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# VIRGINIA STATE BUDGET

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2014 Special Session I

## Budget Bill - HB5001 (Chapter 1)

Bill Order » Office of Health and Human Resources » Item 315

Grants to Localities

Item 315	First Year - FY2013	Second Year - FY2014
<b>Financial Assistance for Health Services (44500)</b>	<b>\$347,621,560</b>	<b>\$331,621,560</b>
Community Substance Abuse Services (44501)	\$95,871,968	\$95,871,968
Community Mental Health Services (44506)	\$187,403,320	\$192,553,320
Community Developmental Disability Services (44507)	\$64,346,272	\$43,196,272
Fund Sources:		
General	\$285,397,318	\$269,347,318
Special	\$544,795	\$594,795
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, intellectual disability 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 §§ [37.2-504](#) 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 Behavioral Health and Developmental 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 this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to ~~Grafton School~~ *Virginia Commonwealth University* for the continued operation and expansion of the Virginia Autism Resource Center.

H.1. Out of this appropriation, \$9,453,366 the first year and \$13,203,366 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.

4. The Department of Behavioral Health and Developmental Services shall promulgate regulations to comply with 34 CFR Parts 300 and 303. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 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 Behavioral Health and Developmental 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.

J. Beginning July 1, 2007, the Commissioner, Department of Behavioral Health and Developmental 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 two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs 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. *The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.*

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

L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner. *The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.*

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

N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 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.

P. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 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.

Q. Out of this appropriation, \$5,000,000 the first year and \$8,800,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.

R. 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 expand community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.

S. 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 expand crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.

T.1. Out of this appropriation, \$30,000,000 the first year from the general fund shall be used to implement the provisions of the settlement agreement relating to United States of America v. Commonwealth of Virginia (Civil Action No. 312cv0059-JAG).

2. Any funds appropriated for the purposes of complying with the agreement that are unspent ~~in the first year may be carried forward into the second year~~ *at the end of a fiscal year may be carried forward for expenditure into the subsequent fiscal year.*

U. Notwithstanding any contrary provision of law, the unexpended appropriation as of June 30, 2012 in the Behavioral Health and Developmental Services Trust Fund, appropriated for the expansion of community-based services in anticipation of an agreement with the U.S. Department of Justice, pursuant to Item 305, Chapter 890, 2011 Acts of Assembly, shall be reappropriated. Upon approval by the Secretary of Health and Human Resources and the Secretary of Finance, the Director, Department of Planning and Budget, shall transfer the reappropriated amount from the Trust Fund to the general fund. The general fund appropriation shall be transferred to Item 315 of this act and made available for the purposes of complying with the agreement with the U.S. Department of Justice. The State Comptroller shall transfer the equivalent amount of cash from the Trust Fund to the general fund. Any cash in the fund not associated with implementation of the agreement shall remain in the fund.

V.1. In order to meet the terms of the settlement agreement, the appropriations in Items 307 and 315 include the

following estimated general fund amounts.

### Estimated Amounts

	FY 2013	FY 2014
Facility Transition	\$11,309,540	\$19,534,660
Community Waiver Slots	\$19,615,150	\$27,642,275
Program of Individual and Family Supports	\$2,400,000	\$3,200,000
Rental Subsidies	\$800,000	\$0
Crisis Stabilization	\$5,000,000	\$10,000,000
Facility Closure Costs	\$2,749,885	\$8,397,855
Administration	\$1,313,682	\$1,807,338
Quality Management	\$1,787,000	\$1,537,000
Independent Review	\$300,000	\$300,000
Facility Savings	(\$5,846,989)	(\$23,364,535)
<b>Total</b>	<b>\$39,428,269</b>	<b>\$49,054,594</b>

These amounts may vary as needs are identified throughout the year. Changes to the amounts described above require the review and approval of the Secretary of Health and Human Resources and the Secretary of Finance. Upon approval of the Secretary of Health and Human Resources and the Secretary of Finance, the Director, Department of Planning and Budget, shall transfer appropriation between Items 307, 311, 312, and 314, as needed. The Department of Behavioral Health and Developmental Services shall provide updates on July 1 and December 1 of each year to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees regarding expenditures and progress in meeting implementation targets established in the agreement.

2.a. The Department of Medical Assistance Services shall amend the Intellectual Disabilities Waiver to add 160 slots each year for individuals who are exiting training centers and 225 slots each year to address the community waiting list in accordance with the agreement.

b. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Supports Waiver to add 25 slots each year in accordance with the agreement.

3. The State Board of Behavioral Health and Developmental Services shall promulgate emergency regulations to implement an individual and family supports program. These regulations shall become effective within 280 days or less from the enactment date of this act.

4. Any funds appropriated for the purposes of complying with the agreement that are unspent in the first year may be carried forward into the second year.

W. Out of this appropriation, \$1,500,000 the first year and \$3,650,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall report on the use and impact of this funding to the Chairmen of the House Appropriations and Senate Finance Committees beginning on October 1, 2013 and each year thereafter.

X. Out of this appropriation, \$600,000 the first year and \$1,500,000 the second year from the general fund shall be used to expand capacity for up to eight drop-off centers to provide an alternative to incarceration for people with serious mental illness. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.

Y. Out of this appropriation, \$1,250,000 the second year from the general fund shall be used to develop and implement crisis services for children with intellectual or developmental disabilities.

Z. Out of this appropriation, \$1,500,000 the second year from the general fund shall be used to provide community-based services to individuals residing in state hospitals who have been determined clinically ready for discharge.

AA. Out of this appropriation, \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training and certification, and manuals and certification for all those receiving the training.