruit,' noncontroversial edits (currently planned for September). Some language currently in regulation and still in the overhaul drafts may be suggested for inclusion in the 'low hanging fruit' actions to be removed or reduced in intensity of burden. This may seem redundant, but I hope to see the overhaul drafting effort completed as initiated a few years ago as the process is close to fruition. Then, a fresh eye can be applied to having the language comply with the current gubernatorial requirements in Executive Directive 1 and Executive Order 19 for all regulations. Across all of these proposed regulatory changes, my highest priority is to ensure the system remains understandable, stable, and functional for providers, staff, individuals needing or receiving services, and family members.

Logistics

I look forward to speaking with you next week. The agendas have links to the new drafts, all of which can be found on the office's web page (<https://dbhds.virginia.gov/quality-management/office-of-licensing/>). Please see the attached meeting dates with log in information for the RAP Zoom webinars.

A number of you have alternates assigned in case you are not able to attend a meeting and they are set as panelists in Zoom. However, both will not be serving as a panelist at the same meeting as that would be double coverage. Good technical assistance from you and your organization is vital, yet the volume can become unwieldy and time overall is limited to cover a number of important items. Attending the same meeting with one as a panelist and one just listening is absolutely fine. Thanks for understanding. If you have any questions prior to the first meeting or between the meetings, for logistical questions (ruthanne.walker@dbhds.virginia.gov) and for draft language questions (susan.puglisi@dbhds.virginia.gov).

Cc: Dev Nair, Assistant Commissioner
Division of Provider Management

Veronica Davis, Associate Director
DBHDS Office of Licensing

Mackenzie Glassco, Associate Director
DBHDS Office of Licensing

Chesna Gore, Administrative and Regulatory Manager
DBHDS Office of Licensing

Tonya Carr, Legal Operations Manager
DBHDS Office of Licensing

Susan Puglisi, Regulatory Research Specialist
DBHDS Office of Regulatory Affairs

Ruth Anne Walker, Director
DBHDS Office of Regulatory Affairs

**2023 'OVERHAUL' REGULATORY ADVISORY PANEL
ZOOM WEBINAR LOG IN INFORMATION**

<p>Descripti on</p>	<p>The RAP is established per the DBHDS Public Participation Guidelines to “provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action...” on the “overhaul” of the Licensing Regulations into drafts for a General Chapter applying to all services and five new service-specific chapters: Residential Services, Center-Based Services, Home/Non-Center Based Services, Case Management, and Crisis Services. Membership on the RAP is by invitation; persons from state agency partners and providers statewide were invited. The meetings will be formal in nature and open to the public.</p>
<p align="center">OVERHAUL RAP LOG IN</p>	
<p>Tuesday, June 20 #1</p>	<ul style="list-style-type: none"> ▪ PANELISTS ACCES VIA EMAIL SENT 12/16 @ 12:30 P.M. ▪ RAP Meeting #1 June 20, 2023, 10:00 AM ▪ Please click to join: https://dbhds-virginia-gov.zoomgov.com/j/1605311719?pwd=bDZmdU5NSTZlbnFHcnlBUFUxWUUpGZz09 ▪ Passcode: 021997 ▪ Webinar ID: 160 531 1719 <hr/> <p>-Or One tap mobile: +16692545252,,1605311719#,,,,*021997# US (San Jose) +16469641167,,1605311719#,,,,*021997# US (US Spanish Line)</p> <p>-Or Telephone: Dial(for higher quality, dial a number based on your current location): +1 669 254 5252 US (San Jose) +1 646 964 1167 US (US Spanish Line) +1 646 828 7666 US (New York) +1 669 216 1590 US (San Jose) +1 415 449 4000 US (US Spanish Line) +1 551 285 1373 US Webinar ID: 160 531 1719 Passcode: 021997 International numbers available: https://dbhds-virginia-gov.zoomgov.com/u/amadtXnRj</p> <p>-Or an H.323/SIP room system: H.323: 161.199.138.10 (US West) or 161.199.136.10 (US East) Meeting ID: 160 531 1719 Passcode: 021997 SIP: 1605311719@sip.zoomgov.com Passcode: 021997</p>
<p>Tuesday, June 27</p>	<ul style="list-style-type: none"> ▪ RAP Meeting #2, June 27, 2023, 10:00 AM

<p>#2</p>	<ul style="list-style-type: none"> ▪ Please click the link to join: https://dbhds-virginia-gov.zoomgov.com/j/1600799162?pwd=NzNxWGthN3FHRTdhSGZITUJWZFozZz09 ▪ Passcode: 469888 ▪ Webinar ID: 160 079 9162 <hr/> <p>-Or One tap mobile:</p> <p>+16692545252,,1600799162#,,,,*469888# US (San Jose) +16468287666,,1600799162#,,,,*469888# US (New York)</p> <p>-Or Telephone:</p> <p>Dial(for higher quality, dial a number based on your current location):</p> <p>+1 669 254 5252 US (San Jose) +1 646 828 7666 US (New York) +1 646 964 1167 US (US Spanish Line) +1 551 285 1373 US +1 669 216 1590 US (San Jose) +1 415 449 4000 US (US Spanish Line)</p> <p>Webinar ID: 160 079 9162 Passcode: 469888</p> <p>International numbers available: https://dbhds-virginia-gov.zoomgov.com/u/aBnTKfF1j</p> <p>-Or an H.323/SIP room system:</p> <p>H.323: 161.199.138.10 (US West) or 161.199.136.10 (US East) Meeting ID: 160 079 9162 Passcode: 469888 SIP: 1600799162@sip.zoomgov.com Passcode: 469888</p>
<p>Tuesday, July 11 #3</p>	<ul style="list-style-type: none"> ▪ RAP Meeting #3, July 11, 2023, 10:00 AM ▪ Please click the link to join: https://dbhds-virginia-gov.zoomgov.com/j/1602760722?pwd=SS9UcjlxSU12dHdZVGJOUmx3c3MvUT09 ▪ Passcode: 282605 ▪ Webinar ID: 160 276 0722 <hr/> <p>-Or One tap mobile :</p> <p>+16692545252,,1602760722#,,,,*282605# US (San Jose) +16468287666,,1602760722#,,,,*282605# US (New York)</p> <p>-Or Telephone:</p> <p>Dial(for higher quality, dial a number based on your current location):</p> <p>+1 669 254 5252 US (San Jose) +1 646 828 7666 US (New York) +1 646 964 1167 US (US Spanish Line) +1 415 449 4000 US (US Spanish Line) +1 551 285 1373 US +1 669 216 1590 US (San Jose)</p> <p>Webinar ID: 160 276 0722 Passcode: 282605</p>

International numbers available: <https://dbhds-virginia-gov.zoomgov.com/join/aeGRIOGabd>
-Or an H.323/SIP room system:
H.323: 161.199.138.10 (US West) or 161.199.136.10 (US East)
Meeting ID: 160 276 0722
Passcode: 282605
SIP: 1602760722@sip.zoomgov.com
Passcode: 282605

Previous Correspondence

RAP Email

From: Harris, Alexandra (DBHDS) <Alex.G.Harris@dbhds.virginia.gov>

Sent: Monday, April 10, 2023 2:01 PM

To: Harris, Alexandra (DBHDS) <Alex.G.Harris@dbhds.virginia.gov>

Subject: DBHDS Regulatory Advisory Panel Updates

Hello everyone,

Thank you again for agreeing to participate in the Regulatory Advisory Panel for new and revised draft chapters for 12VAC35-105 (“Licensing Regulations”). We had originally planned to begin our meetings later this month on April 25. However, we have decided to postpone these meetings until the summer. We will be in touch as soon as possible once the new dates are set so that you can mark them in your calendars. Please don’t hesitate to reach out in the meantime with any questions.

All the best,
Alex

Background

Each state agency must ensure that its regulations are reviewed at least once every four years through a “periodic review.” Agencies must then decide if the regulation will be amended, retained as is, or repealed. After conducting a periodic review of the Licensing Regulations, the agency filed a decision to amend the regulations. In 2019, a public comment forum and a RAP were held to discuss the [revision of the Licensing Regulations General Chapter](#).

Planned Changes

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:

- Case Management
- Center-Based Services
- Home/Non-Center Based Services
- Residential Services
- Crisis Services

The department received [public comment via Town Hall](#) on the first four of these chapters in 2021 and 2022. The draft of the new Crisis Services Chapter, the fifth and

final service-specific chapter, will be available on Town Hall for public comment this 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.

Response to Periodic Review versus Regulatory Actions in Process

It is important to distinguish this drafting effort of the response to periodic review of the Licensing Regulations from other current discussions regarding regulatory actions in process.

- Response to Periodic Review: Draft changes for the response to periodic review will be in a separate action and are not expected to take effect until 2025 following the [standard process](#), which takes an average of 18 months to two years to complete. These are only drafts at this time, no formal regulatory action has been filed.
- Regulatory Actions in Process: Current regulatory actions in process can be viewed [here](#) and are not related to the overhaul. The [current effective](#) Licensing Regulations will be the vehicle for any future department regulatory changes from this overhaul effort.

OFFICE OF LICENSING
LICENSING REGULATIONS OVERHAUL (12VAC35-105)

2023 Regulatory Advisory Panel

AGENDA #1

10:00 AM – 2:00 PM

ZOOM Meeting (see enclosed log in information)

MEETING 1: JUNE 20, 2023

10:00 AM – 10:15 AM	I. Welcome – <i>Jae Benz and Dev Nair</i>
	II. Review of Agenda and Overhaul Overview
10:15 AM – 11:45 AM	III. Review: General Chapter Prioritized Issues
11:45 AM – 12:15 PM	IV. Break – Lunch
12:15 PM – 1:45 PM	V. Review: Residential Chapter Prioritized Issues
1:45 PM – 2:00 PM	VI. Closing Comments and Adjournment – <i>Jae Benz</i>
NEXT MEETING	June 27, 2023

2023 Regulatory Advisory Panel

AGENDA #2

10:00 AM – 2:00 PM

ZOOM Meeting (see enclosed log in information)

MEETING 2: JUNE 27, 2023

10:00 AM – 10:15 AM	I. Welcome – <i>Jae Benz and Dev Nair</i>
	II. Review of Agenda
10:15 AM – 11:45 AM	III. Review of Home Noncenter-based Chapter Prioritized Issues
11:45 AM – 12:15 PM	IV. Break –Lunch
12:15 PM – 1:45 PM	V. Review of Center-based Chapter Prioritized Issues
1:45 PM – 2:00 PM	VI. Closing Comments and Adjournment – <i>Jae Benz</i>
NEXT MEETING	July 11, 2023

2023 Regulatory Advisory Panel

AGENDA #3

10:00 AM – 2:00 PM

ZOOM Meeting (see enclosed log in information)

MEETING 3: JULY 11, 2023

10:00 AM – 10:15 AM	I. Welcome – <i>Jae Benz and Dev Nair</i>
	II. Review of Agenda
10:15 AM – 11:45 AM	III. Review of Case Management Chapter Prioritized Issues
11:45 AM – 12:15 PM	IV. Break – Lunch
12:15 PM – 1:45 PM	V. Other Member Comments on the Drafts
1:45 PM – 2:00 PM	VI. Next Steps and Adjournment

2023 Regulatory Advisory Panel Membership and Staff

Only one panelist representative serving on a meeting at a time.

TYPE	Region	First Name	Last Name	Agency/Org	Job Title	Alternate/cc:
Association	Statewide	Mindy	Carlin	Virginia Association of Community Based Providers	Executive Director	Cate Powell 6/20; Jennifer Sherman
Association	Statewide	Jennifer	Faison	Virginia Association of Community Services Boards	Executive Director	
Association	Statewide	Jennifer	Fidura	Virginia Network of Private Providers	Executive Director	Meneika Chandler
Association	Statewide	Karen	Tefelski	Virginia Association of Community Rehabilitation Programs (vaACCSES)	Executive Director	
Association - Behavioral Health and Private Hospitals	Statewide	Melissa	Garcia Preston	Dominion Hospital	Director of Operations	
Authorized Representative	5	Patricia	Richardson		Family Member/Authorized Representative	
CSB Executive Director	1	Nate	Woodard	Portsmouth Department of Behavioral Healthcare Services	Director of Behavioral Healthcare Services	
CSB Executive Director	4	John	Lindstrom	Richmond Behavioral Health Authority	Executive Director	Shenee McCray
Professional - Peer	3	Robin	Hubert	On Our Own of Roanoke	Executive Director	Adam Babb
Professional - LMHP	5	James	Strickland	Hampton Newport News CSB	LPC, CSAC	Natale Christian
Professional-QI/RM specialist	5	Allison	Meyer	Goochland Powhatan CSB	ADA Coordinator	
Service - DD Supportive In-Home	4	Trey	Cave	Cornerstone Support Services	CEO	

TYPE	Region	First Name	Last Name	Agency/Org	Job Title	Alternate/cc:
Service - Psychosocial rehab	3	Celia	McCauley-Wittl	Roanoke Resource	Founder	
Service - Residential - DD	4	John	Weatherspoon	Wall Residences	CEO & President	
Service - Respite DD	5	Gail	Hardy-Patterson	Just People		
Service - Supervised living	1	Stephanie	Terrell	Rappahannock Area CSB	Director of Compliance	Robert Rezendes
Service - TDT	4	Oliver	Agee	National Counseling Group	Director of Evidence-Based Programs and Risk Management Coordinator	
Service- ASAM Residential	3	Peter	Burgraff	Eagles Nest Regeneration	Addiction and Substance Abuse Counselor	
Service-CM	2	Phil	Caldwell	Alexandria CSB	CSB Executive Director	
Service-Residential	3	Wendy	Gullion	Mt. Rogers CSB	Chief Residential Officer	Sandy Bryant
Service-Day Support	5	Jacqueline	Myrick	Noble Care	Program Administrator	
Service-Quality	3	Laura	Davis	Mt. Rogers CSB	Chief CQI Officer	Sandy Bryant
Service-Group Home	1	Julie	Dwyer-Allen	Community Residences, Inc.	Senior Clinical Director	
Service-MH	1	Mark	Gleason	Northwestern CSB	COO	Mike Elwell
Service-SA	4	Sam	Northington	District 19 CSB	SUD Director	Tonette Robertson
Agency Partner-DHP BOC	Statewide	Jaime	Hoyle	DHP Board of Counseling	Executive Director	

TYPE	Region	First Name	Last Name	Agency/Org	Job Title	Alternate/cc:
Agency Partner-VBPD	Statewide	Teri	Morgan	VBPD	Executive Director	
Agency-Partner-DHP	Statewide	Erin	Barrett	DHP	Senior Policy Analyst	Matthew Novak
Agency-Partner-DMAS	Statewide	Ashley	Harrell	DMAS	Behavioral Health Policy Analyst	Laura Reed, Jason Lowe, Suzanne Klaas
Agency-Partner-DMAS	Statewide	Jason	Perkins	DMAS	Waiver Operations Manager	
DBHDS Staff	Behavioral Health Services Division	Candace	Roney	DBHDS	Director of Substance Use Services	
DBHDS Staff	Senior Leadership	Dev	Nair	DBHDS	Assistant Commissioner, Division of Provider Management	
DBHDS Staff	Office of Licensing	Jae	Benz	DBHDS	Director of Licensing	
DBHDS Staff	Office of Licensing	Tonya	Carr	DBHDS	Legal Operations Manager	
DBHDS Staff	Office of Licensing	Veronica	Davis	DBHDS	Associate Director	
DBHDS Staff	Office of Licensing	Mackenzie	Glassco	DBHDS	Associate Director	
DBHDS Staff	Office of Licensing	Chesna	Gore	DBHDS	Licensing Legal and Regulatory Manager	
DBHDS Staff	Office of Regulatory Affairs	Susan	Puglisi	DBHDS	Regulatory and Research Specialist	
DBHDS Staff	Office of Regulatory Affairs	Ruth Anne	Walker	DBHDS	Director of Regulatory Affairs and State Board Liaison	