

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE
SERVICES [DMHMRSAS]

PROCESS FOR LICENSING

APPLICANTS: Please review this document carefully. It explains the process for DMHMRSAS licensing, the documents required, and the steps involved in the process.

To be licensed by DMHMRSAS the applicant must:

1. Submit and receive preliminary approval of the initial application, [and required attachments];
2. Submit, receive approval of, and demonstrate knowledge of required licensing policies, procedures and forms;
3. Submit and receive approval of required Human Rights Policies and Procedures;
4. Affiliate with a Local Human Rights Committee, (LHRC),
5. Request the LHRC to approve the applicant's Human Rights Policies and Procedures;
6. Set up an account and request criminal history and central registry background investigations for identified staff as required by Virginia Code § 37.1-183.3, and submit Child Protective Services reference checks.
7. Have an on-site review of the physical plant, to include interviews with applicants over the content of their service description and policies and procedures, as well as compliance with other regulations, and copies of forms and sample client and personnel records,

INITIAL APPLICATION

1. The prospective applicant obtains an “**Initial Application Packet.**” All of the required documents are available to be downloaded from the DMHMRSAS website: www.dmhmrsas.virginia.gov/Organ/CO/Offices/OL/OLForms.asp. Using the website is a faster way to obtain these documents. Applicants who experience problems may request the package by telephone, (804) 786-1747, by facsimile, (804) 692-0066, or in writing to: The Office of Licensing, DMHMRSAS, P. O. Box 1797, Richmond, Virginia 23218.
2. The **Initial Application Packet** consists of the following:
 - a. A copy of the “Initial Provider Application;”
 - b. A copy of The Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, and Substance Abuse Services;
 - c. A copy of the Human Rights Regulations, the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services;*
 - d. A “matrix” of which Regulations generally apply to the services licensed by the Department;
 - e. A staffing pattern schedule sheet; and
 - f. A listing of the Human Rights Regional Advocates with a map of each Advocate's area of responsibility;

3. The applicant submits the completed application, along with all required attachments to the Office of Licensing in Richmond. **It is important to note here that these materials are not all that will be required of the applicant.**
4. The application is assigned to a Review Specialist (RS). The RS reviews the application materials to determine if the application is complete, including the submission of all attachments. **INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED AND WILL BE RETURNED TO THE APPLICANT.** If the applicant is unable to submit some part of the application, the applicant should contact the Office of Licensing to discuss this.
5. If the application is complete, the RS will review the application to determine if the service described by the applicant is licensed by the DMHMRSAS. This is referred to as “subjectivity.” The RS will determine subjectivity by reviewing the applicant’s service description to determine what services will be provided to individuals who are diagnosed with mental illness, substance abuse, developmental disabilities, or who are mentally retarded. Virginia Code §37.1-179, defines “service” to “mean individually planned interventions intended to reduce or ameliorate mental illness, mental retardation or substance addiction or abuse through care, treatment, training, habilitation, or other supports that are delivered by a provider to individuals with mental illness, mental retardation or substance addiction or abuse...”
6. If the RS determines that the service to be provided by the applicant is NOT SUBJECT to licensing by DMHMRSAS, the application will be returned to the applicant with a letter explaining that determination.
7. If the application is complete, and determined to be subject to licensing by the DMHMRSAS, but there are questions about the application, the Regional Manager will contact the applicant by mail. **While the Office of Licensing is happy to answer applicant questions regarding how the applicable regulations are interpreted, it is unable to provide “consulting services” to assist applicants in writing their program descriptions, policies, procedures or to develop forms.**
8. Once determined to be subject to licensing, the RS will notify the applicant regarding subjectivity and the completeness of the application.
9. The Background Investigations Unit should also be contacted to set up an account and request applicable background checks. You can reach that office at 804-786-6384.
10. Once the applicant has been notified that the application is subject to licensing, they should contact their local Regional Advocate in the Office of Human Rights, to begin developing human rights policies and procedures.

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.

TRAINING SESSION

As part of the licensing process, we are strongly encouraging new applicants to order the new applicant training DVD and materials from the Office of Licensing. There is a fee of seventy-five (\$75.00) for these materials which cover the same material as the Office's training sessions which are no longer being offered. Payment is due with your order. While this **IS NOT A MANDATORY REQUIREMENT**, you are strongly encouraged to order this video, *prior* to submitting your policies and procedures. The videos will be available April 15, 2009. The order forms are on the Office of Licensing Web Site. Please call 804-786-1747 if you have questions.

POLICIES AND PROCEDURES

The applicant then develops and submits policies, procedures, and forms, as required by regulation. Either the RS or a licensing specialist may review these policies and procedures. The applicant should also submit criminal history and central registry checks to the DMHMRSAS Office of Human Resources Management and Development, for the owner and all identified staff. **All copies of service descriptions, policies, procedures and forms should have a footer noting the date they were developed (or revised) and page numbers.**

WHAT ARE ACCEPTABLE POLICIES AND PROCEDURES?

Applicants should carefully read the regulations to determine when a written policy or procedure is required. A written policy is required when the 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 required regulation; “procedures” are the process (or steps) the applicant takes to ensure 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 the re-statement of a regulation.** Applicants may also need to develop other policies to guide the delivery of services even when not required by the regulations.

COMPLIANCE PLANS

The Office of Licensing will inform the applicant of needed revisions through a “compliance plan.” Compliance plans cite the specific regulation with which the applicant is not yet in compliance and provide a brief narrative explaining why the regulation has not been met. The applicant makes the required corrections and submits a written description of the action taken to the Office of Licensing by the due date indicated on the compliance plan. This is a “plan of corrective action.” The Office of Licensing determines if the plan of corrective action is acceptable and in compliance with the regulations.

BACKGROUND Investigations

Virginia Code § 37.2-416 requires that staff are subject to criminal history and central registry background checks to determine their eligibility to work in services licensed by the DMHMRSAS. **After** the determination of subjectivity, the applicant should contact the Background Investigations Unit to obtain the procedures for completion of these background checks. Ms. Malinda Roberts is the contact in that office. You can reach Ms. Roberts by calling (804) 786-6384. The applicant does not have to have completed background checks prior to being licensed; however, they must be registered with that office and have requested background checks prior to licensing. (The applicant must maintain copies of all such requests in confidential personnel records).

ON-SITE REVIEW

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 visit verifies compliance with several regulations pertaining to:

1. The physical plant,
2. Personnel: personnel records must be complete for all personnel, and include evidence of completed applications for employment, evidence of required training and orientation, reference checks, and evidence of requests for background investigations,
3. Evidence of insurance as required under §12 VAC 35-105-220,
4. Client records, (a sample client record).
5. The applicant’s knowledge of and ability to implement the service description and policies and procedures,
6. Staffing, as evidenced by the applicant having trained, submitted criminal background and CPS checks, and oriented enough staff to begin service operation, (to include relief staff).
7. Submission, for the OL files, of a COMPLETE and FINAL copy of the service description, policies, and procedures.

FINAL STEPS

1. Achieving compliance with Licensing and Human Rights Regulations are generally concurrent processes. However, while the applicant must be in compliance with the regulations of both offices prior to being issued a license, they are separate processes. Each office independently reviews compliance with its own regulations.
2. When the applicant is deemed to be in compliance with all applicable regulations [both Licensing and Human Rights], the Office of Licensing makes a recommendation to issue a license to the Commissioner. Only the Commissioner can issue a license.
3. Providers may not begin service operation until they have received written notification that they are licensed.
4. All new applicants are issued conditional licenses for a period not to exceed six (6) months.

DENIAL OF A LICENSE

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

- a. Fails to achieve compliance with applicable regulations within one year from the date that the application was received;
- b. Violates existing regulations;
- c. Permits, aides or abets the commission of an illegal act in services delivered by the applicant; or
- d. Exhibits conduct or practices detrimental to the welfare of any individual receiving services.

NOTE: Should an application be denied, applicants may have to wait at least six months before they can re-apply pursuant to Virginia Code § 37.1-185(c).

A complete application for licensing by the Department of Mental Health, Mental Retardation

	REQUIRED ATTACHMENTS	Regulation Reference
1.	Completed application form,	12 VAC 35-105-40(A)
2.	Applicant's proposed working budget for the year,	12 VAC 35-105-40(A)(1),
3.	Evidence of financial resources or a line of credit sufficient to cover estimated operating expenses for ninety-days,	12 VAC 35-105-40(A)(2),
4.	A copy of the organizational structure, showing the relationship of the management and leadership to the service,	12 VAC 35-105-190(C)
5.	A description of the applicant's program that addresses all the requirements, including admission, exclusion, continued stay, discharge/termination criteria, and a copy of the proposed program schedule,	12 VAC 35-105-570, and 12 VAC 35-105-580
6.	The applicant's Records Management policies addressing all the requirements of regulation,	12 VAC 35-105-390 and 12 VAC 35-105-870,
7.	A schedule of the proposed staffing plan,	12 VAC 35-105-590,
8.	Copies of the resumes of all identified staff,	12 VAC 35-105-420(A)
9.	Copies of all position (job) descriptions that address all the requirements (Position descriptions for Case management, ICT and PACT services must address additional regulations),	§12 VAC 35-105-410
10.	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,	12 VAC 35-105-190
11.	A certificate of occupancy for the building where services are to be provided,	12 VAC 35-105-260,
	And for residential services:	
12.	A copy of the building floor plan, outlining the dimensions of each room,	12 VAC 35-105-40(B)(5)
13.	A current health inspection, and	12 VAC 35-105-290 and 12 VAC 35-105-300
14.	A current fire inspection for residential services serving over eight (8) residents	12 VAC 35-105-320.

and Substance Abuse Services, [DMHMRSAS], includes **all of** the following:

All copies of service descriptions, policies, procedures, and forms should have page numbers and a "header" or "footer" indicating the date it was created or revised.

Please DO NOT submit materials in plastic cover sheets or permanent binders.

INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT