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SENATE BILL NO. 555

Offered January 24, 2000

A BILL to amend and reenact § 37.1-42.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.5-37.1, relating to persons with mental retardation, developmental disabilities, or mental illness.

Patrons—Hanger, Bolling, Martin, Newman, Potts, Rerras, Schrock and Wampler; Delegates: Albo, Blevins, Byron, Callahan, Devolites, Drake, Dudley, Katzen, Kilgore, Landes, Louderback, O'Brien, Purkey and Wardrup

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 37.1-42.1 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 51.5-37.1 as follows:

§ 37.1-42.1. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of facilities.
2. To employ such personnel as may be required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, agencies and governmental subdivisions of this Commonwealth, consistent with policies, rules and regulations of the Board.

4. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies, and instrumentalities thereof and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with policies, rules and regulations of the Board.

5. To accept, execute and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.

6. To transfer between mental health and mental retardation facilities school-age residents who have been identified as appropriate to place in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which mental health or mental retardation facilities are situated.

7. To notify the Director of the Department for the Rights of Virginians with Disabilities, pursuant to § 51.5-37.1, in writing within forty-eight hours of critical incidents concerning or deaths of patients or residents of facilities. The Commissioner shall, within ten working days thereafter, provide a written report that sets forth the known facts surrounding the injury or death.

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 51.5-37.1. Notification of death in state facilities.

Notwithstanding any other provision of law, the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall notify the Director of the Department in writing within forty-eight hours of critical incidents concerning or deaths of patients or residents in state facilities as defined in § 37.1-1. For purposes of this section, a critical incident shall be defined as serious bodily injury or loss of consciousness requiring medical treatment. Within ten working days thereafter, the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide the Department with a written report that sets forth the known facts surrounding the injury or death.

INTRODUCED

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