



COMMONWEALTH of VIRGINIA

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COMMISSIONER

DEPARTMENT OF
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May 4, 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. New Waiver Slot Assignment, Quarter 3

Dear Senator Howell and Delegate Knight,

Pursuant to 320 S.2 of the 2020 *Appropriation Act*, the purpose of this letter is to report on the use of the FY 2021 and FY 2022 Developmental Disability (DD) waivers slots that have been assigned to individuals by the Community Services Boards (CSBs). The report also shows how many individuals are currently accessing services using the assigned slots.

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.

The allocation of the FY 2022 DD waiver slots occurred during this reporting period. It had been delayed 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 March 31, 2021. The adoption of those changes necessitated an update in the "Priority Needs Checklist" (PNC), which the CSBs must complete for each person on the waiting list. The adopted changes also 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 and thorough. That form must be completed for each person who is Priority One to determine whose needs are most critical. Individuals with the most critical needs are 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. Because the updated versions of these forms are now in place, no similar delay is anticipated in the future.

Due to the CSBs being short-staffed and experiencing other challenges, DBHDS staff stepped in from October 2021 through January 2022 to assist with calling all individuals on the waiting list to update these forms as required. All updates were completed as of January 25, 2022. The algorithm to allocate the slots to the CSBs was run and CSBs were notified of their allocations on January 27, 2022. The allocations to each CSB can be seen in the first data column of Table 1 below.

DBHDS staff immediately began working with CSB staff to call together and schedule meetings of the local 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. Thirty WSAC meetings were held in the third quarter of FY 2022. The remaining are scheduled for April and May (fourth quarter). Table 1 shows that 586 persons were assigned a DD waiver slot in the third quarter. This represents 61 percent of all of the “no restriction” FY 2022 DD waiver slots.

Some CSBs that held WSACs to assign the FY 2022 slots were unable to assign all of the Community Living waiver slots because regulations require that those slots be assigned to individuals who need 24/7 residential services. If no one on a CSB’s Priority 1 list requires that level of support within 90 days of the slot being available, that slot will be assigned through a *regional* WSAC so that another CSB within the region who does have an individual requiring those services will receive that slot. A few CSBs do not have anyone on the Priority 1 portion of the waiting list. Community Living and Family & Individual Supports waivers slots may only be assigned to Priority 1 individuals as long as any individuals in the state are in that category. The same rule applies in that circumstance: after 90 days, the slot will be assigned through a regional committee. Regional WSACs were held in late May and the outcomes of those will be reported in the final quarter’s report for FY 2022.

Table 1: Total number of FY 22 DD waivers “no restriction” (both Community Living and Family & Individual Supports waivers) slots allocated and assigned by quarter and Community Services Board.

Community Services Board	# of FY22 Slots Allocated	# of Waivers Assigned		
		FY22 Q1	FY22 Q2	FY22 Q3
Alexandria Community Services Board	14	0	0	11
Alleghany Highlands Community Services Board	3	0	0	3
Arlington County Community Services Board	22	0	0	22
Blue Ridge Behavioral Healthcare	30	0	0	0
Chesapeake Integrated Behavioral Healthcare	24	0	0	24
Chesterfield Community Services Board	47	0	0	0
Colonial Behavioral Health (CBH)	18	0	0	18
Crossroads Community Services Board	10	0	0	4
Cumberland Mountain Community Services Board	9	0	0	5
Danville-Pittsylvania Community Services Board	13	0	0	12
Dickenson County Behavioral Health Services	2	0	0	1
District 19 Community Services Board	18	0	0	18
Eastern Shore Community Services Board	5	0	0	0
Fairfax-Falls Church Community Services Board	150	0	0	0
Goochland-Powhatan Community Services	6	0	0	6
Hampton-Newport News Community Services Board	32	0	0	31
Hanover County Community Services Board	16	0	0	0
Harrisonburg-Rockingham Community Services Board	15	0	0	0
Henrico Area Mental Health & Developmental Services Board	40	0	0	40
Highlands Community Services Board	8	0	0	8
Horizon Behavioral Health	26	0	0	26
Loudoun County Department of Mental Health, Substance Abuse and Developmental Services	50	0	0	0
Middle Peninsula-Northern Neck Community Services Board	16	0	0	16
Mount Rogers Community Services Board	12	0	0	12
New River Valley Community Services	22	0	0	21
Norfolk Community Services Board	26	0	0	26
Northwestern Community Services Board	26	0	0	1
Piedmont Community Services Board	14	0	0	14
Planning District One Behavioral Health Services	9	0	0	0
Portsmouth Department of Behavioral Healthcare Services	10	0	0	10
Prince William County Community Services Board	58	0	0	58
Rappahannock Area Community Services Board	47	0	0	47
Rappahannock-Rapidan Community Services Board	20	0	0	20
Region Ten Community Services Board	30	0	0	30
Richmond Behavioral Health Authority	23	0	0	21
Rockbridge Area Community Services	4	0	0	0
Southside Community Services Board	8	0	0	5
Valley Community Services Board	17	0	0	17
Virginia Beach Community Services Board	43	0	0	43
Western Tidewater Community Services Board	16	0	0	16
Total	960	0	0	586

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. 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 FY 22 Slots Assigned as of Quarter End			
		FY22Q1	FY22Q2	FY22Q3	Total Assigned
CL - Facility	20	0	0	0	0
CL - Regular (No Restriction)	75	0	0	43	43
CL - Reserve	15	0	1	0	1
FIS - Facility	5	0	0	0	0
FIS - Regular (No Restriction)	885	0	0	543	543
FIS - Reserve	10	0	1	0	1
Total	1,010	0	2	586	588

Because the FY 2022 slot assignment process is still underway, the number of individuals who have been authorized for at least one DD waiver service is still quite low. It is anticipated that the factors that delayed the linkage to services for the FY 2021 slots will also complicate the same process for the FY 2022 slots (See discussion of the FY 2021 slots' service approval in the next section below). Table 3 notes that two slots appear to have had services approved before the January 27, 2022 allocation (i.e., in the second quarter). This is a common practice in which those slots, once allocated in the third quarter, are used to pay back emergency slots that were loaned in the second quarter.

Table 3. Number of individuals who received a FY 2022 DD waiver “no restriction” (both Community Living and Family & Individual Supports waivers) slot by quarter of their first service approved and CSB.

Community Services Board	FY 2022			
	Total	Q1	Q2	Q3
Alexandria Community Services Board	1	0	0	1
Alleghany Highlands Community Services Board	0	0	0	0
Arlington County Community Services Board	0	0	0	0
Blue Ridge Behavioral Healthcare	0	0	0	0
Chesapeake Integrated Behavioral Healthcare	0	0	0	0
Chesterfield Community Services Board	0	0	0	0
Virginia Beach Community Services Board	0	0	0	0
Colonial Behavioral Health (CBH)	0	0	0	0
Crossroads Community Services Board	0	0	0	0
Cumberland Mountain Community Services Board	2	0	0	2
Danville-Pittsylvania Community Services Board	0	0	0	0
Dickenson County Behavioral Health Services	1	0	0	1
District 19 Community Services Board	0	0	0	0
Eastern Shore Community Services Board	0	0	0	0
Fairfax-Falls Church Community Services Board	0	0	0	0
Goochland-Powhatan Community Services	0	0	0	0
Hampton-Newport News Community Services Board	0	0	0	0
Hanover County Community Services Board	0	0	0	0
Harrisonburg-Rockingham Community Services Board	0	0	0	0
Henrico Area Mental Health & Developmental Services Board	0	0	0	0
Highlands Community Services Board	0	0	0	0
Horizon Behavioral Health	0	0	0	0
Loudoun Department of Mental Health, Substance Abuse and Developmental Services	0	0	0	0
Middle Peninsula-Northern Neck Community Services Board	0	0	0	0
Mount Rogers Community Services Board	1	0	1	0
New River Valley Community Services	0	0	0	0
Norfolk Community Services Board	0	0	0	0
Northwestern Community Services Board	1	0	1	0
Piedmont Community Services Board	0	0	0	0
Planning District One Behavioral Health Services	0	0	0	0
Portsmouth Department of Behavioral Healthcare Services	0	0	0	0
Prince William County Community Services Board	1	0	0	1
Rappahannock Area Community Services Board	0	0	0	0
Rappahannock-Rapidan Community Services Board	0	0	0	0
Region Ten Community Services Board	0	0	0	0
Richmond Behavioral Health Authority	0	0	0	0
Rockbridge Area Community Services	0	0	0	0
Southside Community Services Board	0	0	0	0
Valley Community Services Board	0	0	0	0
Western Tidewater Community Services Board	0	0	0	0
Total	7	0	2	5

FY 2021 DD Waiver Slots Update

While the **FY 2021** “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, individuals have been slow to actually start receiving waiver services. See the fourth

quarter of FY 2021 version of this report, dated July 16, 2021. Therefore, this report will include an update on the continued progress toward that end.

The “Total Persons” column of Table 4, on the following page, shows the total number of unique individuals who received a **FY 2021** DD waiver slot who are now authorized for at least one DD waiver service. This table has been updated for the third quarter of FY 2022 (see last column). At this time, 693 of 760 (91 percent) of the individuals assigned one of the “no restriction slots” have been authorized to begin at least one waiver service. This represents a three percent increase over last 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

However, 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 and families continue to be reluctant to expose themselves/their loved ones to unfamiliar people, and are thus delaying the start of services. Further compounding difficulties in ensuring all individuals occupying slots being authorized for services in a timely manner is the American Rescue Plan Act prohibition against terminating individuals’ eligibility for Medicaid services. DBHDS staff would normally reassign waiver slots not being utilized after 150 days from the date of slot assignment (per regulations); however, the extension of the federal Public Health Emergency to July 2022 is preventing them from doing so. 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 4. Number of individuals who received a FY 2021 DD waiver “no restriction” (both Community Living and Family & Individual Supports waivers) slot by quarter of their first service approved and CSB.

Community Services Board	Total	FY21 Q1	FY21 Q2	FY21 Q3	FY21 Q4	FY22 Q1	FY22 Q2	FY22 Q3
Alexandria Community Services Board	11	0	4	3	2	0	2	0
Alleghany Highlands Community Services	1	0	0	1	0	0	0	1
Arlington County Community Services	17	0	13	4	0	0	0	1
Blue Ridge Behavioral Healthcare	21	0	5	8	6	2	0	1
Chesapeake Integrated Behavioral	15	0	8	1	5	1	0	1
Chesterfield Community Services Board	39	0	13	17	6	0	3	1
Colonial Behavioral Health (CBH)	12	1	10	1	0	0	0	1
Crossroads Community Services Board	6	1	3	1	1	0	0	0
Cumberland Mountain Community Services	8	0	4	2	2	0	0	0
Danville-Pittsylvania Community Services	11	0	8	3	0	0	0	0
Dickenson County Behavioral Health	2	0	0	2	0	0	0	0
District 19 Community Services Board	11	0	2	2	4	1	2	0
Eastern Shore Community Services Board	3	0	0	0	1	1	1	0
Fairfax-Falls Church Community Services	94	0	2	30	33	24	5	2
Goochland-Powhatan Community Services	4	0	2	1	1	0	0	0
Hampton-Newport News Community	25	0	15	4	3	3	0	0
Hanover County Community Services Board	12	0	4	7	1	0	0	0
Harrisonburg-Rockingham Community	12	0	4	3	3	1	1	0
Henrico Area Mental Health &	25	0	0	16	8	0	1	2
Highlands Community Services Board	6	0	2	4	0	0	0	0
Horizon Behavioral Health	16	0	8	2	5	1	0	1
Loudoun County Department of Mental	35	0	11	10	7	3	4	0
Middle Peninsula-Northern Neck	13	0	4	7	0	1	1	0
Mount Rogers Community Services Board	10	0	5	4	1	0	0	0
New River Valley Community Services	17	0	5	7	5	0	0	0
Norfolk Community Services Board	18	0	9	2	4	2	1	0
Northwestern Community Services Board	18	0	5	8	3	1	0	1
Piedmont Community Services Board	12	0	2	7	1	1	1	0
Planning District One Behavioral Health	7	0	2	4	0	1	0	0
Portsmouth Department of Behavioral	8	0	0	4	3	1	0	0
Prince William County Community Services	44	0	28	9	5	2	0	0
Rappahannock Area Community Services	29	0	0	7	11	5	6	1
Rappahannock-Rapidan Community	14	0	4	7	2	1	0	0
Region Ten Community Services Board	14	0	1	10	3	0	0	6
Richmond Behavioral Health Authority	18	0	3	9	3	3	0	1
Rockbridge Area Community Services	2	0	0	2	0	0	0	1
Southside Community Services Board	5	0	0	4	1	0	0	1
Valley Community Services Board	12	0	2	9	1	0	0	0
Virginia Beach Community Services Board	31	0	11	11	6	3	0	1
Western Tidewater Community Services	12	0	9	2	1	0	0	0
Total	693	3	208	235	138	58	28	23

In conclusion, the FY 2022 slots have been allocated to the CSBs and assignment efforts are nearing conclusion. The work of linking individuals in receipt of both FY 2021 and FY 2022 slots to the appropriate waiver services is a work in progress, made more challenging by the results of the COVID pandemic.

Sincerely,

A handwritten signature in black ink, appearing to read "Nelson Smith", written over a light gray rectangular background.

Nelson Smith
Commissioner
Department of Behavioral Health & Developmental Services

cc: The Honorable John Littel
James Williams
Leah Mills
Mike Tweedy
Susan Massart