



COMMONWEALTH of VIRGINIA
 STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

DRAFT MEETING AGENDA
 Tuesday, April 9 & Wednesday April 10, 2019

Optional Tours
 Tuesday April 9, 2019

2:00 p.m. – 2:30 p.m.
 ServiceSource Community Integration Center,
 6860 Commercial Drive, Springfield, Virginia

4:00 p.m. – 4:30 p.m.
 CRi (formerly Community Residences) Burke Road Home,
 9332 Burke Road, Burke, VA

Tour
 Tuesday April 10, 2019 8:30 a.m. – 9:30 a.m.

Northern Virginia Mental Health Institute
 3302 Gallows Road, Falls Church, VA

8:30 a.m. – 9:30 a.m.	Tour	(Board Members Only)
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Regular Meeting
 Wednesday, April 10, 2019 9:45 a.m.

Fairfax CSB, Merrifield Center, 8221 Willow Oaks Corporate Drive
 Fairfax, VA 22031

1.	9:45	Call to Order and Introductions Approval of April 10, 2019 Agenda ➤ <i>Action Required</i>	Paula Mitchell <i>Chair</i>	
2.	9:50	Approval of Draft Minutes Regular Meeting, December 5, 2018 • <i>Action Required</i>	Paula Mitchell <i>Chair</i>	

3.	10:00	Commissioner's Report	S. Hughes Melton, M.D. <i>Commissioner, DBHDS</i>	
4.	11:00	Public Comment (3 minute limit per speaker)	Lucy Beadnell <i>Director of Advocacy, ARC of Northern Virginia</i>	
5.	11:15	Regulatory Actions: A. General Update – Matrix	Ruth Anne Walker <i>Administrative and Regulatory Coordinator, Division of Quality Management and Development</i>	
6.	11:30	2019 General Assembly Session Update	Will Frank <i>Director, Legislative Affairs</i>	
7.	11:50	State Human Rights Committee Appointments	Deb Lochart <i>Director, State Human Rights</i>	
8.	12:00	Lunch: Break and Collect Lunch Committee Meetings A. Policy Development & Evaluation B. Planning & Budget		
9.	1:00	CSB Presentation and Tour		
10.	1:45	Committee Reports A. Policy Development & Evaluation B. Planning & Budget	Will Frank <i>Director, Legislative Affairs</i>	
11.	2:00	Miscellaneous A. Board Liaison Reports	Paula Mitchell <i>Chair</i>	
12.	2:30	Next Meeting Information	Will Frank <i>Director, Legislative Affairs</i>	
13.	2:35	Adjournment	Paula Mitchell <i>Chair</i>	

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
DRAFT MEETING MINUTES

February 25, 2018

Virginia Department of Behavioral Health and Developmental Services
1220 Bank Street, 13th Floor Conference Room, Richmond VA

Monday
February 25, 2018

Regular Meeting

Members Present

By phone: Paula N. Mitchell **Chair**, Varun Choudhary.
Physically present: Elizabeth Hilscher **Vice-Chair**, Sandra Price-Stroble, Jack Bruggeman, Becky Graser, and Djuna Osborne.

Members Absent

Moira Mazzi and Calendria Jones.

Staff Present

Dev Nair, Assistant Commissioner, Division of Compliance,
Legislative, and Regulatory Affairs
Jae Benz, Director, Office of Licensing
Emily Bowles, Legal Coordinator, Office of Licensing
Ruth Anne Walker, Director of Regulatory Affairs

Call to Order

At 1:13 p.m. Chair Paula Mitchell called the meeting to order.
Note: Prior to the official call to order and in anticipation of the imminent arrival of the fifth board member, at 12:30 p.m. staff provided an overview of the upcoming 'Behavioral Health Redesign' efforts and the relation of those anticipated regulatory changes to the Licensing regulations. At 12:45 p.m., staff also answered general process questions related to the Compliance with Virginia's Settlement Agreement with US DOJ.

Approval of Draft Agenda

The Board unanimously adopted the February 25, meeting agenda on a motion by Jack Bruggeman and a second from Djuna Osborne.

Approval of Draft Minutes

The Board unanimously approved the minutes on a motion from Elizabeth Hilscher and a second from Djuna Osborne.

Public Comment

There was no public comment.

Regulatory Actions:

Ruth Anne Walker deferred to Dev Nair to provide an overview of the status of Regulatory Action 5040 amending Chapter 105, Compliance with Virginia's Settlement Agreement with US DOJ. Emily Bowles walked through the reasons for the changes from the emergency in the

proposed draft. The Board unanimously adopted the draft language for the proposed stage on a motion from Varun Choudhary and a second from Jack Bruggeman.

Ms. Walker spoke to Regulatory Action, 4928, also amending Chapter 105, Adding OTs, OTAs, and editing definitions of QMHP, etc. The Board unanimously approved the language for the final stage (unchanged from the proposed stage) and authorized staff to file a request to the Governor for extension of the emergency regulation, should the need arise.

Next Meeting

Ms. Mitchell stated that, in regard to the DOJ compliance action, once the language is approved through the Governor's Office and the 60-day public comment period is opened, a public hearing will be conducted.

The next regular meeting will be held in Fairfax in April 2019.

Adjournment

Having no other business, Ms. Mitchell adjourned the meeting at 1:45 p.m.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
DRAFT MEETING MINUTES

December 5, 2018

Virginia Department of Aging and Rehabilitation Services
1610 Forrest Avenue, Suite 100, Richmond VA

Wednesday
December 5, 2018

Regular Meeting

Members Present

Paula N. Mitchell **Chair**, Elizabeth Hilscher **Vice-Chair**, Sandra Price-Stroble, Jack Bruggeman, Moira Mazzi, Becky Graser, Varun Choudhary, and Calendria Jones

Members Absent

Djuna Osborne

Staff Present

Will Frank, Legislative Affairs Director
Ruth Anne Walker, Director of Regulatory Affairs
Nathan Miles, Director of Budget Development and Financial Analysis
Josie Mace, Financial and Policy Analyst
By phone: Cheryl DeHaven, Recovery Services Coordinator, Office of Recovery Services; Emily Bowles, Legal Coordinator, Office of Licensing

Call to Order

At 12:50 p.m. Chair Paula Mitchell called the meeting to order.

Approval of Draft Agenda

The Board unanimously adopted the December 5, meeting agenda.

Approval of Draft Minutes- October 3 meeting

The Board unanimously approved the minutes.

Introductions

Chair Paula Mitchell called for the introductions of those present and welcomed new member Dr. Varun Choudhary.

Public Comment

There was no public comment.

Commissioner's Report

Commissioner Hughes Melton presented his report.

Regulatory Actions:

Ruth Anne Walker, DBHDS Director of Regulatory Affairs, provided an update on DBHDS regulatory actions, including review of the results of the November 19, 2018, public hearing on the peer recovery specialist regulation.

The Board unanimously approved draft minutes as final for the special

called meeting on October 15, 2018.

At Ms. Walker's request, the Board set a date for an additional regular meeting on February 25, 2019, for two specific time-sensitive actions: consider draft proposed- stage language on the DOJ response regulation and initiation of the proposed stage; and, consider moving the QMHP regulation to the final stage.

DBHDS Budget Submissions

Nathan Miles, DBHDS Director of Budget Development and Financial Analysis and Josie Mace, DBHDS Financial and Policy Analyst reviewed the DBHDS submissions to be included into the Governor's introduced budget.

Policy Development and Evaluation Committee Report

Committee Chair Beth Hilscher reported on the work of reviewing board policies.

Miscellaneous

Board Liaison Reports

The Board recommended this item be moved to the next meeting.

State Board Annual Report

Will Frank reviewed the draft State Board Annual Report and provided it to members for their review.

Next Meeting Information

The next meeting will be held in April 2019.

Adjournment

Having no other business, Paula Mitchell adjourned the meeting at 3:30pm.

STATE HUMAN RIGHTS COMMITTEE

John Barrett, Chairperson
Richmond / Deltaville
Ann Bevan, Vice-Chairperson
Mechanicsville
David Boehm
Marion
Will Childers
Hardy
Pete Daniel
Charlotte Court House
Julie Dwyer-Allen
Leesburg
Tasha Graham
Portsmouth
Monica Lucas
Richmond
Sandy Robbins
Valentines



COMMONWEALTH of VIRGINIA
Department of Behavioral Health and Developmental Services
Post Office Box 1797
Richmond, Virginia 23218-1797
S. HUGHES MELTON, MD, MBA, FAAFP, FABAM, COMMISSIONER

Deb Lochart
State Human Rights Director
deb.lochart@dbhds.virginia.gov

Office of Human Rights
1220 Bank Street
Richmond, VA 23219

P.O. Box 1797
Richmond, VA 23218

www.dbhds.virginia.gov

March 21, 2019

Paula N. Mitchell, Chairperson
State Board of Behavioral Health and Developmental Services
P.O. Box 1797
Richmond, Virginia
23218

Dear Ms. Mitchell:

On January 31, 2019 the State Human Rights Committee (SHRC) voted on recommendations for membership on the SHRC. On behalf of the committee I respectfully request your consideration of the following appointments.

The SHRC recommends the reappointment of Sandy Robbins. Ms. Robbins is a Psychology Associate I, who recently retired from the Department of Corrections. She has a Bachelor of Science degree in Psychology/Sociology and a Master of Science in Psychology. Ms. Robbins has over 20 years' experience with DMHMRSAS/DBHDS as a Psychologist at Southern Virginia Mental Health Institute, a Psychologist at Southside Virginia Training Center, and a Licensing Specialist for the DBHDS central office. During her experience she worked closely with human rights advocates and the human rights program. Ms. Robbins became a member of the State Human Rights Committee in July of 2016. If reappointed, she would serve a second term of July 1, 2019 to June 30, 2022. Ms. Robbins resides in Valentines Virginia.

The SHRC recommends the reappointment of Julie Dwyer-Allen. Ms. Dwyer-Allen is a licensed and board certified behavior analyst with more than 15 years' experience working with children and adults with disabilities, particularly in developing and monitoring behavior support plans. She is the Director of Behavioral Services at Community Residences, a large non-profit provider, and the Program Director of Newbrook Place, a high intensity day support program. Under her leadership, the program expanded to provide behavior consultation services to several community services boards, utilizing both Medicaid Waiver therapeutic consultation services and

Paula N. Mitchell
March 21, 2019
Page 2

county funding. She is a professional and a family member of an individual receiving services. She was appointed to the committee in July of 2018 to fill a vacant term that will expire on June 30, 2019. If reappointed, she would serve an initial full term of July 1, 2019 to June 30, 2022. Ms. Dwyer-Allen resides in Chantilly Virginia.

The SHRC recommends the appointment of Cora Swett. Ms. Swett developed the Office of Consumer and Family Affairs for Prince William Community Services (PWCS). She served as Coordinator for the office, where she provided training on the DBHDS human rights regulations for 350 staff and consumers. Ms. Swett facilitated the development of PWCS' policies and procedures, and processed client complaints and human rights violations for the organization. She also served as PWCS' liaison to the Prince William Local Human Rights Committee. She is a family member of a consumer. We believe Ms. Swett's passion for the protection of consumer rights would make her a valuable asset to the SHRC. If appointed, Ms. Swett would serve a term of July 1, 2019 to June 30, 2022. Ms. Swett resides in Nokesville Virginia.

On behalf of the State Human Rights Committee, I respectfully ask that you consider these appointments at the April 2019 Board meeting. Applications and current SHRC Roster are attached for your review. Thank you for your consideration.

Respectfully Submitted,

William P. Childers III

Will Childers, Chair
SHRC Membership Subcommittee

c: Deb Lochart, State Human Rights Director
John Barrett, Chair, State Human Rights Committee

State Human Rights Committee
Department of Behavioral Health and Developmental Services

<p>Chairperson John Barrett Richmond and Deltaville Region 4 and Region 5</p> <p><i>Appointed July 2013</i> <i>7/1/2012 - 6/30/2015 Vacancy</i></p> <p>Term 7/1/2015 - 6/30/2018 7/1/2018 - 6/30/2021</p> <p>→Professional</p>	<p>Vice-Chairperson Ann Folk Bevan Mechanicsville Region 4</p> <p>Term 7/1/2013 - 6/30/16 7/1/2016 - 6/30/19</p> <p>→ Family Member</p>	<p>Julie Dwyer-Allen Leesburg Region 2</p> <p><i>Appointed July 2018</i> <i>7/1/2016 - 6/30/2019 Vacancy</i></p> <p>→ Family Member</p>
<p>David Boehm Marion Region 3, far southwest</p> <p>Term 7/1/2018 - 6/30/21</p> <p>→Certified sex offender treatment Provider</p>	<p>Will Childers Hardy Region 1/3 border</p> <p><i>Appointed July 2018</i> <i>7/1/2017 - 6/30/2020 Vacancy</i></p> <p>→Professional</p>	<p>Pete Daniel Charlotte Court House Region 4</p> <p>Term 7/1/2014 - 6/30/2017 7/1/2017 - 6/30/2020</p> <p>→Consumer</p>
<p>Tesha Graham Portsmouth Region 5</p> <p>Term 7/1/2018 - 6/30/2021</p> <p>→Consumer</p>	<p>Monica Lucas Richmond Region 4</p> <p>Term 7/1/2018 - 6/30/2021</p> <p>→Professional</p>	<p>Sandy Robbins Valentines Region 3/4 border</p> <p>Term 7/1/2016 - 6/30/2019</p> <p>→Health Care Provider: Psychology Associate I</p>

State Human Rights Committee
C/o Deb Lochart, State Human Rights Director
P.O. Box 1797
Richmond, VA 23218

Fax: 804-371-4609
www.dbhds.virginia.gov

**State Human Rights Committee
Application for Reappointment**

Sandra (Sandy) B. Robbins

Name

205 Berkley Drive

Street Address

Valentines, VA. 2887

City, State, Zip

804-586-7570

Telephone #

Retired July 2018 from Greensville Correctional Center (VA Dept. of Corrections)

Current (or most recent) Employer

901 Corrections Way, Jarratt, VA. 23867

Employer's Address

Dates of Employment From 9/2009 to 7/31/2018

Employed as Psychology Associate I with VA Dept. of Corrections (10/2006 – 7/2018) and at Southside Virginia Training Center (9/1993 – 10/2006)

Occupation / Profession. If retired, list previous occupation

MS Psychology (clinical concentration), VSU/Petersburg, VA 1985; BS Sociology, Va Tech/Blacksburg, VA. 1982

Education / Background

Please check categories in which you are eligible and willing to serve

Consumer _____ Family of Consumer _____ Health Care Provider _____ Professional X

Have you ever been employed by, or a member of, the Board of Directors or a volunteer of a program licensed, operated or funded by the Department of Behavioral Health and Developmental Services?

Yes X No _____ If yes, name(s) of programs, capacity in which you served and dates of service.

Member of DBHDS State Human Rights Committee 7/2016 to present; employed by DBHDS at Southside Virginia Training Center (1993-2006), Office of Licensure (1988-1993), and Southern VA Mental Health Institute (1985-1988)

Please describe your education, training or experience in the areas of behavioral health and developmental services, if any.

Credentialed as Certified Dementia Practitioner through National Council of Certified Dementia Practitioners since January 2016; Licensed as Qualified Mental Health Professional (Adult) by VA DHP since August 2018; worked for 21+ years with DBHDS in facilities and community (as Psychology Associate and Licensing Specialist); worked for 12 years with VA Dept of Corrections as Psychology Associate in prison mental health units. With both DBHDS and DOC, I worked directly with individuals diagnosed with MI, DD, ID and/or combinations of these.

What is your interest in serving on the State Human Rights Committee?

During my years working with DBHDS, I worked closely with facility and regional human rights advocates. While the same advocacy is not present in the prison system, I continue to be interested in attempting to assure individuals served by DBHDS are afforded appropriate protections and rights.

Please use the space below to provide any additional information you think is relevant to your application.

I remain committed to the function of the State Human Rights Committee and hope to be reappointed so that I can continue to work with the Office of Human Rights to assure protections to those receiving services.

Applicant's Signature Sandra B Robbins 12/15/2018

Thank you for your interest in continuing to serve on the State Human Rights Committee.

**State Human Rights Committee
Application for Reappointment**

Julie Dwyer-Allen

Name

142 Hampshire Square SW

Street Address

Leesburg VA 20175

703-678-7349

City, State, Zip

Telephone #

CRi (Community Residences, Inc)

Current (or most recent) Employer

14160 Newbrook Dr. Chantilly VA 20151

Employer's Address

8/2001

Present

Dates of Employment From _____ to _____

Senior Clinical Director, Licensed and Board Certified Behavior Analyst

Occupation / Profession. If retired, list previous occupation

Education / Background

BSEd in Communication Sciences and Disorders from The University of Georgia

MSed in Counseling from St. Bonaventure University

Post-Master's Certificate in Applied Behavior Analysis from George Mason University

Please check categories in which you are eligible and willing to serve

Consumer _____ Family of Consumer _____ Health Care Provider _____ Professional X

Have you ever been employed by, or a member of, the Board of Directors or a volunteer of a program licensed, operated or funded by the Department of Behavioral Health and Developmental Services?

Yes _____ No X If yes, name(s) of programs, capacity in which you served and dates of service.

Please describe your education, training or experience in the areas of behavioral health and developmental services, if any.

I have worked in the disabilities field for almost 20 years, primarily providing or supervising behavioral services to adults who exhibit challenging behaviors. I am a Board Certified Behavior Analyst with extensive clinical experience in service delivery and program oversight. I am proficient in the licensing and human rights regulations set forth by DBHDS.

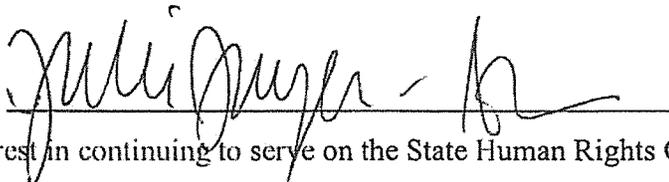
What is your interest in serving on the State Human Rights Committee?

I was appointed to the SHRC in June 2018 to fill a vacant position. I have thoroughly enjoyed the opportunity to participate on the committee, and appreciate the very focused responsibilities the committee has to ensure human rights are maintained and that the grievance and complaint processes are followed.

Please use the space below to provide any additional information you think is relevant to your application.

I am committed to the time required to travel and participate on the committee, and sincerely value the role of the committee in the larger human rights world. I bring a professional attitude and perception to the committee, and I feel that I am a fair and conscientious member. I would very much like to continue my participation.

Applicant's Signature



Thank you for your interest in continuing to serve on the State Human Rights Committee.

State Human Rights Committee Application for Membership

Name: Cora L. Swett

Street Address: 9302 Guyer Drive

City, State, Zip: Nokesville, Va. 20181 _____ Phone: 703-791-2077 _____

E-Mail: cswett1963@verizon.net _____ Cell Ph: 571-259-3622 _____

Current or most recent employer: Prince William Community Services _____

Employer's address: 1 County Complex Court, Prince William, Va 22141 _____

Dates of employment: from Sept. 1986 _____ to July 1, 2014 _____

Occupation/Profession (if retired, list previous occupation) Administration

Education High School with College Courses _____

Please check capacities in which you are eligible and willing to serve:

Receiving Services _____ Family Member Health Care Provider _____ Professional _____

Have you ever been employee by or a member of the board of director or a volunteer of a program licensed, operated or funded by the Department of Behavioral Health and Developmental Services?

Yes/No Yes If yes, name of program(s): Prince William County Community Services and I currently volunteer for the Waiver Slot Assignment Committee as Facilitator for the DBHDS. _____

Capacity in which you served: Staff _____

Dates of service: from 1986 _____ to 2014 _____

The SHRC meets about eight (8) times a year in locations throughout the state. SHRC Members are expected to provide their own transportation to and from meetings. Members are reimbursed for mileage at the rate approved by Virginia Department of Accounts. Travel time and distance may warrant staying overnight on the night before a meeting. If so, your lodging will be arranged and paid for by the DBHDS human rights office. Regular SHRC meetings normally convene on Fridays.

Occasionally, meetings include an afternoon session on Thursday from 3:00 to 5:00 p.m. on the day before the regular Friday meeting. Do you believe you will be able to do this?

Yes/No Yes

Have you ever been a member of a local human rights committee? Yes/No No

If yes, on which LHRC(s) have you served? _____

Capacity(ies) in which you serve(d) and dates of service: _____

I developed

Please describe your experience as a local human rights committee member: _____

Please describe your education, training or experience in the area of Behavioral Health and Developmental Services, if any: I was Coordinator for the Office of Consumer and Family Affairs for Prince William Community Services as such I provided training for 350 staff and consumers of the Human Rights Regulations. I developed the Office of Consumer and Family Affairs to include development of the agencies P&Ps based on Human Rights Regulations. Processed complaints and human rights violations for agency. Was staff representative to the Prince William LHRC.

What is your interest in serving on the State Human Rights Committee? I think I could contribute to the Committee based on work experience. I also have a desire to see human rights issues resolved for consumers in a professional and respectful manner.

As a member of the State Human Rights Committee, what do you think will be your biggest challenge?

Correctly interrupting the HR regulations as applies to specific cases can be a challenge until the member has had a chance to become familiar with the regulations.

Please provide any additional information you think is relevant to your application.

Applicant signature and date:

Cora L Swett

November 19, 2018

Thank you for your interesting in serving on the State Human Rights Committee.

DBHDS
Office of Human Rights
P.O. Box 1797
Richmond, VA 23218

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Policy and Evaluation Committee
DRAFT AGENDA**

APRIL 10, 2018

RICHMOND, VA

I. Call to Order

II. Welcome and Introductions

III. Policy Discussion

- POLICY 6005 (FIN) 94-2 Retention of Unspent State Funds by Community Services Boards
- POLICY 4010 (CSB) 83-6 Local Matching Requirements for Community Services Boards and Behavioral Health Authorities

VII. Next Meeting: July 2019

VIII. Other Business

IX. Adjournment

Renewed 4/27/88
 Updated 3/22/90
 Revised 9/28/94
 Revised 10/7/08
 Updated 10/7/16

POLICY MANUAL
State Board of Behavioral Health and Developmental Services
Department of Behavioral Health and Developmental Services

**POLICY 4010 (CSB) 83-6 Local Matching Requirements for
 Community Services Boards and Behavioral Health Authorities**

Authority

Board Minutes Date: June 22, 1983
 Effective Date: July 1, 1983
 Approved by Board Chairman: s/Charles H. Osterhoudt

References

§ 37.2-500, § 37.2-509, § 37.2-601, and § 37.2-611 of the Code of Virginia
 Current Community Services Performance Contract

Background

Sections 37.2-500 and 37.2-601 of the Code of Virginia authorize the Department to provide funds to assist cities and counties in establishing, maintaining, and promoting the development of mental health, developmental, and substance use disorder services. Sections 37.2-509 and 37.2-611 establish criteria for allocation of these funds to community services boards and behavioral health authorities, hereafter referred to as CSBs, by the Department and limit these allocations to no more than 90 percent of the total amount of state and local matching funds provided for operating expenses, including salaries and other costs, or the construction of facilities, unless a waiver is granted by the Department pursuant to policy adopted by the Board. This provision establishes the minimum local matching funds requirement reciprocally at 10 percent.

Historically, the Department has encouraged CSBs to pursue funds and revenues aggressively and to maintain the highest level of local matching funds possible so that they can provide more services to individuals with mental illnesses, substance use disorders, intellectual disability, or co-occurring disorders who need those services. Periodically, economic conditions cause some local governments to limit or reduce funds available for human services. Decreased local matching funds and additional allocations of state funds have made the maintenance of high local match levels more difficult for some CSBs.

Purpose

To promote maximum financial support for community mental health, developmental, and substance use disorder services from local governments. This policy also is intended to afford enough flexibility for CSBs and the Department to

Policy 4010 (CSB) 83-6

	<p>accommodate local matching funds shortfalls and still preserve current state grants and obtain additional state funds to maintain and expand services.</p>
<p>Policy</p>	<p>It is the policy of the Board that the following funds are acceptable as local match for grants of state funds:</p> <ul style="list-style-type: none"> ● local government appropriations; ● philanthropic cash contributions; ● in-kind contributions of space, equipment, and professional services; and ● interest revenue in certain circumstances. <p>All other funds or revenues, including fees, federal grants, and other funds and uncompensated volunteer services, are not acceptable as local match.</p> <p>It also is the policy of the Board that a CSB should maintain the same match ratio of all state to local matching funds that existed in the preceding fiscal year whenever possible. Exhibit A in the CSB’s Community Services Performance Contract displays total local matching funds and the local match percent. If sufficient funds are not available to continue the same ratio, then a CSB should maintain at least the total amount of local matching funds received in the preceding fiscal year. Local matching funds shortages should be restored whenever possible because they:</p> <ul style="list-style-type: none"> ● threaten the viability of existing services, ● eliminate opportunities to expand services, ● lessen chances of obtaining additional local matching funds in the future, and ● jeopardize maintenance of current state funding. <p>Further, it is the policy of the Board that the maximum acceptable aggregate CSB-wide ratio of all state to local matching funds is 90 percent to 10 percent of the total amount of those funds. If sufficient local funds are not available to sustain at least that ratio, that is if local matching funds fall below 10 percent, the CSB can request a waiver of this policy requirement in accordance with procedures established by the Department pursuant to § 37.2- 509 of the of the Code of Virginia and distributed with the current Performance Contract. Waivers are given annually on a renewable basis if the CSB provides adequate justification based on local economic factors so that service reductions and their consequent adverse effects on individuals receiving services can be avoided.</p> <p>Sections 37.2- 509 and 37.2- 611 of the Code of Virginia limit state participation to 90 percent of the total amount of state and local matching funds provided to a CSB for operating expenses, including salaries and other costs, or the construction of facilities. If that state participation percentage would be exceeded because of insufficient local matching funds, it also is the policy of the Board that state funds shall be reduced by the amount necessary to comply with that limit, unless the Department has granted a waiver of the matching funds requirement pursuant to § 37.2-509 of the of the Code of Virginia, this policy, and procedures established by the Department.</p>

Policy 4010 (CSB) 83-6

	Finally, it is the policy of the Board that the Department shall implement this policy and monitor and evaluate its effectiveness.
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POLICY MANUAL**State Board-of Behavioral Health and Developmental Services
Department of Behavioral Health and Developmental Services**

POLICY 6005(FIN)94-2 Retention of Unspent State Funds by Community Services Boards

Authority	Board Minutes Dated: <u>July 27, 1994</u> Effective Date: <u>July 1, 1994</u> Approved by Board Chairman: <u>James G. Lumpkin</u>
References	<i>Realizing the Vision: Barriers to an Integrated System</i> , Department of Mental Health, Mental Retardation and Substance Abuse Services, January 27, 1993 State Board Policy 4018 (CSB) 86-9 Community Services Performance Contracts Community Services Performance Contract § 37.2-508 and § 37.2-509 of the Code of Virginia (1950)
Supersedes	<u>STATE BOARD POLICY 3002 (CO) 86-16 System-wide Staff Training</u>
Background	<p>Before FY 1995, the Department applied year-end balances of unspent state funds at community services boards and the behavioral health authority, hereafter referred to as CSBs, to the next year's state fund allocations for CSBs so that the state appropriation and balances equaled state awards. If state balances reported in the fall were below the estimates projected in the previous spring's budget deliberations, a deficit could occur. This happened in FY 1993, and a deficit was averted only by a transfer of funds to the CSB appropriation.</p> <p><i>Realizing the Vision: Barriers to an Integrated System</i>, the Visions Task Force report, recommended preserving any unbudgeted and unspent revenues within the system. The Visions Financial Resources Committee proposed amending § 37.1-199(a) of the Code of Virginia so that CSBs could retain unspent revenues to expand and enhance services. The State Board supported this amendment, but it was not introduced, based on a determination that it could be implemented administratively.</p> <p>Subsequently, the Virginia Association of Community Services Boards and the Department developed a proposal, the basis for this policy, that prevented future deficits, instituted a budget process in which CSB awards equaled the state appropriation, and implemented the Visions recommendation.</p>
Purpose	To establish the ability of CSBs to retain balances of unspent state general funds.
Policy	<u>It is the policy of the Board that:</u>

Continued on next page

- the Department shall allow CSBs to retain balances of unspent state general funds after the end of the fiscal year in which the Department granted those funds;
- the Department shall allocate the funds in the CSB state appropriation without applying estimated year-end balances of unspent state general funds to the next year's CSB awards of state general funds;
- based on the General Assembly Appropriations Act prohibition against using state funds to supplant the funds provided by local governments for existing services, there should be no reduction of local matching funds as a result of a CSB's retention of any balances of unspent state general funds; and
- if a CSB delivers less than the levels of services in its final approved Community Services Performance Contract, established pursuant to § 37.2-508 of the Code of Virginia and State Board Policy 4018, while generating significant balances of unspent state general funds, it may have to return some of its balances to the Department or its state fund allocations in the next fiscal year may be reduced.

It is also the policy of Board that the Department shall apply procedures, which are authorized by § 37.2-509 of the Code of Virginia and are consistent with those in the Community Services Performance Contract, to retrieve unspent state general funds from or reduce future state general fund allocations to a CSB that delivers less than the levels of services in its final approved Performance Contract while generating significant balances of unspent state general funds.

Finally, it is the policy of the Board that the Community Services Performance Contract shall contain principles and procedures for the more effective and consistent utilization of unexpended state general fund balances from previous fiscal years by CSBs.

POLICY REVIEW SUMMARY

This policy review template is provided to assist staff offices in compiling the policy review information, which is to be presented to the Policy and Evaluation Committee prior to the committee making recommendations to the State Board on policies.

Summaries should be possible within two pages using the provided template.

(SIZE OF BOXES PROVIDED IS NOT AN INDICATOR OF THE LENGTH OF RESPONSES EXPECTED; PLEASE INCLUDE AS MUCH INFORMATION AS NEEDED TO THOROUGHLY ADDRESS EACH ELEMENT OF THE REVIEW.)

POLICY 4010 (CSB) 83-6 Local Matching Requirements for Community Services Boards and Behavioral Health Authorities

YEARS IN EFFECT:	July 1, 1983
DATE OF LAST ACTION:	October 7, 2016
BACKGROUND:	<p>Sections 37.2-500 and 37.2-601 of the Code of Virginia authorize the Department to provide funds to assist cities and counties in establishing, maintaining, and promoting the development of mental health, developmental, and substance use disorder services. Sections 37.2-509 and 37.2-611 establish criteria for allocation of these funds to community services boards and behavioral health authorities, hereafter referred to as CSBs, by the Department and limit these allocations to no more than 90 percent of the total amount of state and local matching funds provided for operating expenses, including salaries and other costs, or the construction of facilities, unless a waiver is granted by the Department pursuant to policy adopted by the Board. This provision establishes the minimum local matching funds requirement reciprocally at 10 percent.</p> <p>Historically, the Department has encouraged CSBs to pursue funds and revenues aggressively and to maintain the highest level of local matching funds possible so that they can provide more services to individuals with mental illnesses, substance use disorders, intellectual disability, or co-occurring disorders who need those services. Periodically, economic conditions cause some local governments to limit or reduce funds available for human services. Decreased local matching funds and additional allocations of state funds have made the maintenance of high local match levels more difficult for some CSBs.</p>
SIGNIFICANT SYSTEM CHANGES SINCE THE LAST REVIEW:	N/A
IS THE POLICY CONSISTENT WITH THE VISION STATEMENT?	Yes
CURRENT ISSUES FOR CONSIDERATION (INCLUDING UPCOMING CHANGES IN THE <u>NEAR FUTURE</u>)	<ol style="list-style-type: none"> 1. Should we evaluate the end-of-year match? It is not required by statute. 2. Should the match be made more equitable with lower ability to pay regions/CSBs paying a lower match rate than higher ability to pay areas? 3. Will funding initiatives that target areas based on need be adversely impacted by the matching requirement? 4. Should funding that is distributed after the beginning of the year be counted towards the match requirement?

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<p>DOES THE ISSUE STILL NEED TO BE ADDRESSED, AND IF SO IS A POLICY THE BEST WAY TO ADDRESS IT?</p>	<p>No</p>	
<p>IS THERE ANOTHER BOARD POLICY THAT COVERS THIS?</p>	<p>In cases where policy titles imply duplication, policies should be carefully compared to determine the extent of the duplication and the extent to which that duplication is unnecessary. An assessment of the need for a policy takes into account the expectations and needs of individuals receiving services.</p>	
<p>STAFF RECOMMENDATION (HIGHLIGHT ONE →)</p>	<p>Substantive Changes <i>(i.e., Materially alters the policy.)</i></p>	<p>Nonsubstantive Changes <i>(i.e., updated to reflect the latest terminology.)</i></p>
	<p>In either case, sections might need to be rewritten or new sections added.</p>	
<p>SUMMARY OF PROPOSED CHANGES</p>	<p>No changes</p>	

POLICY REVIEW SUMMARY

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POLICY 6005(FIN)94-2 Retention of Unspent State Funds by Community Services Boards

YEARS IN EFFECT:	July 1, 1994
DATE OF LAST ACTION:	July 26, 2011
BACKGROUND:	<p>Before FY 1995, the Department applied year-end balances of unspent state funds at community services boards and the behavioral health authority, hereafter referred to as CSBs, to the next year's state fund allocations for CSBs so that the state appropriation and balances equaled state awards. If state balances reported in the fall were below the estimates projected in the previous spring's budget deliberations, a deficit could occur. This happened in FY 1993, and a deficit was averted only by a transfer of funds to the CSB appropriation.</p> <p><i>Realizing the Vision: Barriers to an Integrated System</i>, the Visions Task Force report, recommended preserving any unbudgeted and unspent revenues within the system. The Visions Financial Resources Committee proposed amending § 37.1-199(a) of the Code of Virginia so that CSBs could retain unspent revenues to expand and enhance services. The State Board supported this amendment, but it was not introduced, based on a determination that it could be implemented administratively.</p> <p>Subsequently, the Virginia Association of Community Services Boards and the Department developed a proposal, the basis for this policy, that prevented future deficits, instituted a budget process in which CSB awards equaled the state appropriation, and implemented the Visions recommendation.</p>
SIGNIFICANT SYSTEM CHANGES SINCE THE LAST REVIEW:	N/A
IS THE POLICY CONSISTENT WITH THE VISION STATEMENT?	Yes
CURRENT ISSUES FOR CONSIDERATION (INCLUDING UPCOMING CHANGES IN THE NEAR FUTURE)	N/A
DOES THE ISSUE STILL NEED TO	No

(SIZE OF BOXES PROVIDED IS NOT AN INDICATOR OF THE LENGTH OF RESPONSES EXPECTED; PLEASE INCLUDE AS MUCH INFORMATION AS NEEDED TO THOROUGHLY ADDRESS EACH ELEMENT OF THE REVIEW.)

BE ADDRESSED, AND IF SO IS A POLICY THE BEST WAY TO ADDRESS IT?		
IS THERE ANOTHER BOARD POLICY THAT COVERS THIS?	In cases where policy titles imply duplication, policies should be carefully compared to determine the extent of the duplication and the extent to which that duplication is unnecessary. An assessment of the need for a policy takes into account the expectations and needs of individuals receiving services.	
	No	
STAFF RECOMMENDATION (HIGHLIGHT ONE →)	Substantive Changes <i>(i.e., Materially alters the policy.)</i>	Nonsubstantive Changes <i>(i.e., updated to reflect the latest terminology.)</i>
	In either case, sections might need to be rewritten or new sections added.	
SUMMARY OF PROPOSED CHANGES	No changes	

**State Board of Behavioral Health and Developmental Services
Policy Development and Evaluation Committee**

Date

COMMENTS ON X #POLICIES: WINDOWS ()

Stage I:	Initiating Review - Request for Comment
Policy:	4010 (CSB)83-6 Local Match Requirements for Community Services Boards
Window:	November 2018

Date Rcv'd	Contact	Comment
11/15/2018	David Deering, Valley CSB	When a locality is unable to provide the minimum 10% match, as part of the waiver application the city managers should provide directly to DBHDS the reasons for which the locality of localities are unable to provide the required funding.
11/26/2018	Jennifer Fidura, VNPP	Any action permitted by Code which supports the maintenance or increase in “flexible” funding should be supported. Funds, which are not earned as reimbursement for services already provided, or that are not granted for a narrowly defined and specific purpose, are limited. In order for any community based service provider to be able to step up and meet the needs of their community or to allow for innovation in service delivery, there must be some flexibility in funding – some would be allowed by virtue of non-restricted carryover funding and some by encouraging greater proportions of local funding which give the locality a sense of ownership.
11/26/2018	Katie Boyle, VACO	We would strongly encourage you to retain the ability of DBHDS to grant such waivers, as they provide important flexibility for local governments experiencing fiscal stress. Given the financial stressors facing many localities, we believe that the flexibility represented by the current policy allowing waivers from the local match requirement for CSBs in certain circumstances is a reasonable approach to balancing the important shared commitment to these critical services with the recognition that local finances may at times require additional state assistance. We would strongly encourage you to preserve this important aspect of the policy
11/30/2018	Joseph Scislowicz, VACSB	Recommend no change

Stage I:	Initiating Review - Request for Comment
Policy:	Policy 6005 (FIN) 94-2 Retention of Unspent State Funds by Community Services Boards
Window:	November 2018

Date Rcv'd	Contact	Comment
11/30/2018	Joseph Scislowicz, VACSB	Recommend no change

POLICY 6005(FIN)94-2 Retention of Unspent State Funds by CSBs

- The Department shall allow CSBs to retain balances of unspent state general funds
- The Department shall allocate the funds in the CSB state appropriation without applying estimated year-end balances of unspent state general funds to the next year's CSB awards of state general funds;
- Based on the General Assembly Appropriations Act prohibition against using state funds to supplant the funds provided by local governments for existing services
- If a CSB delivers less than the levels of services in its final approved Community Services Performance Contract, it may have to return some of its balances to the Department or its state fund allocations in the next fiscal year may be reduced.
- Performance Contract shall contain procedures for the utilization of unexpended state general fund balances

Performance Contract

Appendix C

- Restricted and Unrestricted Funds
- Place Funds in a Reserve Fund
 - Account for Funds Separately
- Size of the reserve limited to 50% of all state funds
- Unspent regional funds can be spent can be either distributed to the CSBs or spent any way the region agrees to spend the funds.

Suggestion

- Leave Board Policy unchanged
- Modify Performance Contract as follows
 - Change funds categories
 - Restricted (Federal and Appropriations Act)
 - Earmarked (DBHDS Program i.e. Pharmacy)
 - Unrestricted (i.e. MH Unrestricted)
 - Change regional funding use of Restricted and Earmarked funds can be used only for intended purpose without DBHDS approval.
 - Change Earmarked and Unrestricted funding to allow CSBs to use balances for additional outcome based programs with DBHDS approval
- Include review of Fund Balances as a Financial Health Measure
- Create Board Policy on CSB Financial Health?



Fiscal and Grants Management

State Board Local Match Presentation
December 4, 2018

Eric Billings

Budget and Financial Policy Analyst
Virginia Department of Behavioral
Health and Developmental Services

Background

- Pursuant to § 37.2-509 A.5., Allocations to a CSB shall not exceed 90% of the total amount of state and local funds.
- Statute allows DBHDS to issue waivers for this requirement.
 - Performance Contract allows for an automatic waiver if a CSB is in violation of this requirement due to its role as a fiscal agent for a regional program.
 - All other waivers must provide justification and be approved by the Commissioner.
- The Performance Contract requires DBHDS to review the local match at the beginning and the end of the fiscal year, although statute does not indicate how many times or when the match must be reviewed.

Administration

- DBHDS reviews the draft Performance Contract to ensure CSBs are providing an adequate match.
- If a CSB cannot meet the match, a waiver request is submitted and is signed by the Commissioner prior to the finalization of the Performance Contract.
- If the Performance Contract is not finalized by mid-October, payments may be delayed.
- After the fiscal year is over, the CSB must submit an end-of-year report that shows a 10% match.
- If the match is insufficient, the CSB must request a waiver that is then submitted to the Commissioner for approval.

Concerns to Evaluate

- Last year two CSBs were unable to meet the end-of-year matching requirement. Performance Contract does not specify any process for this circumstance

Considerations

1. Should we evaluate the end-of-year match? It is not required by statute.
2. Should the match be made more equitable with lower ability to pay regions/CSBs paying a lower match rate than higher ability to pay areas?
3. Will funding initiatives that target areas based on need be adversely impacted by the matching requirement?
4. Should funding that is distributed after the beginning of the year be counted towards the match requirement?

Suggestions to Consider

Suggestions:

- Make the review for only one snapshot a year.
- CSBs may need empowering legislation to have agreements with each of their members (operational boards).
- DBHDS is open to hearing to what mechanisms would be available to encourage CSBs to reach the match requirement.

Planning & Budget Committee AGENDA
April 10, 2019
Fairfax/Falls Church CSB CSB
Merrifield Center, 8221 Willow Oaks Corporate Drive
Fairfax, VA 22031

- I. Call to Order**
- II. 2019 Meeting Topics**
- III. Strategic Plan**
- IV. Next Meeting: July 2019**
- V. Other Business**
- VI. Adjournment**

REGULATORY ACTIVITY STATUS REPORT: APRIL 2019 (REVISED 03/21/19)

Board STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES						
VAC CITATION	CHAPTER TITLE (FULL TITLE)	REGULATIONS IN PROCESS			LAST ACTIVITY	LAST PERIODIC REVIEW*
		PURPOSE	STAGE	STATUS		
<u>12 VAC 35-46</u>	Children's Residential (Regulations for Children's Residential Facilities)	To articulate requirements to assure the health, safety, care, and treatment for children who receive services from providers licensed by DBHDS.	Periodic Review Completed; under development	<ul style="list-style-type: none"> Current: Comment period ended 02/08/2018. Revisions under development; stakeholder comment this summer. 	01/22/2013	12/05/2017
<u>12 VAC 35-105</u>	Licensing-Adult (Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services)	To provide specific standards for licensing of organizations and facilities providing behavioral health and developmental disability services. ('Overhaul')	Periodic Review Completed; under development	<ul style="list-style-type: none"> Current: Comment period 12/15/2017. Revisions under development; stakeholder comment this summer. 		10/11/2017
<u>12 VAC 35-105</u>		Upon approval of the 2020 General Assembly, to support the realignment of behavioral health services including ASAM criteria.	Under development	<ul style="list-style-type: none"> State review in progress. Revisions under development; pending 12/2019 report and 2020 GA approval. 		
<u>12 VAC 35-105</u> Sections 20, 590, and 1370.		In accordance with Chapter 136 of the 2017 General Assembly to include OTs and OTAs as QMHPs.	Final	<ul style="list-style-type: none"> Current: Emergency effective 12/18/2017 (expires 06/17/2019). Extension requested and final stage initiated 03/01/2019. 	03/01/2018	
<u>12 VAC 35-105</u> Certain sections.		In accordance with the CMS Final Rule and the Settlement Agreement: clarifications for the health, safety, care and treatment for adults who receive services from providers of residential services.	Proposed	<ul style="list-style-type: none"> Current: Emergency effective 09/01/2018 (expires 02/29/2020). Proposed to OAG 03/01/2019. 	03/01/2018	
<u>12 VAC 35-105</u> Section 675.		ISPs: To allow documentation of each quarterly review or a revised assessment 'no later than 15 calendar days from the date the review was due to be completed.'	Fast Track Proposed	<ul style="list-style-type: none"> Current: Fast track approved 01/04/2019, but 10 objections filed by 03/06/2019. Shift to standard process 03/14/19; expect proposed in July. 	03/14/2019	
<u>12 VAC 35-105</u>		In accordance with HB2652 of the 2019 General Assembly, requiring information disclosure regarding references.	Exempt	<ul style="list-style-type: none"> Drafting in progress; expect for July. 		

<u>12 VAC 35-180</u>	Human Research (<i>Regulations to Assure the Protection of Participants in Human Research</i>)	To define policy and review requirements to protect individuals who are participants in human research performed by facilities or programs operated, funded, or licensed by the department.	Fast Track as the result of a Periodic Review	<ul style="list-style-type: none"> Current: From DPB to HHR 12/12/2018. 	11/12/2009	10/05/2017
<u>12 VAC 35-???</u> <i>New</i>	<i>New: Recovery Residences.</i>	<i>In accordance with Chapter 220 of the 2019 General Assembly: Certification of recovery residences.</i>	Fast track?	<ul style="list-style-type: none"> <i>Drafting in progress; expect for July.</i> 		

*Shows the last time the Periodic Review feature on Town Hall was used for this regulation. A comprehensive periodic review may also have been included during other standard regulatory actions.

2019 Meeting Schedule

2019 Schedule

- Wednesday, April 9-10, 2019, Fairfax
- Wednesday, July 9-10, 2019, Richmond
- Wednesday, October 2-3, 2019, TBD
- Thursday, December 10-11, 2019, Richmond

2019																					
JANUARY		FEBRUARY		MARCH																	
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	
	1	2	3	4	5	6					1	2	3					1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	
APRIL		MAY		JUNE																	
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	1	2	3	4	5	6	7			1	2	3	4	5						1	2
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	
29	30						27	28	29	30	31			24	25	26	27	28	29	30	
JULY		AUGUST		SEPTEMBER																	
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	
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15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15	
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22	
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29	
OCTOBER		NOVEMBER		DECEMBER																	
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	
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7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	
28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29	
													30	31							

Event Schedule

Tuesday, April 9 & Wednesday April 10, 2019

Tuesday, April 9, 2019	Tours coordinated by Jack Bruggeman
<u>2:00pm-2:30pm</u>	ServiceSource Community Integration Center, 6860 Commercial Drive, Springfield, Virginia
<u>4:00pm-4:30pm</u>	CRi (formerly Community Residences) Burke Road Home, 9332 Burke Road, Burke, VA
	Hotel Homewood Suites by Hilton Falls Church 8130 Porter Rd, Falls Church, VA 22042

Wednesday, April 10, 2019	
<u>8:30 a.m. - 9:30 p.m.</u>	Tour Northern Virginia Mental Health Institute 3302 Gallows Road, Falls Church, VA
<u>9:45 a.m. - 2:30 p.m.</u>	Regular Meeting Fairfax CSB, Merrifield Center, 8221 Willow Oaks Corporate Drive Fairfax, VA 22031