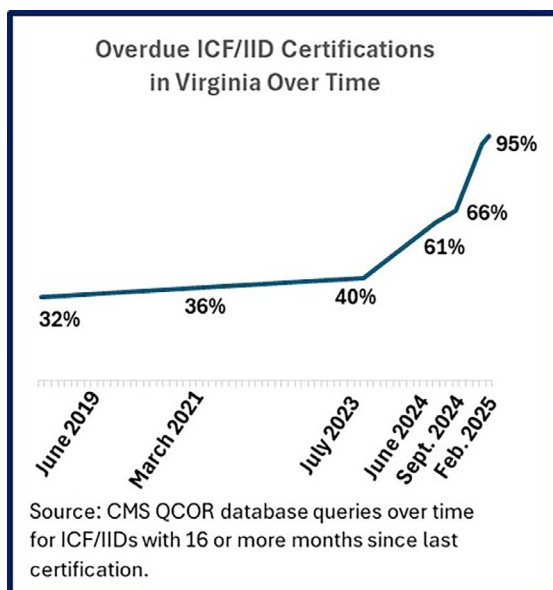


SYSTEMIC FAILURES:

Monitoring Institutions for People with Disabilities

While Virginia has helped people with disabilities live in home- and community-based settings, it has not ensured the well-being of those who remain in institutions. Intermediate care facilities for people with intellectual disabilities (ICF/IIDs) care for all their residents' needs and provide treatment to maintain or improve their skills. Over 550 people lived in ICF/IIDs in 2024, but the Virginia Department of Health is not regularly inspecting them.

The Virginia Board for People with Disabilities (the Board) first identified this problem in its 2021 assessment of ICF/IIDs. This policy brief reiterates some findings and recommendations from that report. It also provides updated data that shows the problem has gotten worse since then. The Board has a responsibility to monitor the care provided in ICF/IIDs, per 42 U.S.C. §15024(c)(3)(C)(vii) and §15025(c)(7)(F) of the Developmental Disabilities Act.



Most ICF/IIDs have not been inspected in over a year

The Virginia Department of Health is supposed to inspect each ICF/IID every 15 months to certify compliance with Medicaid requirements (42 C.F.R. §442.109). The requirements address the provision of health care, treatment, protections, and staffing, among other things.

Most ICF/IIDs have not been inspected in over a year. 95% percent of ICF/IID certifications were overdue in February 2025, according to a Centers for Medicare & Medicaid Services (CMS) database. Failure to inspect them on time poses a risk to the health and safety of the people living there.

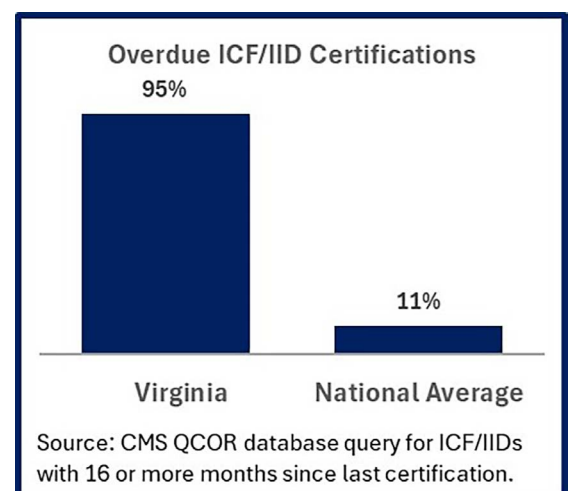
Overdue certifications skyrocketed during the past few years. Only 32% were overdue in 2019, as reported in the Board's 2021 assessment. That rate had risen only slightly to 40% by July 2023, after inspections had been paused during the COVID-19 pandemic. Since July 2023, the rate of overdue certifications has more than doubled.

Virginia has significantly more overdue certifications than other states. Only one other state, Alabama, had a higher rate of overdue certifications in February 2025 (CMS 2025). The national average for overdue certifications is just 11 percent.

Overdue certifications stem from staffing problems

At the time of the Board's 2021 assessment, the Virginia Department of Health reported that delays were due to staffing problems. They did not have enough staff overall, nor enough staff who worked on ICF/IIDs compared to other facilities, and they used a contractor who had high staff turnover. They were requesting funds to hire more staff and planned to change their contracting practices.

Unfortunately, these staffing challenges continued. A November 2024 report by the Joint Legislative Audit and Review Commission said the agency could not inspect facilities on time because it did not have enough staff. The report attributed the staffing problems to challenges with the agency's Office of Human Resources, compensation, leadership, and culture.



Recommendations

The 2021 assessment of ICF/IDDs by the Virginia Board for People with Disabilities included the following recommendations to address this issue, all of which are still relevant today:

- The Virginia Department of Health should ensure that certification and re-certification surveys for ICF/IDDs are conducted within the federally required timeframes in 42 C.F.R. §442.109.
- The Virginia General Assembly should provide any additional funding necessary for the Virginia Department of Health to certify ICF/IDDs within the federally required timeframes.
- The Virginia General Assembly should establish a workgroup to facilitate ICF/IDD oversight that includes staff from the Virginia Department of Medical Assistance Services, the Virginia Department of Health, Virginia Department of Behavioral Health and Developmental Services, and the disAbility Law Center of Virginia.

The Virginia Board for People with Disabilities also offers the following recommendations at this time:

- The Virginia Department of Health report quarterly to the Virginia Board for People with Disabilities and other disability stakeholders on its progress towards identifying and addressing the root causes of the overdue ICF/IDD certifications as well as any other mitigation efforts underway.
- The Virginia Department of Health should focus on surveying the following when resources are limited: (1) ICF/IDD providers who account for a disproportionate share of violations and/or repeat violations; and (2) the Southeastern Virginia Training Center which is subject to less oversight than other ICF/IDDs.

If you or a loved one live in an ICF/IDD and have concerns about your care, you can file a complaint with the Virginia Department of Health by calling 1-800-955-1819 or by completing [this complaint form](#). For help with filing a complaint, contact the disAbility Law Center of Virginia by calling 1-800-552-3962 or completing [this form](#).

For questions or feedback, email Nia.Harrison@vbpd.virginia.gov.

Further information

Centers for Medicare & Medicaid Services (CMS). Quality, Certification, and Oversight Reports (QCOR). Accessed February 21, 2025. <https://qcor.cms.gov>.

Joint Legislative Audit and Review Commission (JLARC). "Virginia Department of Health's Financial Management, Staffing, and Accountability." 2024. Accessed February 21, 2025. <https://jlarc.virginia.gov/pdfs/reports/Rpt595.pdf>.

Virginia Board for People with Disabilities. "Assessment of Virginia's Disability Services System: Intermediate Care Facilities for Individuals with Intellectual Disabilities." 2021. Accessed February 21, 2025. <https://vbpd.virginia.gov/wp-content/uploads/2025/02/Assessment-of-Virginias-Disability-Services-System-Intermediate-Care-Facilities-for-Individuals-with-Intellectual-Disabilities.pdf>.