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# VIRGINIA STATE BUDGET

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2009 Session

## Budget Bill - HB1600 (Chapter 781)

Bill Order » Office of Health and Human Resources » Item 316

Grants to Localities

Item 316	First Year - FY2009	Second Year - FY2010
<b>Financial Assistance for Health Services (44500)</b>	<b>\$311,136,879</b> <b>\$311,461,674</b>	<b>\$318,243,043</b> <b>\$318,567,838</b>
Community Substance Abuse Services (44501)	\$96,441,144	\$96,441,144
Community Mental Health Services (44506)	\$174,493,911	\$182,400,075
Community Mental Retardation Services (44507)	<del>\$40,201,824</del> \$40,526,619	<del>\$39,401,824</del> \$39,726,619
Fund Sources:		
General	\$249,357,432	\$256,463,596
Special	\$100,000 \$424,795	\$100,000 \$424,795
Federal Trust	\$61,679,447	\$61,679,447

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Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.

A. It is the intent of the General Assembly that community mental health, mental retardation and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.

B. Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ ~~37.1-197~~37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.

C. Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.

D. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall make payments to the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.

E. Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.

F. Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.

G. Out of the appropriation for this Item, \$216,500 the first year and \$216,500 the second year from the general

fund shall be provided to continue the Keeping Our Kids At Home program in the Roanoke Valley, to contract with community providers for short-term crisis hospitalization of children and adolescents.

H. Out of the appropriation for this Item, the department shall initiate statewide Programs of Assertive Community Treatment (PACT) to provide services to adults with serious mental illnesses in the community, in order to reduce hospitalizations.

I. Out of the appropriation for this Item, \$750,000 the first year and \$750,000 the second year from the general fund shall be used to develop pilot projects in areas that have high concentrations of adult care residences. The Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Department of Social Services, shall design the projects to identify and provide the appropriate treatment and support for persons with mental illness, mental retardation, or substance abuse problems who reside in adult care residences. The department shall ensure that the pilot projects are designed to provide a variety of service models, including the provision of services within the community and within the adult care residence. The department shall evaluate the implementation of the pilot projects and measure project outcomes.

J. Out of this appropriation \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to Grafton School for the continued operation and expansion of the Virginia Autism Resource Center.

K.1. Out of this appropriation, \$7,203,366 the first year and \$7,203,366 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.

2. By October 1 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those infants, toddlers, and families.

*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.*

L. The Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Department of Rehabilitative Services shall assist the Cumberland Mountain Community Services Board in developing a management and funding plan for employment programs provided to disabled persons.

M. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from nongeneral funds shall be provided to the Richmond Behavioral Health Authority to continue a substance abuse treatment program that allows substance-abusing women to remain with their children during treatment.

N. Out of this appropriation \$6,625,000 the first year and \$6,625,000 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.

O. Out of this appropriation, the expenditure of \$2,625,000 the first year and \$2,625,000 the second year from the

general fund shall be provided for the placement of three additional programs of assertive community treatment (PACT).

P. Out of this Item, \$5,260,000 the first year and \$5,260,000 the second year from the general fund shall be provided for 77 individualized mental health discharge assistance plans.

Q. Out of this Item, \$2,800,000 the first year and \$2,800,000 the second year from the general fund shall be provided for increased mental health inpatient treatment purchased in community hospitals.

R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used to fund four demonstration projects using evidence-based “systems of care” models for children and adolescents with behavioral health needs. The Commissioner may allocate up to \$100,000 of this appropriation in each year for an evaluation of the pilot projects.

S. Out of this appropriation, no less than \$11,428,568 the first year and \$13,028,568 the second year from the general fund shall be provided to maintain and expand access to crisis intervention and stabilization units. Funds shall be used to expand existing crisis stabilization sites as well as establish additional units.

T. Out of this appropriation, \$2,880,000 the first year and \$2,880,000 the second year from the general fund shall be provided to fund discharge assistance plans for civil patients and patients found not guilty by reason of insanity who have been identified as ready for discharge and who need specialized support not currently available through the Community Services Boards.

U. Out of this appropriation, \$6,575,000 the first year and \$6,575,000 the second year from the general fund shall be provided to increase available community-based services for individuals served by Health Planning Regions I and II. These funds shall be used for discharge assistance planning, inpatient mental health treatment, in-home residential support, crisis stabilization and other related mental health services intended to delay or deter placement in a state mental health facility. When allocating funds in Health Planning Region II, consideration shall be given, to the extent feasible, to projects that are designed to provide specialized geriatric mental health services that allow individuals to be served in their home communities.

V. Out of this appropriation, \$6,928,540 the first year and \$6,928,540 the second year from the general fund shall be provided to increase available community-based services for individuals otherwise served by Eastern State Hospital in Williamsburg. These funds shall be used for discharge assistance planning, inpatient mental health treatment, in-home residential support, crisis stabilization and other related mental health services intended to delay or deter placement in a state mental health facility.

W. Out of this appropriation, \$3,750,000 the first year and \$3,750,000 the second year from the general fund shall be used to increase the availability of targeted community-based services statewide. Such services may include, but are not limited to, discharge assistance planning, inpatient mental health treatment, in-home residential support, jail-based hospital diversion projects, psychiatric evaluation and crisis counseling and expanded case management services.

X. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used to provide expanded mental health services to juveniles detained in local community detention centers. Funds shall be allocated to Community Services Boards for local and regional detention centers based upon Memoranda of Understanding between the detention superintendent and the executive director of the local community services board or behavioral health authority that will provide the services. Memoranda shall specify the expected types of services, as well as estimated workloads. The Department shall review and approve each memorandum to ensure consistency and shall allocate funding based upon the projected levels of services to be provided.

Y. Out of this appropriation, \$1,341,000 the first year and \$1,341,000 the second year from the general fund shall be used to provide guardianship services to individuals currently residing in, or at risk of placement in, a state mental retardation training center.

Z. Out of the amounts appropriated in Item 306, Paragraph C.2., \$4,125,438 the first year and \$4,125,438 the second year from the general fund and \$4,125,438 the first year and \$4,125,438 the second year from nongeneral funds shall be provided for the Mental Retardation Home and Community-Based Waiver Program. The funds shall be used to provide a total of 117 slots for individuals at Southeastern Virginia Training Center or Central Virginia Training Center who have been discharged or determined to be ready for discharge and have chosen to be served in the community.

AA. Out of the amounts appropriated in Item 306, Paragraph C.2., \$11,675,400 the first year and ~~\$17,542,200~~ \$19,105,396 the second year from the general fund and \$11,675,400 the first year and ~~\$17,542,200~~ \$22,899,115 the second year from nongeneral funds to increase the number of slots available for the Mental Retardation Home and Community-based Waiver Program. The funds shall be used to provide 600 new slots in the first year and a total of ~~600~~ 800 slots the second year for individuals living in the community and at risk of placement in a mental retardation training center. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall phase in the allocation of slots during the first year consistent with the funding provided in this Item.

BB. Out of the amounts appropriated in Item 306, Paragraph XX., \$17,355,007 the first year and \$17,355,007 the second year from the general fund and \$17,355,007 the first year and \$17,355,007 the second year from nongeneral funds shall be used to increase reimbursement rates paid to providers delivering unique services provided through the Mental Retardation Individual and Family Developmental Disabilities Support or Day Support Home and Community-Based Waiver Programs (but not provided in other waiver programs) by five percent effective July 1, 2006. Reimbursement rates paid to providers of congregate residential group home services for individuals in the Mental Retardation Home and Community-Based Waiver Program shall be increased by 10 percent, effective July 1, 2006. The increase does not apply to personal care and related services, nursing services or services that are either fixed price or determined through individual consideration.

CC. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall report on a quarterly basis to the Office of the Governor, the Office of the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and Senate Finance Committees, and the Department of Planning and Budget on expanded community-based services made available in paragraphs R through CC of this item. The report shall include the types and settings of services provided, the number of individuals served, the number of individuals placed in the community through the Mental Retardation Home and Community-Based Waiver Program, reduction in census at state facilities related to proposed facility replacements, changes in staffing at facilities that are proposed for replacement, and progress made in the construction of replacement facilities.

DD. Out of this appropriation, \$534,000 the first year and \$534,000 the second year from the general fund shall be provided for two model projects with community services boards for opioid treatment expansion in one rural and one urban region. The projects shall be designed to improve the availability of treatment and integrate buprenorphine therapy into the region's continuum of care for opioid addiction. The department shall evaluate the results of these projects for improving treatment outcomes and improving key performance indicators, such as recruitment, retention and maintenance of treatment effects for individuals served by the projects. The department shall report the results of the projects to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1, 2008.

EE. Beginning July 1, 2007, the Commissioner of the Department of Mental Health, Mental Retardation, and Substance Abuse Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for the development of two specialized geriatric mental health services pilot programs. One pilot shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The pilots shall serve elderly populations with mental illness who are transitioning from state

mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units.

FF. Beginning July 1, 2007, the Commissioner of the Department of Mental Health, Mental Retardation, and Substance Abuse Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for the expansion and development of consumer-directed pilot programs offering specialized mental health services that promote wellness, recovery and improved self-management.

GG. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services shall work with Community Services Boards to ensure that fund allocation decisions for regional restructuring projects in the second year consider the service needs of individuals who are expected to be discharged into each region upon the downsizing of affected facilities.

HH. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used to expand treatment and support services for substance use disorders. Funded services shall focus on recovery models and the use of best practices.

II. Out of this appropriation, \$2,800,000 the first year and \$3,000,000 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.

JJ. Out of this appropriation, \$1,600,000 the first year and \$800,000 the second year from the general fund shall be used for start-up funding for the establishment of community residential services to support the Mental Retardation Home and Community-Based Waiver Program. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall manage the distribution of these funds to Community Services Boards to support public and private sector implementation of service plans for individuals enrolled for those services under the expanded community waivers.

KK. 1. Out of this appropriation, \$10,300,000 the first year and \$18,006,164 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to House Bill 559 and Senate Bill 246, 2008 Session of the General Assembly. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of the General Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to House Bill 560 and Senate Bill 246, 2008 Session of the General Assembly. The Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, in consultation with the Virginia Association of Community Services Boards, the Office of the Executive Secretary of the Supreme Court, the Department of Medical Assistance Services, the Virginia Sheriff's Association, the Medical Society of Virginia and the Virginia Hospital and Healthcare Association, shall implement a process for determining the allocation of funding in this item. The allocation process shall include an estimate of the number of consumers expected to utilize services, a method for distributing the funding across services to address the mental health treatment needs of consumers with mental illness, funding needed to support the involuntary commitment process, and an estimate of the impact of treatment costs on the Involuntary Mental Commitment fund at the Department of Medical Assistance Services. ~~The Commissioner shall report on the assumptions and~~

~~process used to allocate funding in this item across agencies and service categories, as well as the amount of the allocations, to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2008.~~

*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.*

LL. The Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Virginia Association of Community Services Boards (VACSB) and with input from the Senate Finance and House Appropriations Committees, shall develop and maintain a reporting process to monitor implementation of (i) the new services funded in this item and (ii) changes to the civil commitment process included in Senate Bill 246, House Bill 499, House Bill 559 and House Bill 560 from the 2008 Session of the General Assembly. The Department and VACSB shall identify specific data elements or performance measures that will be reported through this process. The Commissioner shall submit a report on the implementation of these new services no later than December 1, 2008, and each year thereafter. The Commissioner shall submit a report describing the reporting process to measure CSB performance on participation in the civil commitment process no later than December 1, 2008, and shall submit a report on that performance beginning no later than December 1, 2009, and each year thereafter.

MM. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to Holiday House of Portsmouth, Inc.

*NN. The department may reduce the appropriation provided in paragraphs N through II by up to five percent of the administrative costs incurred by Community Services Boards for each paragraph. Any reductions shall correspond to the reduction plan of October, 2008 and shall be approved by the Secretary of Health and Human Resources.*

*OO. The Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Virginia Association of Community Services Boards (VACSB) and with input from the Department of Corrections and the Supreme Court shall examine the feasibility of expanding the use of community medical detoxification and opiate maintenance treatments to divert opioid dependent individuals from jails. As part of its analysis, the Department shall include efforts to maximize the utilization of existing benefits accessed through the Aftercare Pharmacy and the Department of Medical Assistance Services.*