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RETARDATION AND SUBSTANCE
ABUSE SERVICES BOARD

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF
MENTAL HEALTH, MENTAL RETARDATION AND
SUBSTANCE ABUSE SERVICES

January 1, 2008

To the Honorable Timothy M. Kaine, Governor of Virginia
and
Members, General Assembly of Virginia

I am pleased to forward to you the Annual Executive Summary of the Activity and Work of the State Mental Health, Mental Retardation and Substance Abuse Services Board for 2007.

The report describes the statutory basis for the Board's work and provides information concerning the Board's policy, regulatory and committee work during the preceding 12 months as well as outlining the Board's policy priorities for the coming year.

The commitment of time and talent from our Board members is served and enhanced by the dedicated leadership and staff at DMHMRSAS. As we move forward in the transformation of our services system we will continue to address the challenges and improve the systems that impact our Commonwealth's most vulnerable citizens.

Sincerely,

Victoria Huber Cochran
Chair, State MHMRSAS Board

2007 ANNUAL EXECUTIVE SUMMARY

of the Activity and Work of the

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

TO THE GOVERNOR AND GENERAL ASSEMBLY

JANUARY 1, 2008

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INTRODUCTION

Board Membership

The State Mental Health, Mental Retardation and Substance Abuse Services Board is established by § 37.2-200 of the Code of Virginia as a policy board in the executive branch of Virginia government. Citizen board members are appointed by the Governor, subject to confirmation by the General Assembly. Terms are for four years each, except appointments to fill vacancies. Members may be reappointed; however, no member may serve more than two full four-year terms. The Board employs a board secretary who is selected by the full Board. The Secretary is a member of the staff of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) and reports to the Commissioner or his designee. The Secretary is also responsible to the Board.

The Board is statutorily required to meet at least quarterly in any calendar year. Due to the current Board's interest and support of the System Transformation Initiative, the Board scheduled six meetings in 2007 to more effectively address policy, regulatory, and systems change issues. Meetings were held around the state as follows:

January 17, Richmond
April 3, Staunton (includes Annual Volunteer Luncheon)
May 4, Portsmouth
August 19-21, Danville (includes Annual Planning Meeting)
October 10, Falls Church
December 6, Charlottesville

Board membership consists of nine non-legislative citizen members. The Board is required to have consumer and family members, one elected local government official, one psychiatrist licensed to practice in Virginia, and four citizens at large. The current membership of the Board meets the statutory criteria and is constituted as follows:

Victoria H. Cochran of Blacksburg, Chair;
Daniel E. Karnes of Roanoke, Vice-Chair;
Linda S. Bartlett of Farnham;
Reverend Cheryl Ivey Green of Richmond;
Catherine M. Hudgins of Reston;
Ruth G. Jarvis of Norfolk; Mary J. McQuown of Chesapeake;
Ananda K. Pandurangi of Richmond; and
Kathryn A. Smith of Martinsville.

All of the members are currently serving their first terms of office.

Review of Statutory Authority

State Mental Health, Mental Retardation and Substance Abuse Services Board **(§ 37.2-200).**

A. The State Mental Health, Mental Retardation and Substance Abuse Services Board is established as a **policy board** ...in the executive branch of government.
D. ...The Board shall **meet quarterly** and at such other times as it deems proper. ...The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request....
E. The chairman of the Board shall submit to the Governor and the General Assembly an **annual executive summary** of the activity and work of the Board no later than the first day of each regular session of the General Assembly.

Classification of executive branch boards, commissions and councils **(§2.2-2100).**

"Policy" - A board, commission or council shall be classified as policy if it is **specifically charged by statute to promulgate public policies or regulations.** It may also be charged with adjudicating violations of those policies or regulations. Specific functions of the board, commission or council may include, but are not limited to, rate setting, distributing federal funds, and adjudicating regulatory or statutory violations, but **each power shall be enumerated by law**. Policy boards, commissions or councils are **not responsible for supervising agencies or employing personnel**. They **may review and comment on agency budget requests**.

Powers and duties of Board **(§ 37.2-203)**

1. To develop and establish programmatic and fiscal policies governing the operation of state hospitals, training centers, community services boards, and behavioral health authorities;
2. To ensure the development of long-range programs and plans for mental health, mental retardation, and substance abuse services provided by the Department, community services boards, and behavioral health authorities;
3. To review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds;
4. To monitor the activities of the Department and its effectiveness in implementing the policies of the Board;
5. To advise the Governor, Commissioner, and General Assembly on matters relating to mental health, mental retardation, and substance abuse;
6. To adopt regulations that may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Commissioner or the Department;
7. To ensure the development of programs to educate citizens about and elicit public support for the activities of the Department, community services boards, and behavioral health authorities;
8. To ensure that the Department assumes the responsibility for providing for education and training of school-age consumers in state facilities, pursuant to § 37.2-312; and
9. To change the names of state facilities.

Additional Responsibilities (State MHMRSAS Board Bylaws Article 6 – Powers and duties of the Board)

The Board shall appoint members of the **State Human Rights Committee** pursuant to §37.2-204 of the Code of Virginia, and the Prevention Promotion Advisory Council

according to their respective bylaws. The Board **may appoint other advisory councils or committees**, as it deems necessary or appropriate.

FY 2007 ACCOMPLISHMENTS

The Board utilizes a framework of five areas of statutory responsibility as an organizational structure for planning.

Area of Responsibility-A: Policy Development and Monitoring (Powers & Duties 1 & 4)

The current Board membership is of individuals who have been appointed since June 2004, with the last appointments in August of 2007. A comprehensive review of Board policies had not been conducted in many years and the majority of policies had not been regularly updated. Beginning in January 2005 the Board began planning for and implementation of such a comprehensive review and the process now nearly completed. These duties are addressed by the Board's Policy Development and Evaluation Committee. In FY 2007 the Board reviewed and acted upon:

1004(SYS) 83-7 Prevention Services – Rewritten and updated in consultation with the Prevention and Promotion Advisory Council (PPAC) and the Department's Director of Prevention Services. Articulates principles and strategies for prevention services and establishes the role of the PPAC to serve as an advisory body to the Board.

1008(SYS) 86-3 Provision of Services for Older Adults with Mental Illness, Mental Retardation or Substance Use Disorders – Consolidated with 1020(SYS)87-7 and revised with the assistance of the Department's Geriatric Service Coordinator. Provides updated policy for providing services to persons who are 65 years old or older.

1010 (SYS) 86-7 Board/Department Interaction in the Development of the Department's Comprehensive State Plan for Mental Health, Mental Retardation and Substance Abuse Services – Revised to update the process for ensuring the Board's participation and input in biennial updates to the Comprehensive State Plan required under §37.2-315.

1041 (SYS) 06-4 Services for Individuals with Mental Illness, Mental Retardation or Substance Use Disorders Who are at Imminent Risk of Becoming Involved with the Criminal Justice System – New policy adopted to supersede outdated policy 1014(SYS)86-20, *Provision of Forensic Services*. This is a comprehensive policy statement addressing the role of the Department, Commissioner, and CSBs in the provision of forensic services for persons who become, or are at imminent risk of becoming, involved in the criminal justice system.

Policies that began review in FY 2007 and are currently under review:

- 1032(SYS) 92-1 Primary Care.
- 5003 (FAC) 85-6 Payment for Destruction of Property by Residents of Mental Retardation and Mental Health Facilities *(Rescinded, August 21, 2007).*
- 5004(FAC) 86-4 Human Growth and Social Development *(Rescinded, August 21, 2007).*

See the list of current State Board Policies with the last review date attached as Appendix A.

Area of Responsibility-B: Ensure the Development of Programs and Plans (Powers & Duties 2)

State Board Policy *1010 (SYS) 86-7 Board Role in the Development of the Department's Comprehensive State Plan for Mental Health, Mental Retardation and Substance Abuse Services* states that the Board will: ensure the Comprehensive Plan reflects the Board's programmatic and fiscal policies; participate in the identification of the services and support needs, critical issues, strategic responses and resource requirements included in the Plan; conduct a series of public hearings to obtain comments on the draft Plan and encourage public participation in these hearings; review the comments from the public hearings and make suggestions to the Commissioner for incorporation in the final Plan; ensure the services and support needs, critical issues, strategic responses and resource requirements included in the Plan are reflected in the Department's budget proposals and operational priorities; and monitor the implementation of goals and major initiatives contained in the Plan and identify areas where further policy and plans for program development are needed.

These duties are addressed by the Board's Planning and Budget Committee. In FY 2007 the Department and Board began to set priorities for the 2008-2014 Comprehensive State Plan, put the draft Plan out for public comment, and now are in the final stages of review for publication in mid-December 2007.

Area of Responsibility-C: Review and Comment on All Budgets and Requests (Powers & Duties 3)

The Board Bylaws (*Article 7 – Committees, A.1.b. Planning and Budget Committee Powers and Duties*) designates the Planning and Budget Committee shall ensure development and Board review of long-range plans and budgets. In addition to established procedures for this role, in 2007 the Board created a new committee, the Grant Review Committee, specifically to review requests for federal grant funds.

Area of Responsibility-D: Adopt Regulations (Powers & Duties 6)

These duties are addressed by the full Board. See the list of FY 2007 MHMRSAS regulatory actions in Appendix B Recent Board Actions. Also, see the table Status and Pending Action on Board Regulations in Appendix C.

Area of Responsibility-E: Communication, Coordination & Collaboration (Powers & Duties 5,7,8,9 & Art.6 b)

These duties are addressed by the entire Board. Within the MHMRSAS system, members of the Board conducted meetings in different localities, served as liaisons to regions, maintained and improved communication from the Department staff to the Board, received information to address and fulfill the Board's duties and responsibilities, initiated revision of current, and establishment of additional, internal mechanisms to ensure appropriate levels of engagement and information are in place for all areas of Board responsibility.

Within the Executive Branch of state government, Board members participated on the System Leadership Council, and initiated discussion of possible HHR and/or Public Safety inter-board communication.

And across branches of state government, Board members maintained contact with and inform their respective legislators and local governments. Additionally, Catherine Hudgins and Victoria Cochran are members of and participate in the Supreme Court of Virginia's Commission on Mental Health Law Reform.

The Board communicated with the general public through four public hearings on the proposed Human Rights Regulations 12 VAC 35-115-10 et seq. in October and November 2006, providing a time for public comment at every meeting, notifying a broad list of stakeholders of the time and location of meetings, and members regularly serve as speakers and consultants through their local CSBs and private providers.

SUMMARY AND NEXT STEPS

The Board is in the process of reviewing all existing policies (particularly the 25 older policies identified by staff) to address the following two topics: cultural sensitivity and culturally and linguistically appropriate services; and, services and programs that support the concepts of self-determination, empowerment and recovery. The Policy and Evaluation Committee will review the current policy on each to determine if revisions/updates are needed, and assure all existing and future policies reflect those concepts.

Additionally, the Board voted to address the issue of mental health disaster crisis response in regard to policy. The full Board heard a presentation from staff on crisis response at the October meeting, and in 2008 committee members and staff will seek input from the public, stakeholders and other agencies. The Committee's work will be informed by published recommendations from the Virginia Tech Review Panel, the Inspector General's Report on the Virginia Tech Tragedy and the Office of Commonwealth Preparedness' Virginia Higher Education Preparedness Consortium and any other relevant studies in developing new, or revising existing policies, related to crisis response.

Appendix A: List of Current State Board Policies

CURRENT STATE BOARD POLICIES

(POLICY NUMBER, NAME, AND LAST REVIEW DATE)

Policy Number	Policy Name	Date
#1000 (SYS) --- SYSTEM MISSION AND DIRECTION		
1004(SYS)83-7	Prevention Services	4/2/07
1007(SYS)86-2	Mental Health, Mental Retardation and Substance Abuse Services for Children/Adolescents and Their Families	7/28/93
1008(SYS)86-3	Provision of Services for Older Adults with Mental Illness, Mental Retardation, or Substance Use Disorders	10/5/06
1010(SYS)86-7	Board/Department Interaction in the Development of the Department's Comprehensive State Plan for Mental Health, Mental Retardation and Substance Abuse Services	4/3/07
1011(SYS)86-11	Mental Retardation Services	7/30/96
1012(SYS)86-12	Mental Health Services	7/30/96
1013(SYS)86-19	Facility and Community Alcohol and Other Drug Services	2/23/94
1015(SYS)86-22	Services for Individuals with Co-occurring Disorders	9/7/05
1016(SYS)86-23	Policy Goal of the Commonwealth for a Comprehensive, Community-Based System of Services	9/7/05
1018(SYS)87-2	Eligibility for Services	4/22/92
1021(SYS)87-9	Core Services	4/22/92
1022(SYS)87-10	Long-Term Care of Persons with Mental Disabilities	3/19/97
1023(SYS)89-1	Services Accessibility for Cultural and Ethnic Minorities	4/22/92
1025(SYS)89-3	Services Accessibility for Persons with Physical or Sensory Disabilities	3/25/92
1028(SYS)90-1	Human Resource Development	1/28/04
1029(SYS)90-3	Definitions of Serious Mental Illness, Serious Emotional Disturbance, and At-Risk of Serious Emotional Disturbance	4/13/05
1030(SYS)90-3	Consistent Collection and Utilization of Data in State Facilities and Community Services Boards	9/7/05
1032(SYS)92-1	Primary Care	3/25/92
1034(SYS)05-1	Partnership Agreement	9/7/05
1035(SYS)05-2	Single Point of Entry and Case Management Services	9/7/05

Policy Number	Policy Name	Date
1036(SYS)05-3	Vision Statement	9/7/05
1037(SYS)05-4	Individual Consumer Information and the Community Consumer Submission	9/7/05
1038(SYS)06-1	The Safety Net of Public Services	4/7/06
1039(SYS)06-2	Availability of Minimum Core Services	4/7/06
1040(SYS)06-3	Consumer and Family Member Involvement and Participation	4/7/06
1041(SYS)06-4	Services for Individuals with Mental Illnesses, Mental Retardation, or Substance Use Disorders Who are at Imminent Risk of Becoming Involved with the Criminal Justice System	12/8/06
#2000 (ADM ST BD) --- ADMINISTRATION		
2010(ADM)88-2	Policy Development and Evaluation	4/7/06
2011(ADM)88-3	Naming of Buildings, Rooms and Other Areas at State Facilities	10/29/03
#3000 (C O) --- CENTRAL OFFICE		
3000(CO)74-10	Department Employee Appointments to Community Services Boards	10/29/03
3002(CO)86-16	System-wide Staff Training	4/22/04
#4000 (CSB) --- COMMUNITY SERVICES BOARDS/COMMUNITY PROGRAMS		
4010(CSB)83-6	Local Match Requirements for Community Services Boards	9/28/94
4018(CSB)86-9	Community Services Board Performance Contracts	4/28/94
4020(CSB)86-13	Placement of Patients/Residents in Homes for Adults	4/17/96
4023(CSB)86-24	Residential Services	9/28/94
4026(CSB)87-1	Transitional Services for Adolescents and Young Adults with Mental Disabilities	10/6/97
4027(CSB)87-11	Community Support Programs for Persons with Serious Mental Illness	10/25/94
4028(CSB)88-1	Communication with Community Services Board Contract Agencies	9/30/93
4037(CSB)91-2	Early Intervention Program for Infants and Toddlers and Their Families	6/30/93
4038(CSB)94-1	Comprehensive Services Act for At-Risk Youth and Families	4/27/94
#5000 (FAC) --- STATE MENTAL HEALTH AND MENTAL RETARDATION FACILITIES		
5006(FAC)86-29	Razing of Dilapidated Buildings	1/29/04
5007(FAC)87-4	Clinical Record System	1/26/92
5008(FAC)87-12	Accreditation/Certification	1/29/04
5010(FAC)00-1	State Facility Uniform Clinical and Operational Policies and Procedures	5/19/00

Policy Number	Policy Name	Date
#6000 (FIN) --- FINANCIAL MANAGEMENT		
6001(FIN)86-1	Process and Timetable for Board/Department Interaction in Budget Preparation and Submission	10/28/92
6002(FIN)86-14	Services Availability and Ability of Client to Pay Philosophy	4/28/95
6003(FIN)87-5	Community Services Boards Financial Management	2/9/98
6005(FIN)94-2	Retention of Unspent State Funds by Community Services Boards	7/27/94
#7000 (FIN) --- INTERAGENCY RELATIONSHIPS		
7000(INTER)85-4	Department/University and College Relationships	4/22/04

Appendix B: Recent Board Actions (FY 2007 regulatory actions)

RECENT BOARD ACTIONS

VAC Number	Title	Legal Authority	Board Action	Date
12 VAC 35-115	***Human Rights Regs*** Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services	Virginia Code §§ 37.2-203 and 37.2-400	Adopted amended regulations for final promulgation	May 4, 2007
12 VAC 35-105	***Licensing Regs—Adult Service Providers*** Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Disabilities Support Waiver, and Brain Injury Services	Chapter 168 of the 2006 Virginia Acts of Assembly	Adopted proposed amendment for issuing an order of summary suspension of a provider's license for public comment	April 3, 2007
12 VAC 35-210	***Temporary Leave Regs*** Regulations to Govern Temporary Leave from State Mental Health and Mental Retardation Facilities	Virginia Code § 37.2-837 B	Adopted new regulations for final promulgation	April 3, 2007
12 VAC 35-105	***Licensing Regs--Adult Service Providers*** Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Disabilities Support Waiver, and Brain Injury Services	Virginia Code § 37.2-405	Approved NOIRA for general update and revision of the regulations	December 8, 2006
12 VAC 35-105	***Licensing Regs--Adult Service Providers*** Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Disabilities Support Waiver, and Brain Injury Services	Chapter 7 of the 2005 Virginia Acts of Assembly	Adopted final amendment for evaluation of new licenses for providers of treatment for opioid addiction	December 8, 2006
12 VAC 35-190	***MR Voluntary Admission Regs*** Regulations Establishing Procedures for Voluntarily Admitting Persons Who are Mentally Retarded to State Mental Retardation Facilities	Virginia Code § 37.2-806	Approved NOIRA for general update and revision of the regulations	August 22, 2006
12 VAC 35-200	***MR Respite Care Admission Regs*** Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities	Virginia Code § 37.2-807	Adopted proposed regulations for public comment	October 10, 2007

Appendix C: Status and Pending Action on Board Regulations

STATUS AND PENDING ACTION ON BOARD REGULATIONS

VAC Number	Title	Last Update	Periodic Review	Regulations in Process *Stage*	*Time Frame*
12 VAC 35-11	**PUBLIC PARTICIPATION GUIDELINES**	Effective July 1, 2003.	Postponed-- pending legislative changes		
12 VAC 35-45	**LICENSING REGS-- CHILDREN'S RESIDENTIAL SERVICES** Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children	Effective August 1, 2003 ■ Amendment for order of summary suspension effective February 22, 2007	Next review July 31, 2007—Not required because regulations were amended this year.		
12 VAC 35-105	**LICENSING REGS--ADULT SERVICE PROVIDERS** Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation, Substance Abuse, the Individual and Family Disabilities Support Waiver, and Brain Injury Services	Effective September 19, 2002 ■ Amendment for IFDDS Waiver services effective September 19, 2003 ■ Amendment for brain injury services effective February 22, 2007 ■ Amendment for opioid services effective July 10, 2007 ■ Amendment for order of summary suspension in process	Completed February, 2007	■ NOIRA ■ Proposed	■ Publication date-- June 25, 2007 ■ Publication date— June 25, 2007
12 VAC 35-115	**HUMAN RIGHTS REGS** Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services	Board adopted final revised regulations on May 4, 2007.	Completed September, 2004	■ Final	■ Effective September 19 , 2007
12 VAC 35-180	**HUMAN RESEARCH REGS** Regulations to Assure the Protection of Participants in Human Research	Amended effective February 11, 2004.	Next review February 10, 2008		
12 VAC 35-190	**MR VOLUNTARY ADMISSION REGS** Regulations Establishing Procedures for Voluntarily Admitting Persons Who are Mentally Retarded to State Mental Retardation Facilities	Amended effective January 15, 2003	Completed August, 2006	■ Proposed regulations in development	■ Target completion December, 2007

VAC Number	Title	Last Update	Periodic Review	Regulations in Process *Stage*	 *Time Frame*
12 VAC 35-200	**MR Respite Care Admission Regs** Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities	Amended effective May 22, 2002	Completed August, 2006	■ Proposed	■ Submitted for Executive Branch Review—September 14, 2007
12 VAC 35-210	**TEMPORARY LEAVE REGS** Regulations to Govern Temporary Leave From State Mental Health and Mental Retardation Facilities	New regulation. (NOIRA published October 18, 2004)	Next review July 25, 2010	■ Final	■ Effective July 25, 2007