



**Unified Regulatory Plan of the Department of Behavioral Health and Developmental Services
for State Fiscal Year 2026**

Prepared on June 27, 2025

Description of Agency and Board

Title 37.2 of the Code of Virginia establishes the Department of Behavioral Health and Developmental Services as the entity responsible for operating hospitals, training centers, and other state facilities for the evaluation, treatment, training, or habilitation of individuals with mental health or substance use disorders or developmental disabilities.

The State Board of Behavioral Health and Developmental Services is the policymaking body authorized to adopt regulations necessary to carry out the provisions of Title 37.2 and other laws administered by the Commissioner or the Department.

The Department operates under the supervision and management of the Commissioner, who shall carry out his responsibilities in accordance with the policies and regulations of the Board and applicable federal and state statutes and regulations.

Action/Stage or Guidance Document Forum ID (if available) 6547/10438		
Title of Proposed Regulatory Action or Guidance Document Recently Added DBHDS Licensing Requirement regarding Negative Actions		
Brief Overview Chapter 723 of the 2020 Acts of Assembly directed the Department to require applicants to disclose certain information about prior disciplinary actions. The Board initiated a fast-track action to conform the Rules and Regulations for Licensing Providers (12VAC35-105) to reflect the statutory mandate, which the agency already implemented in practice.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds new compliance requirement as mandated by the General Assembly.	
Expected Date	Filed July 2024; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6544/10432		
Title of Proposed Regulatory Action or Guidance Document Reporting deaths or serious injuries (Chapter 30, 2024)		
Brief Overview The 2024 Acts of Assembly added a requirement that recovery residences regulated by the Department must report deaths or serious injuries to the agency. The Board initiated a fast-track action to amend and conform regulations governing Certified Recovery Residences (12VAC35-260) with the legislative mandate.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds new compliance requirement as mandated by the General Assembly.	
Expected Date	Filed July 2024; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6613/10527		
Title of Proposed Regulatory Action or Guidance Document Valid discharge plans (Ch 808, 2024 Acts of Assembly)		
Brief Overview Pursuant to Chapter 808 of the 2024 Acts of Assembly, the Board initiated a fast-track action to amend the Rules and Regulations for Licensing Providers (12VAC35-105) to require inpatient/residential substance use disorder treatment facilities perform certain duties when an individual is discharged or withdraws from a program.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds new compliance requirement as mandated by the General Assembly.	
Expected Date	Filed October 2024; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6614/10529		
Title of Proposed Regulatory Action or Guidance Document Amendments Resulting from Periodic Review 2024: Adding Professions		
Brief Overview In 2023, the Board conducted a periodic review of the Requirements for Virginia's Early Intervention System (12VAC35-225). As a result of that review, the Board initiated the fast-track process to amend the regulations to expand the pool of qualified professionals eligible to deliver early intervention services for infants and toddlers with disabilities and their families.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Removes barriers to entry for additional professionals from qualified early intervention disciplines.	
Expected Date	Filed October 2024; pending with ORM/Governor's Office	

Action/Stage or Guidance Document Forum ID (if available) 6673/10632		
Title of Proposed Regulatory Action or Guidance Document Amendments for Medication for Opioid Use Disorder (MOUD)		
Brief Overview In April 2024, revised federal rules on medication for opioid use disorder (MOUD) went into effect. The Board initiated a fast-track action to align the Rules and Regulations for Licensing Providers (12VAC35-105) with the federal changes where appropriate, including making permanent some pandemic flexibilities for opioid treatment programs (OTPs).		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Reduces the intensity of some regulatory requirements by making service flexibilities permanent.	
Expected Date	Filed December 2024; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6752/10765		
Title of Proposed Regulatory Action or Guidance Document Alignment with Other State Agency Regulations		
Brief Overview The Rules and Regulations for Licensing Providers (12VAC35-105) refer to VDH safety standards in several places. To address obsolete terminology and incorrect cross-references, the Board initiated the fast-track process to accurately reflect current practice and increase clarity for providers, relieving staff at both agencies of the need to provide technical assistance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Clarifies regulatory requirements, improving ease of use and understanding among the regulated community, and streamlines compliance for providers.	
Expected Date	Filed April 2025; pending with OAG	

Action/Stage or Guidance Document Forum ID (if available) 6746/10756		
Title of Proposed Regulatory Action or Guidance Document Updating Human Rights Regulations after Periodic Review; conforming to Health Care Decisions Act		
Brief Overview After a 2021 periodic review and multiple public comment forums, the Board initiated the standard process to update the Regulations to Assure the Rights of Individuals Receiving Services from Providers (12VAC35-115) to reflect current standards and processes, simplify language, and align with state law, specifically the Health Care Decisions Act.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Clarifies regulatory requirements, improving ease of use and understanding among the regulated community, and streamlines compliance for providers.	
Expected Date	Filed April 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6755/10768		
Title of Proposed Regulatory Action Regulatory Overhaul - General Chapter (Part 1 of 7)		
Brief Overview or Guidance Document After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed April 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6756/10769		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul- Residential (Part 2 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed April 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6760/10774		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - NonCenter Based Services (Part 3 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed May 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6761/10775		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - Center-Based (Part 4 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed May 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6767/10782		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - Crisis Services (Part 5 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed May 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6768/10783		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - Case Management (Part 6 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed May 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) 6769/10786		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul- Repeal and Replace (Part 7 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	Filed May 2025; pending with HHR	

Action/Stage or Guidance Document Forum ID (if available) N/A		
Title of Proposed Regulatory Action or Guidance Document Technical and clarifying revisions regarding crisis services		
Brief Overview Since implementation of new crisis services regulations required by Chapter 795 of the 2024 Acts of Assembly, the agency identified the need for clarifying and technical amendments. The Board plans to initiate a fast-track action to amend the Regulations for Licensing Providers (12VAC35-105) to simplify requirements while maintaining high-quality crisis services.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☒ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Decreases the regulatory and compliance burden on crisis providers by improving clarity and reducing certain construction requirements (i.e., shower ratios).	
Expected Date	July 2025	

Action/Stage or Guidance Document Forum ID (if available) Mandate 1477		
Title of Proposed Regulatory Action or Guidance Document Conditional certification of recovery residences		
Brief Overview Chapter 608 of the 2025 Acts of Assembly directs the Board to promulgate regulations for conditional certification of recovery residences. The Board plans to initiate an exempt action amending the Certified Recovery Residences regulations (12VAC35-260) to create a temporary, non-renewable certification for applicants seeking full certification.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☒ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☒ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds a new regulatory requirement as mandated by the General Assembly.	
Expected Date	July 2025	

Action/Stage or Guidance Document Forum ID (if available) Mandate 1434		
Title of Proposed Regulatory Action or Guidance Document Behavioral Health Technician (BHT) and Behavioral Health Technician Assistant (BHT-A) amendments pursuant to Chapter 595 (SB 403) of the 2024 Acts of Assembly		
Brief Overview Chapter 595 of the 2024 Acts of Assembly directed the Department to align the Regulations for Licensing Providers (12VAC35-105) with two new professions regulated by the Board of Counseling: behavioral health technicians (BHTs) and behavioral health technician assistants (BHT-As). The Board of Counseling regulations became effective in May 2025.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☒ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☒ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds new regulatory requirements as mandated by the General Assembly.	
Expected Date	September 2025	

Action/Stage or Guidance Document Forum ID (if available) Mandate 1478		
Title of Proposed Regulatory Action or Guidance Document Peer Recovery Specialist-Trainee designation pursuant to Chapter 725 of the 2025 Acts of Assembly		
Brief Overview Item 293.C of the Appropriation Act (Chapter 725 of the 2025 Acts of Assembly) directs the Department to amend Peer Recovery Specialists regulations (12VAC35-250) to establish a “trainee” designation. The legislative mandate requires the Board to promulgate emergency regulations.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☒ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds new regulatory requirements as mandated by the General Assembly.	
Expected Date	September 2025	

Action/Stage or Guidance Document Forum ID (if available) 6746/TBD		
Title of Proposed Regulatory Action or Guidance Document Updating Human Rights Regulations after Periodic Review; conforming to Health Care Decisions Act		
Brief Overview After a 2021 periodic review and multiple public comment forums, the Board initiated the standard process to update the Regulations to Assure the Rights of Individuals Receiving Services from Providers (12VAC35-115) to reflect current standards and processes, simplify language, and align with state law, specifically the Health Care Decisions Act.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Clarifies regulatory requirements, improving ease of use and understanding among the regulated community, and streamlines compliance for providers.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6755/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - General Chapter (Part 1 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6756/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul- Residential (Part 2 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6760/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - NonCenter Based Services (Part 3 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6761/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - Center-Based (Part 4 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6767/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - Crisis Services (Part 5 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6768/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul - Case Management (Part 6 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) 6769/TBD		
Title of Proposed Regulatory Action or Guidance Document Regulatory Overhaul- Repeal and Replace (Part 7 of 7)		
Brief Overview After periodic review (2017) and Regulatory Advisory Panels (2019, 2023), the Board initiated the standard process to repeal and replace the Regulations for Licensing Providers (12VAC35-105) and Children's Residential Facilities (12VAC35-46) with one General chapter and five service-specific chapters: Residential, NonCenter-Based, Center-Based, Crisis, and Case Management.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Responds to the regulated community's request for clarity and streamlines compliance requirements.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) Mandate 1479		
Title of Proposed Regulatory Action or Guidance Document Align licensing regulations with DMAS Behavioral Health Redesign		
Brief Overview Item 293.B of the 2024-26 Appropriation Act directs the Department to align the Regulations for Licensing Providers (12VAC35-105) with modifications made by DMAS to Medicaid behavioral health services. The legislative mandate requires the Board to promulgate emergency regulations that redesign services and programs for behavioral health providers.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☒ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary Action
Deregulatory Component	None; adds new regulatory requirements as mandated by the General Assembly.	
Expected Date	December 2025	

Action/Stage or Guidance Document Forum ID (if available) N/A		
Title of Proposed Regulatory Action or Guidance Document Guidelines for the Management of Individuals Found Not Guilty By Reason of Insanity (FOR 01)		
Brief Overview The guidelines provide specific instructions for use by DBHDS facility staff and CSB personnel regarding clinical and administrative management of individuals who have been committed by the courts. The internal procedures are recommended for deletion as not meeting the standard for guidance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Rescinding this 235-page document will reduce the Department's guidance count by approximately 59,800 words.	
Expected Date	October 2025	

Action/Stage or Guidance Document Forum ID (if available) N/A		
Title of Proposed Regulatory Action or Guidance Document Not Guilty By Reason of Insanity: Reference Manual for CSBs/BHAs (FOR 03)		
Brief Overview The reference manual provides specific instructions for CSB/BHA staff working with acquittees and individuals on conditional release. The internal procedures are recommended for deletion as not meeting the standard for guidance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Rescinding this 220-page document will reduce the Department's guidance count by approximately 54,450 words.	
Expected Date	October 2025	

Action/Stage or Guidance Document Forum ID (if available) N/A		
Title of Proposed Regulatory Action or Guidance Document Adult Outpatient Competency Restoration Manual for CSBs/BHAs (FOR 04)		
Brief Overview This manual and training course supplement provides specific instructions for CSB/BHA staff working with defendants ordered to participate in outpatient competency restoration. The internal procedures are recommended for deletion as not meeting the standard for guidance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Rescinding this 230-page document will reduce the Department's guidance count by approximately 47,650 words.	
Expected Date	October 2025	

Action/Stage or Guidance Document Forum ID (if available) N/A		
Title of Proposed Regulatory Action or Guidance Document Additional Information on Code of Virginia §§ 19.2-169.1 and 19.2-169.2 (FOR 06)		
Brief Overview This legislative summary provides an overview of changes to forensic evaluation reporting requirements made by the 2023 Session of the General Assembly. The bulletin is recommended for deletion as not meeting the standard for guidance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Rescinding this three-page document will reduce the Department's guidance count by approximately 1,400 words.	
Expected Date	October 2025	

Action/Stage or Guidance Document Forum ID (if available) N/A		
Title of Proposed Regulatory Action or Guidance Document Certified Recovery Residences (ORS 01)		
Brief Overview This legislative summary provides an overview of the regulatory program for recovery residences established by the 2019 Session of the General Assembly. The bulletin is recommended for deletion as not meeting the standard for guidance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed ☐ Final	☐ Emergency or Emergency/NOIRA ☐ Revised Proposed ☐ Fast-Track
Additional Description	☐ Expedited Review Requested ☐ Exempt Action	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary Action
Deregulatory Component	Rescinding this two-page document will reduce the Department's guidance count by approximately 800 words.	
Expected Date	October 2025	

