

Virginia Department of Health
Center for Licensure and Certification

Certificate of Public Need Request for Applications for Psychiatric Services
(HB 1598 of 2009 General Assembly Session)

Frequently Asked Questions
April 15, 2009

What kinds of certificate of public need (COPN) projects will be subject to the request for applications (RFA) process?

- Any project that increases the number of psychiatric or substance abuse beds in a planning district and/or establishes a new psychiatric or substance abuse treatment service will be subject to the RFA process, (Va Code §32.1-102.3:2A).
- The project types contained in item numbers 1, 2, 3 (except "mental retardation" beds, otherwise known as beds for persons with intellectual disabilities) and 5 of 12VAC5-220-200, Batch Group C of the *Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations* (Regulations) identify specific types of projects subject to the RFA process.

When will psychiatric or substance abuse applications subject to the RFA process be reviewed?

- 12VAC5-220-200 of the Regulations establishes that COPN requests for psychiatric and substance abuse services will be reviewed in the Batch Group C batch review cycle.
- There are two batch group C cycles annually established under 12VAC5-220-200 of the Regulations.
 - Reviews for the first batch group C cycle of the year are initiated with a letter of intent due on January 30 of each year, followed by an application due on March 1 for a review cycle that runs from April 10 to not later than October 17.
 - Reviews for the second batch group C cycle of the year are initiated with a letter of intent due on August 1 of each year, followed by an application due on August 31 for a review cycle that runs from October 10 to not later than April 18 of the following year.

When is the first RFA for psychiatric and substance abuse services expected?

- The Department intends to have an RFA issued by June 2009 in order to be able to accept letters of intent by August 1, 2009. Depending on the extent of the finding of need, the management of the workload may require the splitting of the review of the RFA across both the October 2009 and April 2010 review cycles.

Will new Regulations need to be developed before an RFA can be developed for psychiatric and substance abuse services?

- No. The existing regulations found at 12VAC5-220-210 of the Regulations and the criteria found at 12VAC5-230-840 and 12VAC5-230-860 of the SMFP will be used and adequately address the process.

What criteria will be used in the determination of where a need for new or additional psychiatric or substance abuse services exists?

- The Virginia Department of Health will use Part XII (12VAC5-230-840 and 12VAC5-230-860) of 12VAC5-230, the *Virginia Medical Care Facilities Certificate of Public Need State Medical Facilities Plan* (SMFP) in cooperation with the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (Department of Behavioral Health and Developmental Services after July 1, 2009 name change). The SMFP criteria will be applied to each Planning District to determine where a need for new services or additional capacity is needed.