



COMMONWEALTH of VIRGINIA

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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MEMORANDUM

To: Affected Stakeholders

From: John Cimino, Legal and Regulatory Manager
Office of Licensing

Cc: Jae Benz, Director
Office of Licensing

Veronica Davis, Associate Director
Office of Licensing

Emily Bowles, Associate Director
Office of Licensing

Date: September 28, 2020

Re: PUBLIC NOTICE: Request for Comment on Draft Revised Guidance Documents
Relating to 12VAC35-105

Pursuant to Code of Virginia [§ 2.2-4007.04:01](#), notice is given that the public comment period is open for draft changes to two guidance documents related to licensed providers:

- Guidance for Serious Incident Reporting (12VAC35-105). View the draft revised guidance document in the public comment forum on Town Hall [here](#).
- Guidance for a Quality Improvement Program (12VAC35-105). View the draft revised guidance document in the public comment forum on Town Hall [here](#).

Individuals interested in making comments on these draft revisions to either guidance document may do so on the Town Hall website **from Monday, September 28, 2020 through 11:59 p.m. on Wednesday, October 28, 2020**. Comments may also be made by email john.cimino@dbhds.virginia.gov or hard copy mail (Attn: John Cimino, DBHDS, Office of Licensing, Post Office Box 1797, Richmond, Virginia 23218-1797). **All comments must be received by 11:59 p.m. on Wednesday, October 28, 2020.**

I. Guidance on Serious Incident Reporting	
Guidance is related to the following regulations:	DBHDS, 12VAC35-105 Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services, and specifically:

	<ul style="list-style-type: none"> ▪ 12VAC35-105-20. Definitions ▪ 12VAC35-105-160 Serious Incident Reporting
Goals of the Guidance:	<p>Changes are made to this guidance document to reflect the final, permanent amendments in Action 5040 Compliance with Virginia's Settlement Agreement with US DOJ, and documents recently published by the department related to those regulatory changes.</p> <p>This document contains guidance to providers regarding the definition of "serious incident" and the corresponding reporting requirements adopted to address compliance with the US Department of Justice's Settlement Agreement with Virginia within the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services [12VAC35-105] ("Licensing Regulations"). For additional information related to the department's expectations for serious incident reporting please visit the department's August 22, 2020 Incident Reporting Memo.</p>

II. Guidance for a Quality Improvement Program	
Guidance is related to the following regulations:	<p>DBHDS, 12VAC35-105 Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services, and specifically:</p> <ul style="list-style-type: none"> ▪ 12VAC35-105-620. Monitoring and evaluating service quality.
Goals of the Guidance:	<p>Changes are made to this guidance document to reflect the final, permanent amendments in Action 5040 Compliance with Virginia's Settlement Agreement with US DOJ, and documents recently published by the department related to those regulatory changes.</p> <p>This document contains guidance to providers regarding the requirements for quality improvement adopted to address compliance with the US Department of Justice's Settlement Agreement with Virginia within the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services [12VAC35-105] ("Licensing Regulations").</p>

Public Comment

Comments may be made:

- **By going to [this link](#) on Town Hall.** You do not have to register as a public user to make a public comment.
- Comments may also be submitted by email or mail using the contact information below during the 30 day public comment period.

The forum is open from September 28, 2020 until October 28, 2020. If you are a registered user on Town Hall, you should have received notice of this directly. By going to this link <http://townhall.virginia.gov/L/Register.cfm> and registering as a public user, you can receive automatic notices of regulatory actions.

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