

THE PROCESS FOR LICENSING CHILDREN'S RESIDENTIAL FACILITIES

THE APPLICATION PACKET

Enclosed you will find a complete application package. The application packet consists of the following:

1. The licensing application instructions, including the required attachments;
2. The Licensing application;
3. A proposed working budget form/ Balance sheet for private sector facilities;
4. Information on the "siting" of children's residential facilities, required by Virginia Code;
5. A staffing pattern schedule sheet;
6. A copy of the *Standards for the Regulation of Children's Residential Facilities* that includes the Interpretive Guidelines for these regulations;
7. A copy of the *Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children* (The "Mental Health Module"), and
8. A copy of the *Rules and Regulations to assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services* (The Human Rights Regulations).

Children's Residential Services (CRF) licensed by the DMHMRSAS are required, by law and regulation, to provide "on-site" services to address the needs of residents with mental illness, intellectual disabilities (MR), or substance use disorders. These needs may include counseling, therapy, training, habilitation or other services. For example, a children's residential service serving emotionally disturbed children must provide for counseling/therapy on site, as well as a daily structured program of care. This structured program of care should be reflected in your service description.

To begin the licensing process you must submit a written "service description" addressing the following licensing regulations §22 VAC 42-11-630.A, §22 VAC 42-11-780.A, §12 VAC-35-45-70.B, §12 VAC 35-45-80.B, and §22 VAC 42-11--740. The service description will be reviewed for "subjectivity." Subjectivity is the process of reviewing what you submit to determine if licensing by DMHMRSAS is required for your selected service.

Please make certain you complete the following:

1. Address each element the application and regulations request;
2. Be as specific as possible (e.g. "qualified staff" does not tell us anything; explain how staff will be qualified. "residents will be assessed" does not provide enough information, how will they be assessed, by who, using what criteria?);
3. Make sure job descriptions are specific to your service. Do not simply re-state the regulation;
4. DO NOT send information not requested, such as your policies and procedures;
5. Do not send the information in a binder or notebook, and
6. Include the correct mailing address, email, phone number, etc.

Once completed, the application and ALL required attachments must be returned, with the

required **\$500.00** application fee, (Only business checks or money orders are accepted; personal checks are not accepted) to:

The Office of Licensing
Department of Mental Health, Mental Retardation and Substance Abuse
Services
P.O. Box 1797
Richmond, VA 23218-1797
If you have questions please call 804-786-1747

The DMHMRSAS Licensing process:

1. Submit and receive preliminary approval of the initial application, [and required attachments with \$500.00 fee];
2. Submit and receive approval of required Licensing policies, procedures and forms;
3. Submit required Human Rights policies and procedures to the local Regional Advocate in the Office of Human Rights for approval,
4. Affiliate with a Local Human Rights Committee
5. Set up an account with the Background Investigations Unit of the Department of Social Services, and request criminal history and central registry background investigations for identified staff as required by Virginia Code § 37.2-416 and § 63.2-1726. These must be **completed prior to licensing, and**
6. Complete an on-site review of the physical plant, to include interviews with the applicant related to the content of their service description and policies and procedures, as well as compliance with the applicable regulations.

Starting a children's residential facility is the same as opening any small business. Many decisions about the service must be made by the applicant. While the Office of Licensing is happy to answer applicant questions regarding how applicable regulations are interpreted, it is unable to provide "consulting services" to assist applicants in understanding start up costs, what type of service to operate, whether there is a need for the service you are proposing in the area you wish to open, or in writing their service descriptions, policies, procedures or to develop forms.

TIMELINE FOR REVIEW AND APPROVAL

Opening a children's residential facility is a challenging process. Most applicants find that the process takes six months to a year before they receive a license. Submitting an application does not guarantee that a license will be issued. Careful planning and thoroughness in addressing regulations are critical to completing the process.

All applications are reviewed in the order they are received. If the application is complete, but there are questions about the submission, OL will contact the applicant by mail.

TRAINING FOR NEW APPLICANTS

As part of the licensing process, we strongly encourage new applicants to attend a training session here at the Licensing Central Office. One training session is scheduled monthly. The training runs between 9 AM until Noon. There is a fee of fifty dollars (\$50.00) to cover the cost of time and materials. Payment is due ten (10) days after registration, or your registration will be cancelled. You are strongly encouraged to attend, with your program director, *prior* to submitting your policies and procedures. Please call 804-786-1747 to confirm your attendance. **Pre-registration is required; seating is limited and these training sessions fill up quickly.**

POLICIES, PROCEDURES AND FORMS

Once the application phase is complete, you will be requested to develop and submit all required Licensing policies, procedures and forms.

You will also be requested to develop Human Rights policies and procedures in compliance with *The Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services* (human rights regulations).

Human Rights Policies and Procedures:

Working with the Office of Human Rights, the applicant must:

- a. Develop policies that are in compliance with *The Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services*.
- b. Submit verification of provider compliance with the human rights regulations, using the Human Rights Compliance Verification form (enclosed), to Margaret Walsh, Director of the Office of Human Rights. By submitting this form, the provider is verifying that it has written all policies, developed all documents and has knowledge and understanding as required by the human rights regulations.
 - Once the verification form is received and confirmed, the applicant may then:
- c. Contact the Regional Human Rights Advocate to pursue an affiliation with a Local Human Rights Committee (LHRC); and
- d. Receive LHRC review and/or approval of required policies and procedures.

Additional Copies of the Human Rights Regulations and the Human Rights as well as other information about the Office of Human Rights can be found on the DMHMRSAS website:

<http://www.dmhmrsas.virginia.gov/OHR-default.htm>.

The Office of Human Rights can also tell the applicant who their Regional Advocate will be. Margaret Walsh and the Office of Human Rights can be contacted by phone at 804-786-3988, by mail to 1220 Bank Street, Richmond VA 23218, via fax at 804-371-2308 or email at margaret.walsh@co.dmhmrsas.virginia.gov.

Licensing Policies and Procedures

Applicants should carefully read the applicable Licensing regulations to determine when a written policy or procedure is required. A written policy is required when a regulation calls for a "written policy," "written documentation," "procedure," or "plan." "Policy" defines *what* the plan, or guiding principle of the organization is, as related to the regulation; "procedures" are the process (or steps) the applicant takes to ensure that the policy is carried out. Procedures should answer the questions of *who*, *where* and *how* a policy will be implemented. **Policies and procedures are not re-statements of regulations.** Applicants may also need to develop other policies to guide the delivery of services even when not required by the regulations.

If further revisions are needed to submitted policies or forms, the applicant is notified in writing.

Once all Licensing policies, procedures and forms submitted and approved, and the *Human Rights Compliance Verification has been received and approved*, a licensing specialist is assigned to complete the on-site review.

CRIMINAL HISTORY AND CENTRAL REGISTRY BACKGROUND CHECKS

Virginia Code §37.2-416 and §63.2-1726 require that all staff are subject to criminal history and central registry background checks to determine their eligibility to work with children in services licensed by the DMHMRSAS. **After** the determination of subjectivity, the applicant should contact the Background Unit at the Department of Social Services (DSS) to obtain the procedures for completion of these background checks. Ms. Angela Pearson handles the criminal history background checks and she may be contacted at (804) 726-7099. These must be completed prior to being licensed.

You will need to conduct central registry background checks directly through the Department of Social Services. Required forms can be obtained from the DSS website, www.dss.state.va.us, or contact either Ms. Kim Davis, 804-726-7549, or Ms. Betty Whittaker at 804-726-7687.

ON-SITE INSPECTION

When the policies, procedures, and forms have been reviewed and approved, an on-site review of the facility where services will be delivered will be scheduled. This on-site review verifies compliance with several regulations by allowing reviews of:

1. The physical plant,
2. Personnel records (which must be complete and include evidence of completed applications for employment, evidence of required training and orientation, reference checks, and evidence of requests for background investigations),
3. A "sample" client record,
4. The applicant's knowledge of their service description and policies and procedures, and
5. The applicant will also be able to demonstrate that he has hired, trained, and oriented enough staff to begin service operation, including relief staff. In addition, the applicant will be required to submit complete and final copies of the service description, policies and procedures for the Office of Licensing to maintain on file.

Achieving compliance with the Licensing Regulations and the Human Rights Regulations is generally a concurrent process. However, each office independently reviews compliance with its own regulations.

Once this has been completed and the applicant is deemed to be in compliance with all applicable regulations [both Office of Licensing and Human Rights], the Office of Licensing makes a recommendation to the Commissioner of the DMHMRSAS regarding the issuance of a license.

DENIAL OF AN APPLICATION

The application may be denied by the Commissioner if an applicant:

1. Has failed to achieve compliance with applicable regulations within one year from the date the application has been received;
2. Violates any provision of applicable laws or regulations made pursuant to such laws;
3. Has a founded disposition of child abuse or neglect after the appeal process has been completed;
4. Has been convicted of a crime listed in Virginia Code §§ 37.2-314.B and 63.2-1726;
5. Has made false statements on the application or misrepresentation of facts in the application process;
6. Has not demonstrated good character and reputation as determined through references, background investigations, driving records, and other application materials;

7. Has violated existing regulations; or
8. Has permitted, aided or abetted the commission of an illegal act in services delivered by the provider, or exhibits conduct or practices detrimental to the welfare of any individual receiving services

Should an application be denied, applicants may have to wait at least six months before they can re-apply (Virginia Code § 37.2-418.C), and an additional \$500.00 application fee will be required.

Providers may not begin service operation until they have received a license from the Commissioner. Only the Commissioner may issue a license.

**“Completed applications” for licensing a
Children’s Residential Facility
include the following:**

	Required Attachments	Regulation Reference(s)
1.	The completed application form	§22 VAC 42-11-30.A
2.	The applicant’s proposed working budget for the year	§22 VAC 42-11-20.A
3.	Evidence of financial resources, or, a line of credit sufficient to cover estimated operating expenses for ninety-days	§22 VAC 42-11-20.A
4.	A description of the applicant’s program that meets the definition of providing services as defined in the Code of Virginia, including admission, exclusion, discharge/termination criteria, and a copy of the proposed program schedule, and that meets the requirements (in most cases the same program description information submitted to the Office of Interdepartmental Regulation can be used)	§22 VAC 42-11-630.A §22 VAC 42-11-780.A §12 VAC 35-45-70 §12 VAC 35-45-80 §22 VAC 42-11-740
5.	A schedule of the proposed staffing/supervision plan (staff information sheet and narrative),	§22 VAC 42-11-320 §22 VAC 42-11-830
6.	Copies of all position (job) descriptions that address all the requirements	§22 VAC 42-11-280.A §22 VAC 42-11-340 §22 VAC 42-11-350 §22 VAC 42-11-360 §22 VAC 42-11-370 §22 VAC 42-11-380 §22 VAC 42-11-770
7.	Evidence of the applicant’s authority to conduct business in the Commonwealth of Virginia. Generally this will be a copy of the applicant’s State Corporation Commission Certificate	§22 VAC 42-11-30.A
8.	A copy of the building floor plan, outlining the dimensions of each room	§22 VAC 42-11-30.A
9.	A copy of the facilities certificate of occupancy	§22 VAC 42-11-30.A
10.	A current health inspection	§22 VAC 42-11-30.A
11.	Evidence that the facility and its equipment are maintained in accordance with the Virginia Statewide Fire Prevention Code,	§22 VAC 42-11-30.A
12.	For facilities with a governing board, a list of all members of the board; and	
13.	For facilities operated by a corporation, an unincorporated organization or an association, references for 3 officers of the board (see attached reference sheet)	§22 VAC 42-11-30.A

INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT.