



**Item 329.A.3. – Progress Report on the Plan for the  
Housing of Additional Individuals  
Committed for Treatment at the  
Virginia Center for Behavioral Rehabilitation**

**to the Governor and Members of the General Assembly**

**October 5, 2012**



# COMMONWEALTH of VIRGINIA

JAMES W. STEWART, III  
COMMISSIONER

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October 5, 2012

To: The Honorable Robert F. McDonnell, Governor  
And  
Members, Virginia General Assembly

Item 329.A.1-3. of the 2012 *Appropriation Act* requires the Department of Behavioral Health and Developmental Services (DBHDS) to submit a quarterly report on the plan to house additional individuals committed for treatment to the Virginia Center for Behavior Rehabilitation (VCBR). In Item C-76.15., the 2011 *Appropriation Act* also requires the Department of General Services, with the cooperation and support of the Department of Behavioral Health and Developmental Services and the Secretary of Health and Human Resources, to manage the project. This is the sixth quarterly report on the expansion of the occupancy at VCBR.

The next plan update will be submitted on January 1, 2013. Should you have questions in the interim regarding the progress of this project or the estimated timeline, please feel free to contact me at (804) 786-3921.

Sincerely,

A handwritten signature in blue ink that reads "James W. Stewart, III".

James W. Stewart, III  
Commissioner

CC: Hon. William A. Hazel Jr., MD  
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**Item 329.A.1-3. - Progress Report on the Plan for the Housing of  
Additional Individuals Committed for Treatment at the  
Virginia Center for Behavioral Rehabilitation**

**QUARTERLY UPDATE  
October 5, 2012**

**I. Executive Summary**

Item 329.A.1-3. of the 2012 *Appropriation Act* requires the Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) to submit a quarterly report on the plan to house additional individuals committed for treatment to the Virginia Center for Behavior Rehabilitation (VCBR). The language is outlined below:

*A.1. The Department of Behavioral Health and Developmental Services (DBHDS) shall implement a plan to accommodate additional sexually violent predators committed to the Virginia Center for Behavioral Rehabilitation (VCBR). Such plan may include double-bunking dormitory-style, repurposing existing space, or the addition of new housing units at the current VCBR site. The department shall not reopen a temporary facility for the housing, confinement and treatment of civilly committed sexually violent predators at the Southside Virginia Training Center in Dinwiddie County. Further, the department shall not undertake a capital project to expand or construct additional units or facilities at a new site for the housing, confinement and treatment of these individuals until a comprehensive review of the current program for the civil commitment of sexually violent predators is completed. The Department of Corrections shall assist DBHDS in developing the plan to accommodate additional capacity and shall provide risk assessment data of the affected population. The department may make necessary capital renovations to the facility in Nottoway County to accommodate the increased capacity in order to ensure resident safety.*

*2. In the event that services are not available in Virginia to address the specific needs of an individual committed for treatment at the VCBR or conditionally released, or additional capacity cannot be met at the VCBR, the Commissioner is authorized to seek such services from another state.*

*3. Beginning on July 1, 2011, the department shall provide quarterly reports to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the plan for the housing of additional individual committed for treatment.*

The 2011 *Appropriation Act* also required:

*C-76.15 Life Safety Code and Major Mechanical Repairs: In furtherance of the provisions of Item 329 pertaining to the Virginia Center for Behavioral Rehabilitation in Nottoway County, the Secretary of Finance is authorized to transfer an amount not to exceed \$7,000,000 of the appropriation of Virginia Public Building Authority bond funds for project 17596 to a new separate subproject to be used to address capital costs related to the increased capacity, including equipment, furnishings, and renovations. With the cooperation and support of the Department of Behavioral Health and Developmental Services and the Secretary of Health and Human Resources, the Department of General Services is authorized to manage such funds transferred by the Secretary of Finance.*

As noted in the last quarterly report submitted on July 1, 2012 (Report Document 158), the following tasks have been completed, including:

- All selected residential rooms have been converted to double-occupancy and 22 rooms currently hold two occupants, with more becoming double-occupancy each week.
- Food service expansion is underway at the facility. A Review of the Preliminary Design by the Bureau of Capital Outlay Management (BCOM) and cost estimation on converting the present kitchen from cook-chill to cafeteria service has been completed and approved. Details regarding the construction process, including contract award and project completion, are listed in the Revised Project Schedule on page 6.

**II. Census Factors**

Beginning in 2006, DBHDS has submitted an annual forecast of census growth at VCBR to the General Assembly as the *Sexually Violent Predator Referrals, Commitments, and Bed Utilization Forecast* report, most recently submitted as Report Document No. 378 (2011). The forecast predicts how many individuals will be:

- Found SVP during the forecast period;
- Civilly committed to VCBR;
- Placed on SVP conditional release directly from the DOC; and
- Conditionally released from the VCBR.

**2011 SVP Forecast.** The 2011 Forecast predicted that 73 individuals would be found SVP by the courts between July 1, 2011 and June 30, 2012. The last forecast estimated that 60 of these individuals would be committed to the VCBR. This would bring the total census at the facility to 335 by June 30, 2012.

SVP Forecast for FY12 to FY17						
	FY12	FY13	FY14	FY15	FY16	FY17
Projected VCBR Census	335	383	438	486	539	589
Projected Commitments to VCBR, by month	5.00	4.00	4.58	4.00	4.42	4.20

**Actual census at VCBR for FY2012:** The 2011-12 forecast predicted that a total of 335 individuals would be committed to the SVP program by 1 July 2012. The actual figures follow:

Current Census	
Actual in-house census at VCBR	292
Incarcerated outside VCBR	16
Hospitalized outside VCBR	1
TOTAL	309

**Conditional releases from the VCBR.** During FY2012, 28 individuals were released by the courts from the VCBR to the community on SVP conditional release.

Both full releases by the court and conditional releases contributed to keeping the total VCBR in-house census below 300 during this fiscal year. Incarcerations resulting from residents committing, and being charged and/or convicted, for new criminal offenses also contributed to the census level.

### **III. Plan for Accommodating Increases at the Facility**

The Department's goal for this project is to expand capacity at the current VCBR facility by 150 beds. In addition to expanding bed capacity, the plan includes relocating and expanding clinical capacity, and increasing food service capacity.

During the upcoming quarter, DBHDS will move forward with plans for expanding or repurposing existing space for clinical and other residential treatment and support services. Food service capacity will be reconfigured and expanded to accommodate the added census. While the kitchen is being remodeled to a cafeteria style environment, an interim food service plan, enacted during May 2012, is in operation.

Various changes throughout the facility will accommodate the need for additional food service capacity, program space, and staff offices. It will also afford the facility with expanded opportunity to employ residents in daily work assignments.

As noted in previous quarterly reports, in compliance with Item C-76.15, project management for double-bunking at VCBR is done by DGS. A Memorandum of Understanding (MOU) was executed between DBHDS and DGS, outlining the scope of services.

#### **Progress Update**

- **Double-Occupancy Rooms:** Conversion of 150 rooms from single to double-occupancy is complete. Since March 14, 2012, 22 rooms or 44 residents are double-bunked. As individuals are admitted to the program, they are double-bunked in accordance with the safety and programmatic criteria established for screening and assignment.
- **ADA Accessibility:** The installation of equipment and hardware for creating a full-access, special needs living unit is complete and operational. The Residential Service Associate (RSA) staff assigned to the special needs unit has completed additional special training on meeting special clinical and behavioral needs of this population.

#### **Remodeling or Repurposing Existing Spaces**

- **Food Service Modification:** As part of expanding resources to serve 150 additional residents, the food service operation is being converted from a cook-chill based system to a cook-serve cafeteria. During the renovation of the kitchen and area to serve as the cafeteria, meals are served from the space on each living unit, originally used as re-therm pantries. Since the first week of May, food is delivered to each individual on each unit

and is plated on a modified tray line within each pantry.

Resident workers are now participating in meal delivery. This will ultimately reduce the need to increase the number of paid FTE food service workers as was originally planned for the bed expansion.

As kitchen staff will now interact with residents, a new training and qualification process has been introduced. This training includes teaching staff how to use the Therapeutic Options for Virginia (TOVA) behavior management model, and other behavioral skill sets. All but the most recently hired food service personnel have completed this training.

The full project schedule developed by DGS and DBHDS is outlined in the chart below:

<b>Kitchen Remodel, New Cafeteria, Kitchen Warehouse Modification Revised Schedule</b>		
<b>Task</b>	<b>Target Date</b>	<b>Status</b>
DGS met with VCBR staff and conducted initial site visit VCBR provided the program requirements with prioritization DGS initiated Architectural / Engineering services for Schematic / Conceptual Design and Programming	May 23 - 27, 2011	Complete
DGS to receive budget breakdown draft CO-2 from DBHDS DGS to submit CO-2 to DPB	June 10 – 15, 2011	Complete
Funds become available	July 1, 2011	Complete
A&E Solicitation	July 1 – August 15, 2011	Complete
Develop plan for double bunking and project phasing	Aug 15- Sep 15, 2011	Complete
Schematic Design	Aug 15- Oct 15, 2011	Complete
BCOM Review	Oct 15 – Nov 15, 2011	Complete
Preliminary Design	Nov 15, 2011 - Jan 15, 2012	Complete
BCOM Design and Cost Review	Jan 15- Aug 6, 2012	Complete
DPB Funding Approval (Revised CO-2 Submission required by DPB)	Aug 6, 2012	
Construction Document	Aug 15 - Dec 15, 2012	
BCOM Review	Dec 15– Feb 15, 2013	
Bidding	Mar 15 , 2013	
Award and NTP	Mar - May 2013	
Construction Period	May 2013 – July 2014	

**V. Risk Assessment and Other Considerations:** Risk assessments are conducted of the environment as well as review of individual residents on a regular basis to minimize conflict between residents. Since double-bunking began, some behavior problems have occurred. These have been dealt with as appropriate.

**VI. PPEA to Consider Privatization:** DBHDS has been evaluating the two unsolicited proposals to consider privatizing operation of the VCBR facility and program. The evaluation phase was completed and a final decision is pending.