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SENATE BILL NO. 731

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 24, 2000)

(Patron Prior to Substitute—Senator Martin)

A BILL to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 54, consisting of sections numbered 2.1-812, 2.1-813, and 2.1-814, relating to mental health, mental retardation and substance abuse services.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.1 a chapter numbered 54, consisting of sections numbered 2.1-812, 2.1-813, and 2.1-814 as follows:

CHAPTER 54.

MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES TRUST FUND.

§ 2.1-812. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commissioner" means the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"Fund" means the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.

"Net proceeds" means the gross amount received by the seller on account of the sale of any assets (i) less costs incurred on behalf of the seller in connection with such sale, and (ii) if after the sale the sold assets will be used by an entity other than a state agency or instrumentality or a local governmental entity in a governmental activity and debt obligations financed any portion of the sold assets and any amount of such obligations is outstanding at the time of the sale, less the amount necessary to provide for the payment or redemption of the portion of such outstanding obligations that financed the sold assets (which amount shall be used to pay or redeem such obligations or shall be transferred to the third party issuer of the obligations for a use permitted in accordance with such obligations).

§ 2.1-813. Mental Health, Mental Retardation and Substance Abuse Services Trust Fund established; purpose.

There is hereby created in the state treasury a special nonreverting fund to be known as the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund to enhance and ensure for the coming years the quality of care and treatment provided to consumers of the Commonwealth's mental health, mental retardation, and substance abuse services. The Fund shall be established on the books of the Comptroller. Notwithstanding the provisions of § 2.1-512, the Fund shall consist of the net proceeds of the sale of vacant buildings and land held by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The Fund shall also consist of such moneys as shall be appropriated by the General Assembly and any private donations. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

§ 2.1-814. Administration of Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.

The Fund shall be administered by the Commissioner. Moneys in the Fund shall be used solely to provide mental health, mental retardation, and substance abuse services to enhance and ensure the quality of care and treatment provided by the Commonwealth to persons with mental health, mental retardation and substance abuse illnesses. Notwithstanding any other provision of law, the net proceeds from the sale of any vacant buildings and land shall first be used to (i) deliver mental health, mental retardation, and substance abuse services within the same service area as where such sold buildings and land were located to ensure the same level of mental health, mental retardation, and substance abuse care as before such sale; and (ii) provide benefits to those persons who were employees of the Commonwealth and, as a result of such sale, are either no longer employed by the Commonwealth or are otherwise negatively affected by such sale. Such benefits shall include, but are not limited to, appropriate transitional benefits.

2. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall develop a comprehensive plan for the restructuring of the Commonwealth's mental health care programs and facilities. The Commissioner shall provide the final plan to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the Health and

60 Human Resources Subcommittee of the Senate Finance Committee, the Chairman of the Health
61 and Human Resources Subcommittee of the House Appropriations Committee, the Chairmen of
62 the House Appropriations and Finance Committees, and members of the General Assembly in
63 whose district any affected facility is located by December 15, 2000. The plan shall include the
64 development of a new and improved facility to provide treatment for long-term and geriatric
65 patients at a site and location as recommended by the Commissioner. Additionally the plan shall
66 include procedures for the development of community-based services for patients receiving acute
67 care. Any restructuring plan for a particular mental health facility shall (i) include comprehensive
68 provisions for employees of the Commonwealth who may no longer be employed by the
69 Commonwealth, or who are otherwise negatively affected, under such plan, including appropriate
70 transitional benefits for such persons; (ii) respect local land use patterns and comprehensive plans;
71 and (iii) actively provide for consultation with affected local governments, citizens,
72 community-based organizations, and other stakeholders including, but not limited to, organizations
73 representing families of patients in any affected facility. If the Commissioner recommends that a
74 facility, or any portion of the land on which it is located, should be sold, the restructuring plan for
75 such facility shall include comprehensive plans for the sale of such facility.

76 3. The Commissioner shall make quarterly reports to the Governor, the Chairman of the Senate
77 Finance Committee, the Chairman of the Health and Human Resources Subcommittee of the
78 Senate Finance Committee, the Chairman of the Health and Human Resources Subcommittee of
79 the House Appropriations Committee, the Chairmen of the House Appropriations and Finance
80 Committees, and members of the General Assembly in whose district any affected facility is
81 located relating to the sale of vacant buildings and land held by the Department of Mental Health,
82 Mental Retardation and Substance Abuse Services and the use of the moneys in the Mental
83 Health, Mental Retardation and Substance Abuse Services Trust Fund.

84 4. That any such restructuring plan or proposed sale of such facility shall be approved by the
85 General Assembly.