2022 Special Session I

Budget Bill - HB29 (Enrolled)

Bill Order » Office of Health and Human Resources » Item 320

Department of Behavioral Health and Developmental Services

Item 320	First Year - FY2021	Second Year - FY2022
Administrative and Support Services (49900)	**$122,462,281**	~~**$114,854,911**~~ ***$115,766,786***
General Management and Direction (49901)	$21,016,747	$21,016,747
Information Technology Services (49902)	$43,783,399	~~$38,138,105~~ *$38,699,980*
Architectural and Engineering Services (49904)	$2,731,753	$2,731,753
Collection and Locator Services (49905)	$3,195,236	$3,195,236
Human Resources Services (49914)	$615,324	$615,324
Planning and Evaluation Services (49916)	$3,626	$3,626
Program Development and Coordination (49933)	$51,116,196	~~$49,154,120~~ *$49,504,120*
Fund Sources:		
General	$63,970,461	~~$69,619,931~~ *$70,531,806*
Special	$20,996,019	$15,692,537
Dedicated Special Revenue	$8,200,000	$0
Federal Trust	$29,295,801	$29,542,443

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.

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, $730,788 the first year and $730,788 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.1. Out of this appropriation, $554,975 the first year and $554,975 the second year from the general fund shall be provided 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

2. Out of this appropriation, $2,628,360 the first year and $2,864,912 the second year from the general fund shall be provided for conditional release services, including treatment, and costs associated with contracting with Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released as provided by the Department of Corrections, outlined in the Memorandum of Understanding between the two agencies and pursuant to §37.2-912 of the Code of Virginia.

I. Out of this appropriation, $146,871 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 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, 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.

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.

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 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.

N. 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.

O. Out of this appropriation, $600,000 the first year and $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, manuals, and certification for all those receiving the training.

P. Out of this appropriation, $752,170 the first year and $752,170 the second year from the general fund is provided to establish community support teams responsible for the development and oversight of a continuum of integrated community settings for individuals leaving state hospitals.

Q. The Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall recognize Certified Employment Support Professional (CESP) and Association of Community Rehabilitation Educators (ACRE) certifications in lieu of competency requirements for supported employment staff in the developmental disability Medicaid waiver programs to allow providers that are Department of Aging and Rehabilitative Services (DARS) vendors that hold a national three-year accreditation from the National Council on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to meet employment competency requirements.

R. The Department of General Services, in cooperation with the Department of Behavioral Health and Developmental Services, shall work with James City County to identify a minimum of 10 acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center. The subject acres shall be transferred to James City County upon such

terms and conditions as may be agreed to by the parties.

S.1. The Department of Behavioral Health and Developmental Services for each fiscal year shall report the number of waiver slots, by waiver, that becomes available for reallocation during the year. In addition, the department shall report on the allocation of emergency waiver slots and reserve slots, which shall include how many slots were allocated in the year and for which waiver. The information on reserve slots shall indicate for which waiver the reserve slot was used and the waiver from which the individual moved that was granted the slot. Furthermore, the report shall show the allocations by each Community Services Board from new waiver slots, emergency slots and reserve slots for the year. The department shall submit this report for the prior fiscal year, ending June 30, by September 1 of each year.

2. The department shall report within 30 days after the close of each quarter, the number of new slots for the fiscal year that have been allocated by Community Services and of those how many are accessing services. The report shall be provided on the department's website.

T.1. Out of this appropriation, $75,000 the first year and $75,000 the second year from the general fund is provided for compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. Any funds that are appropriated but remain unspent at the end of the fiscal year shall 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 died on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to certify 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 in the paragraph be exhausted prior to the end of the fiscal year, the department may use available special fund revenue balances to provide compensation. The department shall 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 applied.

U. The Department of Behavioral Health and Development Services and the Department of Medical Assistance Services shall not implement the proposed individualized supports budget process for the Medicaid Community Living, Family and Individual Support and Building Independence Waiver programs without the explicit authorization of the General Assembly through legislation or authorizing budget language.

V. The Department of Behavioral Health and Developmental Services shall report on the allocation and funding for Programs of Assertive Community Treatment (PACT) in the Commonwealth. The report shall include information on the cost of each team, the cost per individual served and the cost effectiveness of each PACT in diverting individuals from state and local hospitalization and stabilizing individuals in the community. The department shall provide the report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, of each year.

W. The Department of Behavioral Health and Developmental Services shall work with the Fairfax-Falls Church Community Services Board, and the provider, to ensure that future openings for the Miller House in Falls Church allow residents of Falls Church, that have been allocated a developmental disability waiver slot, be given first choice in the Miller House, if the group home is appropriate to meet their needs. In addition, the department shall

work with the Community Services Board and the City of Falls Church to explore options for establishing a special allocation within the Community Services Board allocation of waiver slots for Falls Church residents who are on the Priority One waiting list and could live in the Miller House when future openings occur in the group home.

X. The Department of Behavioral Health and Developmental Services shall lease 25 acres of land at Eastern State Hospital to Hope Family Village Corporation for one dollar for the development of a village of residence and common areas to create a culture of self-care and neighborly support for families and their loved ones impacted by serious mental illness. The department shall work with the Hope Family Village Corporation to identify a 25 acre plot of land that is suitable for the project.

Y. The Department of Behavioral Health and Developmental Services shall report a detailed accounting, annually, of the agency's organization and operations. This report shall include an organizational chart that shows all full- and part-time positions (by job title) employed by the agency as well as the current management structure and unit responsibilities. The report shall also provide a summary of organization changes implemented over the previous year. The report shall be made available on the department's website by August 15, of each year.

Z.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 status of the closure of Central Virginia Training Center. As part of this review process the joint subcommittee may evaluate options for those individuals in any remaining 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 any 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 any remaining training centers at a level of detail as determined by the joint subcommittee. The quarterly reports for the first, second and third quarter shall be due to the joint subcommittee 20 days after the close of the quarter. The fourth quarter report shall be due on August 15 of each year.

AA. Notwithstanding the provisions of the Acts of Assembly, Chapter 610, of the 2019 Session or any other provision of law, the Department of General Services is hereby authorized to sell, pursuant to § 2.2-1156, certain real property in Carroll County outside the town of Hillsville on which the former Southwestern Virginia Training Center was situated, subject to the following conditions: (1) the sale price shall be, at a minimum, an amount sufficient to fully cover any debt or other financial obligations currently on the property; (2) the purchaser shall be responsible for all transactional expenses associated with the transfer of the property; and (3) the sale shall be made to a health care company that agrees to use the property for the provision of health care services for a minimum of five years established through a deed restriction.

BB. Included in this item is $150,000 the first year and $150,000 the second year from the general fund to support substance abuse treatment utilizing appropriate, long-acting, injectable prescription drug treatment regimens ("treatment") used in conjunction with drug treatment court programs. Such treatment may be utilized in approved drug treatment court programs. In allocating such funding, the department shall consider the rate of fatalities within the locality, whether a drug treatment court program is available and whether such program utilizes medication-assisted treatment. The drug treatment court programs utilizing this funding shall use these resources to support provider fees, counseling and patient monitoring for participants, and medication to participants in which the costs of treatment services would not otherwise be covered. The Department of Behavioral Health and Developmental Services shall submit a report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1 of each year for the preceding fiscal year that provides information on the number of participants, the number of drug courts that utilized the funding and the number of treatments administered. Any adult drug treatment court that accesses this funding shall provide all necessary

information to the Department of Behavioral Health and Developmental Services to prepare this report.

CC.1. Out of this appropriation, $3,750,000 the first year and $7,500,000 the second year from the general fund is provided for the Department of Behavioral Health and Developmental Services (DBHDS) to pursue alternative inpatient options to state behavioral health hospital care or to increase capacity in the community for patients on the Extraordinary Barriers List through the establishment of two-year pilot projects that will reduce census pressures on state hospitals. Proposals shall be evaluated on: (i) the expected impact on state hospital bed use, including the impact on the extraordinary barrier list; (ii) the speed by which the project can become operational; (iii) the start-up and ongoing costs of the project; (iv) the sustainability of the project without the use of ongoing general funds; (v) the alignment between the project target population and the population currently being admitted to state hospitals; and (vi) the applicant's history of success in meeting the needs of the target population. No project shall be allocated more than $2.5 million each year. Projects may include public-private partnerships, to include contracts with private entities. The department shall give preference to projects that serve individuals who would otherwise be admitted to a state hospital operated by DBHDS, that can be rapidly implemented, and provide the best long-term outcomes for patients. Consideration may be given to regional projects addressing comprehensive psychiatric emergency services, complex medical and neuro-developmental needs of children and adolescents receiving inpatient behavioral health services, and addressing complex medical needs of adults receiving inpatient behavioral health services. Any unexpended balance in this appropriation on June 30, 2021, shall be reappropriated for this purpose in the next fiscal year to fund project costs.

2. The department shall report quarterly on projects awarded with details on each project and its projected impact on the state behavioral health hospital census. The report shall be submitted to the Chairs of House Appropriations and Senate Finance and Appropriations Committees no later than 30 days after each quarter ends.

3. Notwithstanding any other provision of law, the contracts DBHDS enters into pursuant to paragraph AA.1. shall be exempt from competition as otherwise required by the Virginia Public Procurement Act (§§ 2.2-4300 through 2.2-4377, Code of Virginia).

DD. The Department of Behavioral Health and Developmental Services, in collaboration with the Department of General Services, shall establish a workgroup to inventory the department's vacant and surplus properties and buildings and develop a plan for the potential disposition of those properties. The plan shall include various cost options for the demolition of buildings, environmental remediation, options to fund bond defeasance costs, or other costs necessary to prepare the property to be sold or utilized for a different purpose. The workgroup shall initially focus on the Central Virginia Training Center in Madison Heights, vacant buildings at the Southwestern Virginia Mental Health Institute in Marion, and the previous Southern Virginia Training Center in Petersburg. The department shall submit the plan by November 15, 2020 to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

EE. The Department of Behavioral Health and Developmental Services shall conduct a review of the Commonwealth's Sexually Violent Predator Program to examine programmatic and community options that could reduce the number of individuals that are committed to the Virginia Center for Behavioral Health. The department shall report on these options to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

FF. The Department of Behavioral Health and Developmental Services shall develop a plan to convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day operations and moving toward regional CITAC sites. This plan shall include the costs and recommended areas of the Commonwealth for at least three assessment centers in fiscal year 2022. The department shall submit the plan to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2020.

GG. The Department of Behavioral Health and Developmental Services is authorized to collaborate with the Children's Hospital of the King's Daughters (CHKD) to develop a memorandum of understanding (MOU) for

dedicating a portion of the future bed capacity of a 60-bed mental health hospital at CHKD for use in providing treatment services to children or adolescents that may otherwise be admitted to the Commonwealth Center for Children and Adolescents (CCCA). The MOU should detail the priority populations that would be best served at CHKD and that assists the Commonwealth in reducing census pressure on CCCA. As part of the MOU the department and CHKD shall develop an estimated financial contribution for the potential benefit of such an arrangement to the Commonwealth. The department shall report on the details of the MOU to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.

HH. Out of this appropriation, $940,000 the first year and $940,000 the second year from the general fund shall be provided to Commonwealth Autism Services to assist in coordination of services for people with developmental disabilities in regards to autism assessments and services in Virginia.

II. The Department of Behavioral Health and Developmental Services shall continue the Temporary Detention Order Evaluator Workgroup established pursuant to Chapters 918 and 919 of the 2020 Acts of Assembly. The workgroup shall report its implementation plan to the Governor, and Chairs of the House Health, Welfare, and Institutions Committee, the Senate Education and Health Committee, and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.

JJ. The Department of Behavioral Health and Developmental Services shall establish a workgroup to review the current processes and barriers to sharing relevant patient information between community hospitals and Community Services Boards for shared patients subject to an Emergency Custody Order and under evaluation for a Temporary Detention Order. The department shall report its findings and recommendations to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.

KK. The Department of Behavioral Health and Developmental Services shall preserve historic microfiche records at Central State Hospital and work with interested partners to digitize such records to be added to the Central State Hospital Digital Library and Archives Project in order to make such information publicly available to researchers or other interested parties.

LL. The Department of Behavioral Health and Developmental Services, in collaboration with the Virginia Treatment Center for Children (VTCC), shall examine and develop strategies to better utilize VTCC in assisting with relief for the census pressures on the Commonwealth Center for Children and Adolescents (CCCA). The strategies to be examined shall include, but are not limited to: (i) diversion strategies when CCCA is near capacity; (ii) increasing the number of Temporary Detention Order admissions; and (iii) operating as a step-down facility from CCCA. The department shall report its finding and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and the the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 1, 2021.

MM. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Medical Assistance Services, the Medicaid managed care organizations, and the Community Services Boards/Behavioral Health Authority, shall report on current efforts to provide early psychosis intervention and coordinated specialty care for children, adolescents and young adults in need of services. The report shall include a summary of current services, funding and programmatic issues to address treatment and care of this population, as well as planned efforts and recommendations to expand and improve care for this population. The report shall be provided to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century by November 15, 2021.

NN.1. The Department of Behavioral Health and Developmental Services (DBHDS), in coordination with the Department of Medical Assistance Services (DMAS), shall convene a workgroup with the established DBHDS Provider Issue Resolution Workgroup, VNPP, VaACCSES, VACSB, the Arc of Virginia, Community Services Boards, representatives of waiver recipients, representatives of individuals on the waiting list for a developmental

disability (DD) waiver and other appropriate stakeholders to review issues with existing rates and rate methodologies for DD waiver services and make recommendations on needed changes. The department is authorized to use existing resources to contract with a vendor to conduct any additional analysis that may be useful in analyzing specific issues being considered by the workgroup. The workgroup shall specifically evaluate the rates for the Supported Living Residential waiver service to ensure appropriate utilization of that service. Any findings or recommendations shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.

2. The workgroup shall conduct an analysis of current Medicaid Developmental Disability (DD) waiver waitlists and develop plans for reducing the waitlist for individuals to access DD waiver services. The plan, along with projected costs, shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.