

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-815 of the Code of Virginia, relating to commitment hearing for*  
3 *involuntary admission; examination required.*

4 [H 2036]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.2-815 of the Code of Virginia is amended and reenacted as follows:**

8 § 37.2-815. Commitment hearing for involuntary admission; examination required.

9 Notwithstanding § 37.2-814, the district court judge or special justice shall require an examination of  
10 the person who is the subject of the hearing by a psychiatrist or a psychologist who is licensed in  
11 Virginia by the Board of Medicine or the Board of Psychology and is qualified in the diagnosis of  
12 mental illness or, if such a psychiatrist or psychologist is not available, any mental health professional  
13 who is (i) licensed in Virginia through the Department of Health Professions and (ii) qualified in the  
14 diagnosis of mental illness. The examiner chosen shall be able to provide an independent examination of  
15 the person. The examiner shall (a) not be related by blood or marriage to the person, (b) not be  
16 responsible for treating the person, (c) have no financial interest in the admission or treatment of the  
17 person, (d) have no investment interest in the facility detaining or admitting the person under this  
18 chapter, and (e) except for employees of state hospitals, ~~and of the U.S. Department of Veterans Affairs,~~  
19 *community service boards, and behavioral health authorities*, not be employed by the facility. For  
20 purposes of this section, the term "investment interest" shall be as defined in § 37.2-809.

21 All such examinations shall be conducted in private. The judge or special justice shall summons the  
22 examiner who shall certify that he has personally examined the person and has probable cause to believe  
23 that the person (i) does or does not present an imminent danger to himself or others as a result of  
24 mental illness or is or is not so seriously mentally ill as to be substantially unable to care for himself  
25 and (ii) requires or does not require involuntary inpatient treatment. Alternatively, the judge or special  
26 justice may accept written certification of the examiner's findings if the examination has been personally  
27 made within the preceding five days and if there is no objection sustained to the acceptance of the  
28 written certification by the person or his attorney. The judge or special justice shall not render any  
29 decision on the petition until the examiner has presented his report orally or in writing.

ENROLLED

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