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HOUSE BILL NO. 1663

Offered January 12, 2011

Prefiled January 10, 2011

A BILL to amend and reenact § 37.2-406 of the Code of Virginia, relating to conditions for licensure of providers of mental health services.

Patron—Alexander (By Request)

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:**

§ 37.2-406. Conditions for initial licensure of certain providers.

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to (i) a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements; or (ii) a provider of mental health services if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of consumers and the security of take-home doses of methadone or other opiate replacements.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from (i) a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements or (ii) a provider of mental health services, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for (i) a license to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, or (ii) a license to provide mental health services that has obtained a certificate of occupancy in accordance with the law and regulations in effect on July 1, 2011, shall be required to comply with the provisions of this section. No existing licensed provider shall be required to comply with the provisions of this section in any city or county in which it is currently providing such treatment.

F. The provisions of subsection A of this section related to an initial license for a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements shall not apply to the jurisdictions in Planning District 8.

INTRODUCED

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