



COMMONWEALTH of VIRGINIA

DEPARTMENT OF

BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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MEMORANDUM

To: All DBHDS Licensed Providers

From: Jae Benz, Director, Office of Licensing

Date: July 10, 2019

Re: July 2019 Licensing Updates

Please see the attached memoranda containing an exciting update from the Office of Licensing as well as additional clarification related to requirements by the Office. The first memo contains an exciting update regarding the structure of the Office of Licensing. The second memo provides additional clarification regarding when a service modification form should be submitted to the Office of Licensing and the formalized process that will follow once a completed service modification form is submitted. Lastly, the third memo includes important information related to trainings on the recent modifications to the Computerized Human Rights Information System (CHRIS).

In addition, please note that the Office of Licensing has published the following trainings to assist licensed providers with the implementation of the requirements as provided in the [emergency text](#) containing amendments to the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*: [Office of Licensing Emergency Regulation Changes Training: Overview - Part I](#); [Office of Licensing Emergency Regulation Changes Training: Risk Management & Quality Improvement](#); [Office of Licensing Emergency Regulation Changes Training: Serious Incident Reporting](#); and [Office of Licensing Emergency Regulation Changes Training: Root Cause Analysis - The Basics](#). The trainings can be accessed through the hyperlinks contained within this memo or under the “Guidance and Technical Assistance” tab on the [Office of Licensing website](#).

Sincerely,

Jae Benz

Jae Benz
Director, Office of Licensing
DBHDS



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MEMORANDUM

To: All DBHDS Licensed Providers

From: Jae Benz, Director, Office of Licensing

Date: July 10, 2019

Re: Restructuring within the Office of Licensing

The purpose of this memo is to provide all licensed providers with an update regarding an exciting change happening within the DBHDS Office of Licensing. Beginning July 22, 2019, the Office of Licensing will have a specialized unit for the triage of serious incidents known as the Incident Management Unit or "IMU." The IMU will be comprised of four staff members who will oversee a centralized triage process to review all serious incidents at the time they are reported to the Office of Licensing. The IMU will allow the Office of Licensing to better support recommendations contained within the Office of the State Inspector General's [Review of Serious Injuries Reported by Licensed Providers of Developmental Services](#) and better monitor providers' compliance with and implementation of the changes to the serious incident reporting requirements contained within the Office of Licensing [Emergency Regulations for Compliance with Virginia's Settlement Agreement with US DOJ](#).

The IMU will also allow the Office of Licensing to provide more timely reviews and responses to serious incident reports. The IMU will be responsible for reviewing each serious incident report submitted to the Office of Licensing. Following the initial review of the serious incident report, the IMU will make a determination as whether no follow up is needed, the incident requires further review, or an investigation is needed. The IMU will then track each incident to ensure the provider has completed the appropriate follow-up. As a result of these reviews, providers should anticipate contact from the Office of Licensing if a serious incident report does not contain sufficient information to determine next steps by the Office. Providers may also receive requests for additional information that will clarify incidents and/or will provide sufficient follow-up related to actions taken. Follow-up on incidents may include phone contact with the provider and/or individual; a desk review of records and reports; and on-site visits when indicated.

In addition to the triage of serious incident reports, the IMU will be gathering data and information from reporting systems such as CHRIS and OneSource. Trend analyses performed by the IMU will be shared with providers in order to identify existing and potential risks. Trend analyses may also result in recommendations for responsive action by providers. The IMU will track the providers completed follow-up and will coordinate with other parties as needed to provide technical assistance. The overall goal of the IMU is to improve processes and to ensure the overall safety of all individuals served throughout the Commonwealth.

The Office of Licensing will begin implementation of the triage process through a pilot program in Region IV beginning August 1, 2019 and ending September 30, 2019. This initial pilot program will allow the Office of Licensing to develop processes that are functional and will achieve the desired outcomes. Piloting the triage program also gives time to address challenges and to evaluate the benefits of the process steps to ensure successful implementation throughout the Commonwealth once the piloting period has ended. Participants in the pilot programs will be given the opportunity to share feedback throughout the process as well as at the end through a provider survey.

The OL looks forward to working with providers to improve our system. Please contact Stella Stith at stella.stith@dbhdsvirginia.gov regarding any questions related to the Incident Management Unit. Please be on the lookout for a future memo indicating when training will be available regarding specific processes. Additional information and training will be posted on the [Office of Licensing website](#).

Sincerely,

Jae Benz

Jae Benz
Director, Office of Licensing
DBHDS



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MEMORANDUM

To: All DBHDS Licensed Providers

From: Jae Benz, Director, Office of Licensing

Date: July 10, 2019

Re: Necessity for Service Modification Submission

Please be advised that per the [Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services](#), 12VAC35-105-60, “A provider shall submit a written service modification application at least 45 days in advance of a proposed modification to its license. The modification **may address** the characteristics of individuals served (disability, age, or gender), the services offered, the locations where services are provided, existing stipulations, or the maximum number of individuals served under the provider license.” In addition, per the Office of Licensing Service Modification Form, providers are expected to submit a service modification form when the following modifications have been made to a licensed service: 1) Modification to Service Description; 2) Modification to the organizational or administrative structure; 3) Name change; 4) Telephone number change; 5) E-mail address change; 6) Adding a new service; 7) Adding/closing locations; and 8) When requesting a change in the number served or capacity if stated on license.

In addition, providers are also expected to submit a service modification form when they wish **to add or subtract a primary contact** to the licensed service, or when the name of a primary contact has changed. The Office of Licensing (OL) understands the desire to add multiple primary contacts as this is currently the only way for multiple members from one provider to receive provider memos and updates from the Office. However, this expectation is to ensure that only authorized users are allowed to receive confidential information regarding the licensed service and/or make changes to the licensed service(s). We are currently working to establish a means by which any interested stakeholder can sign up to receive notifications and updates directly from the Office even if they are not listed as a primary contact for a provider.

While regulation does not stipulate a timeframe in which OL must respond to requests for service modifications, in an effort to increase accountability and transparency, effective August 1st, 2019, the Office will implement the below processes and time-frames:

- ✓ Service Modifications should be sent to Central Office where they will be date stamped by licensing administrative support staff on the day the packet is received.
 - Due to the large number of service modifications received and the importance of tracking those service modifications, it is important to know that service modifications must be sent to Central Office for processing. **A licensing specialist will not accept service modifications directly.**
- ✓ The assigned licensing specialist will make contact with the provider to acknowledge receipt of information within 10 business days from when the service modification is received by Central Office administrative staff. This does not mean the specialist has reviewed the application for completeness.
- ✓ The licensing specialist will review the application and attachments within 30 business days. Please note the timeline is based on receipt of all required documentation. Failure, by a provider, to submit a completed service modification, will result in delays in processing.
- ✓ The licensing specialist will schedule and conduct site reviews within 60 business days from the receipt of the **completed** service modification.
- ✓ Upon approval of the service modification and completion of an on-site inspection, the Office may need to revise the provider license. Approval of such a request shall be at the sole discretion of the Office of Licensing under the approval of the Commissioner.
 - Service Modifications may be denied if a provider is not in substantial compliance with regulations as evidenced by concerns noted during inspections or investigations, or a history of non-compliance as noted on Corrective Action Plans. Other occurrences may also determine if a provider is able to modify services, such as significant staff turnover which may affect the provider's ability to meet the staffing levels needs of the individuals receiving services.
- ✓ A change requiring a modification of the license shall not be implemented prior to approval of the service modification plan, and as appropriate modification of the current license.

Additionally, requests by sponsored provider agencies to process additional locations may not follow the same timeline as noted above. If there is sufficient capacity in a geographic area to serve the number of individuals in need of services in the area, and there is not a specific individual identified to receive services at that specific location within the following 60 business days, a specialist may be delayed in processing the service modification in order to prioritize other responsibilities. Under these circumstances, the review and inspection may be delayed by up to an additional 30 business days. Sufficient capacity in a geographic area will be determined by looking at the number of licensed providers in the area, the number of locations with vacancies in the identified area, and by conferring with the Office of Developmental Services (ODS) and the Department of Medical Assistance Services (DMAS).

Site visits, including travel time, review, and documentation, take up a significant amount of time for a licensing specialist. Therefore, if during a site visit, a provider is determined not to be in compliance with the required rules and regulations, the specialist will require a provider to submit proof of corrective actions within 15 business days. The specialist will then have an additional 30 business days from receipt of the information to review it, and 45 additional business days to complete a second onsite review. If a provider remains out of compliance at the next onsite review, a specialist will have 90 business days in which to complete the third onsite review. In addition, for any service modification to add a residential or center based service, the provider must provide the completed checklist for the physical plant included within the application packet before the onsite review will be conducted by the licensing specialist.

Lastly, please note that if a provider submits a service modification to change from one licensed service to another but they plan to continue to serve the same individuals they are currently serving, the provider must have documented evidence of the individual's informed consent to receive the new service. For example, for licensed providers providing services to individuals with a DD Waiver, this means that the licensed provider

will need to have a completed [Virginia Informed Choice Form](#) for each individual who continues to receive the newly licensed service.

Service Modifications must be sent to the DBHDS Central Office Location for processing. A Licensing Specialist will not accept a service modification directly from a provider. The Service Modification Form and any required attachments may be sent by email to licensingadminsupport@dbhds.virginia.gov, or mailed to: The Office of Licensing, DBHDS, P.O. Box 1797, Richmond, Virginia 23218.

If you have any concerns regarding the information contained within this memo or questions as to whether you should submit a service modification form, please contact your assigned licensing specialist.

Sincerely,

Jae Benz

Jae Benz
Director, Office of Licensing
DBHDS



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MEMORANDUM

To: All DBHDS Licensed Providers

From: Jae Benz, Director, Office of Licensing

Date: July 10, 2019

Re: SAVE THE DATE: Computerized Human Rights Information System (CHRIS) Modifications Training

The DBHDS Office of Licensing invites all licensed providers to participate in CHRIS Modifications Training. This training will encompass everything from acquiring a DELTA login to the revisions made to align CHRIS with the Office of Licensing [Emergency Regulations for Compliance with Virginia’s Settlement Agreement with US DOJ](#) (“Emergency Regulations”). The training will focus on the improvements DBHDS has made to better manage and report incidents. In addition, the training will cover how to report both serious incidents and deaths into CHRIS including specific scenarios to better demonstrate CHRIS functionalities to providers.

The two hour live webinars are scheduled for the following dates and times. A follow up email will be sent on Friday, July 12, 2019 with the webinar and conference information:

| | |
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| Tuesday, July 16, 2019, 1 p.m. - 3 p.m. | Tuesday, July 16, 2019, 4 p.m. - 6 p.m. |
| Monday, July 22, 2019, 12:30 p.m. - 2:30 p.m. | Tuesday, July 23, 2019, 1 p.m. - 3 p.m. |

Participants **must** utilize Internet Explorer to open the webinar link. Please be sure to access the link prior to the training to ensure all necessary software has been downloaded. All webinar portals will open 30 minutes prior to each scheduled training session. After the training the power point, training materials and Frequently Asked Questions will be posted on the [Office of Licensing website](#) for providers to access.

Please note that the Emergency Regulations do not apply to children’s residential service providers. As a result, the new reporting requirements for serious incidents do not apply to **CORE** providers. However, **CORE** providers should continue to utilize CHRIS to notify the department within 24 hours of any serious illness or injury, any death of a resident, and all other situations as required by the department in accordance with the Standards for the Regulation of Children’s Residential Facilities. Therefore, **CORE** providers should still plan to attend the training to see how the updates to the CHRIS system will affect the ways in which they report serious illness, injuries and deaths.

Sincerely,

Jae Benz

Jae Benz
Director, Office of Licensing
DBHDS