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## SENATE BILL NO. 1155

Senate Amendments in [ ] - January 23, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 37.2-411 of the Code of Virginia, relating to Department of Behavioral Health and Developmental Services; provider licensing; inspections.

Patron Prior to Engrossment—Senator Mason

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That § 37.2-411 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-411. Inspections.**

All services provided or delivered under any license shall be subject to review or inspection at any reasonable time by any authorized inspector or agent of the Department. The Commissioner or his authorized agents shall inspect all licensed providers and shall have access at all reasonable times to all services and records, including medical records. Records that are confidential under federal or state law shall be maintained as confidential by the Department and shall not be further disclosed except as permitted by law; however, there shall be no right of access to communications that are privileged pursuant to § 8.01-581.17. The Commissioner shall call upon other state or local departments to assist in the inspections and those departments shall render an inspection report to the Commissioner. After receipt of all inspection reports, the Commissioner shall make the final determination with respect to the condition of the service so reviewed or inspected. The Commissioner or his authorized agents shall make at least one ~~annual~~ unannounced inspection of each service offered by each licensed provider during the licensing period. Inspections shall be focused on preventing specific risks to individuals receiving services; ~~including an evaluation of the physical facilities in which the services are provided.~~ In addition, the Commissioner shall promptly investigate all complaints. The Board may adopt and the Commissioner shall enforce reasonable regulations that may be necessary or proper to carry out the general purposes of this article.

[ 2. That notwithstanding the provisions of this act, the Commissioner or his authorized agents shall continue to make annual inspections of providers as necessary to comply with requirements ordered by the court under the settlement agreement with the U.S. Department of Justice in *United States v. Commonwealth of Virginia, Civil Action No. 3:12cv059-JAG.*

3. That the State Board of Behavioral Health and Developmental Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

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ENGROSSED

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