



COMMONWEALTH of VIRGINIA

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COMMISSIONER

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April 5, 2013

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

Item 329 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 required 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 report on the expansion of the occupancy at VCBR covers the third quarter of FY2013.

The next plan update will be submitted on July 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 black 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.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

April 5, 2013

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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
April 1, 2013**

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 January 1, 2013 (Report Document 72), the following tasks have been completed, including:

- All selected residential rooms have been converted to double-occupancy and 32 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, the Secretary of Health and Human Resources, in consultation with the Secretary of Public Safety, 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. 287 (2012). 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.

2012 SVP Forecast. The 2012 Forecast predicts that 63 individuals will be found SVP by the courts between July 1, 2012 and June 30, 2013. During this same period, the forecast predicts that 28 individuals will be released from the VCBR to community conditional release and 10 individuals on conditional release will have that condition revoked, thus returning to the VCBR. The forecast estimated that this would bring the total census at the facility to 337 by June 30, 2013.

SVP Forecast for FY13 to FY18 (Report Document 287, 2012: Sexually Violent Predator Referrals, Commitments, and Bed Utilization Forecast for FY2013 - FY2018)						
	FY13	FY14	FY15	FY16	FY17	FY18
Projected NET Census Forecast for VCBR on ¹	339	386	434	481	528	575
Average Monthly Net Admissions (Adjusted for Releases)	3.75	3.92	4.00	3.92	3.92	3.92

Actual census at VCBR for FY2013: The current census breakdown at the VCBR as of October 31, 2012, is as follows:

¹ The term, “Net Admissions” refers to the size or rate of census growth after subtracting discharges to conditional or unconditional release, and adding admissions due to conditional release revocations to the total number committed by the court to VCBR. The net figure more accurately reflects the rate of census growth at VCBR.

Current Census (as of March 1 2013)	
Actual in-house census at VCBR	305
Incarcerated outside VCBR	20
Hospitalized outside VCBR	1
TOTAL	326

Conditional releases from the VCBR. During FY2012, 28 individuals were released by the courts from the VCBR to the community on SVP conditional release. It is anticipated that a similar number will be released this fiscal year.

Both full releases by the court and conditional releases contributed to the total VCBR in-house census during this fiscal year. Incarcerations resulting from residents being convicted of 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 to serve the larger population.

Construction plans for this project were prepared during this quarter. Feedback from BCOM was received and revised plans returned for final review and approval. Meanwhile, the interim food service plan is in full operation.

As part of the interim plan, various changes have been made throughout the facility to accommodate the need for additional food service capacity, program space, and staff offices. These changes afford the facility with the 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 modifications or construction 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. As individuals are admitted to the program, they are double-bunked in accordance with the safety and programmatic criteria established for screening and assignment. As of February 11, 2013, 32 rooms or 64 residents are double-bunked.
- **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:** The original kitchen at the VCBR was designed to serve 300 residents, but is currently serving 362. 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 serving area, meals are served from the space on each living unit, originally used as re-therm pantries. Since the first week of May 2012, food is delivered to 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 of February 11, 2013, there are 124 resident employment opportunities, with 101 filled positions

As kitchen staff are now interacting 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.

- **Clinical, Educational, and Vocational Services:** Proposed plans call for four new group/classroom areas, converted from two existing offices. In preparation for demolition/construction, a master moving plan has been created and temporary relocation assignments plan has been made. This plan will be modified as construction begins and modifications to different areas are completed.

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

Modification Revised Schedule		
Task	Target Date	Status
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) Construction Document	Aug 6, 2012 Aug 15 – Dec 15, 2012	Complete
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 of the VCBR environment are conducted on a regular basis as well as review of individual residents to minimize conflict between residents or between residents and staff. Since double-bunking began, some behavior problems have occurred. These have been dealt with as appropriate.

VI. PPEA to Consider Privatization: DBHDS evaluated two unsolicited proposals to consider the financial and programmatic efficacy of privatizing the operation of the VCBR facility and program. The evaluation phase was completed and a decision was made to not privatize VCBR at this time.