

*Request to Amend House Bill 29, as Introduced*

Chief Patron: O'Bannon

Item 70 #1h

**Restore Local Treasurers Debt Collection Language**

**Administration**

Compensation Board

Language

**Language:**

Page 16, lines 35 to 42, unstrike:

"Effective July 1, 2015, as provided in § 19.2-349, Code of Virginia, treasurers not being compensated on a contingency basis as of January 1, 2015 shall be prohibited from being compensated on a contingency basis but shall be instead compensated administrative cost pursuant to § 58.1-3958, Code of Virginia. Treasurers currently collecting a contingency fee shall be eligible to contract on a contingency fee basis until June 30, 2018. Effective July 1, 2015, any treasurer collecting a contingency fee shall retain only the expenses of collection, and the excess collection shall be divided between the state and locality in the same manner as if the collection had been done by the attorney for the Commonwealth."

**Explanation:**

(This amendment restores the policy adopted by the 2015 General Assembly concerning court debt collections by local treasurers.)

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Chief Patron: Kilgore

Item 135 #1h

**Norton City Census Population Technical Correction**

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 28, line 38, after "year", insert "and \$123,000 the second year."

**Explanation:**

(This amendment provides \$123,000 the second year from the general fund to Norton City Public School Division to address a technical adjustment needed relative to the school-aged population estimate reported by Weldon Cooper Center but was inadvertently overlooked.)

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Chief Patron: Hope

Item 307.10 #1h

**Add Funds for Victims of Sterilization**

***Request to Amend House Bill 29, as Introduced***

<b>Health and Human Resources</b>	<b>FY14-15</b>	<b>FY15-16</b>	
Behavioral Health and Developmental Services, Department of	\$0 0.00	\$880,000 1.00	GF FTE

**Language:**

Page 118, after line 1, insert:

"307.10 Administrative and Support Services	\$71,784,395	\$76,765,382	
Fund Sources:			
General	\$44,268,192	\$48,616,305	
Special	\$16,653,770	\$15,756,506	
Federal Trust	\$10,862,433	\$12,392,571	"

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. The trust fund will receive any savings resulting from facility restructuring. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.

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E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

F. Out of this appropriation, \$656,538 the first year and \$656,538 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.

G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.

H. Out of this appropriation, \$2,059,930 the first year and \$2,419,930 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators including the following: (i) clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment, (ii) conditional release services, including treatment, and (iii) costs associated with contracting with a Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released.

I. Out of this appropriation, \$136,715 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.

J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and

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performance measures during the year.

K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.

L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.

2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability. In its Medicaid waiver redesign, the department shall include as stakeholders and eligible participants, individuals with acquired brain injury regardless of

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age in which the injury was sustained, who have serious physical, cognitive, and/or behavioral health issues who are at risk for institutionalization or who are institutionalized but could live in the community with adequate supports.

4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.

M. The State Comptroller shall provide the Department of Behavioral Health and Developmental Services an interest-free anticipation loan not to exceed \$3,100,000 to serve as an advance stream of funds in anticipation of Medicare Meaningful Use funds related to successful implementation of the Electronic Health Records project at state-operated behavioral health and intellectual disability facilities. The loan will be repaid no later than June 30, 2015.

N.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the closure plans for the three remaining training centers scheduled to close by 2020. As part of this review process the joint subcommittee may evaluate options for those individuals in training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review the plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.

2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain each of the existing training centers at a level of detail as determined by the joint subcommittee. The quarterly reports shall be submitted to the joint subcommittee 20 days after the close of each quarter with the first report due October 20, 2015 and every three months thereafter.

O. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal

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year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.

P. The Department of Behavioral Health and Developmental Services shall report on the number of individuals with acquired brain injury exhibiting behavioral/mental health problems requiring services in state mental health facilities and/or community services boards to the House Appropriations and Senate Finance Committees by October 1 of each year. The report shall provide, to the extent possible, the following information: (i) the general fund and nongeneral fund cost of the services provided to individuals; and (ii) the types and amounts of services received by these individuals.

Q. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.

R. The Department of Behavioral Health and Developmental Services shall undertake a review of Piedmont Geriatric and Catawba Hospitals. This review shall evaluate the operational, maintenance and capital costs of these hospitals, and study alternate options of care, especially geriatric psychiatric care for patients residing in these hospitals. The department shall develop recommendations and report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.

S. The Department of Behavioral Health and Developmental Services in collaboration with the Community Services Boards shall compile and report all available information regarding the services and support needs of the individuals on waiting lists for Intellectual and Developmental Disability (I/DD) waiver services, including an estimate of the number of graduates with I/DD who are exiting secondary education each fiscal year. The department shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.

T. 1. Out of this appropriation, ~~\$400,000~~ *1,200,000* the second year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenic Sterilization Act and who were living as of February 1, 2015. *Any*

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*funds that are appropriated but remain unspent at the end of the fiscal year may be carried forward into the subsequent fiscal year in order to provide compensation to individuals who qualify for compensation.*

2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.

4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.

5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2016, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.

6. The Department of Medical Assistance Services shall seek federal authority to ensure that funds received through this act shall not be counted in determination of Medicaid eligibility.

7. In order for the Department of Behavioral Health and Developmental Services, and the Department of Medical Assistance Services to implement the provisions of this act, both departments shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act.

**Explanation:**

(This amendment adds \$880,000 in the second year from the general fund for compensation for victims of sterilization pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. Language is added to allow any funds that remain unspent at the end of the fiscal year to be carried over into the subsequent fiscal year for purposes of compensation of these individuals. The source of funding is from the amounts provided in the introduced budget for House Bill 30. In addition \$80,000 is added for one full-time position to provide help identify victims eligible for compensation, conduct statewide outreach and education, and assist with all aspects of the program's implementation. This amendment will be enrolled in Item 307, Chapter 665, 2015 Acts of Assembly, during

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enrolling of House Bill 29. )

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Chief Patron: Filler-Corn

Item 307.10 #2h

**Eliminate Inclusion of Acquired Brain Injury Stakeholders in Quarterly Meetings on Waiver Redesign**

**Health and Human Resources**

**FY14-15**

**FY15-16**

Behavioral Health and Developmental Services, Department of

**Language:**

Page 118, after line 1, insert:

"307.10 Administrative and Support Services	\$71,784,395	\$75,885,382	
Fund Sources:			
General	\$44,268,192	\$47,736,305	
Special	\$16,653,770	\$15,756,506	
Federal Trust	\$10,862,433	\$12,392,571	"

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. The trust fund will receive any savings resulting from facility



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restructuring. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.

E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

F. Out of this appropriation, \$656,538 the first year and \$656,538 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.

G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.

H. Out of this appropriation, \$2,059,930 the first year and \$2,419,930 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators including the following: (i) clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment, (ii) conditional release services, including treatment, and (iii) costs associated with contracting with a Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released.

I. Out of this appropriation, \$136,715 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.

J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance

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Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.

L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.

2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

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3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability. ~~In its Medicaid waiver redesign, the department shall include as stakeholders and eligible participants, individuals with acquired brain injury regardless of age in which the injury was sustained, who have serious physical, cognitive, and/or behavioral health issues who are at risk for institutionalization or who are institutionalized but could live in the community with adequate supports.~~

4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.

M. The State Comptroller shall provide the Department of Behavioral Health and Developmental Services an interest-free anticipation loan not to exceed \$3,100,000 to serve as an advance stream of funds in anticipation of Medicare Meaningful Use funds related to successful implementation of the Electronic Health Records project at state-operated behavioral health and intellectual disability facilities. The loan will be repaid no later than June 30, 2015.

N.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the closure plans for the three remaining training centers scheduled to close by 2020. As part of this review process the joint subcommittee may evaluate options for those individuals in training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review the plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.

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2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain each of the existing training centers at a level of detail as determined by the joint subcommittee. The quarterly reports shall be submitted to the joint subcommittee 20 days after the close of each quarter with the first report due October 20, 2015 and every three months thereafter.

O. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.

P. The Department of Behavioral Health and Developmental Services shall report on the number of individuals with acquired brain injury exhibiting behavioral/mental health problems requiring services in state mental health facilities and/or community services boards to the House Appropriations and Senate Finance Committees by October 1 of each year. The report shall provide, to the extent possible, the following information: (i) the general fund and nongeneral fund cost of the services provided to individuals; and (ii) the types and amounts of services received by these individuals.

Q. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.

R. The Department of Behavioral Health and Developmental Services shall undertake a review of Piedmont Geriatric and Catawba Hospitals. This review shall evaluate the operational, maintenance and capital costs of these hospitals, and study alternate options of care, especially geriatric psychiatric care for patients residing in these hospitals. The department shall develop recommendations and report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.

S. The Department of Behavioral Health and Developmental Services in collaboration with the Community Services Boards shall compile and report all available information regarding the services and support needs of the individuals on waiting lists for Intellectual and

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Developmental Disability (I/DD) waiver services, including an estimate of the number of graduates with I/DD who are exiting secondary education each fiscal year. The department shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.

T. 1. Out of this appropriation, \$400,000 the second year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015.

2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.

4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.

5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2016, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.

6. The Department of Medical Assistance Services shall seek federal authority to ensure that funds received through this act shall not be counted in determination of Medicaid eligibility.

7. In order for the Department of Behavioral Health and Developmental Services, and the Department of Medical Assistance Services to implement the provisions of this act, both departments shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act.

**Explanation:**

(This amendment strikes language contained in Chapter 665, 2015 Virginia Acts of Assembly related to Department of Behavioral Health and Developmental Services quarterly meetings with stakeholders on training center closures and Intellectual and Developmental

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Disability waiver redesign. Language is eliminated including stakeholders with acquired brain injuries regardless of age. The Centers for Medicare and Medicaid determined that including services for individuals with acquired brain injury regardless of age as part of the waiver redesign was not consistent with CMS regulations. This amendment will be enrolled in Item 307, Chapter 665, 2015 Acts of Assembly, during enrolling of House Bill 29.)

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Chief Patron: Bell R.P.

Item 308 #1h

**Discharge Assistance Planning Funds**

<b>Health and Human Resources</b>	<b>FY14-15</b>	<b>FY15-16</b>	
Grants to Localities	\$0	\$579,500	GF

**Language:**

Page 118, line 3, strike "\$379,715,193" and insert "\$380,294,693".

Page 121, after line 16, insert:

"EE. Out of this appropriation, \$579,500 the second year from the general fund is provided for Discharge Assistance Planning for patients at Western State Hospital."

**Explanation:**

(This amendment provides \$579,500 from the general fund the second year to increase funding for Discharge Assistance Planning (DAP) funds in the Western State Hospital catchment area. This funding provides critical assistance to patients who are ready to discharge in order to move them back into the community. This funding is necessary to avoid an increase in the extraordinary barriers to discharge list, which reflects patients continuing to be hospitalized due to the lack of community supports.)

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Chief Patron: Landes

Item 332.10 #1h

**Manufacturing Skills Training Program**

<b>Health and Human Resources</b>	<b>FY14-15</b>	<b>FY15-16</b>	
Department for Aging and Rehabilitative Services	\$0	\$100,000	GF

**Language:**

Page 122, after line 38, insert:

"332.10 Rehabilitation Assistance Services (45400)	\$11,689,804	\$11,331,745
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Fund Sources:	General	\$2,813,508	\$2,655,449
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Special	\$8,576,296	\$8,576,296	
Federal Trust	\$300,000	\$100,000	"

"Out of this appropriation, \$100,000 from the general fund the second year shall be provided to establish a Manufacturing Skills Training Program ."

**Explanation:**

(This amendment provides \$100,000 from the general fund in fiscal year 2016 to implement a manufacturing skills training program at the Wilson Workforce and Rehabilitation Center to prepare workers to excel at top sectors needed in today's workforce development. These include logistics, healthcare, information technology, and advanced manufacturing and energy. Eligible individuals in this curriculum will be able to obtain the Manufacturing Specialist and/or the Manufacturing Technician 1 credential. The funds will support (i) manufacturing camp in Summer 2016 for 25 participants, (ii) laboratory machines, (ii) laboratory materials, and (iv) one additional staff person. This amendment will be enrolled in Item 332, Chapter 665, 2015 Acts of Assembly, during enrolling of House Bill 29. )

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Chief Patron: Byron

Item 339 #1h

Co-Patron(s): Anderson, Austin, Cline, Fariss, Garrett, Peace

**Pilot Project - Temporary Placement of Children Crisis**

**Health and Human Resources**

Department of Social Services

Language

**Language:**

Page 129, after line 36, insert:

"L.1. The Department of Social Services shall establish a pilot program to partner with Patrick Henry Family Services in Planning District 11 for the temporary placements of children in families in crisis. This pilot program would allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person, by a properly executed power of attorney, any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. This program would allow for an option of a one-time 90 day extension. Prior to the expiration of the 180 day period, if the child is unable to return to his home, then Patrick Henry Family Services shall contact the local department of social services and request an assessment of the child and an evaluation of services needed and to determine if a petition to assess the care and custody of the child should be filed in the local juvenile and domestic relations court. DSS shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in Virginia Administrative Code § 22 VAC 40-131 and § 22

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VAC 40-191.

2. The Department of Social Services shall ensure that the pilot program organization shall meet the background check requirements described in Virginia Administrative Code § 22 VAC 40-191. The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint pursuant to Virginia Administrative Code § 22 VAC 40-131-90. In addition, the pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff pursuant to Virginia Administrative Code § 22 VAC 40-131-210 and § 22 VAC 40-131-150.

3. The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and recommendations shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, and Commission on Youth by December 1, 2017."

**Explanation:**

(This amendment directs the Department of Social Service to establish a pilot program in Planning District 11 (Counties of Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children in families in crisis. It will allow the Department of Social Services to examine the use of a power of attorney to delegate parental authority. Virginia statute already allows for limited use of a power of attorney for kinship care cases. However, many other states go further and follow the Uniform Guardianship and Protective Proceedings Act which allows a parent to delegate to another person, for a period (usually between six months and one year), any power regarding care, custody, or property of their child. The pilot program will take a similar approach. The department is required to evaluate the effectiveness of the program and report on it to the Governor and Chairmen of the House Appropriations and Senate Finance Committees and the Commission on Youth.)

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Chief Patron: Knight

Item 350.10 #1h

**SWAM Set Aside for Contracts**

**Health and Human Resources**

**FY14-15**

**FY15-16**

Blind and Vision Impaired, Department  
for the

**Language:**



***Request to Amend House Bill 29, as Introduced***

Page 135, after line 20, insert:

"350.10 Rehabilitation Assistance Services (45400)		\$9,957,966	\$9,895,458	
Fund Sources:	General	\$1,815,627	\$1,753,119	
	Special	\$115,000	\$115,000	
	Higher Education Operating	\$8,027,339	\$8,027,339	"

Authority: § 51.5-1 and Title 51.5, Chapter 1, Code of Virginia; P.L. 93-516 and P.L. 93-112, Federal Code.

A. It is the intent of the General Assembly that visually handicapped persons who have completed vocational training as food service managers through programs operated by the Department be considered for food service management position openings within the Commonwealth as they arise.

B. The federal vocational rehabilitation grant award amount for the Department for the Blind and Vision Impaired (DBVI) is estimated at \$9,629,262. Based on this projection, DBVI shall not expend, without prior written concurrence from the Director, Department of Planning and Budget, more state appropriation than what is minimally necessary to meet the annual 21.3 percent state matching requirement and avoid the loss of federal dollars. This provision applies to the annual federal vocational rehabilitation grant award as well as any additional allotments requiring state match that may be made available to DBVI. Any increases in total grant award spending shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.

*C. As a condition of this appropriation, the Department shall set aside for small, women-owned, or minority-owned businesses, with such contractors certified by the Department of Small Business and Supplier Diversity, any and all contracts for goods and services authorized to be provided by the Department under Section 51.5-100 of the Code of Virginia and shall issue a request for proposals not later than May 1, 2016 for such goods and services for which the Department contracts.*

**Explanation:**

(This amendment adds language to require the Department for the Blind and Vision Impaired to begin set asides in contracts for small women-owned or minority-owned businesses no later than May 1, 2016. This item shall be enrolled in Item 310, Chapter 665, 2015 Acts of

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Assembly, during enrolling of House Bill 29. )

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Chief Patron: Greason

Item 468 #1h

**Address Funding Shortfall at IEIA**

<b>Central Appropriations</b>	<b>FY14-15</b>	<b>FY15-16</b>
Central Appropriations	\$0	\$800,000 GF

**Language:**

Page 184, line 41, strike "\$13,613,298" and insert "\$14,413,298".

Page 187, after line 53, insert:

"O. Out of this appropriation, \$800,000 the second year from the general fund shall be provided to the Innovation and Entrepreneurship Investment Authority to support the operations of the authority."

**Explanation:**

(This amendment provides \$800,000 from the general fund in fiscal year 2016 for the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA is currently projecting a revenue shortfall that would require the authority to lay off 20% of their staff. The newly appointed CEO has requested these funds to get through the current fiscal year and to allow him and the Board time to thoroughly review the authority's operations and business model.)

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Chief Patron: Ingram

Item 3-6.05 #1h

**Remove Deposit of Local Fines and Fees Language**

**Adjustments and Modifications to Fees**

Deposit of Fines and Fees	Language
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**Language:**

Page 225, strike lines 18 through 42.

**Explanation:**

(This amendment strikes language in Part 3 requiring that for localities in which local fines and fees exceed 50 percent of total fines and fees collected, that half of any local fines and fees collected in excess of 50 percent of total collections be deposited in the Literary Fund. A prior opinion of the Attorney General stated that such local revenues are not state revenues, and are not subject to the deposit requirements of the Literary Fund. A report published by

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the Office of the State Inspector General reached the same conclusion. The formula to determine "excess fees" does not take into consideration the number of lane miles per jurisdiction, the different road classes per jurisdiction, the level of traffic congestion per jurisdiction, or the level of state traffic enforcement per jurisdiction. Governor McAuliffe's Task Force for Local Government Mandate Review also recommends that the mandatory taking of local revenues be struck.)

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Chief Patron: O'Bannon

Item 3-6.05 #2h

**Remove Deposit of Local Fines and Fees Language**

**Adjustments and Modifications to Fees**

Deposit of Fines and Fees

Language

**Language:**

Page 225, strike lines 18 through 42.

**Explanation:**

(This amendment strikes language in Part 3 requiring that for localities in which local fines and fees exceed 50 percent of total fines and fees collected, that half of any local fines and fees collected in excess of 50 percent of total collections be deposited in the Literary Fund. A prior opinion of the Attorney General stated that such local revenues are not state revenues, and are not subject to the deposit requirements of the Literary Fund. A report published by the Office of the State Inspector General reached the same conclusion. The formula to determine "excess fees" does not take into consideration the number of lane miles per jurisdiction, the different road classes per jurisdiction, the level of traffic congestion per jurisdiction, or the level of state traffic enforcement per jurisdiction. Governor McAuliffe's Task Force for Local Government Mandate Review also recommends that the mandatory taking of local revenues be struck.)

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Chief Patron: Tyler

Item 3-6.05 #3h

**Remove Deposit of Local Fines and Fees Language**

**Adjustments and Modifications to Fees**

Deposit of Fines and Fees

Language

**Language:**

Page 225, strike lines 18 through 42.

**Explanation:**

*Request to Amend House Bill 29, as Introduced*

(This amendment strikes language in Part 3 requiring that for localities in which local fines and fees exceed 50 percent of total fines and fees collected, that half of any local fines and fees collected in excess of 50 percent of total collections be deposited in the Literary Fund. State law allows local governments to pass ordinances based on state standards to write tickets for traffic infractions on the roads running within their jurisdictions. The fines that are collected are deposited to the general fund of local governments, and are used to pay for local public education and public safety programs. The introduced Budget Bill includes language that would require localities to deposit a portion of local fines to the state's Literary Fund. Attorney General Cuccinelli opined in 2013 that traffic violation fines based on local ordinances do not meet the requirements set out in Virginia's Constitution requiring state fines to be deposited to the state Literary Fund. The formula in the Budget Bill, which determines the amount of local fines remitted to the state, is unfair. The formula does not take into consideration the number of lane miles per jurisdiction, the different road classes per jurisdiction, the level of traffic congestion per jurisdiction, or the level of state traffic enforcement per jurisdiction. These variables are important to measure a locality's traffic enforcement program. Lastly,, Governor McAuliffe's Task Force for Local Government Mandate Review also recommends ending the mandatory deposit of local revenues. At least 33 cities and counties are affected by the budget language, They include Hopewell, Emporia, Henrico, Fairfax City, Chesapeake, Greensville, Suffolk, Washington, Sussex, Arlington, Southampton, Falls Church, Lynchburg, Amherst, Virginia Beach, Colonial Heights, Nelson, Newport News, Carroll, Alexandria, Orange, Smyth, Charlottesville, Danville, Martinsville, Buena Vista, Brunswick, Radford, Waynesboro, Caroline, Charles City, Franklin, and Mathews.)

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Chief Patron: Miller

Item 4-6.01 #1h

**Establish Salary Ranges for Legislative Agency Heads**

**Positions and Employment**

Employee Compensation

Language

**Language:**

Page 265, after line 22, insert:

“t.1. Notwithstanding the salaries set out in Items 2, 4, 5, and 6, the Committee on Joint Rules may establish salary ranges for such agency heads consistent with the provisions and salary ranges included in § 4-6.01 of this act.

2. Notwithstanding the salaries listed in Item 3 of this Act, the Commission on the Virginia Alcohol Safety Action Program may establish a salary range for the Executive Director of the program.

3. Notwithstanding the salaries listed in Item 30 of this Act, the Joint Legislative Audit and Review Commission (JLARC) may establish a salary range for the Director of JLARC.”

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**Explanation:**

(This amendment authorizes the establishment of salary ranges for the Chief of the Capitol Police, the Executive Director of VASAP, and the Director of JLARC.)

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