



COMMONWEALTH of VIRGINIA

DARYL WASHINGTON
COMMISSIONER

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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MEMORANDUM

To: DBHDS Licensed Providers and Stakeholders
From: Jae Benz, Director, Office of Licensing
Cc: Heather Norton, Deputy Commissioner, Community Services, DBHDS
Dev Nair, Assistant Commissioner, Division of Provider Management, DBHDS
Date: October 1, 2026
Re: Emergency Regulations Aligning DBHDS Licensing Regulations with Redesigned Medicaid Behavioral Health Services

Purpose

This memo is to alert all Department of Behavioral Health and Developmental Services ("DBHDS" or the "Department") licensed providers and interested stakeholders that three emergency actions amending the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, 12VAC35-105 ("Licensing Regulations"), are now in effect. The emergency regulations became effective September 28, 2026, and will remain in effect through March 27, 2028.

Background:

Item 297 of Chapter 1 of the 2026 Acts of Assembly, Special Session I, directs the Department of Behavioral Health and Developmental Services to utilize emergency authority to align licensing regulations with the modifications being made to Medicaid behavioral health services. The Department of Medical Assistance Services ("DMAS") is replacing legacy services with the following updated suites of services: Community Psychiatric Support and Treatment ("CPST"), Coordinated Specialty Care ("CSC"), and Recovery and Empowerment Centers ("REC"). The emergency regulations conform the Licensing Regulations to these changes.

DBHDS is using the emergency regulatory process as directed by the 2026-2028 Appropriation Act:

" B. The Department of Behavioral Health and Developmental Services, in collaboration with the Department of Medical Assistance Services, shall have the authority to promulgate emergency regulations to align licensing regulations with the modifications being made to

Medicaid behavioral health services pursuant to Item 291 of this act. To implement these changes, the Department of Behavioral Health and Developmental Services shall promulgate emergency regulations to become effective within 280 days from the enactment of this act.”

Emergency Regulations:

The following three emergency regulations were published under the statutory authority of §§ 37.2-203 and 37.2-400 of the Code of Virginia. Each is effective September 28, 2026, through March 27, 2028:

[Recovery and Empowerment Center Emergency Regulations \(REC\)](#) - amending 12VAC35-105-20 and 12VAC35-105-30; adding 12VAC35-105-1412 through 12VAC35-105-1419.

[Community Psychiatric Support and Treatment Emergency Regulations \(CPST\)](#) - amending 12VAC35-105-20, 12VAC35-105-30, and 12VAC35-105-1420; adding 12VAC35-105-1421 through 12VAC35-105-1425.

[Coordinated Specialty Care Emergency Regulations \(CSC\)](#) -amending 12VAC35-105-20 and 12VAC35-105-30; adding 12VAC35-105-1426 through 12VAC35-105-1429.

Providers currently applying to provide, REC, CPST or CSC should review the new sections carefully and make sure their policies, procedures, staffing, and service descriptions meet them.

Public Comment and Questions:

DBHDS has also filed a Notice of Intended Regulatory Action (“NOIRA”) to begin the standard regulatory process to make these amendments permanent. The standard process includes opportunities for public comment, and the Department welcomes that input. The emergency regulations, the NOIRA, and the public comment periods are posted on the [Virginia Regulatory Town Hall](#)

Questions about the regulatory action may be directed to Susan Puglisi, Regulatory Research Specialist, at susan.puglisi@dbhds.virginia.gov or (804) 975-0538.