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HOUSE BILL NO. 1423
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Health and Human Services
on _____)
(Patron Prior to Substitute—Delegate McGuire)

A BILL to direct the Joint Commission on Health Care to conduct a study of the statutory and regulatory framework governing oversight, accountability, and investigation of providers licensed or overseen by the Department of Behavioral Health and Developmental Services; report.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Joint Commission on Health Care (the Commission) shall conduct a comprehensive study of the statutory and regulatory framework governing oversight, accountability, and investigative processes for all settings licensed or overseen by the Department of Behavioral Health and Developmental Services (DBHDS), including providers participating in the Medicaid developmental disabilities waiver programs. Such study shall include a review of the roles and investigative authority of the Department of Aging and Rehabilitative Services (DARS) and the Department of Social Services (DSS) and the coordination of investigative responsibilities among DBHDS, DARS, and DSS where oversight or investigative authority overlaps. In conducting the study, the Commission shall solicit input and feedback from family members or guardians of individuals receiving services, advocacy organizations, direct care professionals, and any additional stakeholders as determined necessary by the Commission. Such study shall include (i) an evaluation of current practices permitting licensed providers to investigate allegations of abuse or neglect involving their own staff, and assess whether such practices ensure independence, impartiality, transparency, accountability, and due process; (ii) review of available data and processes related to complaints, investigations, findings, appeals, corrective actions, and access to investigative information by beneficiaries and guardians, including data maintained by DBHDS, DARS, and DSS; (iii) examination of best practices and oversight models used in other states, including models that employ independent or third-party investigative mechanisms, and consideration of whether alternative or Virginia-specific approaches could better address the Commonwealth's service structure, population needs, and regulatory environment; and (iv) assessing alignment with applicable Medicaid and Home and Community-Based Services requirements. The Commission shall review whether allowing licensed providers to investigate allegations involving their own staff satisfies the principles of independence, impartiality, and due process, and shall identify circumstances in which such practices may undermine accountability or public confidence. The Commission shall report on its findings and recommendations, including identification of any statutory or

33 *regulatory changes necessary to implement recommended oversight or investigative models, to the Chairs of*
34 *the House Committee on Health and Human Services and the Senate Committee on Education and Health*
35 *by November 1, 2026.*