

**2011 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, 2012

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HEALTH AND DEVELOPMENTAL
SERVICES

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January 1, 2012


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 2011.

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,


Ruth G. Jarvis
Chair

Enc.

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

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Information about the Board can be found at this link: <http://www.dbhds.virginia.gov/adm-StateBoardDefault.htm>

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 four meetings in 2011 to effectively address policy, regulatory, and systems change issues, as follows:

April 27-28, Staunton

July 25-26, Richmond (includes Biennial Planning Retreat)

October 12-13, Lynchburg

December 5-6, Richmond

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:

Ruth G. Jarvis, Norfolk, Chair;

Gretta Doering, Winchester;

Andrew Goddard, Henrico;

Cheryl Ivey Green, Richmond, Vice Chair;

Joseph M. Guzman, Loudoun;

Daniel E. Karnes, Roanoke;

Jennifer M. Little, Mathews;

Bonnie Neighbour, Richmond; and

Ananda K. Pandurangi, Richmond.

The current Board membership is of individuals who have been appointed since June 2004, with the last appointment in July 2011.

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 2011 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 through the State Board Policy 2010 (ADM ST BD) 88-2 *Policy Development and Evaluation*. 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 2011 the Board reviewed and acted upon the following five policies:

- Revised: Policy 1028(SYS)90-1 *Human Resource Development*
- Rescinded: Policy 3002(CO)86-16 *System-wide Staff Training*
- Updated: 5010(FAC)00-1 *State Facility Uniform Clinical and Operational Policies and Procedures*
- Rescinded: Policy 6002 (FIN)86-14 *Services Availability and Ability of Client Pay Philosophy*
- Revised: Policy 6005 (FIN)94-2 *Retention of Unspent State Funds by Community Services Boards*

Five policies currently are under review:

- Policy 2011(ADM)88-3 *Naming of Buildings, Rooms and Other Areas at State Facilities*
- Policy 3000(CO)74-10 *Department Employee Appointments to Community Services Boards*
- Policy 5006(FAC)86-29 *Razing of Dilapidated Buildings*
- Policy 5008(FAC)87-12 *Accreditation/Certification*
- Policy 7000(INTER)85-4 *Department/University and College Relationships*

Policy actions planned for upcoming review are:

- The development of a new policy on the department's Employment First initiative, which is designed to help encourage an integrated employment option as a first choice among the choices of employment, day support, club house, and sheltered employment.

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

Section § 37.2-315 of the *Code of Virginia* directs the Department to produce and biennially update a comprehensive six year plan that identifies services and supports needs of individuals with mental health or substance use disorders or intellectual disability; proposes strategies to meet those needs; and defines resource requirements for behavioral health and developmental services. The Comprehensive State Plan is developed in odd-numbered years to inform the agency's biennial budget submission.

The Comprehensive State Plan 2012-2018 update focuses on the strategic initiatives for the Commonwealth's behavioral health and developmental services system in *Creating Opportunities: A Plan for Advancing Community – Focused Services in Virginia*, which the Board endorsed on June 25, 2010. In accordance with 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, Department staff sought input from and presented information to the Board's Planning and Budget Committee as the 2012-2018 plan update was developed.

On November 9, 2011, Board members and Department staff convened a video-conference public hearing at four sites to obtain comments on the draft Comprehensive State Plan 2012-2018. At its December 6, 2011 meeting, the Board reviewed summaries of comments received during the public comment period and proposed changes for incorporation in the final Plan. Following that meeting, the final Comprehensive State Plan 2012-2018 was published on the Department's website.

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

The Board Bylaws (*Article 7 – Committees, A.2.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, the Board's Grant Review Committee, exists specifically to review requests for federal grant funds. 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. In September 2011, the Board sent a letter to the Governor and Chairs of the General Assembly's House Appropriations and Senate Finance Committees expressing its endorsement of the priorities in the Department's *Creating Opportunities: A Plan for Advancing Community – Focused Services in Virginia*.

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 attend meetings in different localities, serve as liaisons to regions, and maintain and improve communication from the Department staff to the Board. The Board received information on its stated priorities. In order to address and fulfill its duties and responsibilities, it continued revision of current policies, and maintained 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 communicates notice and information about its meetings.

Within the Executive Branch of state government, Board members participated on the System Leadership Council and maintained contact with and informed their area respective legislators and local governments and across branches of state government.

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. At the Planning Retreat on July 25, 2011, the Board endorsed as its priorities for the biennium those priorities listed in the Department's *Creating Opportunities: A Plan for Advancing Community – Focused Services in Virginia*.

In September 2011, the Board sent a letter to the Governor and Chairs of the General Assembly's House Appropriations and Senate Finance Committees expressing its support of plan and priorities, and the hope that any corresponding funding or policy requests by the Department would be approved by the Governor and the legislature during the 2012 Session of the General Assembly to ensure the success of those projects. The Board further stated that of all the demands presented each year for state support, the needs of Virginia's citizens with behavioral health and developmental concerns and their families are particularly important.

Appendix A: List of Current State Board Policies (December 2011)

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	4/27/11	Revised
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	Now
#3000 (C O) --- CENTRAL OFFICE			
3000(CO)74-10	Department Employee Appointments to Community Services Boards	10/29/03	Now
3002(CO)86-16	System-wide Staff Training	4/22/04	Rescinded
#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	Now
5008(FAC)87-12	Accreditation/Certification	1/29/04	Now
5010(FAC)00-1	State Facility Uniform Clinical and Operational Policies and Procedures	9/14/10	Updated
#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	Rescinded
6005(FIN)94-2	Retention of Unspent State Funds by Community Services Boards (Expect to Initiate Review December 2010)	7/27/94	Revised April 2011
#7000 (FIN) --- INTERAGENCY RELATIONSHIPS			
7000(INTER)85-4	Department/University and College Relationships	4/22/04	Now

Appendix B: 2011 Annual Regulatory Status Report (December 2011)

2011 ACTION TAKEN

VAC Number	Title	Purpose	Regulations in Process		Actions Summary
			Stage	Status	
12 VAC 35-115	<u>LICENSING 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 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>	Effective date: 12/7/2011	Final regulations were published November 7, 2011
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>Final</u>	The final regulations are under review by the Governor's Office.	
		<i>To respond to petitions for changes in the Human Rights regulations</i>	<u>Rule Making</u>	There are no pending petitions	The Board made a final determination regarding four rule-making petitions received in 2010 and an additional seven petitions received in 2011. The Board's determination for all petitions was not to initiate further regulatory action.
		<i>To conduct a comprehensive review of current regulations to assess the need for regulatory change.</i>	<u>Periodic Review</u>		Public notice was published 11/21/11 The comment period ended 12/19/11 with no comments
12VAC 35-210	<u>Temporary Leave from State Facilities</u> Regulations to Govern Temporary Leave from State Mental Health and Mental Retardation Facilities	<i>To conduct a comprehensive review of current regulations to assess the need for regulatory change.</i>	<u>Periodic Review</u>		Public notice was published 11/21/11 The comment period ended 12/19/11 with no comments

Appendix B: 2011 Annual Regulatory Status Report (December 2011)

2011 ACTION TAKEN

Upcoming Periodic Review Schedule

Code Section	Title	Mandate	Last date revised	Periodic Review
12VAC 35-12	Public Participation	Code of Virginia §§ 2.2-4007.02 and 37.2-203 (APA)	10/15/2009	10/2013
12VAC 23-46	Children's Residential Facilities	Code of Virginia §§ 37.2-408 and 37.2-203	8/6/2009	8/2013
12 VAC 35-105	Licensing	Code of Virginia §§ 37.1-179.1 and 37.2-203	9/14/2010	9/2014
12VAC 35-180	Human Research	Code of Virginia §§ 37.2-402 and 37.2-203	11/12/2009	11/2013
12VAC 35-190	Voluntary Admissions to State Training Centers	Code of Virginia §§ 37.2-806 and 37.2-203	4/2009	4/2013
12VAC 35-200	Emergency and Respite Care Admissions to State Training Centers	Code of Virginia §§ 37.2-807 and 37.2-203	6/2009	6/2013

Appendix C: 2012 Meeting Schedule

State Board of Behavioral Health and Developmental Services 2012 MEETING SCHEDULE

Adopted on July 26, 2011

<u>DATE</u>	<u>Location</u>
Thursday, April 19	Catawba Hospital Salem
Tuesday, July 17	Northern Virginia Training Center Fairfax
Thursday, October 11	Southeastern Virginia Training Center Chesapeake
Tuesday, December 4	DBHDS Central Office Richmond

The afternoon/evening prior to the regular meeting, Board members arrive and participate in other events such as tours of local programs. Meeting details can be found at: <http://www.dbhds.virginia.gov/adm-StateBoardDefault.htm#meet>

Appendix D: Creating Opportunities Implementation Plan: Identifying the Priorities and Actions Needed, July 25, 2011