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# VIRGINIA STATE BUDGET

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2011 Session

## Budget Bill - HB1500 (Chapter 890)

Bill Order » Office of Health and Human Resources » Item 304

Department of Behavioral Health and Developmental Services

### Item 304

First Year - FY2011

Second Year - FY2012

<b>Administrative and Support Services (49900)</b>	<b>\$41,894,426</b> <b>\$42,619,616</b>	<b>\$41,131,426</b> <b>\$43,441,383</b>
General Management and Direction (49901)	\$4,415,242 \$4,140,432	\$3,652,242 \$4,679,784
Information Technology Services (49902)	\$8,457,502	\$8,457,502 \$8,557,917
Architectural and Engineering Services (49904)	\$2,465,094	\$2,465,094
Collection and Locator Services (49905)	\$2,584,316	\$2,584,316
Human Resources Services (49914)	\$1,685,838	\$1,685,838
Planning and Evaluation Services (49916)	\$356,956	\$356,956
Program Development and Coordination (49933)	\$21,929,478 \$22,929,478	\$21,929,478 \$23,111,478
Fund Sources:		
General	\$25,432,055 \$25,157,245	\$25,432,055 \$26,742,012
Special	\$6,599,938	\$5,836,938
Federal Trust	\$9,862,433 \$10,862,433	\$9,862,433 \$10,862,433

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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 § 4-5.12 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.

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, \$878,050 the first year and ~~\$878,050~~ \$1,388,423 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators as follows: (i) \$506,250 the first year and ~~\$506,250~~ \$642,700 the second year for 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) \$260,200 the first year and ~~\$260,200~~ \$529,465 the second year for conditional release services, including treatment, and (iii) \$111,600 the first year and ~~\$111,600~~ \$216,258 the second year for the 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, \$25,000 the first year and \$25,000 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. Out of this appropriation, \$2,370,000 the first year and \$2,370,000 the second year from the general fund shall be used to develop and expand jail diversion and reentry services. Funds shall be distributed to community based contractors based on need and community preparedness as determined by the commissioner.

K.1. Notwithstanding the provisions of Section [37.2-316](#), the Commissioner, Department of Behavioral Health and Developmental Services shall establish a state and community planning team for the purpose of developing a plan for the rebuilding and resizing of Southeastern Virginia Training Center (SEVTC). The team shall consist of staff from the Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, the Department of General Services, the Department of Health, representatives of affected consumers, local government officials, advocates, state facility employees, community services boards, and public and private intellectual disability service providers, and other interested persons, as determined by the commissioner. In addition, members of the House of Delegates and the Senate representing the localities served by the facility may serve on the state and community consensus and planning team. The state and community planning team, under the direction of the commissioner, shall develop the plan based on (i) completed individual assessments and service plans for each resident of the facility by Health Planning Region V Community Services Boards (CSBs) and SEVTC treatment teams, (ii) the availability of community-based services to serve individuals residing at SEVTC, including housing needs, (iii) timelines for the completion of proposed construction or renovation of community housing and the new 75-bed state facility, and (iv) an assessment of how current state workers at SEVTC can be transitioned as community care providers in community facilities that have been either identified or are planned

for construction in the region. The state and community planning team, under the direction of the commissioner, shall develop a timeline to appropriately transition state facility consumers beginning in FY 2010 to community services in the locality of their residence prior to admission or the locality of their choice after discharge or to another state facility if individual assessments and service plans have been completed, appropriate community housing is available and consumer choice has been considered. The commissioner shall provide quarterly to the Governor and the General Assembly a progress report regarding the plan for resizing and rebuilding the facility until the new facility and community facilities have been constructed and are complete. The final report shall outline the location where patients are discharged and any cost savings associated with the facility resizing and community transition.

2. The Commissioner, Department of Behavioral Health and Developmental Services, the Commissioner, Department of Health, and the Director of the Department of Medical Assistance Services shall initiate an expedited fast track process to provide technical assistance and certify and license the community facilities under construction and planned for construction in Health Planning Region V.

L.1. The Commissioner, Department of Behavioral Health and Developmental Services shall work in collaboration with the Health Planning Region (HPR) V Community Services Boards to plan, develop and implement transitional mental health services to qualified individuals discharged from the Eastern State Hospital.

2. The Department of Behavioral Health and Developmental Services shall lease the existing buildings and associated grounds corresponding to Buildings 24 and 26 at Eastern State Hospital to the Community Services Boards of HPR V for the purpose of providing transitional mental health services to those qualified individuals discharged from the Eastern State Hospital, 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 Community Services Boards shall involve local and regional partners, including local governments, in the planning and development of these programs and services.

M. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) shall establish a planning process to identify concrete steps to provide children's mental health services, both inpatient and community-based, as close to children's homes as possible. The planning process will produce a comprehensive plan that ensures there are child-centered services, both inpatient and community-based, delivered at the community level in every Health Planning Region in the Commonwealth. The target populations to be addressed in this plan are children through age 17 who: (i) have a mental health problem, (ii) may have co-occurring mental health and substance abuse problems, (iii) may be in contact with the juvenile justice or courts systems, (iv) may require emergency services, or (v) may require long term community mental health and other supports. The planning process should identify the mental health and substance abuse services that are needed to help families keep their children at home and functioning in the community and should define the role that the Commonwealth Center for Children and Adolescent will play in this effort. The plan should establish and rank recommendations based on greatest priority and identify future funding associated with each recommendation. The planning process shall include input from community services boards, state and private inpatient facilities, the Department of Social Services, the Office of Comprehensive Services, the Department of Juvenile Justice, the Department of Education, the Department of Medical Assistance Services, parents of children with mental health and co-occurring substance abuse problems, advocates for child mental health and co-occurring services, and any other persons or entities the DBHDS deems necessary for full consideration of the issues and needed solutions. The Commissioner shall report interim findings to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2010 and a final report by November 1, 2011.

N. 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 performance measures during the year. The first annual report shall be submitted no later than December 1, 2010 for fiscal year 2010.

*O. The Department of Behavioral Health and Developmental Services shall, in coordination with the Department of Corrections, the Department of Juvenile Justice, the Virginia Sheriffs' Association, and the Virginia Regional Jail Association, develop a formulary for the dispensing of medications to offenders who have been released from prisons, juvenile correctional centers, and jails that will provide consistency as those offenders move from incarceration in the criminal justice system to being served by community behavioral health programs. Not less than 30 days prior to implementing the changes authorized in this paragraph, the Commissioner of Behavioral Health and Developmental Services shall report to the Chairmen of the House Appropriations and Senate Finance Committees the proposed changes to the formulary and any additional costs or savings associated with the change.*

*P. The Director, Department of Planning and Budget, shall unallot and transfer to the general fund an amount estimated at \$773,568 on or before June 30, 2011.*

*Q. The Department of Behavioral Health and Developmental Services, in consultation with the Department of Medical Assistance Services, shall promulgate regulations to certify early intervention case managers to provide case management services to Medicaid and FAMIS children enrolled in early intervention services provided under Part C of the Individuals with Disabilities Education Act (IDEA) of 2004. The Department of Behavioral Health and Developmental Services shall promulgate these regulations within 280 days or less from the enactment date of this act.*