Form: TH-01
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Notice of Intended Regulatory Action (NOIRA)
Agency Background Document

Agency name	Department of Behavioral Health and Developmental Services
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC35-105
VAC Chapter title(s)	Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services
Action title	MOUD Central Registry
Date this document prepared	June 2, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Virginia Department of Behavioral Health and Developmental Services (DBHDS) intends to require medication for opioid use disorder (MOUD) treatment services to participate in a central registry system. The purpose of the central registry system will be to: expedite the admission process by verification of medication and dose, prevent an individual from simultaneously enrolling in more than one MOUD treatment service, facilitate disaster response, allow access to treatment during emergencies throughout the Commonwealth, and ensure accurate data reporting and dispensing of medication in accordance with state and federal laws and regulations. Therefore, participation in the central registry system will help protect the health, welfare and safety of Virginians.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

DBHDS- Department of Behavioral Health and Developmental Services
Licensing Regulations- Rules and Regulations for Licensing Providers by the DBHDS (12VAC35-105)
State Board- State Board of Behavioral Health and Developmental Services

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

No specific mandate is tied to this action. Its impetus derives from changes in best practice within the service and the desire of the Commonwealth to be aligned with best practices as well as protecting the health, welfare and safety of Virginians.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 37.2-203 of the Code of Virginia authorizes the State Board to adopt regulations that may be necessary to carry out the provisions of Title 37.2 and other laws of the Commonwealth administered by the Commissioner and DBHDS.

Section 37.2-404 of the Code of Virginia authorizes the Commissioner, subject to regulations adopted by the State Board, to license providers. The State Board voted to adopt this regulatory action at its meeting on July 15, 2026.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The central registry system will expedite the admission process to MOUD treatment services. Currently MOUD providers need to call, fax or email providers within a 50-mile radius to determine if an individual is dually enrolled. Instead, with a central registry a single inquiry can be made to prevent an individual from simultaneously enrolling in two or more MOUD treatment services. The central registry also expedites verification of medication and dose, which can facilitate access to treatment throughout the

Commonwealth during emergencies. The central registry also simplifies accurate data reporting and dispensing of medication in accordance with state and federal laws and regulations.
The purpose of a central registry is to provide the Commonwealth with a tool to ensure that dual enrollment verification is accurate, help provide care during emergencies, and communicate with MOUD treatment services. Therefore, participation in the central registry system will help protect the health, welfare and safety of Virginians.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

This action will make changes to two sections:

12VAC35-105-645. Initial contacts, screening and admission. Adds a subsection which requires MOUD treatment services to collect data, specifically the number of individuals who are not admitted due to their refusal to consent to a central registry inquiry. The MOUD treatment service provider will be required to report this information to the department on a monthly basis.

12VAC35-105-1000. Preventing duplication of medication services. Deletes the current requirements. Requires that a MOUD treatment service providers to: participate in a central registry, have three staff member who have access to the central registry, obtain written consent from individual's prior to initiating a central registry inquiry, initiate a central registry inquiry prior to admission, verify the individual is not dually enrolled, report all required data and treat data as confidential in accordance with the law.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no viable alternatives to the regulatory action, which will mandate participation within a central registry. Without a regulatory mandate participation within the central registry would be optional. The central registry necessitates participation of all MOUD treatment service providers in order to be effective.

Periodic Review and Small Business Impact Review Announcement

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the

Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Department of Behavioral Health and Developmental Services is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: https://townhall.virginia.gov. Comments may also be submitted by mail, email or fax to Susan Puglisi, P.O. Box 1797, Richmond, VA 23218-1797, fax 804-371-4609, and email susan.puglisi@dbhds.virginia.gov.. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.