



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: DBHDS Licensed Providers and Stakeholders
From: Jae Benz, Director, Office of Licensing
Cc: Mackenzie Glassco, Associate Director of Quality & Compliance
Angelica Howard, Associate Director of Administrative & Specialized Units
Christine Morris, Associate Director of State Licensing Operations

Date: August 25, 2025

Re: Overhaul of DBHDS Licensing Regulations

Purpose: This memo is to alert all Department of Behavioral Health and Developmental Services ("DBHDS" or the "Department") licensed providers and interested stakeholders that DBHDS is undergoing a regulatory action to overhaul its licensing regulations.

Background:

In 2017, DBHDS conducted a periodic review of the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, 12 VAC 35-105-10, *et seq.* ("Licensing Regulations") and determined to amend the regulations as a result of that review. At that time, the Department conducted extensive research regarding how agencies across the country structure their licensing regulations. DBHDS found that a majority of licensing agencies do not have their licensing regulations in a single chapter, as the Department currently has its regulations organized. Instead, other agencies have their regulations separated by disability, population, or service setting. After numerous discussions with Department subject matter experts, sister agencies, licensed providers and members of the community, DBHDS has decided to separate the Licensing Regulations into service-specific chapters. This will allow for more detailed service-specific provisions to be included in regulations where appropriate and provide clarity on which regulatory provisions apply to specific services.

The new structure will include one overarching General chapter, which will apply to all providers, and five service-specific chapters. The service-specific chapters include: Residential and Inpatient, Center-Based, Non-Center-Based, Case Management, and Crisis.

As this is a major regulatory change, the department has been careful to ensure that providers have been involved in the drafting process , and that input was considered during drafting prior to the implementation of a regulatory action. At this time, DBHDS is initiating a standard regulatory action, which has three stages: Notice of Intended Regulatory Action (NOIRA), Proposed, and Final. The standard regulatory action usually takes up to two years and has several opportunities for further public comment.

The Department welcomes public comment on the NOIRA of each of the six proposed chapters. A public comment period is open beginning today, August 25, 2025, and will remain open until September 24, 2025. Public comments may be submitted through the Virginia Regulatory Town Hall: <https://townhall.virginia.gov/index.cfm>