

# VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

## CHAPTER 754

*An Act to amend and reenact §§ 37.2-304 and 51.5-14 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2001.1, relating to the Department of Veterans Services; mental health and rehabilitation program for veterans.*

[S 297]

Approved March 27, 2008

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 37.2-304 and 51.5-14 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2001.1 as follows:**

*§ 2.2-2001.1. Program for mental health and rehabilitative services.*

*The Department, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services, shall establish a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service. The program shall also support family members affected by covered military members' service and deployments. The purpose of the program is to ensure that adequate and timely assessment, treatment, and support are available to veterans, service members, and affected family members.*

*The program shall facilitate support for covered individuals to provide timely assessment and treatment for stress-related injuries and traumatic brain injuries resulting from service in combat areas, and subject to the availability of public and private funds appropriated for them, case management services, outpatient, family support, and other appropriate behavioral health and brain injury services necessary to provide individual services and support to military service members and their family members covered by this section.*

*§ 37.2-304. 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 state facilities.*
- 2. To employ the personnel 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 contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.*
- 4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, 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 conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies 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 state hospitals and training centers school-age consumers who have been identified as appropriate to be placed 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 a state hospital or training center is located.*
- 7. To provide to the Director of the Virginia Office for Protection and Advocacy, pursuant to § 51.5-39.12, a written report setting forth the known facts of critical incidents or deaths of consumers in facilities within 15 working days of the critical incident or death.*
- 8. To work with the appropriate state and federal entities to ensure that any person who has been a consumer in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the consumer was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging consumers.*

*9. To work with the Department of Veterans Services and the Department of Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active*

*federal service and their family members pursuant to § 2.2-2001.1.*

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

§ 51.5-14. Powers and duties of Commissioner.

The Commissioner shall have the following powers and duties:

1. To employ such personnel, qualified by knowledge, skills, and abilities, as may be required to carry out the purposes of this title relating to the Department;

2. 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;

3. To accept grants from the United States government and agencies and instrumentalities thereof and any other source and, to these ends, to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;

4. To do all acts necessary or convenient to carry out the purposes of this title;

5. To develop and analyze information on the needs of persons with disabilities;

6. To establish plans, policies and programs for the delivery of services to persons with disabilities for consideration by the Governor and the General Assembly. Such policies, plans and programs for services to those who cannot benefit from vocational rehabilitation shall be prepared over time, and as funds become available for such efforts;

7. To operate and maintain the Woodrow Wilson Rehabilitation Center and to organize, supervise and provide other necessary services and facilities (i) to prepare persons with disabilities for useful and productive lives, including suitable employment and (ii) to enable persons with disabilities, to the degree possible, to become self-sufficient and have a sense of well-being;

8. To develop criteria for the evaluation of plans and programs relative to the provision of rehabilitative and other services;

9. To investigate the availability of funds from any source for planning, developing and providing services to persons with disabilities, particularly those not capable of being gainfully employed;

10. To coordinate the Department's plans, policies, programs and services, and such programs and services required under § 51.5-9.2, with those of the other state agencies providing services to persons with disabilities so as to achieve maximum utilization of available resources to meet the needs of such persons;

11. To compile and provide information on the availability of federal, state, regional and local funds and services for persons with disabilities;

12. 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;

13. To promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by the Department; ~~and~~

14. *To work with the Department of Veterans Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1; and*

15. To perform such other duties as may be required by the Governor and the Secretary of Health and Human Resources.

**2. That the Commissioner of the Department of Veterans Services shall (i) actively pursue all means available to secure federal funding for the program established by this act, including federal grants and earmarked funds and (ii) ensure the maximization of federal and private funds to support the program. Additionally, the Veterans Services Foundation shall support the program established by this act as a top priority of its fundraising efforts.**