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SENATE BILL NO. 504

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services
on January 25, 2002)

(Patron Prior to Substitute—Senator Bolling)

A BILL to amend and reenact §§ 37.1-179 and 37.1-179.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 4 of Title 51.5 a section numbered 51.5-14.1, relating to licensure of providers of services.

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.1-179 and 37.1-179.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 4 of Title 51.5 a section numbered 51.5-14.1 as follows:

§ 37.1-179. Definitions.

For the purposes of this chapter:

"Provider" means any person, entity or organization, excluding an agency of the federal government by whatever name or designation, that provides services to persons with mental illness, mental retardation or substance addiction or abuse including the detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone or other opioid replacements *or to persons who receive day support, in-home support or crisis stabilization services funded through the Individual and Families Developmental Disabilities Support Waiver.* Such person, entity or organization shall include a hospital as defined in § 32.1-123, community services board as defined in § 37.1-194.1, behavioral health authority as defined in § 37.1-243, private provider, and any other similar or related person, entity or organization. It shall not include any individual practitioner who holds a license issued by a health regulatory board of the Department of Health Professions or who is exempt from licensing pursuant to §§ 54.1-3501, 54.1-3601 or § 54.1-3701.

"Service or services" means ~~individually~~:

1. Individually planned interventions intended to reduce or ameliorate mental illness, mental retardation or substance addiction or abuse through care, treatment, training, habilitation or other supports that are delivered by a provider to individuals with mental illness, mental retardation, or substance addiction or abuse. Services include, but are not limited to, outpatient services, intensive in-home services, inpatient psychiatric hospitalization, community gero-psychiatric residential services, assertive community treatment and other clinical services; day support, day treatment, partial hospitalization, psychosocial rehabilitation, and habilitation services; case management services; and supportive residential, special school, halfway house and other residential services; and

2. Day support, in-home support and crisis stabilization services provided to individuals under the Individual and Families Developmental Disabilities Support Waiver.

§ 37.1-179.1. Authority of Commissioner to grant licenses.

The Commissioner, subject to rules and regulations promulgated by the Board, may license any suitable provider to establish, maintain and operate, or to have charge of any service ~~for persons with mental illness, mental retardation or substance addiction or abuse as defined in § 37.1-179.~~

§ 51.5-14.1. Cooperation of Department with other state departments.

The Department of Rehabilitative Services shall collaborate with the Department of Mental Health, Mental Retardation and Substance Abuse Services in activities related to licensing providers of services under the Individual and Families Development Disabilities Support Waiver. These activities include involving advocacy and consumer groups who represent persons with developmental disabilities in the regulatory process; training the Department of Mental Health, Mental Retardation and Substance Abuse Services, local human rights committees and the State Human Rights Committee on the unique needs and preferences of individuals with developmental disabilities; assisting in the development of regulatory requirements for such providers; and providing technical assistance in the regulatory process and in performing annual inspections and complain investigations.

2. That the State Board of Mental Health, Mental Retardation and Substance Abuse Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.