

# Chapter

# 2

## LICENSING PROCESS

12 VAC 35-105-30 Licenses.....2-2  
12 VAC 35-105-40 Application Requirements.....2-2  
12 VAC 35-105-50 Issuance of Licenses.....2-3  
12 VAC 35-105-60 Modification.....2-3  
12 VAC 35-105-70, 100 Onsite Reviews, Sanctions.....2-3  
12 VAC 35-105-80 Complaint Investigations.....2-3  
12 VAC 35-105-90 Compliance.....2-3  
.....2-4  
12 VAC 35-105-110, 120, 130 Denial, revocation or suspension of a license;  
Variances, Department’s Commitment to Confidentiality of records.....2-4

# Chapter 2

## LICENSING PROCESS

### 12 VAC 35-105-30

All staff at Richmond Behavioral Health Authority (RBHA) will honor all applicable licensing laws, regulations and requirements in order to provide services to persons with mental illness, persons with mental retardation, and persons with substance addiction or abuse problems.

**Please see attachment A**

- **Description of services licensed**
- **The population served**
- **Specific locations where services are provided**
- **Job descriptions**

### 12 VAC 35 105 40

- A. RBHA shall follow all application requirements as designated by the commissioner
- B. RBHA will maintain and submit an application listing each service to be provided to include:
  1. A staffing plan
  2. Employee credentials or job descriptions containing all of the elements outlined in 12 VAC 35-105-870
  3. A service description containing all the elements outlined in 12 VAC 35-105-580-C
  4. Records management policy containing all the elements outlined in 12 VAC 35-105-390 and 12 VAC 35-105-870
  5. A certificate of occupancy, floor plan (with dimensions), and any required inspections for all service locations
- C. RBHA will confirm intent to renew the license prior to the expiration of the license and notify the Department in advance of any changes in service or location

**12 VAC 35 105-50**

It is the policy of RBHA to demonstrate compliance and abide with administrative and policy regulations as it relates to the issuance of licenses.

**12 VAC 35 105-60**

RBHA will submit prompt requests to the commissioner for license modification with respect to the population served (disability, age, and gender), the services offered, the locations where services are provided and stipulations.

**12 VAC 35 105-70, 12 VAC 35 105-100,**

RBHA shall permit representatives from DMHMRSAS Licensing and Human Rights Department to conduct reviews to:

- Verify application information
- Assure compliance with regulations
- Cooperate with Special orders; sanctions invoked by the commissioner
- Investigate complaints

**12 VAC 35 105-80**

RBHA shall fully cooperate with the Department's investigation of complaints regarding potential violations of licensing regulations

**12 VAC 35 105-90**

RBHA shall collect, maintain and report:

- a. Each allegation of abuse, neglect or exploitation to the assigned human rights advocate within 24 hours from the receipt of the initial allegation and the investigating authority shall provide a written report of the results of the investigation of the abuse, neglect, or exploitation of the provider and the human rights advocate within 10 working days, unless an exemption has been granted, from the date the investigation began. The report shall include but not be limited to the following: whether abuse, neglect or exploitation occurred; type of abuse and whether the act resulted in physical or psychological injury.
- b. Death and serious injuries in writing to the department within 24 hours of discovery and by phone to the legally authorized representative as applicable within 24 hours to include but not be limited to the following; the date and place of death or serious injury.
- c. Each instance of restraint or time-out that does not comply with the human rights Regulations or approved variances or that result in injury to an individual shall be

reported to the legally authorized representative and the assigned human rights advocate within 24 hours.

- B. The Richmond Behavioral Health Authority shall submit, or make available, reports and information that the department requires to establish compliance with human rights regulations and other applicable statutes.
- C. Records are confidential under federal or state law shall be maintained as confidential by the DMHMRSAS Department of Licensure and shall not be further disclosed except as permitted by law; however, there shall be no right of access to communication that are privileged pursuant to §8.01-581.17 of the Code of Virginia.

### **12 VAC 35 105-110, 120, 130**

In order to ensure that a full license be granted at the time of application for license renewal, all RBHA staff will adhere to the following procedures:

- A.
  - 1. Staff shall not violate any provisions of Chapter 8 (§37.1-179 et seq.) of Title 37.1 Code of Virginia or the following regulations;
  - 2. Staff will not engage in conduct or practices that are detrimental to the welfare of any individual or is in violation of human rights identified in §37.1-84.1 of the Code of Virginia or the human rights regulations (12 VAC 35-115);
  - 3. Staff shall not permit, aid, or abet the commission of an illegal act;
  - 4. All staff will adhere to regulations and at no time, fail or refuse to submit reports or to make records available as requested by the department
  - 5. No staff will refuse to admit a representative of the department to the RBHA premises; or
  - 6. Staff will have no occurrence of failing to submit an adequate corrective action plan

### **Variances**

The commissioner may grant a variance to a specific regulation if he determines that such a variance will not jeopardize the health, safety, or welfare of individuals and upon demonstration by RBHA that complying with the regulation would be a hardship unique to Richmond Behavioral Health Authority. When unique hardship variances are warranted, RBHA staff will need to adhere to the following guidelines:

- 1. Staff shall submit a variance request in writing to their Division Director, explaining the hardship that is unique to Richmond Behavioral Health Authority
- 2. The Division Director shall submit request to Executive Director/or designee for approval
- 3. Once he/she concurs, the Executive Director/or designee shall submit a request for a variance in writing to the commissioner for approval

|   |  |
|---|--|
| <p><b>TITLE:</b> CHAPTER 2 LICENSING PROCESS</p> <p><b>EFFECTIVE DATE:</b> December 1, 2001<br/><b>REVISION DATE:</b> July 1, 2005<br/><b>UPDATED DATE:</b> July 30, 2008<br/><b>REVIEWED DATE:</b> June 30, 2009</p> | <p><b>PREPARED BY:</b> Gale M. Price</p> <p><b>REVIEWED BY:</b> _____ <b>Date:</b> _____<br/>Wilson J. Washington, Jr.<br/>Chief Executive Officer</p> <p><b>REVIEWED BY:</b> _____ <b>Date:</b> _____<br/>Chief Executive Officer</p> |
|---|--|