2022 Special Session I

Budget Bill - HB30 (Introduced)

Bill Order » Office of Health and Human Resources » Item 311

Department of Behavioral Health and Developmental Services

Item 311	First Year - FY2023	Second Year - FY2024
Administrative and Support Services (49900)	**$129,085,840**	**$128,490,706**
General Management and Direction (49901)	$23,112,206	$20,099,456
Information Technology Services (49902)	$46,101,030	$49,069,136
Architectural and Engineering Services (49904)	$2,776,224	$2,776,224
Collection and Locator Services (49905)	$3,427,387	$3,427,387
Human Resources Services (49914)	$682,230	$682,230
Planning and Evaluation Services (49916)	$1,003,626	$3,626
Program Development and Coordination (49933)	$51,983,137	$52,432,647
Fund Sources:		
General	$82,667,246	$77,668,237
Special	$14,544,137	$17,276,798
Dedicated Special Revenue	$2,000,378	$3,671,592
Federal Trust	$29,874,079	$29,874,079

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. 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, $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, $4,207,356 the first year and $4,659,066 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 and Appropriations 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 Community Services Boards (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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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.

Q. 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.

R.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 Boards and of those how many are accessing services. The report shall be provided on the department's website.

S.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 and Appropriations Committees on a quarterly basis on the number of additional individuals who have applied.

T. 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.

U. 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 and Appropriations Committees by November 1, of each year.

V. 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.

W. 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.

X. 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.

Y. 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.

Z. 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.

AA. 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.

BB. 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.

CC. Out of this appropriation, $3,012,750 the first year from the general fund is provided for a contract with the Virginia Health Care Foundation for a pilot to remove barriers to the mental health workforce, including the payment of supervisory hours for those individuals seeking degrees in social work and counseling.

DD. 1.Out of this appropriation $1,012,286 the first year and $1,012,286 the second year from the general fund shall be provided for underage marijuana use prevention initiatives.

2. Of the amounts provided in DD.1. $900,000 is appropriated in each year for a contract with the Virginia Foundation for Healthy Youth to create a statewide marijuana and cannabis use prevention campaign to prevent underage use. Additionally, $112,286 in each year is provided for a full time equivalent in the Department of Behavioral Health and Developmental Services central office to monitor and implement marijuana use prevention strategies and programs.

EE. Out of this appropriation, $1,026,000 the first year and $1,026,000 the second year from the general fund is provided for dementia behavioral specialists to provide training and consultative services and support.

FF. Out of this appropriation, $1,671,214 the first year and $1,671,214 the second year from the Crisis Call Center Fund is appropriated for costs associated with the establishment and operation of the 988 Crisis Call Center.

GG.1. Out of this appropriation, $101,970 the first year and $101,970 the second year shall be used to increase the number of tobacco retailer compliance inspections to be performed pursuant to a contract with the Virginia Alcoholic Beverage Control Authority.

2. The Department of Behavioral Health and Developmental Services, in consultation with the Virginia Alcoholic Beverage Control Authority, shall develop a plan to further increase the number of tobacco retailer compliance inspections to be completed annually for the purpose of reducing the retailer violation rate. The plan shall include identification of additional resources needed, alternative options for the provision of compliance checks, and any necessary legislative changes. The Department shall identify and pursue any applicable federal grants that may be used for the costs of implementing the plan. Agencies in the executive branch shall provide assistance as needed in development of the plan. The Department shall submit the plan by September 1, 2022 to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees.

HH. Out of this appropriation, $1,000,000 the first year from the general fund is provided for a comprehensive study of the state and local behavioral healthcare systems. The Department of Behavioral Health and Developmental Services shall contract with an independent consultant of best practices to identify essential components of a robust public behavioral healthcare system; evaluate gaps and vulnerabilities in the current continuum of care; and develop concrete proposals and funding recommendations to improve the delivery of behavioral health services, as defined by § 37.2-100, Code of Virginia, in the Commonwealth. The Department shall report the consultant's recommendations to the Governor and the Chairmen of House Appropriations and Senate Finance and Appropriations Committees by August 1, 2023.