

**2010 ANNUAL EXECUTIVE SUMMARY
of the Activity and Work of the**

**STATE BOARD of
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**



TO THE GOVERNOR AND GENERAL ASSEMBLY

JANUARY 1, 2011

**STATE BOARD OF
BEHAVIORAL HEALTH AND
DEVELOPMENTAL SERVICES**

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COMMONWEALTH of VIRGINIA

*DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES*

Post Office Box 1797
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January 1, 2011

To the Honorable Robert F. McDonnell, Governor of Virginia
and
Members, General Assembly of Virginia

I am pleased to forward to you the Annual Executive Summary of the Activity and Work of the State Board of Behavioral Health and Developmental Services for 2010.

The report describes the statutory basis for the Board's work and provides information concerning the Board's policy, regulatory and committee work during the preceding 12 months as well as outlining the Board's policy priorities for the coming year.

The commitment of time and talent from our Board members is served and enhanced by the dedicated leadership and staff at DBHDS. As we move forward in the transformation of our services system we will continue to address the challenges and improve the systems that impact our Commonwealth's most vulnerable citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel E. Karnes".

Daniel E. Karnes
Chair

Enc.

Cc: The Hon. William A. Hazel, Jr., M.D.
James W. Stewart, III
Keith Hare
Ruth Anne Walker

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INTRODUCTION

Board Membership

The State Board of Behavioral Health and Developmental Services is established by § 37.2-200 of the *Code of Virginia* as a policy board in the executive branch of Virginia government. Citizen board members are appointed by the Governor, subject to confirmation by the General Assembly. Terms are for four years each, except appointments to fill vacancies. Members may be reappointed; however, no member may serve more than two full four-year terms.

The Board is statutorily required to meet at least quarterly in any calendar year. The Board scheduled five meetings in 2010 to effectively address policy, regulatory, and systems change issues, as follows:

January 26, Richmond

April 8, Hillsville

June 25, Culpeper

September 14-15, Richmond (includes Annual Planning Retreat)

November 30, Williamsburg

Board membership consists of nine non-legislative citizen members. The Board is required to have consumer and family members, one elected local government official, one psychiatrist licensed to practice in Virginia, and four citizens at large. The current membership* of the Board meets the statutory criteria and is constituted as follows:

Daniel E. Karnes, Roanoke, Chair;

Gretta Doering, Winchester;

Andrew Goddard, Henrico;

Cheryl Ivey Green, Richmond;

Joseph M. Guzman, Loudoun;

Robert Hendrickson, Radford;

Ruth G. Jarvis, Norfolk, Vice Chair;

Jennifer M. Little, Mathews; and

Ananda K. Pandurangi, Richmond.

The current Board membership is of individuals who have been appointed since June 2004, with the last appointment in September 2010.

Review of Statutory Authority

State Board of Behavioral Health and Developmental Services (§ 37.2-200).

- A. The State Board of Behavioral Health and Developmental Services is established as a **policy board** ...in the executive branch of government.
- D. ...The Board shall **meet quarterly** and at such other times as it deems proper. ...The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request....
- E. The chairman of the Board shall submit to the Governor and the General Assembly an **annual executive summary** of the activity and work of the Board no later than the first day of each regular session of the General Assembly.

Classification of executive branch boards, commissions and councils (§2.2-2100).

"Policy" - A board, commission or council shall be classified as policy if it is **specifically charged by statute to promulgate public policies or regulations**. It may also be charged with adjudicating violations of those policies or regulations. Specific functions of the board, commission or council may include, but are not limited to, rate setting, distributing federal funds, and adjudicating regulatory or statutory violations, but **each power shall be enumerated by law**. Policy boards, commissions or councils are **not responsible for supervising agencies or employing personnel**. They **may review and comment on agency budget requests**.

Powers and duties of Board (§ 37.2-203)

1. To develop and establish programmatic and fiscal policies governing the operation of state hospitals, training centers, community services boards, and behavioral health authorities;
2. To ensure the development of long-range programs and plans for mental health, mental retardation, and substance abuse services provided by the Department, community services boards, and behavioral health authorities;
3. To review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds;
4. To monitor the activities of the Department and its effectiveness in implementing the policies of the Board;
5. To advise the Governor, Commissioner, and General Assembly on matters relating to mental health, mental retardation, and substance abuse;
6. To adopt regulations that may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Commissioner or the Department;
7. To ensure the development of programs to educate citizens about and elicit public support for the activities of the Department, community services boards, and behavioral health authorities;
8. To ensure that the Department assumes the responsibility for providing for education and training of school-age consumers in state facilities, pursuant to § 37.2-312; and
9. To change the names of state facilities.

Additional Responsibilities (State Board of BHDS Bylaws Article 6 – Powers and duties of the Board)

The Board shall appoint members of the **State Human Rights Committee** pursuant to §37.2-204 of the Code of Virginia, and the Prevention Promotion Advisory Council according to their respective bylaws. The Board **may appoint other advisory councils or committees**, as it deems necessary or appropriate.

FY 2010 ACCOMPLISHMENTS

The Board utilizes a framework of five areas of statutory responsibility as an organizational structure for planning.

**Area of Responsibility-A: Policy Development and Monitoring
(Powers & Duties 1 & 4)**

These duties are addressed by the Board's Policy Development and Evaluation Committee. Beginning in January 2005, the Board began implementing a comprehensive review for existing policies of its oldest policies that had not been routinely reviewed or updated in many years. This process is now nearly complete with only two older policies remaining to review, and the cycle will begin again. All Board policies are accessible online (<http://www.dbhds.virginia.gov/adm-StateBoardPolicies.htm#c1>). See the list of current State Board policies with the last review date attached as Appendix A.

In FY 2010 the Board reviewed and acted upon the following seven policies:

- Policy 1007 (SYS) 86-2 Behavioral Health and Developmental Services for Children and Adolescents and Their Families
 - Policy 4026 (CSB)87-1, Transitional Services for Adolescents and Young Adults with Mental Disabilities (combined into the revised Policy 1007)
- Policy 4037(CSB)91-2 Early Intervention Program for Infants and Toddlers with Disabilities and Their Families
- Policy 4038(CSB)94-1 Department and CSB Roles in Providing Services to Children Under the Comprehensive Services Act for At-Risk Youth and Families
- Policy 4023(CSB)86-24, Housing Supports
- Policy 5010(FAC)00-1, State Facility Uniform Clinical and Operational Policies and Procedures
- Policy 2010 (ADM ST BD) 10-1 Review and Comment on BHDS Budget Priorities (previously listed as Policy 6001(FIN)86-1)

Two policies currently are under review:

- Policy 1028(SYS)90-1 Human Resource Development
- Policy 3002(CO)86-16 System-wide Staff Training

Policy actions planned for upcoming review are:

- Policy 6002 (FIN)86-14 Services Availability and Ability of Client Pay Philosophy

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

**Area of Responsibility-B: Ensure the Development of Programs and Plans
(Powers & Duties 2)**

State Board Policy 1010 (SYS) 86-7 Board Role in the Development of the Department's Comprehensive State Plan for Mental Health, Mental Retardation and Substance Abuse Services states that the Board, through its Planning and Budget Committee, will: ensure the Comprehensive State Plan (§ 37.2-315) reflects the Board's programmatic and fiscal policies; participate in the identification of the services and support needs, critical issues, strategic responses and resource requirements included in the Plan; conduct a series of public hearings to obtain comments on the draft Plan and encourage public participation in these hearings; review the comments from the public hearings and make suggestions to the Commissioner for incorporation in the final Plan; ensure the services and support needs, critical issues, strategic responses and resource requirements included in the Plan are reflected in the Department's budget proposals and operational priorities; and monitor the implementation of goals and major initiatives contained in the Plan and identify areas where further policy and plans for program development are needed. The current Comprehensive State Plan for 2010-2016 was endorsed by the Board on December 8, 2009, and is available on the Department's website.

In addition to its responsibilities related to the Comprehensive State Plan, the Board contributed to the development of the Department's strategic plan for the Commonwealth's behavioral health and developmental services system. On June 25, 2010, the Board received and endorsed *Creating Opportunities: A Plan for Advancing Community – Focused Services in Virginia*. Strategic initiatives and major Department activities described in this plan:

- Support the Governor's expressed intention to achieve a Commonwealth of Opportunity for all citizens, including individuals receiving behavioral health or developmental services;
- Continue progress in realizing a community-focused system of recovery-oriented and person-centered services and supports; and
- Enhance the ability of the services system to perform its core functions in a manner that is effective, efficient, and responsive to the needs of individuals receiving services and their families.

**Area of Responsibility-C: Review and Comment on All Budgets and Requests
(Powers & Duties 3)**

The Board Bylaws (*Article 7 – Committees, A.1.b. Planning and Budget Committee Powers and Duties*) states that the Planning and Budget Committee shall ensure development and Board review of long-range plans and budgets. In addition, in 2007 the Board created a new committee, the Grant Review Committee, specifically to review requests for federal grant funds. Two Board members serve on this committee. In September 2010, the Board adopted POLICY 2010 (ADM ST BD) 10-1 Review and Comment on Behavioral Health and Developmental Services Budget Priorities (formerly Policy 6001(FIN) 86-1). This policy

includes a summer planning retreat in the years that the biennial budget is developed as a mechanism for the Board to communicate its budget priorities proposed for the next biennium.

Area of Responsibility-D: Adopt Regulations (Powers & Duties 6)

These duties are addressed by the full Board. See the list of regulatory actions in Appendix B Status and Pending Action on Board Regulations.

Area of Responsibility-E: Communication, Coordination and Collaboration (Powers & Duties 5,7,8,9 & Art.6 b)

These duties are addressed by the entire Board. Within the BHDS system, members of the Board attended meetings in different localities, served as liaisons to regions, and maintained and improved communication from the Department staff to the Board. The Board received information on its stated priorities and to address and fulfill its duties and responsibilities, continued revision of current policies, and established additional, internal mechanisms to ensure appropriate levels of engagement and information are in place for all areas of Board responsibility. The Board maintains a statewide mailing list of interested stakeholders and communication information about its meetings.

Within the Executive Branch of state government, Board members participated on the System Leadership Council and made visits to key legislators during the 2010 Session of the General Assembly. Board members maintained contact with and informed their area respective legislators and local governments and across branches of state government.

One public hearing was held this year on the proposed amended Licensing Regulations 12 VAC 35-105-10 et seq. The final changes to these regulations were adopted and forwarded to the Governor for approval.

SUMMARY AND NEXT STEPS

The Board will continue to work with staff and other interested individuals to identify relevant issues that it should address in policy in the future, in conjunction with ongoing review of all existing policies on a scheduled basis. The Board's process for routine policy development and review is established in its Policy 2010(ADM)88-2 Policy Development and Evaluation. At the Planning Retreat on September 13, 2010, members set as its priority topics for the coming year:

- Programs for Caregivers
- Quality Measures of Major Department Initiatives
- Ongoing Need for Inpatient and Residential Services
- Status of Knowledge Development for Electronic Health Records
- Good Working Models of both Crisis Stabilization and Comprehensive In-Home Services

The Board applauds the efforts of Governor McDonnell, members of the General Assembly, and DBHDS staff to support direct services for individuals with behavioral health disorders or developmental disabilities even as the Commonwealth continues to address

unprecedented budget challenges. However, the Board has serious concerns for the long term impact of successive budget reductions on the behavioral health and developmental services system.

Appendix A: List of Current State Board Policies (December 2010)

CURRENT STATE BOARD POLICIES

(indicates next in the queue for regular review)*

<u>Policy Number</u>	<u>Policy Name</u>	<u>Last Review Date</u>	<u>Next Scheduled Review Due</u>
#1000 (SYS) --- SYSTEM MISSION AND DIRECTION			
1004(SYS)83-7	Prevention Services	4/3/07	
1007(SYS)86-2	Behavioral Health and Developmental Services for Children and Adolescents and Their Families	12/8/09	
1008(SYS)86-3	Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders	10/5/06	
1010(SYS)86-7	Board Role in the Development of the Department's Comprehensive State Plan for Mental Health, Mental Retardation and Substance Abuse Services	4/3/07	
1015(SYS)86-22	Services for Individuals with Co-occurring Disorders	4/7/09	
1016(SYS)86-23	Policy Goal of the Commonwealth for a Comprehensive, Community-Based System of Services	9/7/05	
1021(SYS)87-9	Core Services	12/2/08	
1023(SYS)89-1	Workforce Cultural and Linguistic Competency	6/3/08	
1028(SYS)90-1	Human Resource Development	1/28/04	NOW
1029(SYS)90-3	Definitions of Serious Mental Illness, Serious Emotional Disturbance, and At-Risk of Serious Emotional Disturbance	4/13/05	
1030(SYS)90-3	Consistent Collection and Utilization of Data in State Facilities and Community Services Boards	9/7/05	
1034(SYS)05-1	Partnership Agreement	9/7/05	
1035(SYS)05-2	Single Point of Entry and Case Management Services	9/7/05	
1036(SYS)05-3	Vision Statement	9/7/05	
1037(SYS)05-4	Individual Consumer Information and the Community Consumer Submission	9/7/05	
1038(SYS)06-1	The Safety Net of Public Services	4/7/06	
1039(SYS)06-2	Availability of Minimum Core Services	4/7/06	
1040(SYS)06-3	Consumer and Family Member Involvement and Participation	4/7/06	
1041(SYS)06-4	Services for Individuals with Mental Illnesses, Mental Retardation, or Substance Use Disorders Who are at Imminent Risk of Becoming Involved with the Criminal Justice System	12/8/06	
1042(SYS)07-1	Primary Health Care	12/6/07	
1043(SYS)08-1	Disaster and Terrorism Preparedness	6/3/08	

#2000 (ADM ST BD) --- ADMINISTRATION			
2010 (ADM ST BD) 10-1	Policy Review and Comment on BHDS Budget Priorities (6001(FIN)86-1)	9/14/10	
2010(ADM)88-2	Policy Development and Evaluation	4/7/06	
2011(ADM)88-3	Naming of Buildings, Rooms and Other Areas at State Facilities	10/29/03	*
#3000 (C O) --- CENTRAL OFFICE			
3000(CO)74-10	Department Employee Appointments to Community Services Boards	10/29/03	*
3002(CO)86-16	System-wide Staff Training	4/22/04	NOW
#4000 (CSB) --- COMMUNITY SERVICES BOARDS/COMMUNITY PROGRAMS			
4010(CSB)83-6	Local Match Requirements for Community Services Boards	10/7/08	
4018(CSB)86-9	Community Services Board Performance Contracts	10/7/08	
4023(CSB)86-24	Housing Supports	9/14/10	
4037(CSB)91-2	Early Intervention Services for Infants and Toddlers with Disabilities and Their Families	12/8/09	
4038(CSB)94-1	Department and CSB Roles in Providing Services to Children Under the Comprehensive Services Act for At-Risk Youth and Families	12/8/09	
#5000 (FAC) --- STATE MENTAL HEALTH AND MENTAL RETARDATION FACILITIES			
5006(FAC)86-29	Razing of Dilapidated Buildings	1/29/04	*
5008(FAC)87-12	Accreditation/Certification	1/29/04	*
5010(FAC)00-1	State Facility Uniform Clinical and Operational Policies and Procedures	9/14/10	
#6000 (FIN) --- FINANCIAL MANAGEMENT			
6002(FIN)86-14	Services Availability and Ability of Client to Pay Philosophy (Expect to Initiate Review December 2010)	4/28/93	Spring 2011
6005(FIN)94-2	Retention of Unspent State Funds by Community Services Boards (Expect to Initiate Review December 2010)	7/27/94	Spring 2011
#7000 (FIN) --- INTERAGENCY RELATIONSHIPS			
7000(INTER)85-4	Department/University and College Relationships	4/22/04	*

Appendix B: 2010 Annual Regulatory Status Report (December 2010)

2010 ACTION TAKEN

VAC Number	Title	Purpose	Regulations 2011 Status		Regulation Action 2010 Summary
			Stage	Status	
12 VAC 35-105	<u>Licensing Regulations--Adult Service Providers</u> Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Disabilities Support Waiver, and Brain Injury Services	To update the regulatory definitions and requirements to reflect the Department's title revision to 37.2 and new name, changes in current practice, and changes in state and federal statutes and related regulations	<u>Final</u>	The final regulations are under review by the Governor's Office.	<ul style="list-style-type: none"> ➤ Published in the Virginia Register on February 1, 2010 ➤ Public Hearing occurred March 9, 2010 at 10 am at Henrico CSB offices ➤ Public comment period on proposed regulations closed 4/2/2010 ➤ The Board adopted regulations Sept 14, 2010
		To establish licensing fees for adult services	<u>NOIRA</u>	No regulatory action is pending	<ul style="list-style-type: none"> ➤ The comment period was completed 9/15/10. Three positive comments were received.
12 VAC 35-115	<u>Human Rights Regulations</u> Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services	To update the regulations to identify the notification rights for individuals receiving services in compliance with Chapter 111 of the 2009 Virginia Acts of Assembly	<u>Proposed</u>	Currently at the Governor's Office awaiting approval	<ul style="list-style-type: none"> ➤ <u>Amendment required per 2009 legislation.</u> ➤ Once released, the proposed changes will be the subject of a statewide public hearing ➤ Submitted for Executive Branch Review 10/09
		To respond to petitions for changes in the Human Rights regulation	<u>Rule Making</u>	The Board is accepting public comments on four pending petitions	The Board has received 24 rule-making petitions in 2010 and taken final action on 20 petitions. None of the 20 petitions necessitated further regulatory action.

2010 Periodic Review Schedule for Board Regulations

Code Section	Title	Last date revised	Periodic Review
12	Public Participation	10/15/2009	10/2013
46	Children's Residential Facilities	8/6/2009	8/2013
105	Licensing	In progress	
115	Human Rights	In progress	
180	Human Research	11/12/2009	11/2013
190	Voluntary Admissions to State Training Centers	8/19/2009	8/2013
200	Emergency and Respite Care Admissions to State Training Centers	9/16/2009	9/2013
210	Temporary Leave from State Facilities	7/25/2007	7/2011