2021 Special Session I

Budget Bill - SB1100 (Introduced)

Bill Order » Office of Health and Human Resources » Item 318

Department of Behavioral Health and Developmental Services

Item 318	First Year - FY2021	Second Year - FY2022
Regulation of Public Facilities and Services (56100)	**$5,373,153**	~~$5,373,153~~ ***$6,966,967***
Regulation of Health Care Service Providers (56103)	$5,373,153	~~$5,373,153~~ *$6,966,967*
Fund Sources:		
General	$4,803,627	~~$4,803,627~~ *$6,046,802*
Special	$156,584	$156,584
Federal Trust	$412,942	~~$412,942~~ *$763,581*

Authority: Title 37.2, Chapter 4, Code of Virginia.

A. The department shall post on its Web site information concerning (i) any application for initial licensure of or renewal of a license, denial of an application for an initial license or renewal of a license, or issuance of provisional licensure of for any residential facility for children located in the locality and (ii) all inspections and investigations of any residential facility for children licensed by the department, including copies of any reports of such inspections or investigations. Information concerning inspections and investigations of residential facilities for children shall be posted on the department's Web site within seven days of the issuance of any report and shall be maintained on the department's website for a period of at least six years from the date on which the report of the inspection or investigation was issued.

B. The Department of Behavioral Health and Developmental Services shall have the authority to promulgate emergency regulations to: i) ensure that licensing regulations support high quality community-based mental health services and align with the changes being made to the Medicaid behavioral health regulations for the services funded in this Act that support evidence-based, trauma-informed, prevention-focused and cost-effective services for members across the lifespan; and ii) amend the licensing regulations to align with the American Society of Addiction Medicine Levels of Care Criteria or an equivalent set of criteria into substance use licensing regulations to ensure the provision of outcome-oriented and strengths-based care in the treatment of addiction. The department shall seek input from the Department of Medical Assistance Services and other stakeholders to align with the implementation plan for changes being made to the Medicaid behavioral health regulations. To implement these changes, the Department of Behavioral Health and Developmental Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act

C.1. In order to minimize the risk of exposure to infectious diseases and to protect individuals served by licensed providers as well as provider and department staff, the department, at its discretion, may conduct less than one annual unannounced inspection of each service offered by each licensed provider ~~during the 2020 calendar year~~. *The provisions of this paragraph shall be in effect for the duration of the Governor's emergency declaration for COVID-19.* The department shall prioritize, based on available time and necessary safety precautions, annual unannounced inspections at licensed services directly affected by the Commonwealth's settlement agreement with

the United States Department of Justice.

2. Notwithstanding § 37.2-415, Code of Virginia, and regulations 12VAC35-105-50A.1.b and 12VAC35-46-90.A, the Commissioner of the Department of Behavioral Health and Developmental Services or any authorized agent may extend the period of any conditional license issued by the department beyond twelve months, until December 31, 2020.

3. During a state of emergency as declared by the Governor, the Commissioner of the Department of Behavioral Health and Developmental Services may issue licensing status letters to children's residential providers in order to prevent lapse of children's residential licenses due to inability to conduct an onsite inspection, and may extend the renewal period of licensed children's residential services.

D. The State Board of Behavioral Health and Developmental Services shall have the authority to promulgate emergency regulations to amend the children's residential facility licensing regulations to align with the requirements of the federal Family First Prevention Service Act for children's residential service providers to meet the standards as qualified residential treatment programs (QRTPs). The department shall seek input from the Department of Social Services and the Department of Medical Assistance Services to align with the implementation plan for changes being made to funding streams for children's residential services. To implement these changes, the State Board of Behavioral Health and Developmental Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act, however, any regulation changes promulgated pursuant to this authority shall be budget neutral and must not exceed the funding appropriated in the Act for these services.