



COMMONWEALTH of VIRGINIA

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COMMISSIONER

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February 16, 2022

To: The Honorable Janet D. Howell, Chair, Senate Finance & Appropriations Committee
The Honorable Barry D. Knight, Chair, House Appropriations Committee

From: Nelson Smith, Commissioner, Department of Behavioral Health and Developmental Services

RE: Item 320 S.2 Quarterly New Waiver Slot Assignment, Quarter 2

Pursuant to 320 S.2 of the 2020 *Appropriation Act*, the purpose of this letter is to report on the use of the FY21 and FY22 Developmental Disability (DD) waivers slots that have been assigned to individuals by the Community Services Boards and of those how many individuals are currently accessing services.

Specifically the language requires:

2. The department shall report within 30 days after the close of each quarter, the number of new slots for the fiscal year that have been allocated by Community Services and of those how many are accessing services. The report shall be provided on the department's website.

While the allocation of the FY2022 DD waiver slots did not occur during this reporting period (second quarter of the fiscal year), it did occur on January 27, 2022 and will be reported below.

As was stated in the first quarter version of this report, the delay in allocating the slots was due to several changes to the wording of the Priority One category criteria, as requested by public comment, in the DD waiver regulations that were finalized on 3/31/21. The adoption of that change necessitated a change in the "Priority Needs Checklist" (PNC), which the CSBs must complete for each person on the waiting list and required all individuals on the waiting list to be reviewed to determine if they qualified under the new criteria.

At the same time, the “Critical Needs Summary” (CNS) form was updated to be more discerning. That form must be completed on each person who is Priority One to determine whose needs are most critical and therefore put forward for Waiver Slot Assignment Committee (WSAC) consideration. In particular, the behavioral and medical sections of that form were expanded to better capture needs in those important areas.

The CSBs, with assistance from DBHDS staff, completed the updates to these two forms on January 25, 2022. The algorithm to allocate the slots to the CSBs was run and CSBs were notified of their allocations on January 27th. The allocations to each CSB are contained in the table below.

DBHDS staff has already begun working with CSB staff to call together and schedule meetings of the local Waiver Slot Assignment Committees (WSACs). These committees are comprised of volunteers from each locality in order to maintain independent bodies to review those individuals most in need of DD waiver slots and complete the slot assignment process.

Table 1. FY22 DD Waivers Slots Allocated to Each Community Services Board

CSB	Community Living (CL) Waiver				Family and Individual Support (FIS) Waiver	
	Total SFY	Borrowed as of 1.24.2022	Allocated SFY	Total SFY	Borrowed as of 1.24.2022	Allocated SFY
Alexandria Community Services Board	1	0	1	13	0	13
Alleghany Highlands Community Services Board	1	0	1	2	0	2
Arlington County Community Services Board	2	0	2	20	0	20
Blue Ridge Behavioral Healthcare	2	0	2	28	0	28
Chesapeake Integrated Behavioral Healthcare	2	0	2	22	0	22
Chesterfield Community Services Board	3	0	3	44	0	44
Colonial Behavioral Health	1	0	1	17	0	17
Crossroads Community Services Board	1	0	1	9	0	9
Cumberland Mountain Community Services Board	1	0	1	8	0	8
Danville-Pittsylvania Community Services	1	0	1	12	0	12
Dickenson County Behavioral Health Services	1	0	1	1	0	1
District 19 Community Services Board	1	0	1	17	0	17
Eastern Shore Community Services Board	1	0	1	4	0	4
Fairfax-Falls Church Community Services Board	11	0	11	139	0	139

Goochland-Powhatan Community Services	1	0	1	5	0	5
Hampton-Newport News Community Services Board	2	0	2	30	0	30
Hanover County Community Services Board	1	0	1	15	0	15
Harrisonburg-Rockingham Community Services Board	1	0	1	14	0	14
Henrico Area Mental Health and Developmental Services	3	0	3	37	0	37
Highlands Community Services	1	0	1	7	0	7
Horizon Behavioral Health	2	0	2	24	0	24
Loudoun County MH, SA and Developmental Services	4	0	4	46	0	46
Middle Peninsula-Northern Neck Community Services Board	1	0	1	15	0	15
Mount Rogers Community Services Board	1	0	1	11	1	10
New River Valley Community Services	2	0	2	20	0	20
Norfolk Community Services Board	2	0	2	24	0	24
Northwestern Community Services	2	1	1	24	0	24
Piedmont Community Services	1	0	1	13	0	13
Planning District One Behavioral Health Services	1	0	1	8	0	8
Portsmouth Department of Behavioral Healthcare Services	1	0	1	9	0	9
Prince William County Community Services Board	4	0	4	54	0	54
Rappahannock Area Community Services Board	3	0	3	44	0	44
Rappahannock-Rapidan Community Services Board	1	0	1	19	0	19
Region Ten Community Services Board	2	0	2	28	0	28
Richmond Behavioral Health Authority	2	0	2	21	0	21
Rockbridge Area Community Services	1	0	1	3	0	3
Southside Community Services Board	1	0	1	7	0	7
Valley Community Services Board	1	0	1	16	0	16
Virginia Beach Community Services Board	3	0	3	40	0	40
Western Tidewater Community Services Board	1	0	1	15	0	15
Extra Reserve Slot	1	0	1	0	0	0
Total	75	1	74	885	1	884

Table 2 details the total number of DD waivers slots appropriated for FY22 by category and the number assigned as of the end of each quarter. As of the date of this report, no “no restriction” FY22 slots have been assigned to individuals (due to the fact that they were just allocated on February 15th, 2022). Progress toward that end will be detailed in the next report as WSACs meet to undertake that process. Facility slots are assigned by DBHDS as needed to enable individuals to move from institutional settings into the community. Reserve slots are assigned by DBHDS to enable individuals to move between waivers as their needs change or for emergency purposes.

Table 2. Total number of DD waivers slots appropriated for FY22 by category and the number assigned by quarter.

Slot Type - FY 2022	# of Slots Appropriated	# of FY22 Slots Assigned as of Quarter End		
		FY22Q1	FY22Q2	
CL - Facility	20	0	0	
CL - Regular (No Restriction)	75	0	0	
CL - Reserve	15	0	1	
FIS - Facility	5	0	0	
FIS - Regular (No Restriction)	885	0	0	
FIS - Reserve	10	0	0	
Total	1,010	0	1	

While the FY21 “no restriction” slots (i.e., not specifically designated for persons exiting a facility or in need of a reserve slot) were all allocated to CSBs and assigned to individuals last fiscal year (see the fourth quarter of FY21 version of this report, dated July 16, 2021), individuals have been slow to actually start receiving waiver services. Therefore, this report will include an update on the continued progress toward that good.

The “Total Persons” column of Table 1 shows the total number of unique individuals who received a FY21 DD waiver slot who are now authorized for at least one DD waiver service. This table has been updated for the second quarter of FY22 (see last column). At this time, 670 of 760 (88 percent) of the individuals assigned one of the “no restriction slots” have been authorized to begin at least one waiver service. There are some slight variations in the quarterly totals from last quarter because of the nuances of the service authorization process. Namely, while services are requested to start on a given date, there are occasionally questions/additional information required from DBHDS staff who conduct service authorization, which suspend (termed “pend”) the authorization process and temporarily delay the final approval. Once all issues are resolved, the originally requested start date is often given, placing the authorization in a previous quarter.

A significant time delay between slot assignment and service authorization is typically expected due to the following required steps:

- Individual formal acceptance of the slot offered
- Confirmation/updating of functional and financial eligibility
- Confirmation of updated physical exam
- Individual/family selection of service providers
- Service providers intake process for the new individual
- Development of the Individual Support Plan
- Service Authorization process

COVID-19 has exacerbated the typical process-related delays. There has been a reduction in the number of providers of certain services due to permanent or temporary closures, as well as staff shortages, which are limiting providers from accepting new individuals. Further, a number of individuals/families continue to be reluctant to expose themselves/their loved ones to unfamiliar people and are thus delaying the start of services. Some family members have said that they do not want to begin services until “COVID is over.” While this is likely unrealistic, DBHDS staff, who would normally reassign waiver slots not being utilized after 150 days from the date of slot assignment (per regulations), are currently prevented from doing so due to the American Rescue Plan Act prohibition against terminating individuals’ eligibility for Medicaid services. This has resulted in a temporary halt to actions to repossess and reassign slots in situations in which individuals or their families do not begin waiver services in a timely manner.

Table 3. Number of individuals who received a FY21 DD waiver “no restriction” (both Community Living and Family & Individual Supports waivers) slot by quarter of their first service approved and CSB.

	Total	FY21 Q1	FY21 Q2	FY21 Q3	FY21 Q4	FY22 Q1	FY22 Q1
Community Services Board							
Alexandria Community Services Board	11	0	4	3	2	0	2
Alleghany Highlands Community Services Board	1	0	0	1	0	0	0
Arlington County Community Services Board	17	0	13	4	0	0	0
Blue Ridge Behavioral Healthcare	21	0	5	8	6	2	0
Chesapeake Integrated Behavioral Healthcare	15	0	8	1	5	1	0
Chesterfield Community Services Board	39	0	13	17	6	0	3
Colonial Behavioral Health (CBH)	12	1	10	1	0	0	0
Crossroads Community Services Board	6	1	3	1	1	0	0
Cumberland Mountain Community Services Board	8	0	4	2	2	0	0
Danville-Pittsylvania Community Services Board	11	0	8	3	0	0	0
Dickenson County Behavioral Health Services	2	0	0	2	0	0	0
District 19 Community Services Board	11	0	2	2	4	1	2
Eastern Shore Community Services Board	3	0	0	0	1	1	1
Fairfax-Falls Church Community Services Board	94	0	2	30	33	24	5
Goochland-Powhatan CSB	4	0	2	1	1	0	0
Hampton-Newport News CSB	25	0	15	4	3	3	0
Hanover County Community Services Board	12	0	4	7	1	0	0

Harrisonburg-Rockingham CSB	12	0	4	3	3	1	1
Henrico Area MH & DS Board	25	0	0	16	8	0	1
Highlands Community Services Board	6	0	2	4	0	0	0
Horizon Behavioral Health	16	0	8	2	5	1	0
Loudoun County Dept. of MH, SA & DS	35	0	11	10	7	3	4
Middle Peninsula-Northern Neck CSB	13	0	4	7	0	1	1
Mount Rogers Community Services Board	10	0	5	4	1	0	0
New River Valley CSB	17	0	5	7	5	0	0
Norfolk Community Services Board	18	0	9	2	4	2	1
Northwestern Community Services Board	18	0	5	8	3	1	0
Piedmont Community Services Board	12	0	2	7	1	1	1
Planning District One Behavioral Health Services	7	0	2	4	0	1	0
Portsmouth Department of Behavioral Healthcare	8	0	0	4	3	1	0
Prince William County Community Services Board	44	0	28	9	5	2	0
Rappahannock Area Community Services Board	29	0	0	7	11	5	6
Rappahannock-Rapidan Community Services	14	0	4	7	2	1	0
Region Ten Community Services Board	14	0	1	10	3	0	0
Richmond Behavioral Health Authority	18	0	3	9	3	3	0
Rockbridge Area Community Services	2	0	0	2	0	0	0
Southside Community Services Board	5	0	0	4	1	0	0
Valley Community Services Board	12	0	2	9	1	0	0
Virginia Beach Community Services Board	31	0	11	11	6	3	0
Western Tidewater Community Services Board	12	0	9	2	1	0	0
Total	670	3	208	235	138	58	28

In conclusion, now that the FY22 slots have been allocated to the CSBs, efforts are underway to assign the FY22 DD waiver slots. The work of linking individuals assigned FY21 slots to the appropriate waiver services is also a work in progress, made more challenging this past year and currently by the COVID pandemic.

cc: The Honorable John Littel
Mike Tweedy
Susan Massart