

**2020 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, 2021**

STATE BOARD OF  
BEHAVIORAL HEALTH AND  
DEVELOPMENTAL SERVICES

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January 1, 2021

To the Honorable Ralph R. Northam, Governor of Virginia  
and  
Members, General Assembly of Virginia,

I am writing on behalf of the State Board of Behavioral Health and Developmental Services to provide the Annual Executive Summary submitted in accordance with subsection E of § 37.2-200 of the *Code of Virginia*. The report describes the statutory basis for the Board, provides information concerning the activity of the Board during the preceding year and outlines the Board's policy priorities for the coming year.

In 2020, quarterly meetings originally planned for Nottoway, Richmond, and Marion, were held virtually in accordance with Item 4-0.01 g. of Chapter 1283 of the 2020 Acts of Assembly, Article 5 the Bylaws of the State Board, and the Virginia Freedom of Information Act (FOIA). One meeting in Richmond was both in person and virtual. During these meetings, the Board heard reports from DBHDS Commissioner Alison Land and presentations on:

- Major initiatives such as the System Transformation, Excellence and Performance (STEP-VA) model to transform Virginia's mental health services, the US Department of Justice Settlement Agreement, jail and forensic matters including Crisis Intervention Training (CIT), and the State Opioid Response (SOR) Grant and the State Targeted Response (STR) Grant;
- The state human rights system;
- Community services boards (CSBs) particularly the impact of the pandemic on services as reported by the Virginia Association of CSBs; and
- Southwestern Virginia Mental Health Institute.

At its July 2019 biennial planning retreat and regular meeting, the members of the Board endorsed as its own priorities for the biennium the key initiatives and implementation plans developed through that recent planning process. In particular, the members are interested in support for:

1. Utilization of Crisis Intervention Treatment and Assessment Centers (CITACs) for detoxification and 23 hour crisis stabilization to assist in alleviating the current capacity pressures on state hospitals.

2. Continued work toward elimination of the Priority 1 Waitlist, but also strongly consider refresh of waiver rates (with regional variation addressed) to address increasing pressures to recruit and retain qualified professionals to provide waiver services.
3. Elimination of the gap uninsured Virginians experience, even after Medicaid expansion, and continued focus on the need for resources like STEP-VA to support the un- and under-insured.

Of course, the impact of the pandemic on state resources has created an additional challenge to meet all of the Commonwealth's needs. However the Board continues to hope that behavioral health and developmental services priorities remain in the forefront of all issues brought before the 2021 Session of the General Assembly.

Sincerely,

Elizabeth Hilscher, Chair

Cc: Members, State Board of Behavioral Health and Developmental Services  
The Honorable Richard L. Saslaw  
The Honorable Eileen R. Filler-Corn  
The Honorable Daniel Carey, M.D.  
Vanessa Walker Harris, M.D. Alison G. Land, FACHE  
Heidi R. Dix  
Ruth Anne Walker

## TABLE OF CONTENTS

<b><i>Introduction</i></b>	<b>5</b>
<i>Board Membership</i>	5
<i>Review of Statutory Authority</i>	6
<b><i>FY 2020 Accomplishments</i></b>	<b>7</b>
<i>Area of Responsibility-A: Policy Development and Monitoring</i>	7
<i>Area of Responsibility-B: Ensure the Development of Programs and Plans</i>	8
<i>Area of Responsibility-C: Review and Comment on All Budgets and Requests</i>	8
<i>Area of Responsibility-D: Adopt Regulations</i>	8
<i>Area of Responsibility-E: Communication, Coordination &amp; Collaboration</i>	8
<b><i>Summary and Next Steps</i></b>	<b>9</b>
<b><i>Appendices</i></b>	<b>10</b>
<i>Appendix A: List of Current State Board Policies</i>	10
<i>Appendix B: 2020 Annual Regulatory Status Report</i>	12
<i>Appendix C: 2021 Meeting Schedule</i>	14

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 as defined in § 2.2-2100. 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 remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. No person shall serve more than a total of 12 years.

Quarterly meetings to effectively address policy, regulatory, and systems change issues were originally planned for Nottoway, Richmond, and Marion. Due to the pandemic, all meetings were held virtually in accordance with Item 4-0.01 g. of Chapter 1283 of the 2020 Acts of Assembly. One meeting in Richmond was both in person and virtual. The dates of the four meetings in 2020 as follows:

- April 2.
- July 15, Richmond City.
- October 14.
- December 2.

Board membership consists of nine non-legislative citizen members. The Board is required to have individuals receiving services and family members, one local elected 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:

- Elizabeth Hilscher, Richmond City, Chair;
- Rebecca Graser, Richmond County Vice-Chair;
- The Hon. E. Paige Cash, Pulaski;
- Varun Choudhary, MD, MA, DFAPA, Henrico;
- Jerome Hughes, Prince William;
- Kendall Lee, PhD, Lunenburg;
- Moira Mazzi, Fairfax County;
- Christopher Olivo, York; and
- Sandra Price-Stroble, Harrisonburg.

Members who rotated off in 2020:

- Paula Mitchell, Roanoke City.

Members who resigned in 2020:

- Jack Bruggeman, Fairfax County.
- The Hon. Djuna Osborne, Roanoke City.

The current Board membership consists of individuals who have been appointed as early as 2014, with the most recent appointment made in October 2020. It is noteworthy that the Board has experienced a historic number of membership changes recently. The current membership of the Board is made up of four out of five members who were appointed in less than 18 months, and three in 2020.

### **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;
9. To change the names of state facilities; and
10. To adopt regulations that establish the qualifications, education, and experience for registration of peer recovery specialists by the Board of Counseling.

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.

**2020 ACCOMPLISHMENTS**

The work of the committees was delayed due to the initial state of emergency that required only emergency meetings, and both board membership changes and officer changes that prompted required shifts in committee memberships.

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-Councils/state-board-of-BHDS/bhds-policies>). See the list of current State Board policies with the last review date attached as Appendix A.

In 2020, the Board approved the following revised policies:

- Policy 1028 (SYS) 90-1 Human Resource Development
- POLICY 1016 (SYS) 86-23 Policy Goal of the Commonwealth for a Comprehensive, Community-Based System of Services

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

In accordance with § 37.2-315 of the *Code of Virginia*, the department is required to produce and biennially update a comprehensive six year plan that identifies services and supports needs of individuals with mental illness, developmental disabilities, or substance use disorders; proposes strategies to meet those needs; and defines resource requirements for behavioral health and developmental services. As specified in the Powers and Duties, the Board plays a role in the review of the Comprehensive State Plan. However, by necessity in 2020, the department focused strategic planning efforts on addressing: i) the pandemic to ensure continuity of services across the system; ii) the bed census at state facilities; and iii) meeting the requirements of the Settlement Agreement. The department is currently involved in developing an interim plan to carry through the pandemic, in advance of a revised long term strategic plan. State Board members received regular updates on the actions to address these three time-sensitive priorities. In October, the Planning and Budget Committee received further detail on the financial impact of addressing these planning priorities, and the Commissioner presented details at every Board meeting.

**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. The Board heard from agency staff and Commissioner Land about agency budget submissions and ongoing status reports for the 2020 Regular and Special Sessions and the 2021 Regular Session of the Virginia General Assembly.

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

These duties are addressed by the full Board. The April meeting was conducted as an emergency meeting during a declared state of emergency for the sole purpose of adopting final amendments to the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services [12VAC35-105] (the “Licensing Regulations”) to help ensure compliance with the US Department of Justice’s Settlement Agreement with Virginia. 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. The Board received information on its stated priorities. 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.

New assignments of liaison areas were reviewed and confirmed at the October meeting after all new board members were appointed.

The Board also appointed two members to the State Human Rights Committee (SHRC).

## **SUMMARY AND NEXT STEPS**

The Board will continue to work with staff and other interested individuals to review and act on regulatory proposals, and identify relevant issues that it should address on policy in conjunction with ongoing review of all existing policies on a scheduled basis.

**APPENDIX A: LIST OF CURRENT STATE BOARD POLICIES (NOVEMBER 2020)**

**Six Year Policy Review Schedule**

<b>Policy Number</b>	<b>Policy Name</b>	<b>Last Review Date</b>	<b>Next Scheduled Review Date</b>
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	Apr-07	Jul-20
1023(SYS)89-1	Workforce Cultural and Linguistic Competency	Jun-08	Jul-20
1016(SYS)86-23	Policy Goal of the Commonwealth for a Comprehensive, Community-Based System of Services	Dec-12	Dec-18
1034(SYS)05-1	Partnership Agreement	Dec-12	Sep-18
1044(SYS)12-1	Employment First	Dec-12	Sep-19
1030(SYS)90-3	Consistent Collection and Utilization of Data in State Facilities and Community Services Boards	Apr-13	Apr-19
1035(SYS)05-2	Single Point of Entry and Case Management Services	Jul-13	Jun-19
1039(SYS)06-2	Availability of Minimum Core Services	Jul-13	Jun-19
1008(SYS)86-3	Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders	Jul-13	Jun-19
1040(SYS)06-3	Consumer and Family Member Involvement and Participation	Jul-13	Jun-19
1038(SYS)06-1	The Safety Net of Public Services	Dec-13	Sep-19
1042(SYS)07-1	Primary Health Care	Dec-13	Dec-19
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	Dec-13	Sep-19
1043(SYS)08-1	Disaster Preparedness	Jul-14	Jun-20
1004(SYS)83-7	Prevention Services	Jul-14	Jul-20
1021(SYS)87-9	Core Services	Oct-16	Sep-22
1015(SYS)86-22	Services for Individuals with Co-occurring Disorders	Oct-16	Sep-22
1036(SYS)05-3	Vision Statement	Dec-16	Sep-22
1007(SYS)86-2	Behavioral Health and Developmental Services for Children and Adolescents and Their Families	Apr-17	Apr-23
1028(SYS)90-1	Human Resource Development	Oct-20	Oct-26
2010(ADM)88-2	Policy Development and Education	Apr-06	Apr-12
2011(ADM)88-3	Naming of Buildings, Rooms and Other Areas at State Facilities	Dec-11	Dec-17

2010 (ADM ST BD) 10-1	Review and Comment on BHDS Budget Priorities (6001(FIN)86-1)	Apr-18	Apr-24
3000(CO)74-10	Department Employee Appointments to Community Services Boards	Dec-11	Dec-17
4038(CSB)94-1	Department and CSB Roles in Providing Services to Children Under the Comprehensive Services Act for At-Risk Youth and Families	Dec-09	Sep-23
4010(CSB)83-6	Local Match Requirements for Community Services Boards	Oct-16	Sep-22
4023(CSB)86-24	Housing Supports	Jul-17	Jun-23
4018(CSB)86-9	Community Services Board Performance Contracts	Oct-20	Oct-26
5006(FAC)86-29	Razing of Dilapidated Buildings	Apr-18	Apr-24
5008(FAC)87-12	Accreditation/Certification	Apr-18	Apr-24
5010(FAC)00-1	State Facility Uniform Clinical and Operational Policies and Procedures	Apr-18	Apr-24
6005(FIN)94-2	Retention of Unspent State Funds by Community Services Boards	Jul-19	Jun-25

**APPENDIX B: 2020 ANNUAL REGULATORY STATUS REPORT (NOVEMBER 2020)**

**REGULATORY ACTIVITY: 2020 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>
12 VAC 35-46 Certain sections <i>and NEW</i> Sections 1150-1250.	<b>Regulations for Children's Residential Facilities</b>	In accordance with Item 318.B. of the 2020 Appropriation Act to align with the American Society of Addiction Medicine (ASAM) Levels of Care Criteria or an equivalent set of criteria to ensure the provision of outcome-oriented and strengths-based care in the treatment of addiction.	<ul style="list-style-type: none"> <li>• <b>Emergency/NOIRA</b></li> </ul>	<ul style="list-style-type: none"> <li>• This action was filed on July 17, 2020, and received by the Secretary of Health and Human Resources on September 10, 2020.</li> </ul>
<u>12 VAC 35-105</u> Certain sections.	<b>Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services</b>	Compliance with Virginia's Settlement Agreement with US DOJ	<ul style="list-style-type: none"> <li>• <b>Emergency/NOIRA</b></li> <li>• <b>Standard</b></li> </ul>	<ul style="list-style-type: none"> <li>• An extension was granted to August 28, 2020.</li> <li>• The standard action proposed stage public comment closed January 10, 2020. The final stage was approved on April 2, 2020, and became effective August 1, 2020.</li> </ul>
<u>12 VAC 35-105</u> All sections.	<i>same</i>	<i>To provide specific standards for licensing of organizations and facilities that provide behavioral health and developmental disability services.</i>	<b>Draft</b>	<ul style="list-style-type: none"> <li>• <i>As a response to periodic review (closed December 15, 2017), a draft of a new general chapter was revised per stakeholder feedback and the first of several supporting chapters is in final development..</i></li> </ul>
<u>12 VAC 35-105</u> Certain sections.	<i>same</i>	Allowing a grace period for documentation of ISPs	<ul style="list-style-type: none"> <li>• <b>Standard</b></li> </ul>	<ul style="list-style-type: none"> <li>• The proposed stage public comment period closed on March 3, 2020. The final stage was filed July 16, 2020, and was received by the Governor's Office on October 27, 2020.</li> </ul>
<u>12 VAC 35-105</u> <b>NEW</b> Section 435.	<i>same</i>	In accordance with Chapter 776 of the 2019 General Assembly, to require a provider statement to any other provider when a criminal history background check is required.	<ul style="list-style-type: none"> <li>• <b>Fast Track</b></li> </ul>	<ul style="list-style-type: none"> <li>• This action was filed on July 25, 2019, and became effective on October 30, 2020.</li> </ul>

<u>12 VAC 35-105</u> Certain sections <b>and NEW</b> <b>Sections 1420-1860.</b>	<i>same</i>	In accordance with Item 318 (and DMAS in Item 313) of the 2020 Appropriation Act, to align with the ASAM or an equivalent set of criteria.	• <b>Emergency/NOIRA</b>	• This action was filed on July 17, 2020, and received by the Governor's Office on October 27, 2020.
<u>12 VAC 35-105</u> Certain sections.	<i>same</i>	In accordance with Item 318 (and DMAS in Item 313) of the 2020 Appropriation Act, to align with enhanced behavioral health services.	• <b>Emergency/NOIRA</b>	• This action was filed on July 17, 2020, and received by the Secretary of Health and Human Resources on September 10, 2020.
<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.	• <b>Fast Track</b>	• This action was filed for Executive Branch review on October 10, 2018, was approved by the Governor's Office on December 17, 2019, and became effective on March 15, 2020.
<u>12 VAC 35-225</u>	<b>Requirements for Virginia's Early Intervention System</b>	To update the requirements for Virginia's early intervention services system that are designed to protect the health, safety, and welfare of children with disabilities from birth through the age of two and their families to ensure access to appropriate early intervention services.	• <b>Fast Track Response to Periodic Review</b>	• A periodic review public comment period closed on December 2, 2019, and this fast track action was filed on July 17, 2020.
<u>12 VAC 35-270</u> <b>NEW</b>	<b>Certified Recovery Residences</b>	In accordance with Chapter 220 of the 2019 General Assembly, to establish certification of recovery residences.	• <b>Fast Track</b>	• This new regulation was filed for Executive Branch review on August 16, 2019 and became effective on March 7, 2020.

## Appendix C: 2021 Meeting Schedule

### State Board of Behavioral Health and Developmental Services

#### 2021 MEETING SCHEDULE

<b>DATE</b>	<b>Location</b>
<b>April: 14</b> <b>(Wed)</b>	Virtual
<b>July: 14</b> <b>(Wed)</b>	Virtual and Central Office, DBHDS <b>Richmond</b>
<b>Sept: 29</b> <b>(Wed)</b>	Tentative: Southwestern Virginia Mental Health Institute (SWVMHI) <b>Marion</b>
<b>Dec: 8</b> <b>(Wed)</b>	Central Office, DBHDS <b>Richmond</b>