

The Virginia General Assembly



2009 LEGISLATIVE REPORT
DMHMRSAS

Passed Bills by Subject Area

Bill Number	Description	Page #
<i>Mental Health</i>		
<i>Omnibus Cleanup Bill</i>		
HB2060/SB1083	Mental Health Law; amends statutes to address issues resulting from 2008 overhaul.	4
<i>Criteria</i>		
HB2061/SB1122	Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment.	5
<i>Custody, Transfer of Custody, Transportation, Time</i>		
HB2460/SB0823	Transportation of person under emergency custody, temporary detention, commitment, etc.; allowed to be transported by family member or others.	6
HB2486/SB1079	Emergency custody; authority of law-enforcement officer.	7
<i>Independent Examiner (IE)</i>		
HB1948	Involuntary commitment; allow examination by licensed marriage and family therapists.	4
<i>Court Procedure</i>		
HB2257	Consideration of evidence of a person's past compliance or noncompliance with treatment.	6
SB1078	Special justices; expenses when presiding over certain hearings.	7
SB1082	Voluntary and involuntary commitment; Executive Secretary of Supreme Court to prepare court forms.	7
<i>Jail Diversion</i>		
SB1294	Crisis intervention team pilot programs; established, report.	7
<i>Human Rights</i>		
HB2459/SB1076	Right to notify; consumer in mental health facility to have opportunity to notify others of his condition.	6
HB2461/SB1077	Notification of family member in commitment process; disclosure of certain information by providers.	6
HB2396/SB1142	Advance medical directives; revises Health Care Decisions Act.	8

<i>Intellectual and Developmental Disabilities</i>		
HB2300/SB1117	Name change; Mental Health, Mental Retardation and Substance Abuse Services to become Behavioral Health and Developmental Services (BHDS).	6
HB2674/SB1501	Plan to eliminate waiting lists for services provided on the Mental Retardation Medicaid Waiver and Individual and Family Developmental Disabilities and Support Medicaid Waiver.	8
<i>Licensing</i>		
HB1601	Administration of prescription drugs; expands authority of persons allowed to administer.	4
<i>Substance Use Disorders</i>		
SJ318	Strategies and models for substance abuse prevention and treatment; joint subcommittee studying.	8
<i>Other</i>		
HB1802	Behavioral health authority; allows member of local government to be member of board of directors.	4
HB1843	Civil commitment of sexually violent predators; changes including access to sealed records, etc.	4
HB2064	Interagency Civil Admissions Advisory Council; eliminates Council.	5
HJ0674	Older Virginian Mental Health Month; designating as September 2009, and each year thereafter.	8
HJ0715	Disability History and Awareness Month; designating as October 2009, and each year thereafter.	8
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2009 Final Legislative and Budget Report (pending action by the Governor and Reconvene Session on April 8th)

Total Counts Lead and Secondary: 44 Bills/3 Resolutions (HB: 20 HJ: 2 SB: 24 SJ: 1)

<i>DMHMRSAS Lead Agency Bills:</i>	<i>Explanation:</i>
<u>HB 1601</u> - <u>Hamilton</u> - Administration of prescription drugs; expands authority of persons allowed to administer.	<ul style="list-style-type: none"> ▪ Amends §54.1-3408 to expand the authority to administer medication by para-professionals who have been trained to administer medication from DMHMRSAS licensed facilities to all DMHMRSAS licensed services. Previously, the law appeared to limit this authority to residential services, while many other licensed services were administering medication. This will impact DMHMRSAS licensed services where medication needs to be administered, largely day support services for individuals with intellectual disabilities.
<u>HB 1802</u> - <u>Loupassi</u> - Behavioral health authority; allows member of local government to member of board of directors.	<ul style="list-style-type: none"> ▪ Amends subdivision B.4 of §15.2-1535 to enable a member of a city council or board of supervisors (the governing body) to be appointed as a member of a behavioral health authority (BHA). Section 37.2-601 authorizes three specific localities to establish BHAs; currently, only one has established a BHA. This amendment makes §15.2-1535 consistent in its application to BHAs as well as to community services boards (CSBs) in subdivision B.6. ▪ Amends §37.2-603 to define the three-year appointments to BHAs as consecutive, and to permit the governing body to reappoint a person who has served three full consecutive three-year terms after a three-year period has elapsed since the person's last three-year term. This will affect all appointments to the BHA, not just members appointed from the governing body.
<u>HB 1843</u> - <u>Griffith</u> - Civil commitment of sexually violent predators; changes including access to sealed records, etc.	<ul style="list-style-type: none"> ▪ Originating from the Office of the Attorney General (OAG), this extends due process time limits, extends the retention time for legal records in sex offender cases to 50 years, and improves access to juvenile court and mental health records for the Department of Corrections (DOC), OAG, and DMHMRSAS. (Affected sections: §§ 16.1-69.55, 16.1-300, 16.1-305, 37.2-900, 37.2-901 through 37.2-909, 37.2-911 through 37.2-914, 37.2-918, and 53.1-32) <p>Note: Certain sections from the original bill, including removing the requirement for "bodily harm" from the section relating to the use of the Static-99, have been sent to the Crime Commission for further study.</p>
<u>HB 1948</u> - <u>Shuler</u> - Involuntary commitment; allow examination by licensed marriage and family therapists.	<ul style="list-style-type: none"> ▪ Amends §37.2-815 by adding licensed marriage and family therapists to the list of professionals eligible to perform independent examinations of persons with mental illness subject to the involuntary admission process.
<u>HB 2060</u> - <u>Hamilton</u> / <u>SB 1083</u> - <u>Howell</u> - Mental health law; amends statutes to address issues resulting from 2008 overhaul. (Omnibus 'Clean Up' bill)	<ul style="list-style-type: none"> ▪ From the Commission on Mental Health Law Reform. ▪ Emergency enactment clause made it effective upon signature of the Governor (February 23rd). ▪ Enables or clarifies what was intended or expected to occur in practice when the new statutes took effect on July 1, 2008. (Amends §§ 19.2-182.9, 37.2-808, 37.2-815, 37.2-816, 37.2-817, and 37.2-819) Specifically, this bill:

	<ol style="list-style-type: none"> 1. Amends emergency custody provisions in §19.2-182.9 to allow an ECO issued for a conditionally released insanity acquittee to be extended for an additional two hours; 2. Amends emergency custody provisions in §37.2-808 to clarify that “officer initiated” emergency custody (i.e., without a written ECO) shall not exceed four hours and may also be extended for an additional two hours (as intended but not spelled out explicitly in 2008 revisions); 3. Amends §37.2-815 and §37.2-817 to clarify that independent examiners and CSB preadmission screeners may not be excluded from hearings pursuant to a sequestration order; 4. Amends §37.2-816 to specify that the CSB preadmission screening report shall be <i>admitted</i> as evidence; 5. Amends §37.2-819 to specify that upon receipt of an order from a commitment hearing issued for mandatory outpatient treatment, the court clerk shall certify and forward a copy of the order to the Central Criminal Records Exchange by COB on the <u>same</u> day of receipt, while inpatient orders may be forwarded on the <u>next</u> business day.
<p>HB 2061 - <u>Hamilton</u>/SB 1122 - <u>Lucas</u> - Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment.</p>	<ul style="list-style-type: none"> ▪ From the Commission on Mental Health Law Reform. ▪ Provides guidelines within the <i>Code</i> for criteria and monitoring of minors mandatory outpatient treatment, specifically, that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if: <ol style="list-style-type: none"> 1. less restrictive alternatives to involuntary inpatient treatment are appropriate and are available; 2. the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment; and 3. they have agreed to abide by the treatment plan. ▪ Sets forth in §16.1-346 how such mandatory outpatient treatment will be monitored and how a minor's noncompliance with such treatment will be addressed. ▪ Clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§37.2-808 et seq.) of Chapter 8 of Title 37.2. ▪ Provides in §16.1-345 that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. ▪ Requires in §16.1-339.1 that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. ▪ Clarifies in §16.1-344 under what circumstances the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible.
<p>HB 2064 - <u>Hamilton</u> - Interagency Civil Admissions Advisory Council; eliminates Council.</p>	<ul style="list-style-type: none"> ▪ Eliminates the Interagency Civil Admissions Advisory Council (ICAAC) by repealing the enabling statute because, since the advent of the Commission on MH Law Reform, stakeholders have created many formal and informal structures for planning and problem solving, which the ICAAC was intended to foster.

<p><u>HB 2257</u> - <u>Albo</u> – Evidence that may be considered by a judge to assess whether to offer voluntary treatment options.</p>	<ul style="list-style-type: none"> ▪ Amends §37.2-814.B. to clarify that a judge or special justice may consider evidence of a person's past compliance or noncompliance with treatment when determining if the person is willing and capable of seeking voluntary admission for inpatient treatment during the course of an involuntary admission hearing.
<p><u>HB 2300</u> - <u>Caputo</u>/<u>SB 1117</u> - <u>Ticer</u> - Mental Health, Mental Retardation & Substance Abuse Services, Department of; name change. (Agency Bill)</p>	<ul style="list-style-type: none"> ▪ Changes the names of the Department of Mental Health, Mental Retardation, and Substance Abuse Services; State Board; Inspector General; and Commissioner to: [the Department, Board, Inspector General, and Commissioner of] Behavioral Health and Developmental Services. ▪ Makes a technical update to old language to change references from State Board to the Department in regard to licensing services.
<p><u>HB 2459</u> - <u>O'Bannon</u>/<u>SB 1076</u> - <u>Howell</u> - Right to notify; consumer in mental health facility to have opportunity thereto of his condition.</p>	<ul style="list-style-type: none"> ▪ From the Commission on MH Law Reform. ▪ Amends § 37.2-400 (rights of consumers) to include the right of a consumer to have an individual of his choice notified of his general condition, location and transfer to another facility.
<p><u>HB 2460</u> - <u>O'Bannon</u>/<u>SB 823</u> - <u>Cuccinelli</u> - Transportation of person under emergency custody, etc.; allowed to be transported by family member or others.</p>	<ul style="list-style-type: none"> ▪ From the Commission on MH Law Reform. ▪ Amends §16.1-345, §37.2-808, §37.2-810, §37.2-817.2 and §37.2-829, and repeals §37.2-830, to allow persons and entities other than law enforcement officers to provide transportation of persons who are under emergency custody orders (ECOs), temporary detention orders (TDOs) or commitment orders. ▪ Authorizes transportation by a person or entity other than a law officer only in certain circumstances. Specifically, alternative transportation could be used only when an ECO order is issued by a magistrate (i.e., not in officer-initiated ECO situations), and only when the person who is the subject of the order meets the <u>second prong</u> of the criteria, not the first prong (i.e., not when there is a substantial likelihood of serious physical injury to self or others). Even if alternative transportation is ordered a law enforcement officer is required to execute the order in person. ▪ Alternative transportation providers can also be used for transporting persons under TDOs and commitment orders, as well as juveniles. ▪ Requires the magistrates and special justices to consider the alternative transportation provider's willingness, capability and availability before ordering alternative transportation. Court officials may obtain information directly from the alternative transportation providers to make these determinations.
<p><u>HB 2461</u> - <u>O'Bannon</u>/<u>SB 1077</u> - <u>Howell</u> - Notification of family member in commitment process; disclosure of certain information of patient.</p>	<ul style="list-style-type: none"> ▪ From the Commission on Mental Health Law Reform. ▪ Amends §§32.1-127.1:03 and 37.2-804.2 to authorize disclosure of information regarding a patient's location and general condition to a family member or personal representative of the person. <ol style="list-style-type: none"> 1. Amends 32.1-127.1:03 (21) of the Health Records Privacy Act authorizing notification to a family member or personal representative of any individual who is subject to a commitment proceeding, of that individual's location and general condition within certain requirements and limitations. 2. Amends 37.2-804.2 to authorize the disclosure of records indicating the person's location and general condition to the family member or personal representative of a person subject to a commitment proceeding.

	<ul style="list-style-type: none"> ▪ Conforms to HIPAA.
HB 2486 - <u>Ward</u> / SB 1079 - <u>Howell</u> - Emergency custody; authority of law-enforcement officer.	<ul style="list-style-type: none"> ▪ From the Commission on Mental Health Law Reform. ▪ Amends § 37.2-808 to clarify certain aspects of the emergency custody order procedure. <ol style="list-style-type: none"> 1. Adds language to indicate a law enforcement officer who takes a person into custody for an ECO may go or be sent beyond the territory where he serves to any point in the Commonwealth for obtaining the assessment. 2. Adds a new subsection authorizing a law officer who is transporting a person to an evaluation on a voluntary basis, and who is outside of his own jurisdiction, to invoke the ECO procedure when the person revokes his consent to be transported while en route and the ECO criteria are met. 3. Clarifies that “officer initiated” emergency custody (i.e., without a written ECO) shall not exceed four hours and may also be extended for an additional two hours.
SB 1078 - <u>Howell</u> - Special justices; expenses when presiding over certain hearings.	<ul style="list-style-type: none"> ▪ From the Commission on Mental Health Law Reform. ▪ Amends § 37.2-804 to clarify the fees and expenses that may be received by independent examiners, attorneys and special justices who attend hearings and provide services in the commitment process to make clear that special justices may seek reimbursement for these routine hearing related expenses. ▪ Specifies that any such costs be absorbed within the funds appropriated for Involuntary Mental Commitments within the Judicial Department.
SB 1082 - <u>Howell</u> - Voluntary and involuntary commitment; Executive Secretary of Supreme Court to prepare petitions and other legal (non-clinical) forms.	<ul style="list-style-type: none"> ▪ From the Commission on Mental Health Law Reform. ▪ Amends §37.2-801.B. to require the Office of the Executive Secretary of the Supreme Court to prepare and distribute to the courts all petitions, orders and other <u>legal</u> forms required in proceedings for emergency custody, detention and admission that are part of the involuntary civil admission process in order to eliminate the potential for inconsistency with other court-generated forms, as well as unnecessary complexity in the development, revision, production, distribution and control of these forms. ▪ Requires that DMHMRSAS prepare and distribute the preadmission screening, examination and any other <u>clinical</u> forms that may be necessary for the same proceedings.
SB 1294 - <u>Edwards</u> - Crisis intervention team pilot programs; established, report.	<ul style="list-style-type: none"> ▪ Amends Chapter 1 of Title 9.1 to add an article 13, consisting of sections 9.1-187 through -190 to provide for formalized DCJS and DMHMRSAS collaborative oversight for CIT initiatives, and a statutory framework for the development of CIT programs statewide. <ol style="list-style-type: none"> 1. Establishes joint reporting responsibilities for DCJS/DMHMRSAS. A report on existing CIT programs is to be submitted each year for three years beginning November 1, 2009, to the Joint Commission on Health Care (JCHC). Subsequently, DCJS must conduct an evaluation of the program and report the results to the JCHC annually. 2. Establishes responsibility for developing minimum standards for law enforcement training, therapeutic mental health response protocols or drop off procedures and community based mental health and criminal justice collaboration. 3. Amends §9.1-102 so that the powers and duties of the DCJS Board and Department include the requirement to review and evaluate the CIT programs.

	<p>These changes come as DMHMRSAS and DCJS are awarding funding to selected locales to develop CIT programs. These local efforts support the programmatic and policy goals of the Commonwealth Consortium (Executive Order 62, 2007).</p>
<p>SJ 318 - <u>Hanger</u> - Strategies & Models for Substance Abuse Prevention & Treatment; Joint Subcommittee Studying.</p>	<ul style="list-style-type: none"> ▪ Provides for a continuation of SJ77 (2008) to study the following issues related to Substance Abuse prevention and treatment: <ol style="list-style-type: none"> 1. Identify and characterize the nature of substance abuse in the Commonwealth; 2. Identify current state policies and programs targeting substance abuse prevention and treatment; 3. Examine the cost of such policies and programs to the Commonwealth; 4. identify and examine policies and prevention programs from other leading states in the field of substance abuse and prevention; and 5. Benchmark the Commonwealth's substance abuse prevention and treatment programs and policies against those of the leading states. <p>Four meetings are to be held in both 2009 and 2010. A report is required to be submitted each year.</p>

<p><i>DMHMRSAS Comment Agency Bills:</i></p>	<p><i>Explanation:</i></p>
<p>HB 2396 - <u>Bell</u>/SB 1142 - <u>Whipple</u> - Advance medical directives; revises Health Care Decisions Act to clarify process.</p>	<ul style="list-style-type: none"> ▪ Allows any adult who is capable of making an informed decision to create a written advance directive, at any time, to address any health care that may be needed if the person is later determined to be incapable of making an informed decision, and provides instruction for its use. ▪ Permits a health care agent to admit an incapacitated person, even over objection, to a mental health facility for up to 10 days if the person has authorized his/her agent to do so in an advance directive, under certain specified conditions. ▪ Permits a guardian to admit the person to a mental health facility for up to 10 days if the guardianship order specifically authorizes the guardian to do so after making other specified findings. <p>Note: Amends §§ 37.2-801, 37.2-1009, and numerous sections in Title 54.1 Chapter 29; adds the following new sections: 37.2-805.1 and 54.1-2983.1, 54.1-2983.2, 54.1-2983.3, 54.1-2985.1, 54.1-2986.1, and 54.1-2986.2.</p>
<p>HB 2674 - <u>Cox</u>/SB 1501 - <u>Barker</u> - Mental Retardation Waiver and IFDDS Waiver; Governor to plan to eliminate urgent care waiting lists.</p>	<ul style="list-style-type: none"> ▪ Beginning July 1, 2010, and each year thereafter, DMAS must add at least 400 funded slots for MR Waivers, and at least 67 funded slots for IFDDS Waivers, per fiscal year until the waiting lists for both have been eliminated ▪ Requires DMAS to work with the Department of Planning and Budget (DPB) to incorporate additional costs for these changes in the estimate of Medicaid expenditures required pursuant to §32.1-323.1. ▪ Requires the Governor to develop a plan by October 1, 2009 to eliminate the waiting lists for services provided to individuals on the Mental Retardation Medicaid (MR) Waiver and Individual

	and Family Developmental Disabilities and Support Medicaid (IFDDS) Waiver by the 2018-2020 biennium, including provisions to reduce the total number of individuals on the waiting list for the MR Waiver by 10 percent in the 2008-2010 biennium. The plan will be submitted to JCHC and the chairs of the House Appropriations and Senate Finance Committees.
HJ 674 - <u>Brink</u> - Older Virginians Mental Health Month; designating as September, 2009 and each year thereafter.	(S) Agreed to by Senate by voice vote
HJ 715 - <u>Spruill</u> - Disability History and Awareness Month; designating as October 2009, & each year thereafter.	(S) Agreed to by Senate by voice vote

Legislation of Interest: Failed, Incorporated, Recommended for Further Study

(Note: Bills previously carried over from 2008 remain on this list to show final action.)

<i>DMHMRSAS Lead Agency Bills:</i>	<i>Last action:</i>
<i>Failed</i>	
HB 735 - <u>Caputo</u> - Involuntary commitment hearing; certain requirement for 3rd yr. law student to represent petitioner.	(H) Left in Courts of Justice
HB 1004 - <u>Bell</u> - Advance mental health directives; may set procedures or instructions with regard to treatment.	(H) Left in Health, Welfare and Institutions
HB 1588 - <u>Marshall, R.G.</u> - Autism spectrum disorder; mandated health insurance coverage therefore.	(H) Left in Commerce and Labor
HB 2156 - <u>Toscano</u> - Involuntary commitment hearing; upon request, district court judge, etc. may restrict attendance.	(H) Failed to report (defeated) in Courts of Justice (10-Y 12-N)
HB 2288 - <u>Cline</u> - Community services board; removes provision allowing employment of person convicted of assault.	(S) Left in Education and Health
HB 2369 - <u>Nutter</u> - Prescription medication; Substance Abuse Services Council, to conduct 1 year study, report.	(S) Left in Rules
SB 18 - <u>Edwards</u> - Mental health courts; establishment of pilot program, report.	(S) Left in Finance
SB 65 - <u>Howell</u> - Community criminal justice boards; membership.	(H) Left in Courts of Justice
SB 177 - <u>Marsh</u> - Assisted outpatient treatment program; established for severely mentally ill.	(S) Left in Finance
SB 274 - <u>Cuccinelli</u> - Involuntary commitment order; detainee may petition court to transfer to outpatient treatment.	(S) Left in Courts of Justice
SB 275 - <u>Cuccinelli</u> - Inmates; emergency psychiatric treatment.	(S) Left in Finance

SB 429 - <u>Lucas</u> - Opiate addiction treatment providers; daily service fee.	(H) Left in Health, Welfare and Institutions
SB 440 - <u>McEachin</u> - Inmates; emergency psychiatric treatment.	(S) Left in Finance
SB 818 - <u>Lucas</u> - Opiate addiction treatment providers; daily service fee.	(S) Stricken at request of patron in Education and Health (14-Y 0-N)
SB 825 - <u>Cuccinelli</u> - Involuntary commitment hearing; certain requirement for 3rd yr. law student to represent petitioner.	(S) Passed by indefinitely in Courts of Justice (8-Y 5-N)
SB 840 - <u>Cuccinelli</u> - Outpatient treatment; allows court to order mandatory treatment following involuntary admission.	(S) Left in Courts of Justice
SB 854 - <u>Edwards</u> - Mental health courts; Office of Ex. Secretary of Supreme Court to establish for nonviolent offender.	(H) Left in Courts of Justice
SB 1080 - <u>Howell</u> - Involuntary commitment hearing; upon request, district court judge, etc. may restrict attendance.	(H) Stricken from docket by Courts of Justice
SB 1228 - <u>Barker</u> - Community services board; removes provision allowing employment if convicted of assault of family.	(S) Left in Education and Health (13-Y 0-N)
SB 1260 - <u>Vogel</u> - Health insurance; mandated coverage for autism spectrum disorder.	(S) Left in Finance
SB 1303 - <u>Hurt</u> - Involuntary commitment; court may appoint counsel for a minor in proceedings seeking approval.	(S) Passed by indefinitely in Courts of Justice (8-Y 7-N)
<i>Incorporated</i>	
HB 2062 - <u>Hamilton</u> - Incapacitated person; admission to a mental health facility by an agent or guardian.	(H) Incorporated by Health, Welfare and Institutions (HB2396-Bell)
SB 1051 - <u>Whipple</u> - Mental health; admission of incapacitated person to a facility by an agent or guardian.	(S) Incorporated by Education and Health (SB1142-Whipple) (14-Y 0-N)
SB 1432 - <u>Cuccinelli</u> - Notification of family member; disclosure of information regarding patient's location and condition.	(S) Incorporated by Education and Health (SB1077-Howell) (15-Y 0-N)

SB 1433 - <u>Cuccinelli</u> - Right to notify; consumer in mental health facility to have person of choice notified of condition.	(S) Incorporated by Education and Health (SB1076-Howell) (15-Y 0-N)
<i>DMHMRSAS Comment Agency Bills:</i>	<i>Last action:</i>
<i>Failed</i>	
HB 510 - <u>Hamilton</u> - Medical assistance plan; DMAS to contract with DMHMRSAS for mental health services.	(H) Continued to 2009 in Appropriations; failed from lack of action.
HB 751 - <u>Peace</u> - Involuntary commitment hearings; accessibility of results by colleges and universities.	(H) Continued to 2009 in Health, Welfare and Institutions; failed from lack of action.
HB 752 - <u>Peace</u> - Higher educational institutions; mental health record release authorization when enrolling.	(H) Continued to 2009 in Education; failed from lack of action.
SB 16 - <u>Edwards</u> - Crisis intervention team pilot programs; established for persons with mental illness, report.	(S) Continued to 2009 in Finance; failed from lack of action.
SB 138 - <u>Puller</u> - Prisoners; medical and psychiatric benefits.	(S) Continued to 2009 in Rehabilitation and Social Services; failed from lack of action.
HB 1684 - <u>Valentine</u> - Retirement System; retirees may be hired as nurses without interrupting retirement benefits.	(H) Left in Appropriations
HB 1853 - <u>Cox</u> - Mental Retardation Waiver and IFDDS Waiver; Governor to plan to eliminate urgent care waiting lists.	(S) Left in Rules
SB 822 - <u>Cuccinelli</u> - Autopsy reports; release to mental health facilities.	(S) Stricken at request of patron in Education and Health
SB 1056 - <u>Whipple</u> - Retirement System; retirees hired as nurses without interrupting their benefits.	(H) Left in Appropriations
<i>Incorporated</i>	
SB 1503 - <u>McEachin</u> - Mental health court; Executive Secretary of the Supreme Court to establish in City of Richmond.	(S) Incorporated by Courts of Justice (SB854-Edwards) (15-Y 0-N)

2008 Bills

Previously Referred by Letter to the Commission on Mental Health Law Reform for Further Study

HB 267 - <u>Albo</u> - Involuntary admission; court determines petitioner is indigent, court shall appoint counsel.	(S) Subject matter referred to Commission on Mental Health Law Reform
HB 938 - <u>Gilbert</u> - Involuntary commitment hearings; petitioner right to appeal.	(S) Subject matter referred to Commission on Mental Health Law Reform
HB 939 - <u>Gilbert</u> - Involuntary commitment order; detainee may petition court to transfer to outpatient treatment.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 47 - <u>Whipple</u> - Advance directives; mental health directives follows same procedures as for medical.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 64 - <u>Howell</u> - Community services board; adds crisis stabilization, outpatient, etc. to list of core services.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 102 - <u>Cuccinelli</u> - Three-tiered system of transportation; established.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 106 - <u>Cuccinelli</u> - Involuntary commitment; criteria for determining outpatient treatment.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 143 - <u>Edwards</u> - Temporary detention order; extends time period.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 214 - <u>Edwards</u> Prisoners; medical and psychiatric benefits.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 333 - <u>Cuccinelli</u> - Independent examiners; dismissal of involuntary commitment petitions.	(S) Subject matter referred to Commission on Mental Health Law Reform
SB 335 - <u>Cuccinelli</u> - Voluntary outpatient treatment; provides option therefore prior to commitment hearing.	(S) Subject matter referred to Commission on Mental Health Law Reform

Budget

G - Governor's Budget GA - General Assembly's Amendments

	FY09 (G)	FY09 (G)	FY10 (G)	FY10 (G)	FY09 (GA)	FY09 (GA)	FY10 (GA)	FY10 (GA)
New Funding for Operation	GF	NGF	GF	NGF	GF	NGF	GF	NGF
Increase non-general fund appropriation for ID facilities	\$ -	\$ 150,000	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -
Increase nongeneral fund appropriation for MH facilities	\$ -	\$ 1,200,000	\$ -	\$ 1,200,000	\$ -	\$ -	\$ -	\$ -
Increase non-general fund appropriation for CSBs	\$ -	\$ 324,795	\$ -	\$ 324,795	\$ -	\$ -	\$ -	\$ -
Increase non-general fund for PPEA proposal reviews	\$ -	\$ 155,000	\$ -	\$ 155,000	\$ -	\$ -	\$ -	\$ -
Repay funds to vendors for PPEA proposals	\$ -	\$ 95,743	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Increase federal appropriation for new grant awards	\$ -	\$ 1,000,000	\$ -	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -
Transfer between MH fac & C.O. for pharmacy staff	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer funding for Autism Program of Virginia	\$ -	\$ -	\$ 940,000	\$ -	\$ -	\$ -	\$ -	\$ -
Staff (2 FTEs) for autism spectrum disorders / dd	\$ -	\$ -	\$ 215,000	\$ -	\$ -	\$ -	\$ -	\$ -
Reflect Gov's October reductions in agency budgets	\$ (24,340,490)	\$ 5,000,000	\$ (18,857,103)	\$ -	\$ -	\$ -	\$ -	\$ -
Implement targeted reductions	\$ -	\$ -	\$ (9,306,247)	\$ (24,876,000)	\$ -	\$ -	\$ -	\$ -
Restore SEVTC; plan 75-bed fac. + community housing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Restore CCCA, SWVMH adolescent unit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Lease 2 ESH bldgs to HPR V CSBs for transition pgms	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Community Waiver Slots (200 + 200 = 400)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Part C federal stimulus funds; \$10,265,580 in 2009-10	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Emergency regs for Medicaid Part C	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Report : expand community treatment for opioid dependence	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Report on re-allocation of MH law reform funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Eliminate language for \$2.1 mil transfer for Child/Adolescent community MH services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
Restore funds, positions for CCCA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,218,777	\$ 1,800,000
Restore funds for SWVMH adolescent	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,378,666	\$ -

unit								
Restore funds, positions for SEVTC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,076,000
Capital Funding - VPBA								
Re-build SEVTC as 75-bed facility, using existing SEVTC repair funds: \$23,768,000; Transfer existing CVTC repair funds to SEVTC community housing: \$8,438,160; Transfer existing CVTC repair funds to CVTC community housing: \$10,061,840. Leaves \$24.5 mil for CVTC repairs	\$ -	\$ -	\$ -	\$ -	\$ -	0	Language	
DMAS' Budget								
Restore Medicaid funds for SEVTC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,486,158	\$ 5,788,843
Community Waiver Slots (200 + 200 = 400)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,410,596	\$ 11,204,315
Emergency regs for Medicaid Part C	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Language	\$ -
G - Governor's Budget								
GA - General Assembly's Amendments								

New Budget Language

TYPE	Bill Number, Code Section, or Appropriation Act (hyperlinked)	Office with Primary Responsibility	ASSESSMENT AND REPORTING: Deliverable and Status - Description	DLAS Report Required	Report Due Date
	BUDGET - CONF ITEMS	Grouped by subject, then by #			
Budget (Conf)	306 3c	DMAS /Intellectual Disabilities	VVV. Upon CMS approval of the application for renewal of the MR Waiver, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 . Therefore, to meet this emergency situation, the DMAS shall promulgate emergency regulations to implement the provisions of this act."		
Budget (Conf)	306 21c	DMAS /Intellectual Disabilities	This amendment provides \$7.4 million from the general fund and \$11.2 million in matching federal Medicaid funds to add 400 MR waiver slots to address the community waiting list for the 2008-10 biennium. It restores the fiscal year 2010 funding for 200 waiver slots scheduled to be available on April 1, 2009, but were eliminated in the introduced budget. It also provides 200 additional slots beginning January 1, 2010. These slots, along with the 400 new slots added beginning July 1, 2008 will decrease the urgent community waiting list by 20 percent during the 2008-10 biennium. A companion amendment in Item 316 modifies language in the DMHMRSAS to reflect the waiver funding and number of additional slots provided in the second year.		
Budget (Conf)	316 1c	Grants to Localities (Intellectual Disabilities)	This amendment modifies language in the introduced budget to describe funding to support an additional 400 Medicaid MR waiver slots in the second year. A companion amendment in Item 306 provides the funding in the Department of Medical Assistance Services.		

Budget (Conf)	315 2c	Community Services/Intellectual Disabilities	CC.1. DMHMRSAS to work with DGS, VDH, DMAS and others on a planning team to plan for rebuilding a 75-bed facility and construction of community housing for 88 individuals, who would be transitioned to the community beginning fiscal year 2010. Deadlines for a preliminary plan (July 1, 2009) and progress reports (October 1, 2009, then quarterly thereafter) until construction is complete and individuals are transitioned into community housing. Requires agencies to fast track licensing and certification of community facilities. Companion amendments in 306, 327 and 327.05 restore funding and positions to maintain the operations of SEVTC. In addition, an amendment in Item C-103.05 provides language directing capital funding for the new facility and community housing.		July 1: Begin transition of 88 individuals, one time; October 1: Quarterly Progress report, ongoing
Budget (Conf)	C-103.05 1c	DGS/AE/Community Services/ID/Finance (special workgroup?)	DGS, with the cooperation and support of DMHMRSAS, shall rebuild and resize SEVTC to a 75-bed facility; 3. DGS, with the cooperation and support of DMHMRSAS, shall build, acquire, or renovate 12 community-based ICF-MRs and 6 MR Homes in HPR V (via grants to CSBs to build them: ICFs-state will give 20% down payment; waiver homes- state will pay for the full amount. Priority should be given to projects which can be completed on existing state-owned property within HPR V. 5. Of remaining approp, \$10,061,840 is for Construction of Community Housing for Central Virginia. 6. Governor, DPB and DGS shall initiate an expedited, fast track capital outlay process to ensure the timely availability of both the rebuilt and resized SEVTC and the 12 community-based ICF-MRs. 6 MR Homes in HPR V. The process shall be submitted to Approps/Finance for approval by July 15, 2009. B. DGS, with the cooperation and support of DMHMRSAS, shall examine the potential uses for the SEVTC property and report on such uses to Approps/Finance by November 1, 2009.	Yes	July 15 process; November 1 one time
Budget (Conf)	306 18c	DMAS/Part C	VVV. DMAS, in consultation with DMHMRSAS, shall amend the State Plan for Medical Assistance Services in order to comply with the payor of last resort requirements of Part C of the Individuals with Disabilities Education Act (IDEA) of 2004. DMAS shall promulgate regulations to become effective within 280 days or less from the enactment date of this act. DMAS shall implement these necessary regulatory changes to be consistent with federal requirements for the Part C program."		

Budget (Conf)	315 1c	Part C/DMAS	DD. DMHMRSAS, in consultation with DMAS, shall promulgate regulations in order to comply with the payor of last resort requirements of Part C of the Individuals with Disabilities Education Act (IDEA) of 2004. DMHMRSAS shall promulgate such regulations within 280 days or less from the enactment date of this act. The Department shall implement these necessary regulatory changes to be consistent with federal requirements for the Part C program."		
	316 2c	Part C	3. Any additional funds received by local early intervention systems pursuant to the federal American Recovery and Reinvestment Act (ARRA) of 2009 for early intervention services through Part C of the Individuals with Disabilities Education Act (IDEA) of 2004 shall be used to supplement, not supplant federal, state and local funding at the level in effect upon the date of enactment of the ARRA. (notification of additional funds for services)		
Budget (Conf)	315 3c	Community Services/Child and Family Services	BB.2. DMHMRSAS shall establish a state and community consensus and planning team for the purpose of developing a plan to examine the current and future role of the Commonwealth and private sector in providing acute psychiatric services for children and adolescents. The Commissioner shall report to Approps/Finance by November 1, 2009. (CCCA and SWVMHI)	Yes	November 1, one time
Budget (Conf)	322.05 1c	Facilities/Child and Family Services	This amendment restores \$6.2 million from the general fund and \$1.8 million from nongeneral funds to continue operations of the Commonwealth Center for Children and Adolescents (CCCA) in Staunton, which was slated for closure in the introduced budget. Companion amendments in Items 315, 320 and Item 322 delete language closing the facility and modify language allocating funding back to the facility. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly.		

	322.05 2c	Facilities/Child and Family Services	This amendment restores \$1,378,666 from the general fund the second year to continue operating the Adolescent Unit at Southwestern Virginia Mental Health Institute. The introduced budget proposed the closure of this facility by June 30, 2009. A separate amendment to Item 316 requires that the Commissioner develop a plan to understand the needs of the individuals served at these facilities, the capacity of the community to serve them, and the appropriate role of the state in providing treatment services to this population. A companion amendment in Item 322 modifies language allocating funding back to the facility. It is the intent of the General Assembly that the restoration of this funding shall be properly accounted for in calculating the revised amount of savings from executive management actions contained in § 4-1.08 during the enrollment of House Bill 1600/Senate Bill 850, as adopted by the 2009 General Assembly		
Budget (Conf)	283 2c	Child and Family Services	Requires local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) to work collaboratively on developing local plans for intensive care coordination (ICC) for children placed in, or at risk of placement in, residential care and to determine the service provider for these services. Finally, language requires the State Executive Council and Office of Comprehensive Services to develop guidelines for reasonable rates for ICC services and provide training and technical assistance for these services.)		
Budget (Conf)	315 4c	Community Services/AE	DD.1. DMHMRSAS shall work in collaboration with HPR V CSBs to plan, develop and implement transitional mental health services to qualified individuals discharged from ESH. 2. DMHMRSAS shall lease the existing buildings and associated grounds corresponding to Buildings 24 and 26 at ESH to HPR V CSBs to provide transitional mental health services to those qualified individuals discharged from ESH, on the condition that these buildings are not needed in order to provide state hospital services. The Colonial Services Board will act as the lead agency and fiscal agent for the region for purposes of this project. The property shall be leased to the Colonial Services Board on behalf of the region for a total charge of \$1.00 per year for a period of 25 years. 3. The HPR V CSBs shall involve local and regional partners, including local governments, in the planning and development of these programs and services.	No	None

Budget (Conf)	316 3c	Substance Abuse	OSAS will work with the VACSB, DOC and the Office of the Supreme Court to identify issues related to the diversion of individuals with opioid addiction from prison and Jail. We assume a report will be made to the SJ 318 committee.		
Budget (Conf)	316 4c (see Existing, 316KK)	Community Contracting/Mental Health	<p>2. By August 1, 2009, the Commissioner shall report to the Chairs of the Senate Finance and House Appropriations Committees on the implications of distributing this funding to Community Services Boards based on the per capita populations served by each CSB.</p> <p>Requires the Commissioner to report on the implications of reallocating funding provided last session for community-based mental health services to reflect the populations served by each CSB as opposed to the existing formula which uses ranges of populations served. This amendment also removes obsolete language requiring a report to the General Assembly.</p>		August 1 one time
Budget (Gov)	HHR	Intellectual Disabilities/Community Services	Transfers funding to DMHMRSAS for the Commonwealth Autism Service (provide guidance and expertise to DMHMRSAS as it begins to coordinate services for people with developmental disabilities, including autism spectrum disorder). For 2010, \$940,000 (GF). Adds positions for oversight of service delivery for autism spectrum disorders and developmental disabilities to central office. The positions will be responsible for the development of a coordinated approach to serving people with developmental disabilities including those with ASD. For 2010, \$215,000 (GF).	No	