

DMAS Regulation Update 2-21-2013

There has been some recent confusion about different regulation packages related to Medicaid behavioral health services that are currently in various stages of the public regulatory process. In an effort to help stakeholders understand which regulations are in effect, we are writing to provide information about each of the regulation packages and where they are in the promulgation process.

Although old regulations may be viewed on the webpage for the Virginia Administrative Code, the regulations concerning community mental health services are not up to date. All providers remain governed by the community mental health services emergency regulations that can be found by pasting the following link into your web browser and then clicking on the 2nd-to-last item, titled "Amount, Duration, and Scope of Medical and Remedial Care Services"

http://register.dls.virginia.gov/emergency_regs/emergencyregs.htm

These emergency regulations have expired at the state level, but are still in effect through federal authority granted Virginia in the Medicaid state plan. Further, many elements of these regulations (including staff qualification requirements) are also included in DBHDS regulations – providers must continue to comply with all DBHDS rules and regulations.

Later this year, the emergency regulations will be replaced by permanent regulations that have been in development for over a year. These are still moving through the various public stages of promulgation. This set of regulations governs topics such as marketing rules and independent clinical assessments. These permanent regulations are not yet in effect, but can be viewed by pasting the following link into your web browser and then clicking on the top choice, titled "Proposed Text"

<http://townhall.virginia.gov/L/viewstage.cfm?stageid=6034&display=documents>

(These regulations do not include the MHSS changes that have been the subject of recent discussions. For more on those, please see below.)

For more information about the permanent regulation process as well, please see the following link. In addition, with regard to the community mental health services regulations, DMAS is at the end of the proposed stage and will likely move to the final stage this spring:

<http://townhall.virginia.gov/UM/chartstandardbasic.pdf> (Copy and paste the link into your internet browser.)

The changes proposed for MHSS will be coming in a separate package of emergency regulations. The text of these emergency regulations is being revised within DMAS, and has not yet been finalized. More information will be posted to the Regulatory Town Hall and the Behavioral Health webpage as it becomes available.

For more information about the emergency regulation process, please see the following link. DMAS is getting ready to begin this process for the MHSS regulations:

<http://townhall.virginia.gov/UM/chartemergencypublic.pdf> (Copy and paste the link into your internet browser.)

Thank you, and please contact OBH at 786-0002 or via email at CMHRS@dmass.virginia.gov if you have additional questions.