

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the State Board of Behavioral Health and Developmental Services to amend its*
3 *regulations to ensure that its licensing and human rights regulations support high-quality crisis*
4 *services in crisis receiving centers and crisis stabilization units; appropriate and safe use of*
5 *seclusion; work group; report.*

6 [S 569]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 1. § 1. *The State Board of Behavioral Health and Developmental Services (the Board) shall amend its*
10 *regulations to ensure that its licensing and human rights regulations support high-quality crisis services,*
11 *including by authorizing the appropriate and safe use of seclusion in crisis receiving centers and crisis*
12 *stabilization units. Such regulations shall, to the extent practicable, permit seclusion in the same manner*
13 *authorized in other public and private facilities and programs licensed or funded by the Department of*
14 *Behavioral Health and Developmental Services (the Department). Such initial adoption of regulations by*
15 *the Board shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of*
16 *the Code of Virginia).*

17 § 2. *The Department shall convene a work group to propose additional regulations to allow for the*
18 *use of (i) evidence-based and recovery-oriented seclusion and restraint practices and (ii) alternative*
19 *behavior management practices that may limit or replace the use of seclusion and restraint in hospitals,*
20 *residential programs, and licensed facilities. In developing such regulations, the work group shall (a)*
21 *solicit input from experts in the field of behavioral health, persons with relevant lived experience with*
22 *the Commonwealth's behavioral health system, and staff from both public and private providers; (b)*
23 *review any data and other information made available by the Department regarding seclusion and*
24 *restraint, serious incidents, and complaints and investigations regarding the misuse of seclusion and*
25 *restraint; (c) review current regulations and training policies; (d) examine practices used in other states,*
26 *best practice recommendations from the Substance Abuse and Mental Health Services Administration,*
27 *and evidence-based and trauma-informed practices recommended by other national experts; (e) identify*
28 *practices and approaches that safely de-escalate persons in crisis and reduce or replace the use of*
29 *seclusion and restraint; and (f) identify staffing, training, and monitoring practices related to seclusion*
30 *and restraint and that limit and ensure the appropriate use of seclusion and restraint. The work group*
31 *shall include the Secretary of Health and Human Resources or his designee; the Commissioner of*
32 *Behavioral Health and Developmental Services or his designee; staff from public and private facilities,*
33 *including frontline workers with treatment experience; at least three mental health consumers;*
34 *representatives of the disAbility Law Center of Virginia; representatives of the Institute of Law,*
35 *Psychiatry, and Public Policy at the University of Virginia; staff representatives of community services*
36 *boards; at least one member of the House of Delegates, to be appointed by the Speaker of the House of*
37 *Delegates; and at least one member of the Senate, to be appointed by the Senate Committee on Rules.*
38 *The Department may seek assistance from faculty and students of institutions of higher education in the*
39 *Commonwealth and, subject to the availability of funding, may contract with a third-party expert to lead*
40 *and advise the work group. The Department shall submit a report of its findings, recommendations, and*
41 *proposed regulations to the General Assembly by November 1, 2025.*