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SENATE BILL NO. 210

Offered January 14, 2026

Prefiled January 9, 2026

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 35 of Title 54.1 a section numbered 54.1-3522, relating to positive behavior support facilitators; scope of practice, supervision, and qualifications.

Patron—DeSteph (By Request)

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 35 of Title 54.1 a section numbered 54.1-3522 as follows:

§ 54.1-3522. Scope of practice, supervision, and qualifications of positive behavior support facilitators.

A. A positive behavior support facilitator shall be qualified to perform, under approved supervision, collaborative behavioral health services, including the supportive functions of (i) screening; (ii) intake; (iii) orientation; (iv) care coordination; (v) client education; (vi) referral activities; (vii) initiating crisis de-escalation; (viii) gathering histories of mental and physical health conditions, alcohol and drug use, past mental health treatment, and interactions with the criminal justice system; (ix) providing psychosocial skills development; and (x) implementing interventions as assigned on individual plans of care and documenting the interventions for the purposes of recordkeeping.

B. Such positive behavior support facilitators shall be supervised either by a positive behavior support facilitator endorsed by the Department of Behavioral Health and Developmental Services who has completed the required supervisor training, or a person that has been approved by the Board of Counseling, Board of Psychology, or Board of Social Work who has completed the required supervisor training and is supervising activities within his scope.

C. Pursuant to regulations adopted by the Board, an applicant for registration as a positive behavior support facilitator shall submit evidence satisfactory to the Board that the applicant has (i) completed a specified number of hours of didactic education in a program or programs recognized or approved by the Board; (ii) received, at minimum, a bachelor's degree from an institution of higher education accredited by an accrediting agency recognized by the Board; and (iii) accumulated a specified number of hours of Board-approved supervised experience.

2. That the Board of Counseling's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Counseling shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

3. That the Department of Behavioral Health and Developmental Services shall promulgate regulations that align with the regulations adopted by the Board of Counseling in accordance with this act. The Department of Medical Assistance Services shall promulgate any necessary regulations and submit any necessary state plan amendments that align with changes made by the Department of Behavioral Health and Developmental Services and the Board of Counseling. The initial adoption of these regulations shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.