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ABUSE SERVICES BOARD

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF
MENTAL HEALTH, MENTAL RETARDATION AND
SUBSTANCE ABUSE SERVICES

January 1, 2009

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 2008.

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,

Daniel E. Karnes
Chair

Enc.

Cc: The Hon. Marilyn B. Tavenner
James S. Reinhard, M.D.

DRAFT
2008 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, 2009

TABLE OF CONTENTS

Introduction ***3***

Board Membership *3*

Review of Statutory Authority *3*

FY 2008 Accomplishments ***5***

Area of Responsibility-A: Policy Development and Monitoring *5*

Area of Responsibility-B: Ensure the Development of Programs and Plans *6*

Area of Responsibility-C: Review and Comment on All Budgets and Requests *6*

Area of Responsibility-D: Adopt Regulations *6*

Area of Responsibility-E: Communication, Coordination & Collaboration *6*

Summary and Next Steps ***8***

Appendices ***9***

Appendix A: List of Current State Board Policies *9*

Appendix B: Recent Board Regulatory Actions (FY 2008) *11*

Appendix C: Status and Pending Action on Board Regulations *13*

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 is authorized to employ a board secretary who is selected by the full Board.

The Board is statutorily required to meet at least quarterly in any calendar year. The Board scheduled five meetings in 2008 to effectively address policy, regulatory, and systems change issues. In order to save on travel expenses, meetings were held closer to Richmond as follows:

January 15, Richmond
April 1, Richmond (includes Annual Volunteer Luncheon)
June 3, Williamsburg
August 17-19, Glen Allen (includes Annual Planning Meeting)
October 7, Burkeville
December 2, Powhatan

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:

Daniel E. Karnes*, Roanoke, Vice-Chair;
Andrew Goddard, Henrico;
Cheryl Ivey Green, Richmond;
Catherine M. Hudgins, Reston;
Ruth G. Jarvis*, Norfolk;
Mary J. McQuown, Chesapeake;
Jennifer M. Little, Cobbs Creek;
Ananda K. Pandurangi, Richmond; and
Kathryn A. Smith, Martinsville.

The current Board membership is of individuals who have been appointed since June 2004, with the last appointments in November 2008. Members currently serving their second terms of office are noted with an asterisk '*.'

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 2008 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)

A comprehensive review of Board policies had not been conducted in many years and the majority of policies had not been regularly reviewed and updated. Beginning in January 2005, the Board began implementing a comprehensive review for existing policies. This process is now nearly complete. These duties are addressed by the Board's Policy Development and Evaluation Committee. In FY 2009 the Board reviewed and acted upon the following polices:

1021(SYS)87-9 – Rewritten and updated to define the current Core Services Taxonomy. References the core mental health, mental retardation and substance abuse services to be provided by community services boards and state facilities.

1023(SYS) 89-1 Workforce Cultural and Linguistic Competency – Rewritten and updated to specifically encompass workforce issues in the Department, state facilities and CSBs. Articulates principles and strategies for promoting cultural competency within the public system in light of the diverse population groups that currently receive services in this system.

1043(SYS) Disaster and Terrorism Preparedness – New policy that provides a comprehensive statement regarding the importance of mental health services in disaster and emergency planning, preparedness, and response activities. It promotes coordination and collaboration in the response and recovery process and indicates that consumers and their families can be valuable contributors in this process.

4010(CSB) 83-6 Local Match Requirements for Community Services Boards – Revised to clarify the intent and update language and Virginia Code citations. The purpose of the policy is to maximum financial support for community mental health, mental retardation, and substance abuse services from local governments.

4018(CSB) 86-9 Community Services Performance Contracts – Updated to provide more complete background and context for the current contract documents. The Community Services Performance Contract is designated as the primary accountability and funding mechanism for a community services board with the Department.

In FY 2009, the Board also reviewed a group of its oldest policies that had not been routinely reviewed or updated in many years. Most were initially adopted in the 1980s. At the conclusion of this review process, the Board took action to rescind the following policies:

- 1011(SYS)86-7 Mental Retardation Services
- 1012(SYS)86-12 Mental Health Services
- 1018 (SYS)87-2 Eligibility for Services
- 1022(SYS)87-10 Long-Term Care of Persons with Mental Disabilities
- 4020(CSB)86-13 Placement of Patients/Residents in Homes for Adults
- 4027(CSB)87-11 Community Support Programs for Persons with Serious Mental Illnesses
- 4028(CSB)88-1 Communication with CSB Contract Agencies
- 5007(FAC)87-4 Clinical Record System
- 6003(FIN)94-2 CSB Financial Management

Other actions planned at the conclusion of this review process are as follows:

- Amend Policy 1015(SYS)86-22, *Services for Individuals with Co-occurring Disorders* and distribute it for field review noting that the Board intends to rescind Policy 1013(SYS)86-19, Facility and Community Alcohol and Other Drug Services and indicate that the Board intends to address any concerns related to that rescission in a revised Policy 1015.

- Rescind Policy 4023(CSB)86-24, *Residential Services* and use parts of it that deal with housing as a basis for developing a new policy on housing (rather than residential services).

- Rescind Policy 5010(FAC)00-1, *State Facility Uniform Clinical and Operational Policies and Procedures* and use parts of this to address standard state facility operations in a new policy that the Board may develop on Performance Expectations.

- Retain Policy 6001(FIN)86-1, *Process and Timetable for Board/Department Interaction in Budget Preparation and Submission* but revise it to reflect the Board's role in providing input to the Department in the formulation of the Department's budget requests.

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 State 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. The 2008-2014 Comprehensive State Plan was published on December 6, 2007. The next update to the Comprehensive State Plan will begin in FY2009.

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*) states that the Planning and Budget Committee shall ensure development and Board review of long-range plans and budgets. In addition, 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 2008 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 and 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 continued discussion of strategies to promote inter-board communication with other boards under both the Health and Human Resources and Public Safety secretariats.

And across branches of state government, Board members maintained contact with and informed their respective legislators and local governments. Additionally, Catherine Hudgins is

a member of and participates in the Supreme Court of Virginia's Commission on Mental Health Law Reform.

No public hearings were held this year on regulations, although the Board has indicated its intent to conduct public hearings on the proposed amended Licensing Regulations 12 VAC 35-105-10 et seq. as soon as they are approved for public comment by the Executive Branch.

SUMMARY AND NEXT STEPS

The Board is continuing to review all of its existing policies and make appropriate updates and revisions. The Board will also work with staff and other interested individuals to identify relevant issues that it should address in policy in the future. The Board's process for routine policy development and review is established in its policy 2010(ADM)88-2, Policy Development and Evaluation. This process includes procedures for seeking input from the public, stakeholders, and other agencies on policy evaluations and proposed drafts prior to final adoption by the Board.

Additionally, the Policy Development and Evaluation Committee will move forward to implement the other policy actions that were planned by the Board at the conclusion of its recent review of existing policies. These planned actions were described earlier in this section and involve various updates and revisions to existing policies.

Appendix A: List of Current State Board Policies (December 2008)

CURRENT STATE BOARD POLICIES

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
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
1021(SYS)87-9	Core Services	12/2/08
1023(SYS)89-1	Workforce Cultural and Linguistic Competency	6/3/08
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
1034(SYS)05-1	Partnership Agreement	9/7/05
1035(SYS)05-2	Single Point of Entry and Case Management Services	9/7/05
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
1042(SYS)07-1	Primary Health Care	12/6/07

Policy Number	Policy Name	Date
1043(SYS)08-1	Disaster and Terrorism Preparedness	6/3/08
#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	10/7/08
4018(CSB)86-9	Community Services Board Performance Contracts	10/7/08
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
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
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
#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
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 Regulatory Actions (FY 2008)

RECENT BOARD ACTIONS

VAC Number	Title	Legal Authority	Board Action	Date
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 amended regulations for final promulgation.	December 2, 2008
12 VAC 35-45	**LICENSING REGS-CHILDRENS' RESIDENTIAL SERVICES** Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse, and Brain Injury Residential Services for Children	Virginia Code §37.2-408	Adopted replacement regulations for fast-track promulgation to comply with Chapter 873 of Virginia Acts of Assembly	December 2, 2008
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 §§ 37.2-203 and 37.2-404	Adopted proposed regulations for public comment	October 7, 2008
12 VAC 35-12	**PUBLIC PARTICIPATION GUIDELINES** Public Participation Guidelines ("PPG"s)	§§2.2-4007.02 and 37.2-203	Adopted model PPGs (12VAC 35-12) for final promulgation and repealed existing PPGs (12 VAC 35-11).	August 19, 2008 (Effective October 29, 2008)
12 VAC 35-180	**HUMAN RESEARCH REGS** Regulations to Assure the Protection of Participants in Human Research	Virginia Code § 37.2-401	Initiated the Periodic Review of the regulations	April 1, 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	Virginia Code § 37.2-806	Adopted proposed regulations for public comment	December 6, 2007

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 (Effective September 19, 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 (Effective July 27, 2007)

Appendix C: Status and Pending Action on Board Regulations (December 2008)

STATUS AND PENDING ACTION ON BOARD REGULATIONS

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 regulations adopted by the Board for final promulgation on December 2, 2008	Completed August, 2006	■ Final	■ Submit for Executive Branch Review in December 2008.
12 VAC 35-11	**PUBLIC PARTICIPATION GUIDELINES**	Current regulations effective July 1, 2003. ■ Board adopted model regulations for promulgation on August 19, 2008	Model regulations exempt from requirements.	■ Final	■ Effective date October 29, 2008.
12 VAC 35-45 and 12 VAC 35-46- *(replacement)*	**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 ■ Pending changes per 2008 legislation	Next review due February, 2011.	■ Fast track	■ Submit replacement regulations fast-track promulgation December 2008.
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 effective February 20, 2008	Completed February, 2007	■ Proposed	■ Submitted for Executive Branch Review in November, 2008
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	Final revised regulations effective on September 19, 2007.	Next review due September, 2011		
12 VAC 35-180	**HUMAN RESEARCH REGS** Regulations to Assure the Protection of Participants in Human Research	Amended effective February 11, 2004.	Completed February 2008	■ NOIRA	■ In development for submission early 2009.
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	■ 60 day public comment ends on December 26, 2008.

VAC Number	Title	Last Update	Periodic Review	Regulations in Process	
				Stage	*Time Frame*
12 VAC 35-210	**TEMPORARY LEAVE REGS** Regulations to Govern Temporary Leave From State Mental Health and Mental Retardation Facilities	New regulation effective on July 25, 2007.	Next review due July, 2011		