OVERHAUL REGULATORY PROJECT

**Background**

Each state agency must ensure that its regulations are reviewed at least once every four years through a “periodic review.” Agencies must then decide if the regulation will be amended, retained as is, or repealed. After conducting a periodic review of the Licensing Regulations, the agency filed a decision to amend the regulations. In 2019, a public comment forum and a RAP were held to discuss the initial draft of the ‘umbrella’ administrative chapter for all the licensing regulations, the General Chapter. Since reviewing the public comments received and the feedback provided by the first RAP, DBHDS published a revised draft of the General Chapter and also initial draft chapters for Residential, Center-based, Home/Noncenter-based, and Case Management services. A second RAP was convened across three meetings in the summer of 2023 (see more information below).

**Planned Changes**

Since the development of the draft General Chapter, the Office of Licensing has worked steadily on the “overhaul” of the Licensing Regulations and developed drafts for five new service-specific chapters. Note that drafts incorporated the requirements of the current separate Chapter 46 (12VAC35-46), Regulations for Children’s Residential Facilities.

**2023 Regulatory Advisory Panel (RAP)**

* Information from the three meetings (6/20, 6/27/ and 7/11) can be found here: <https://www.townhall.virginia.gov/L/Meetings.cfm?BoardID=65>.
* The draft chapters reviewed by the RAP are posted below.

**Previous Chapter Drafts Reviewed During the 2023 Overhaul RAP**

(Note: These drafts are out of date as they are currently under revision based on comments.)

* [General Chapter – Third Revision](https://dbhds.virginia.gov/wp-content/uploads/2023/06/GeneralChapter.THIRD_.rev_.2023RAP.pdf)
* [Case Management – Second Revision](https://dbhds.virginia.gov/wp-content/uploads/2023/06/CaseManagementChapter.SECONDrev.2023.RAP_.pdf)
* [Center-based Services – Second Revision](https://dbhds.virginia.gov/wp-content/uploads/2023/06/Center-basedChapter.SECONDRev-2023RAP.pdf)
* [Home/Noncenter-based Services – Second Revision](https://dbhds.virginia.gov/wp-content/uploads/2023/06/HomeNoncenter-basedChapterSECONDrev2023RAP.pdf)
* [Residential Services – Second Revision](https://dbhds.virginia.gov/wp-content/uploads/2023/06/ResidentialChapter.SECONDrev.2023RAP.pdf)

All other previous overhaul drafts and public comment forums since 2019 can be viewed [here](https://www.townhall.virginia.gov/L/GeneralNotice.cfm?BoardID=65&DateSelection=Expired).

**Most Recent Activity**

A [draft of a new Crisis Services Chapter](https://dbhds.virginia.gov/wp-content/uploads/2024/01/DBHDS.12VAC35-111.InitialDRAFT.CrisisChapter.2023.12.29.pdf) was published since the 2023 RAP. This was followed with a [regulatory action that made permanent amendments](https://www.townhall.virginia.gov/L/ViewAction.cfm?actionid=6475) 12VAC35-105 and the Human Rights Regulations (12VAC35-115), as directed by the 2024 Session of the General Assembly to amend its regulations to ensure they support high-quality crisis services.

**Next Steps**

A package of all six chapters are being prepared for consideration for regulatory action by the State Board of BHDS. Note that because the ‘overhaul’ is very large project combining two current regulations into a ‘five-legged stool with an umbrella chapter,’ all draft chapters must move forward together as one action.

Also, please keep in mind that once submitted to the State Board of Behavioral Health and Developmental Services for formal action, comment forums will be part of the official regulatory process.