



COMMONWEALTH of VIRGINIA  
Department of Education

December 9, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Therapeutic Day Treatment Providers**

The purpose of this memo is to provide guidance on contracting and working with Therapeutic Day Treatment (TDT) providers. Over a thousand schools in Virginia are collaborating with community mental health agencies that are providing these services to students during the school day. Approximately 400 community mental health agencies are providing TDT services in school divisions. This memo provides a briefing on the regulatory bodies governing TDT agency providers and recommendations for building a successful partnership between TDT providers and school divisions. Lastly, the Virginia Department of Education (VDOE) is organizing a work committee to develop comprehensive guidance for implementing effective School and Community Behavioral Health Partnerships.

Agencies providing TDT services across the Commonwealth must adhere to regulatory licensing standards monitored by the [Department of Behavioral Health and Developmental Services Office of Licensing \(DBDS-OL\)](#). It is the responsibility of these mental health agencies to ensure their programs are licensed for each service location and their staff are qualified mental health professionals. [The Department of Health Professions \(DHP\)](#) is responsible for licensing mental health professionals. The DBHS-OL and the DHP websites provide information on any agency or professional that is being investigated for possible regulatory violations.

The [Department of Medical Assistance Services \(DMAS\)](#) provides financial reimbursement to agencies providing mental health services covered by Medicaid or through Family Access to Medical Insurance Security (FAMIS). [Magellan Healthcare of Virginia](#) serves as the Behavioral Health Services Administrator (BHSA) for DMAS. Magellan administers behavioral health services for members enrolled in Virginia's Medicaid and FAMIS programs. Magellan is responsible for management of all behavioral health services for the members enrolled in these programs as well as the behavioral health services not covered through DMAS' managed care programs.

All three state agencies may be involved in an investigation of a TDT provider agency. School divisions should exercise due diligence by completing background checks of TDT provider agencies through the aforementioned state agencies. Resources provided below will be of assistance in completing this task.

School divisions need to be methodical in identifying student mental health needs, the gaps in systems and services, management structures and procedures, and the roles and responsibilities needed before entering into a collaborative agreement with community mental health agencies. The following outlines suggested activities to complete before collaborating with a mental health agency.

- A. The school division should engage in the following steps.
  1. Conduct a needs assessment and complete a comprehensive resource mapping to assess the social, emotional, behavioral and mental health supports available, both within special education and otherwise, and service gaps within the division.
  2. Define the entry and exit criteria for the different levels of supports and services provided and identify the data used to assess student progress at each level.

3. Determine how the community-based agency services will accommodate and augment the existing school-based mental health services provided by school counselors, school psychologists, school social workers, student assistant specialists and others employed by the division.
4. Define the scope of work to be provided by the community agency that will fill the mental health service gaps identified within the system.
5. Ensure verification of a community mental health agency's approved TDT school-based service location(s). The agency's DBHDS license addendum includes a list of the provider's approved school sites. Also check for any investigative actions.

The school division should work with legal counsel to develop a Memorandum of Understanding (MOU) that clearly defines the working relationship between the partners, expectations of both parties, and agreed upon conditions. Consideration should be given in the MOU that addresses the "right of patients" to control the treatment and determine who provides care as required by [Federal Regulation 42 CFR 431.51 - Free choice of providers](#).

The following outline highlights some of the topics that should be included in the MOU.

- a. Establish a shared vision, mission and goals that need to be established through a collaborative process
- b. Specify roles, functions and services
  - i. Teaming, referrals, program expectations, and points of contact
- c. Information sharing
  - i. The *Health Insurance Portability and Accountability Act* and *Family Education Rights and Privacy Act*
  - ii. Individual student mental health evaluations, treatment goals and progress reports
- d. Qualifications of community mental health providers
  - i. Supervision expectations of the mental health providers
  - ii. Office space, secure internet access
- e. Data and evaluation of TDT program effectiveness
- f. Legal considerations
- g. Financial expectations
- h. Termination clauses - this may need collaboration with Magellan in order to ensure that if a provider is recommended for termination, the school division refers the provider to Magellan regarding network performance and participation.

The school division should be aware that Medicaid TDT providers can only bill for services rendered in accordance with state and federal regulations. Any activities expected to be performed as a result of the MOU that are not in state or federal requirements would not be reimbursable through DMAS. Provider requirements for TDT program reimbursable activities can be found in the DMAS Community Mental Health Rehabilitative Services Manual and in the Virginia Administrative Code.

Information and resources on building school division and community mental health agency partnerships may be found at the [University of Maryland, School of Medicine, and Behavioral Health](#) website.

#### Additional Virginia Resources

##### DBHDS-OL




- o To verify a provider's license you can contact the Office of Licensing at:
  - Central Office Contact Information  
P.O. Box 1797  
Richmond, Virginia 23218  
Office (804) 786-1747  
Fax (804) 692-0066

The following links provide online resources

- o [Licensed Provider Search and Investigations](#)
- o [Review of a providers inspection or investigation](#)
- o [Definitions of qualified mental health individual providers](#) (QMHP)
- o [Human Services and Related Fields Approved Degrees/Experience for QMHP](#)

- o [Office of Licensing At a Glance](#) 
- o [Complaint Form](#) 

DHP

- o [Virginia Board of Counseling Staff Directory](#) 
- o [File a Compliant](#) 
- o [Disposition of the investigation of complaints against individuals \(Case Decisions\)](#) 

Magellan Healthcare of Virginia

- o Please call 1-800-424-4046:
  - For general questions and concerns
  - to verify a provider location is contracted with Magellan
  - to report any quality of care concerns
- o Please call 1-800-755-0850 to report any suspected fraud, waste or abuse or email the Special Investigations Unit DPGat [SIU@magellanhealth.com](mailto:SIU@magellanhealth.com).

The VDOE, Department of Medical Assistance Services (DMAS), Magellan of Virginia, and Behavioral Health and Developmental Services (BHDS) will conduct a webinar on TDT services in spring 2017. Registration information will be sent through a Superintendent's Email.

If you have additional questions, please contact Jo Ann Burkholder, Director of Student Services, at [Joann.Burkholder@doe.virginia.gov](mailto:Joann.Burkholder@doe.virginia.gov) or by phone at (804) 225-2818.

SRS/JB