



COMMONWEALTH of VIRGINIA

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COMMISSIONER

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MEMORANDUM

To: DBHDS-Licensed Developmental Disability (DD) Service Providers
From: Jae Benz, Director, Office of Licensing
Britt Welch, Director, Office of Community Quality Improvement
Date: July 10, 2025
Subject: Mandatory Technical Assistance Following Systemic Noncompliance for Providers of Developmental Services

DBHDS is obligated to implement specific action plans to address systemic noncompliance with regulatory requirements and improve provider performance to ensure a quality system of care for individuals receiving licensed services. DBHDS has developed specific action steps that may assist providers with demonstrating compliance. This memo addresses areas related to systemic noncompliance with the following sections of the Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services (12VAC35-105):

Mandatory Technical Assistance Requirement

Effective July 15, 2025, if a service receives two consecutive citations for any of the following regulations, including sub-regulations: 12VAC35-105-450, 12VAC35-105-520 A-D, or 12VAC35-105-620 A-D, the provider is required to initiate mandatory assistance. The provider must contact the DBHDS Expanded Consultation and Technical Assistance (ECTA) Team within 45 calendar days of receiving their most recent approved Corrective Action Plan (CAP). If a provider does not initiate or complete mandatory ECTA, the provider may be subject to additional enforcement by the DBHDS Office of Licensing. If it is determined during an inspection that the provider has initiated or completed ECTA within six months of the inspection start date, the provider will not be required to initiate mandatory ECTA.

Recommendations to Maintain Compliance and Avoid Citations

1. Review your citation history to determine if you received any citations related to 450, 520 A-D, or 620 A-D, and ensure you are implementing approved CAPs to avoid repeat citations.
2. For any inspection that occurs on/after July 15, 2025, where your agency is cited for two consecutive citations for any of the regulations referenced in this memo, your agency is required to contact the ECTA team to initiate Mandatory Assistance within 45 calendar days of the CAP being approved by the Office of Licensing.
3. Direct all licensing questions to your assigned licensing specialist through the CONNECT Portal.
4. Direct questions about the ECTA support and process to: ECTA@dbhds.virginia.gov.

DBHDS is committed to working with providers to improve the quality, safety, and compliance of services delivered to individuals with developmental disabilities. We appreciate your full cooperation, and commitment to continuous quality improvement.