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HOUSE BILL NO. 1380

Offered January 21, 2026

A BILL to amend and reenact § 37.2-419 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-405.3, relating to Department of Behavioral Health and Developmental Services; Board of Behavioral Health and Developmental Services; regulations; providers; sanctions; emergency medical drills.

 Patron—Seibold

 Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-419 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-405.3 as follows:

§ 37.2-405.3. Regulations for providers to conduct emergency medical drills.

The Board shall adopt regulations requiring providers that deliver services to individuals with developmental disabilities to conduct regular emergency medical drills and train staff to perform cardiopulmonary resuscitation. Such emergency medical drills shall prepare employees of the provider to recognize and respond to situations where individuals receiving services require emergency medical treatment.

§ 37.2-419. Human rights and licensing enforcement and sanctions; notice.

A. As used in this section, "special order" means an administrative order issued to any party licensed or funded by the Department that has a stated duration of not more than 12 months and that may include a civil penalty that shall not exceed \$500 per violation per day, prohibition of new admissions, or reduction of licensed capacity for violations of § 37.2-400, the licensing or human rights regulations, or this article.

B. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Commissioner may issue a special order for a violation of any of the provisions of § 37.2-400 or any regulation adopted under any provision of § 37.2-400 or of this article that adversely affects the human rights of individuals receiving services or poses an imminent and substantial threat to the health, safety, or welfare of individuals receiving services. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. The Commissioner shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders. The Commissioner ~~may~~:

1. May take the following actions to sanction public and private providers licensed or funded by the Department for noncompliance with § 37.2-400, the human rights regulations, or this article that are the subject of a special order:

~~1-~~ a. Place any service of any such provider on probation upon finding that it is substantially out of compliance with the licensing or human rights regulations and that the health or safety of individuals receiving services is at risk.

~~2-~~ b. Reduce licensed capacity or prohibit new admissions when he concludes that the provider cannot or will not make necessary corrections to achieve compliance with licensing or human rights regulations except by a temporary restriction of its scope of service.

~~3-~~ c. Require that probationary status announcements and denial or revocation notices be of sufficient size and distinction and be posted in a prominent place at each public entrance of the affected service.

~~4-~~ d. Mandate training for the provider's employees, with any costs to be borne by the provider, when he concludes that the lack of training has led directly to violations of licensing or human rights regulations.

~~5-~~ e. Assess civil penalties of not more than \$500 per violation per day upon finding that the licensed or funded provider is substantially out of compliance with the licensing or human rights regulations and that the health or safety of individuals receiving services is at risk.

~~6-~~ f. Withhold funds from licensed or funded providers receiving public funds that are in violation of the licensing or human rights regulations upon finding that the licensed or funded provider is substantially out of compliance and that the health or safety of individuals receiving services is at risk.

2. Shall take at least one of the actions listed in subdivision 1 to sanction public and private providers licensed or funded by the Department for violations of § 37.2-400, the human rights regulations, or this article if such violation poses a threat to the life of individuals receiving services or where there are recurring violations that pose a threat to health or safety.

C. The Commissioner shall inform other public agencies that provide funds to a provider, including the Departments of Social Services and Medical Assistance Services, that a special order has been issued in accordance with this section.

D. The Board shall adopt regulations to implement the provisions of this section.

INTRODUCED

HB1380

59 **2. That the Board of Behavioral Health and Developmental Services shall adopt regulations to**
60 **implement the provisions § 37.2-405.3 of the Code of Virginia, as created by this act, to be effective by**
61 **November 1, 2026. Such initial adoption of regulations shall be exempt from the requirements of the**
62 **Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).**