

Department of Behavioral Health and Developmental Services, Jefferson Building,
STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
INSTRUCTIONS for VIRTUAL Meetings
Wednesday, April 14, 2021

This page has instructions to join the virtual (electronic) meetings of the State Board.

Time: The two committee meetings begin at 8:30 a.m.
The regular board meeting at 9:30 a.m. See the agenda for details on the next page.

NOTICE: THERE IS ONE MEETING LOG IN FOR ALL THE MEETINGS LISTED BELOW.
THE COMMITTEE MEETINGS WILL BE BREAKOUT ROOMS FROM THE MAIN MEETING ROOM.

8:30 – 9:20 A.M. CONCURRENT COMMITTEE MEETINGS

- | |
|---|
| <ul style="list-style-type: none">➤ Planning and Budget Committee➤ Policy and Evaluation Committee |
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9:30 A.M. – 2:30 P.M. FULL BOARD MEETING: REGULAR SESSION

➤ **Regular Board Meeting**

Join via ZOOM: <https://dbhds.zoomgov.com/j/1617507954>

Meeting ID: 161 750 7954 Passcode: NRPz!*k4

--One tap mobile: +16468287666,,1617507954#,,,,*56833078# US (New York)

--Dial by your location

+1 551 285 1373 US

Meeting ID: 161 750 7954 Passcode: 56833078

Find your local number: <https://dbhds.zoomgov.com/u/akHwGMQSO>

Board members will be pre-sorted and automatically placed into the appropriate committee room, and returned to the main room at 9:20 a.m. All participants will come to the main room and then be moved to the committee rooms, and returned.

PUBLIC COMMENT: This is a quarterly meeting of the State Board. Consistent with the [budget item](#) (4-0.01.g.) of the Budget Bill (HB29, Chapter 1283) and the applicable provisions of [§ 2.2-3708.2](#) in the Freedom of Information Act, the State Board will convene a virtual meeting to consider such business matters as may be presented on the agenda necessary for the board to discharge its lawful purposes, duties, and responsibilities.

- Verbal public comment will be received early in the meeting (see agenda for specific time) from those persons who have submitted an email to ruthanne.walker@dbhds.virginia.gov no later than 5:00 p.m. on April 13, 2021, indicating that they wish to provide a brief verbal comment. As the names of these individuals are announced at the beginning of the public comment period, three minutes of comment may be offered. Instructions for calling into the meeting are included above on this page.
- Written public comment may be sent by email to ruthanne.walker@dbhds.virginia.gov no later than 5:00 p.m. on April 13, 2021.
- Public comment will not be accepted on petitions for rulemaking or regulatory actions in which the comment period has closed.



COMMONWEALTH of VIRGINIA

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

DRAFT MEETING AGENDA

Wednesday, April 14, 2021

All three meetings listed below are electronic only.

Concurrent Committee Meetings 8:30 – 9:20 p.m.

8:30 – 9:20 a.m.	Planning & Budget Policy Development & Evaluation		14 16
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REGULAR SESSION AGENDA

9:30 a.m.

I.	9:30	Call to Order and Introductions	Elizabeth Hilscher <i>Chair</i>	
II.	9:35	Approval of April 14, 2021, Agenda ➤ <i>Action Required</i>		2-3
III.	9:40	Approval of Draft Minutes A. Regular Meeting, December 2, 2020 ➤ <i>Action Required</i>		4
IV.	9:45	Public Comment		
V.	10:00	Commissioner’s Report	Alison Land <i>Commissioner</i>	
VI.	10:45	A. Initiate Periodic Review: Eugenics Sterilization Compensation Program [12VAC35-240] ➤ <i>Action Required</i>	Ruth Anne Walker <i>Regulatory Affairs Director and State Board Liaison</i>	18
		B. General Update: Regulatory Matrix and 2021 Workplan		19
VII.	11:00	Piedmont Geriatric Hospital	Emma L. Lowry <i>PGH Director</i>	
VIII.	11:30	Virginia Center for Behavioral Rehabilitation (VCBR) Update	Angela Harvell <i>Deputy Commissioner Facility Services</i> Jason Wilson <i>VCBR Director</i>	

IX.	12:00	BREAK for to Collect Lunch, 30 minutes (The meeting link will stay active)		
X.	12:30	2021 General Assembly: Post-Session Legislative and Budget Review	Alex Harris <i>Policy & Legislative Affairs Director Quality Assurance and Government Relations</i>	
XI.	12:50	Board Member Spotlight	Jerome Hughes	
XII.	1:00	Update on the Virginia Association of Community Services Boards	Jennifer Faison <i>VACSB Executive Director</i>	
XIII.	1:30	Behavioral Health Update: Marcus Alert	Lisa Jobe-Shields <i>Community Services Director Division of Community Behavioral Health</i>	
XIV.	1:50	Committee Reports: A. Planning & Budget B. Policy Development and Evaluation	Ruth Anne Walker Alex Harris	14 16
XV.	2:00	Miscellaneous A. Board Liaison Assignments B. Quarterly Budget Report		
XVI.	2:15	Other Business & Adjournment		

*(Note: Times may run slightly ahead of or behind schedule.
If you are on the agenda, please plan to be present at least 10 minutes in advance.)*

2021 MEETING SCHEDULE

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

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
DRAFT MEETING MINUTES
Regular Meeting

DRAFT MINUTES

9:30 a.m., Wednesday, December 2, 2020

This meeting was held entirely electronically. A recording of the meeting is available.

Members Present (virtually)	Elizabeth Hilscher, Chair; Rebecca Graser, Vice Chair; Paige Cash; Jerome Hughes; Kendall Lee; Moira Mazzi; Chris Olivo; Sandra Price-Stroble.
Members Absent	Varun Choudhary.
Staff Present	Eric Billings, Deputy Director, Office of Fiscal and Grants Management. Heidi Dix, Deputy Commissioner, Division of Quality Assurance and Government Relations. Taneika Goldman, Deputy Human Rights Director. Alex Harris, Policy and Legislative Affairs Director. Robert Hobbeman, Chief Information Officer. Ramona Howell, Federal Grants Manager, Office of Fiscal and Grants Management. Alison Land, FACHE, Commissioner. Josie Mace, Policy and Finance Analyst, Office of Budget Development. Ruth Anne Walker, Regulatory Affairs Director and State Board Liaison.
Guests Present	Invited guests: Jennifer Faison, Executive Director, Virginia Association of Community Services Boards; John Shepherd, Chair, Charlottesville Area Local Human Rights Committee. Other citizens attended.
Call to Order and Introductions	At 9:31 a.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed everyone. She noted that the State Board was meeting via electronic means, in accordance with language in Item 4-0.01 g. of Chapter 1283 of the Acts of Assembly, 2020 Virginia General Assembly, Article 5 the Bylaws of the State Board, and the Virginia Freedom of Information Act (FOIA). All board members and department staff were able to converse, but all others on the call were muted with the ability to listen and view the screen. The meeting packet of information was located on Virginia’s Town Hall. Ms. Hilscher noted that there would be a period for public comment, within the timeframe allowed on the agenda.

	<p><i>At 9:32 a.m., Ms. Hilscher conducted a roll call of members and announced a quorum was present for the meeting. Ms. Hilscher welcomed new member Paige Cash from Pulaski County, filling the local elected position. Dr. Cash is a member of the Pulaski County School Board.</i></p>
Approval of Agenda	<p><i>At 9:35 a.m. the State Board to adopt the December 2, 2020, agenda. On a motion by Sandra Price-Strobel and a second by Moira Mazzi, the agenda was approved unanimously by roll call vote.</i></p>
Approval of Draft Minutes	<p>Regular Meeting, October 14, 2020 <i>At 9:38 a.m., on a motion by Chris Olivo and a second by Kendall Lee, the October minutes were approved as final by a roll call vote.</i></p>
Public Comment	<p>At 9:40 a.m., Ms. Hilscher noted that a period for public comment was included on the draft agenda, and that it was announced with the meeting packet that anyone wishing to give verbal or written comments needed to email by 5 p.m. on December 1, 2020. No comments were received.</p> <p>John Shepherd, Chair of the Charlottesville Area Local Human Rights Committee, was invited to give comment on the upcoming periodic review of the Human Rights Regulations, and to reflect on how the changes to regulations in the last periodic review brought significant organizational improvements that made the process much more meaningful for individuals receiving services, members of the human rights committees, providers, and staff.</p>
2021 General Assembly: Pre-Session Budget Review	<p>At 9:50 a.m., Josie Mace, Financial and Policy Analyst, Office of Budget Development, summarized the limited budget requests approved for the Governor’s Budget Document including emergency needs, mandated costs, court and federal mandates, and a handful of other requests to address urgent needs.</p> <p>Ms. Mace responded to a question about the 9.2M to exclude dementia from the mental health definition in regard to temporary detention orders, she explained that the intention is to provide more appropriate and less restrictive treatment options for those individuals with a primary diagnosis of dementia to be diverted from state hospitals.</p>
2019 Biennial Planning Priority: Electronic Health Records (and General IT Update)	<p>At 10:05 a.m., Robert Hobbeman, Chief Information Officer, provided an update on the status of electronic health records implementation and other IT projects and priorities. There have been recent changes to the division’s organizational structure and an updated strategic plan that uses the IT Investment Board to prioritize projects. Current goals in regard to applications include application project oversight that is consistent, effective, utilizes resources well, and aligns with the strategic plan. Changes are</p>

	<p>being made to improve inventory information to ensure proper billing from VITA and that standardized equipment is used across the agency.</p>
<p>Regulatory Actions</p>	<p>A. Initiate Periodic Review: Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services [12VAC35-115] (Human Rights Regulations)</p> <p>At 10:43 a.m., Ruth Anne Walker, Regulatory Affairs Director and State Board Liaison, provided a background summary of the regulatory periodic review process all state agencies must ensure occurs for each regulation every four years. Taneika Goldman, State Human Rights Director, Office of Human Rights, spoke to the anticipation of the office to receive stakeholder comment on the existing regulations and of changes staff expect to propose to the State Board to further improve the process for all involved.</p> <p><i>Upon a motion by Jerome Hughes and a second by Moira Mazzi, the State Board voted unanimously by roll count to authorize the initiation of a periodic review of the Human Rights Regulations.</i></p> <p>B. General Update: Regulatory Matrix and 2021 Workplan</p> <p>Ms. Walker provided a regulatory workplan for 2021, and made particular note of the eight regulations due to undergo periodic review. The workplan lays out the activity expected to occur by board meeting.</p>
<p>Commissioner's Report</p>	<p>At 11:06 a.m., Alison Land, Commissioner, spoke with the State Board about a number of critical issues including:</p> <ul style="list-style-type: none"> ▪ <u>Impacts of the COVID-19 pandemic</u>, including the increased use of telehealth, tracking of cases and deaths, prioritization of essential services by DBHDS facilities and community services boards (CSBs); ▪ <u>Census at state hospitals</u>, which have had an added difficulty with admissions and discharges due to the necessary pandemic protocols, the need to halt admissions to preserve the ability to quarantine and isolate for COVID-19, the demand for geriatric beds often requires use of beds from the other adult bed available; ▪ <u>System Transformation Excellence and Performance (STEP-VA)</u> is the planned path to bring Virginians the robust, accessible, quality community behavioral health services system they deserve and it has rolled out such that same day access and primary care screening have been launched, and efforts are underway to expand outpatient services, mobile crisis, and the crisis dispatch; while initial data indicates:

- A total of 60,070 same day assessments were reported statewide.
- Assessments were conducted with 55,483 unique individuals.
- A total of 77,795 primary care screens were don.
- During the fiscal year, a total of 34,534 metabolic screens were reported across 17,113 individuals.
- US DOJ Settlement Agreement with Virginia has 47 provisions remaining that the Independent Reviewer deemed Virginia is not yet in full compliance, and the implementation of a well-structured DOJ project plan enabled Virginia to complete the build out of the newly negotiated 328 compliance indicators; the scope of studies by the Independent Reviewer will be modified based on COVID impacts; next steps include building out the mid- to long- term solutions and a public facing document library.
- \$52.6 million in federal grants to address opioids and stimulants were awarded through October 2022, and to date over 4,000 people have received treatment services and over 10,000 received recovery support services; medication assisted treatment (MAT) is now available in all 40 CSBs, and over 3,500 people have received MAT through this funding; eight colleges have been funded to build campus recovery programs; REVIVE!, a training for lay people and first responders to administer naloxone in the event of an overdose, has seen nearly 5,800 Naloxone kits distributed ; the peer recovery specialist workforce has grown to 2,247 peer recovery specialists and family support partners trained since January 2017; and the Curb the Crisis website was redesigned (www.curbthecrisis.com).
- VA COPES, a federally funded warmline to provide emotional support and referrals for Virginians who struggle to cope during the pandemic.

Ms. Graser mentioned the bill referred to as '[Danny's Bill](#)' ([SB903, 2020 Regular Session](#)) that requires hospitals with an emergency department to establish a protocol for treatment of individuals experiencing a substance use-related emergency. The protocol must include the completion of appropriate assessments or screenings to identify medical interventions necessary for the treatment of the individual in the emergency department. To date, while hospitals are receptive when peer staff make them aware of the requirement, there does not seem to be broad awareness of the legislation.

	<p>Mr. Hughes commented that he was glad to hear that there will be more use of peer recovery specialists in the system, including on the statewide warm line rollout.</p>
<p>2021 General Assembly: Pre-Session Legislative Review</p>	<p>At 12:05 p.m., adding to the information provided by Ms. Mace, Heidi Dix, Deputy Commissioner for Quality Assurance and Government Relations, spoke to the legislative landscape going into the 2021 Session of the Virginia General Assembly.</p> <ul style="list-style-type: none"> • <u>“Language only” draft budget amendments</u> were in the vetting process by the Administration; the Governor’s Budget Document would be published December 16, 2020. <ul style="list-style-type: none"> ○ Change DBHDS licensed provider annual inspection requirement for the period of the PHE; ○ Authorize amendments for QRTP federal requirements pertaining to children’s residential regulations; ○ Change the victims of eugenical sterilization report requirements; ○ Consolidate legislatively mandated waiver reports (there are currently six waiver reports); ○ Remove training center reporting requirements (there are currently 13 annual reports); ○ Provide options for acute inpatient care for children; ○ Expand usage of CIT training funds; and ○ Update DBHDS regulations to ensure appropriate discharge from state hospitals during periods of special hospitalization. • <u>Legislative proposals</u>: Ten were considered by the Administration and thus far three were approved to go forward. The proposals are ‘confidential Governor’s working papers’ until a later date (this is different from the budget proposals that are public much sooner). The proposals still under consideration address: <ul style="list-style-type: none"> ○ Align CSB and facility discharge planning requirements with current needs and practices, which would assist with getting more individuals who are ready for discharge to move out of state hospitals more quickly and reduce overall census pressures; ○ Changing terms of how/who/when/where restoration to competency occurs for misdemeanor cases in order to be more recovery oriented, and again lower state hospital census; and ○ Closing a loop hole in current statute regarding background checks for individuals who are contract employees of licensed providers. <p>Ms. Dix noted other legislative items of interest: The regular legislative session may be just 30 days this year; it will be virtual. There are new, very tight bill limits this year, only seven for the</p>

	<p>House of Delegates and 12 for the Senate of Virginia. This will certainly make a difference in how the work of the session is addressed.</p> <p>Ms. Graser asked about DAP funding ...looking to make it smoother and faster from the currently cumbersome as it seems it takes ‘forever’ to get people out of the hospital. Build supports</p> <p>Ms. Dix spoke to Commissioner Land’s private sector hospital perspective has been quite helpful to address this issue. She expects that real progress will be seen on this matter soon.</p> <p>In response to interest expressed by Ms. Graser in the budget adopted the previous week from the 2021 Special Session, Ms. Dix stated her thought that the agency did well with restoration of most funds for crisis services, STEP-VA, and other key pieces like discharge assistance planning (DAP), and pilots with private hospitals. Also, on the DD side, rate requests were addressed.</p>
<p>BREAK for Lunch, 30 minutes</p>	<p>At 12:25 p.m., Ms. Hilscher suspended the meeting for a 30 minute lunch break, reconvening at 1:02 p.m.</p>
<p>Semi Annual Federal Grant Report</p>	<p>At 1:03 p.m., the Office of Fiscal and Grants Management Deputy Director Eric Billings and Federal Grants Manager Ramona Howell joined the meeting. Ms. Howell reported that the grants team biannually provides updates on grants under consideration, grants being actively pursued, and grants that have been received in the past 6 months. DBHDS was not currently pursuing or considering any new grants.</p> <p>Also, Mr. Billings explained that the team provides periodic briefs on new federal funds being pursued to the Grant Review Committee for review.</p> <p>For this biannual updated, Mr. Billings covered information on the following:</p> <ul style="list-style-type: none"> • 15 federal grants that total to approx. \$107 million in FY 2021 <ul style="list-style-type: none"> ○ This amount does not include approved or potential Carryforwards. New Carryforwards would be approved in January 2021 for up to 25% of the FY 2021 award amount ○ Does not include grants for which DBHDS is a subrecipient (2 grants that total \$386.3K in FY 2021) ○ Does not include 3 approved No Cost Extensions for SOR, SOC, and Link PPW totaling \$7.8M • Four grants: 1) Substance Abuse Block Grant; 2) Mental Health Block Grant; 3) State Opioid Response Grant; and 4) Early

Intervention Part C Grant make up approx. \$99 million (or 92.6%) of the award amount in FY 2021

- Most grants operate from 9/30/20 - 9/29/21 although the Block Grants operate on a two year period, Part C from 7/1/20 – 9/30/21, PATH from 9/1/20 – 8/31/21, Emergency COVID-19 from 4/20/20 – 8/19/21, and VA COPES (CCP) 9/1/20 – 5/31/21.

Recently discontinued grants were noted:

- Link PPW – \$1.1 M for 9/30/19 – 9/29/20, mostly distributed to CSBs for pregnant and postpartum women with SUDs.
 - Carryforward – Ends January 2021
- Systems of Care – \$2.8 M for 9/30/19 – 9/29/20, distributed to CSBs and non-profits for community-based mental health support for families.
 - Carryforward – Ends September 2021
- SOR Grant - \$24.1 M 9/30/19-9/29/20, its objective is to address the opioid crisis by increasing access to medication-assisted treatment, reducing unmet treatment need, and reducing opioid overdose-related deaths through prevention, treatment, and recovery activities.
 - Carryforward – Ends September 2021
 - Transitioned to new award
- SPF PFS – \$1.7 M for 9/30/19 – 9/29/20, mostly distributed to CSBs for the prevention and reduction of SUDs.
 - NO CARRYFORWARDS
- CCP Thru VDEM– \$391K M for 4/30/20 – 9/28/20, for subrecipient relationships with non-profits that provide disaster relief assistance.
 - Transitioned to the VA COPES grant

Ms. Howell and Mr. Billings reported, in response to a question, that amounts stay pretty stable year to year (around 100M per year). The types of grants and total grant funds saw a significant ramp up in the number of discretionary grants received by DBHDS, but since that time the total has been relatively static. In terms of the four big grants, SOAR grew since first received (initially 15M; now 24M), the Mental Health Block Grant received a significant increase (11M for 17M), both the Substance Abuse Block Grant and Part C were relatively static. Also in response to a question, they stated that financial audit and reporting tools are utilized in their office, and there is also lead office programmatic reporting; overall, there are a number of audits throughout the year by SAMHSA and APA, the state auditors. Audits and reporting are complied with as a team with the program offices.

<p>Committee Reports:</p>	<p>A. Policy Development and Evaluation At 1:41, Alex Harris, Policy and Legislative Affairs Director, presented a brief review of the policy development and adoption process, and the revised workplan for the committee for 2021 that includes review of the following policies: 2011(ADM)88-3; 3000(CO)74-10; 2010(ADM)88-2; 1034(SYS)05-1; 1030(SYS)90-3.</p> <p>B. Planning and Budget At 1:47, Ms. Hilscher reported that the committee received a brief from Meghan McGuire, Chief Public Relations Officer, on the status of strategic planning within the agency. Understandably, overall planning slowed to shift focus to the pandemic; however, leadership sees a fresh opportunity now to carve out time to plan strategically both long-term and across the board. It is expected there will be more to come on this in April. Meeting topics for 2021 were discussed, and the committee would meet again in the near future to confirm those through July 2022. A new idea is to have a ‘Board Member Spotlight’ at each meeting (what drew them to the work of the State Board, their backgrounds and focus, etc.) to allow opportunity to know each other better.</p>
<p>Update on the Virginia Association of Community Services Boards</p>	<p>At 1:17, Jennifer Faison, Executive Director, Virginia Association of Community Services Boards (VACSB), updated the board on the status of CSBs. Since the October meeting of the State Board, the increase in rates of COVID-19 will continue to operationally impact CSBs and the delivery of services. CSBs had tried to open up again around August and September, but those are likely see the most operational changes (for example, day support services). CSBs report regularly to make DBHDS aware of operational changes. The ongoing expense and availability of personal protective equipment (PPE) is an ongoing concern.</p> <p>Both developmental disability and behavioral health services are impacted. In a number of behavioral health residential service locations, staff are becoming infected even though the overall capacity has been reduced; this further inhibits the ability to maintain capacity and sometimes requires that admissions are paused. PPE and telehealth expenditures are expected to be ongoing and likely to increase. The use of fitted N95 masks are quite expensive. So far, all of those expenses have not yet been reimbursed by CARES Act funding.</p> <p>Something that was rather late breaking is that the Administration announced interest in legalization of marijuana over a couple of years. The association has historically opposed both decriminalizing and legalizing; VACSB is now trying to formulate</p>

	<p>a position on that and how it will prompt the need for prevention and treatment funding. VACSB is advocating for a seat at the table if these plans go forward.</p> <p>Because of the special session and changes to the budget, it has been nearly impossible to finalize budget priorities as an association, which is normally done in October. A focus will be on preserving budget items that came out of the special session. VACSB will not put forward any legislative items. VACSB will likely advocate for funding to support additional sites that will come on to support the Marcus Alert legislation. This would be beyond the STEP-VA funding.</p> <p>In answer to a question, Ms. Faison explained that CSBs provide services to individuals who are uninsured or underinsured. In addition to that safety net role, CSBs are attached to emergency services as the only avenue for preadmission screenings. The bulk of those evaluations occur in an emergency room, but there are a significant number that occur in other settings including jails, CSBs, crisis intervention training (CIT) sites, or homes.</p> <p>Mr. Hughes, who is a CSB partner providing recovery services in five locations in Northern Virginia where individuals come to the recovery centers (and therefore, staff come in contact every day with clients), wondered if there was a priority of staff on the front lines for the vaccination, and also whether there is an opportunity to acquire PPE through grant funds. Ms. Faison expressed empathy with Mr. Hughes and stated that out of the 2.1M for PPE, CSBs are getting about 240K. The funding will come from the CARES Act. VACSB is not clear on the federal prioritization of administration of the vaccine. The residential nature of some services seems like it should be a higher priority.</p>
<p>Miscellaneous</p>	<p>A. Annual Executive Summary At 1:15 p.m., the draft executive summary was reviewed. No changes were suggested.</p> <p>B. Meeting Dates At 1:53 p.m., members set dates through 2021 (see below), with tentative in person meetings later in the year, pending the status of the pandemic. <i>On a motion from Dr. Cash and a second from Dr. Lee, a roll call vote confirmed unanimous approval of the dates and locations:</i></p> <ul style="list-style-type: none"> • April 14 (Wed), <i>Virtual</i> • July 14 (Wed), <i>Virtual and Central Office, DBHDS, Richmond</i> • Sept. 29 (Wed), <i>Southwestern Virginia Mental Health Institute (SWVMHI), Marion</i>

	<ul style="list-style-type: none"> • Dec 8 (Wed), <i>Central Office, DBHDS, Richmond</i> <p>C. Board Liaison Assignments Ms. Walker would connect individually with members on the liaison role and send letters of introduction to directors of DBHDS state hospitals and CSBs.</p> <p>D. Quarterly Budget Report There were no changes to the budget except the expense of a plaque for former member Djuna Osborne.</p>
<p>Other Business & Adjournment</p>	<p>There being no other business, Ms. Hilscher adjourned the meeting at 2:06 p.m.</p>

(add when final)

Elizabeth Hilscher, Chair

Ruth Anne Walker

Ruth Anne Walker

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**PLANNING AND BUDGET COMMITTEE
DRAFT MINUTES**

January 5, 2021

This meeting was held entirely virtually.

Members present: Elizabeth Hilscher, Board and Committee Chair; E. Paige Cash; Jerome Hughes; Chris Olivo.

Guests present: Charlotte Arbogast, Department of Aging and Rehabilitative Services (DARS). Mark Hickman.

Staff present: Ruth Anne Walker.

I. Call to Order

A quorum being present, at 2:31 p.m., Elizabeth Hilscher, Chair, called the meeting to order.

II. Welcome and Introductions

Ms. Hilscher welcomed all present and asked for an introduction from Charlotte Arbogast, Policy Analyst (areas of aging and disability programming) and Regulatory Coordinator, DARS.

III. Adoption of Minutes, December 2, 2020

On a motion from Paige Cash and a second from Chris Olivo the meeting minutes from December 2, 2020, were adopted unanimously.

IV. Standing Item: *Identification of services and support needs, critical issues, strategic responses, and resource requirements to be included in long-range plans; work with the department to obtain, review, and respond to public comments on draft plans; and monitor department progress in implementing long-range programs and plans.*

A. Review of topic areas for board meetings through December 2021.

Ms. Hilscher recapped where the conversation ended at the December meeting regarding the planning of topics for the meetings in 2021.

Ms. Walker reviewed the blocks of time in board meetings of things that must be covered at each meeting, and how those matters limit the amount of time at each meeting for presentations on topics of interest. Members reviewed a chart of all meeting dates in 2021 broken out by blocks of time across all meetings and agreed to topics of interest for the available slots. A new item at each meeting would be 'Board Member Spotlight.' Members agreed that some time slots should remain open for now, and the document should be considered flexible as demands warrant through the year. The revised topic chart endorsed by the committee would be circulated to the full board for feedback.

V. Other Business

Related to the topics discussed, members asked for additional information on the following:

- US DOJ's Settlement Agreement with Virginia.
- Marcus Alert legislation and related timeline of mandatory actions.

- Plan to roll out vaccinations for COVID-19, including community providers.

VI. Next Steps:

A. Standing Item: *Provide updates on committee planning activities to the Board.*

Ms. Walker would develop a short bulleted guide on the 'Board Member Spotlight' for members regarding the purpose of this segment. The revised topic chart endorsed by the committee would be circulated to the full board for feedback.

B. Next Meeting

The next meeting of the committee will be on April 14, 2021.

VII. Adjournment

There being no further business, Ms. Hilscher adjourned the meeting.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

**Policy and Evaluation Committee
DRAFT MINUTES**

WEDNESDAY, DECEMBER 2, 2020

8:30-9:25 AM

RICHMOND, VA

This meeting was held entirely virtually.

Members present: Rebecca Graser, Chair; Varun Choudhary; Kendall Lee; Moira Mazzi; Sandra Price-Stroble.

Members absent: None.

Staff: Alex Harris.

Guests: None.

I. Call to Order

Rebecca Graser called the meeting to order at 8:34 a.m.

II. Welcome and Introductions

Ms. Graser welcomed all present, and the committee members introduced themselves.

Ms. Graser mentioned the intent of the meeting was to get the committee on track with policy review and to look at some of the policies that have not been reviewed for quite a while.

III. Review of the Role and Responsibilities of the Committee

Alex Harris briefly reviewed the responsibilities of the committee based on the policy POLICY 2010(ADM)88-2 Policy Development and Evaluation.

Ms. Graser asked the committee if there were any questions; there were none.

IV. Review of Policy vs. Regulations [Alex] (10 min)

Ms. Harris discussed the purpose of policies and how they differ from regulations and shared a document with the committee "Policy vs Regulations".

Ms. Graser asked the committee if there were any questions; there were none.

V. Presentation of the 2021 Policy Review Plan and Discussion

Ms. Harris reviewed a draft 2021 policy review plan, including the high-level review process and planned review activities for each meeting of 2021.

Ms. Graser asked what the intent was with the comprehensive safety-net, STEP-VA policy. Ms. Harris recommended re-convening in April with subject matter experts to discuss the best path forward for this. That conversation could inform

activities for the rest of 2021. The committee agreed with this recommendation and with the other activities in the workplan.

VII. Next Meeting: April 14, 2020

VIII. Other Business

IX. Adjournment

Ms. Graser adjourned the meeting at 9:03 a.m.

VI. A. State Board Regulatory Package: Required Periodic Reviews

(See the flow chart of the process: <http://townhall.virginia.gov/UM/chartperiodicreview.pdf>)

Background: Existing regulations must be examined at least every four years to review statutory authority and assure that the regulations do not exceed the Board’s statutory authority. Investigation should be conducted for any alternatives to the regulation and any need to modify the regulation to meet current needs.

This periodic review must be initiated by May 4, 2021.

Purpose of the Regulation: The 2015 Virginia General Assembly enacted the Commonwealth’s Compensation for Victims of Eugenics Sterilization Program on March 22, 2014, in [Item 307.T.1-7. of Chapter 665 of the Acts of Assembly](#) (the Budget Bill). This regulation provides administrative guidelines for appropriate documentation to verify the claim of individuals who were victims of forced sterilization to be compensated pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015 (up to \$25,000 per individual). It also provides an administrative process for handling all claims.

Action Requested: Direct that a periodic review is initiated for the following regulations.

VAC Citation	Title	Last Review
12 VAC 35-240	Eugenics Sterilization Compensation Program	None.*

*This regulation became effective May 2017.

Next Steps:

If approved, staff initiates the periodic review. At the conclusion of the 21-day (minimum) comment period, staff develops recommended Board action on each of the regulations, for consideration at the December meeting. The choices for action are:

- A. Propose to retain the regulation in its current form.
- B. Propose to amend or abolish the regulation. (Notice of Intended Regulatory Action)
- C. Propose to amend the regulation through an exempt action.

REGULATORY ACTIVITY STATUS REPORT: DECEMBER 2020 (REVISED 04/02/21)

Board		STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES		
VAC CITATION	CHAPTER TITLE (FULL TITLE)	REGULATIONS IN PROCESS		
		PURPOSE	STAGE	STATUS
12 VAC 35-46 Certain sections and NEW Sections 1150- 1250.	Regulations for Children's Residential Facilities	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.	• Emergency/NOIRA	• Effective 2/20/2021. Expires 8/19/2022.
12 VAC 35-46 Certain sections and NEW Sections.		In accordance with Item 318.D. of the 2021 Appropriation Act to align with the requirements of the federal Family First Prevention Service Act to meet the standards as qualified residential treatment programs (QRTPs).	• Emergency/NOIRA	• <i>Draft in process; expect at September meeting. Must be effective by early January.</i>
<u>12 VAC 35-105</u> Certain sections.	Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services	Allowing a grace period for documentation of ISPs	• Standard	• Effective 3/04/2021.
<u>12 VAC 35-105</u> Certain sections.		In accordance with Item 318.B. of the 2020 Appropriation Act, amendments to align with ASAM criteria.	• Emergency/NOIRA	• Effective 2/20/2021. Expires 8/19/2022.
<u>12 VAC 35-105</u> Certain sections.		In accordance with Item 318.B. of the 2020 Appropriation Act, amendments to align with enhanced behavioral health services.	• Emergency/NOIRA	• Effective 2/20/2021. Expires 8/19/2022.
<u>12 VAC 35-105</u> <i>All sections.</i>	<i>same</i>	<i>Response to periodic review ('overhaul' to service-specific chapters).</i>	• Draft	• <i>As a response to periodic review (closed 12/15/2017), a draft of a new general chapter was revised per stakeholder feedback and the first of several supporting chapters is in final development.</i>
<u>12 VAC 35-225</u>	Requirements for Virginia's Early Intervention System	To provide 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 to ensure access to appropriate early intervention services.	• Fast Track	• <i>This response to periodic review will have a public comment forum from 4/12/2021 through 5/12/2021. Expected effective date 5/28/2021.</i>

