

**2017 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, 2018**

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*COMMONWEALTH of VIRGINIA*  
DEPARTMENT OF  
*BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES*  
Post Office Box 1797

Richmond, Virginia 23218-1797

January 1, 2018

The Honorable Terry R. McAuliffe  
Governor of Virginia  
Patrick Henry Building  
P.O. Box 1475  
Richmond, Virginia 23218

Dear Governor McAuliffe:

I am writing on behalf of the State Board of Behavioral Health and Developmental Services. The purpose of this letter is to provide a copy of the Annual Executive Summary submitted to the Governor and the General Assembly in accordance with subsection E of § 37.2-200 of the *Code of Virginia*.

The membership of the Board includes individuals who have received behavioral health or developmental disability services, family members of people with disabilities, a local elected official, a psychiatrist and citizens at large. We feel it is important to make the case that, of all the demands presented each year for state support, the needs of Virginians with mental health or substance use disorders or intellectual or developmental disabilities and their families are particularly important and deserving of increased resources.

In 2017, the Board held its meetings at the Department of Behavioral Health and Developmental Services (DBHDS) Central Office in Richmond, along with Winchester and Williamsburg. During these meetings, the Board heard reports from DBHDS Interim Commissioner Dr. Jack Barber and presentations on the System Transformation, Excellence and Performance (STEP-VA) model to transform Virginia's mental health services, mental health services in jails, Service Quality Process Management (SPQM), alternative transportation, hospital census and the extraordinary barriers list, workforce development, and recovery services. Members also heard from partner and stakeholder groups such as Mental Health America Virginia, NAMI-Virginia, and the Virginia Association of Community Services Boards. The Board would like to thank Interim Commissioner Barber, DBHDS staff, the legislature, and your administration for your hard work to transform our system into one that provides access to quality services to all Virginians with behavioral health disorders and developmental services.

The Board's priorities for 2018 are:

1. Additional funding to allow the remaining 22 CSBs to begin providing Same Day Access as required in 2017 legislative action.
2. As many additional Developmental Disabilities Waivers as possible be included in the next budget to work to eliminate the large waiting list.

3. Capital funding for much needed maintenance and improvement for state facilities in the Commonwealth.
4. More funding be allocated to community support services, housing, and employment for individuals being discharged from state hospitals, and for services that would prevent crisis and the need for hospitalization.

The Board urges that behavioral health and developmental services priorities remain in the forefront of all those issues before the legislature in 2018. If there are helpful ways we might highlight the need for these services, we are eager to support such efforts.

Sincerely,



Paula Mitchell  
Chair

Cc: The Honorable Thomas K. Norment  
The Honorable William J. Howell  
The Honorable William A. Hazel Jr., MD  
Members, State Board of Behavioral Health and Developmental Services  
Joe Flores  
Jack Barber, M.D, Interim Commissioner, DBHDS

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Information about the Board can be found at this link:

<http://www.dbhds.virginia.gov/about-dbhds/Boards-Councils/state-board-of-BHDS>

## 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 and 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 held four meetings in 2017 to effectively address policy, regulatory, and systems change issues as follows:

- April 5, Winchester
- July 11-12, Richmond
- October 3-4, Williamsburg
- December 4-5, Richmond

Board membership consists of nine non-legislative citizen members. The Board is required to have individuals receiving services 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:

- Paula N. Mitchell, Roanoke, Chair;
- The Hon. Amelia Ross-Hammond, Virginia Beach, Vice-Chair;
- Jack Bruggeman, Vienna;
- Elizabeth Hilscher, Richmond;
- Calendria Jones, Richmond;
- Moira Mazzi, Alexandria;
- Dr. James S. Reinhard, Blacksburg;
- Jennifer Spangler, Midlothian; and
- Sandra Price-Stroble, Harrisonburg.

The current Board membership consists of individuals who have been appointed as early as 2012, with the most recent appointment made in 2017.

## **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 the 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, developmental, 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, developmental, and substance abuse services;
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 individuals receiving services 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. The Board may appoint other advisory councils or committees, as it deems necessary or appropriate.

**2017 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/about-dbhds/boards-and-councils/stateboardofbhds>). See the list of current State Board policies with the last review date attached as Appendix A.

In 2017, the Policy and Evaluation Committee reviewed the following policies:

2012 (ADM ST BD) 10-1	Policy Review and Comment on BHDS Budget Priorities (6001(FIN)86-1)
4018(CSB)86-9	Community Services Board Performance Contracts
4023(CSB)86-24	Housing Supports
4037(CSB)91-2	Early Intervention Services for Infants and Toddlers with Disabilities and Their Families
4038(CSB)94-1	Department and CSB Roles in Providing Services to Children Under the Comprehensive Services Act for At-Risk Youth and Families
5006(FAC)86-29	Razing of Dilapidated Buildings
5008(FAC)87-12	Accreditation/Certification
5010(FAC)00-1	State Facility Uniform Clinical and Operational Policies and Procedures

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

The Department produces and biennially updates a comprehensive six year plan that identifies services and supports needs of individuals with mental health or substance use disorders or developmental disabilities; proposes strategies to meet those needs; and defines resource requirements for behavioral health and developmental services. The Department completed the comprehensive six year plan on

December 1, 2016 which included a six-year implementation plan for recommendations made by the four DBHDS Transformation Teams. The Board Planning and Budget Committee reviewed the plan at its November 30, 2016 meeting and planned to follow the plan's implementation. The Board has received several updates on this plan in 2017 through the Commissioner's Updates on items such as STEP-VA.

**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 Review Committee shall ensure development of long-range plans and budgets. In addition, the Board's Grant Review Committee exists specifically to review requests for federal grant funds. The Board heard from agency staff and Interim Commissioner Barber about agency budget submissions at its December meeting. The Board's priorities are included in the cover letter to this report.

**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 full Board. Within the DBHDS system, members of the Board attend meetings in different localities and serve as liaisons to regions. In order to address and fulfill its duties and responsibilities, the Board continued revision of current policies, and maintained internal mechanisms to ensure appropriate levels of engagement and information were in place for all areas of Board responsibility.

Board members maintained contact with and informed their area's respective legislators and local government officials of pressing issues and concerns. New assignments of liaison areas were reviewed as new board members were appointed. The Board also appointed membership to the State Human Rights Committee (SHRC).

**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.



**Appendix A: List of Current State Board Policies (November 2017)**

**Six Year Review Schedule**

<u>Policy Number</u>	<u>Policy Name</u>	<u>Last Review Date</u>	<u>Next Scheduled Review Due</u>
<b>#1000 (SYS) --- SYSTEM MISSION AND DIRECTION</b>			
1004(SYS)83-7	Prevention Services	7/23/14	July 2020
1007(SYS)86-2	Behavioral Health and Developmental Services for Children and Adolescents and Their Families	4/5/2017	Spring 2023
1008(SYS)86-3	Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders	7/23/2013	Summer 2019
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	July 2020
1015(SYS)86-22	Services for Individuals with Co-occurring Disorders	10/7/16	Fall 2022
1016(SYS)86-23	Policy Goal of the Commonwealth for a Comprehensive, Community-Based System of Services	12/4/12	Fall 2018
1021(SYS)87-9	Core Services	10/7/16	Fall 2022
1023(SYS)89-1	Workforce Cultural and Linguistic Competency	6/3/08	July 2020
1028(SYS)90-1	Human Resource Development	4/27/11	Spring 2017
1030(SYS)90-3	Consistent Collection and Utilization of Data in State Facilities and Community Services Boards	4/9/2013	Spring 2019
1034(SYS)05-1	Partnership Agreement	12/4/12	Fall 2018
1035(SYS)05-2	Single Point of Entry and Case Management Services	7/23/13	Summer 2019
1036(SYS)05-3	Vision Statement	12/1/16	Fall 2022
1038(SYS)06-1	The Safety Net of Public Services	12/6/13	Fall 2019
1039(SYS)06-2	Availability of Minimum Core Services	7/23/2013	Summer 2019
1040(SYS)06-3	Consumer and Family Member Involvement and Participation	7/23/2013	Summer 2019
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	12/6/13	Fall 2019
1042(SYS)07-1	Primary Health Care	12/6/13	Fall 2019
1043(SYS)08-1	Disaster Preparedness	7/23/14	July 2020
1044(SYS)12-1	Employment First	12/4/12	Fall 2018

*Table continued next page....*

<b>#2000 (ADM ST BD) --- ADMINISTRATION</b>			
2012 (ADM ST BD) 10-1	Policy Review and Comment on BHDS Budget Priorities (6001(FIN)86-1)	9/14/10	UNDERWAY
2011(ADM)88-3	Naming of Buildings, Rooms and Other Areas at State Facilities	12/6/11	Fall 2017
<b>#3000 (C O) --- CENTRAL OFFICE</b>			
3000(CO)74-10	Department Employee Appointments to Community Services Boards	12/6/11	Fall 2017
<b>#4000 (CSB) --- COMMUNITY SERVICES BOARDS/COMMUNITY PROGRAMS</b>			
4010(CSB)83-6	Local Match Requirements for Community Services Boards	10/7/16	Fall 2022
4018(CSB)86-9	Community Services Board Performance Contracts	10/7/08	UNDERWAY
4023(CSB)86-24	Housing Supports	9/14/10	UNDERWAY
4037(CSB)91-2	Early Intervention Services for Infants and Toddlers with Disabilities and Their Families	12/8/09	Rescinded
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	UNDERWAY
<b>#5000 (FAC) --- STATE MENTAL HEALTH AND MENTAL RETARDATION FACILITIES</b>			
5006(FAC)86-29	Razing of Dilapidated Buildings	12/6/11	UNDERWAY
5008(FAC)87-12	Accreditation/Certification	12/6/11	UNDERWAY
5010(FAC)00-1	State Facility Uniform Clinical and Operational Policies and Procedures	9/14/10	UNDERWAY
<b>#6000 (FIN) --- FINANCIAL MANAGEMENT</b>			
6005(FIN)94-2	Retention of Unspent State Funds by Community Services Boards	7/26/11	Summer 2017

Appendix B: 2016 Annual Regulatory Status Report (November 2017)

**REGULATORY ACTIVITY: 2017 ACTION TAKEN**

<b>Board STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES</b>				
<b>VAC CITATION</b>	<b>CHAPTER TITLE (FULL TITLE)</b>	<b>REGULATIONS IN PROCESS</b>		
		<b>PURPOSE</b>	<b>STAGE</b>	<b>STATUS</b>
<u>12 VAC 35-12</u>	<b>Public Participation Guidelines</b>	To facilitate public involvement in the regulatory process.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> <li>• <i>Fast Track</i></li> </ul>	<ul style="list-style-type: none"> <li>• As result of periodic review, fast track regulation submitted to OAG on October 5 for certification.</li> </ul>
<u>12 VAC 35-46</u>	<b>Regulations for Children's Residential Facilities</b>	To articulate requirements to assure the health, safety, care, and treatment for children who receive services from providers licensed by DBHDS.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Initiated December 25.</li> </ul>
<u>12 VAC 35-105</u> Section 925 B.	<b>Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services</b>	To update the existing regulation to reflect changes to state law. By deleting all language in Section 925 B., the remaining language would simply cross-reference to § 37.2-406.	<ul style="list-style-type: none"> <li>• <i>Fast Track</i></li> </ul>	<ul style="list-style-type: none"> <li>• Became effective October 6.</li> </ul>
<u>12 VAC 35-105</u> Certain sections.	<i>same</i>	In accordance with Chapter 136 of the 2017 General Assembly to add OTs, OTAs, and editing definitions of QMHP, QMRP, Paraprofessionals.	<ul style="list-style-type: none"> <li>• <i>Emergency/NOIRA</i></li> </ul>	<ul style="list-style-type: none"> <li>• Emergency regulation submitted to Governor's Office on November 10.</li> </ul>
<u>12 VAC 35-105</u> All sections.	<i>same</i>	To provide specific standards for licensing of organizations and facilities that provide behavioral health and developmental disability services.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Initiated October 5.</li> </ul>
<u>12 VAC 35-115</u> Sections 30 and 105.	<b>Human Rights</b> (Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services)	To update the existing regulation by adding LBAs to the definition of 'Licensed Professional' in relation to 12 VAC35-115-105 (B and C) only.	<ul style="list-style-type: none"> <li>• <i>Fast-Track</i></li> </ul>	<ul style="list-style-type: none"> <li>• Fast track regulation submitted to OAG on November 1 for certification.</li> </ul>

<u>12 VAC 35-180</u>	<b>Regulations to Assure the Protection of Participants in Human Research</b>	To define policy and review requirements to protect individuals with mental illness, mental retardation, and substance abuse or dependence problems who are participants in human research performed by facilities or programs operated, funded, or licensed by the department.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Initiated October 5.</li> </ul>
<u>12 VAC 35-190</u>	<b>Regulations Establishing Procedures for Voluntarily Admitting Persons Who Are Mentally Retarded to State Mental Retardation Facilities</b>	To clearly articulate requirements and actions required to admit a person to a training center; define due process protections afforded to persons who are being admitted and to their families.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Draft in development following periodic review; expect future action.</li> </ul>
<u>12 VAC 35-200</u>	<b>Regulations for Respite and Emergency Care Admission to Mental Retardation Facilities</b>	To clearly articulate requirements required to access emergency services and respite care in a training center.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Draft in development following periodic review; expect future action.</li> </ul>
<u>12 VAC 35-210</u>	<b>Regulations to Govern Temporary Leave from State Mental Health and Mental Retardation Facilities</b>	To establish the general process and requirements related to temporary leave from state facilities, including the conditions for granting leave.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Draft in development following periodic review; expect future action.</li> </ul>
<u>12 VAC 35-230</u>	<b>Operation of the Individual and Family Support Program</b>	To assist individuals with developmental disabilities (DD) who are on a waiting list for waiver services and their family members access needed person-centered and family-centered resources, supports, services and other assistance as approved by the department.	<ul style="list-style-type: none"> <li>• <i>Periodic Review</i></li> </ul>	<ul style="list-style-type: none"> <li>• Initiated December 25.</li> </ul>
<u>12VAC35-250</u>	<b>Peer Recovery Specialist Certification</b>	To establish certification requirements for peer recovery specialists (Item 311.B. of the <i>2016 Appropriation Act</i> ).	<ul style="list-style-type: none"> <li>• <i>Emergency/NOIRA</i></li> <li>• <i>Proposed</i></li> </ul>	<ul style="list-style-type: none"> <li>• Effective on May 12.</li> <li>• Proposed draft submitted to the Governor on November 10.</li> </ul>

\*Shows the last time the Periodic Review feature on Town Hall was used for this regulation. A comprehensive periodic review may also have been included during other standard regulatory actions.

**Appendix C: 2018 Meeting Schedule**

**State Board of Behavioral Health and Developmental Services**

**2018 MEETING SCHEDULE**

April 2018

July 2018

October 2018

December 2018