

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-304 of the Code of Virginia, relating to development of a drug*
3 *formulary for use in community services boards.*

4 [H 2013]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.2-304 of the Code of Virginia is amended and reenacted as follows:**

8 § 37.2-304. Duties of Commissioner.

9 The Commissioner shall be the chief executive officer of the Department and shall have the
10 following duties and powers:

11 1. To supervise and manage the Department and its state facilities.

12 2. To employ the personnel required to carry out the purposes of this title.

13 3. To make and enter into all contracts and agreements necessary or incidental to the performance of
14 the Department's duties and the execution of its powers under this title, including contracts with the
15 United States, other states, and agencies and governmental subdivisions of the Commonwealth,
16 consistent with policies and regulations of the Board and applicable federal and state statutes and
17 regulations.18 4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the
19 United States government, agencies and instrumentalities thereof, and any other source, subject to the
20 approval of the Governor. To these ends, the Commissioner shall have the power to comply with
21 conditions and execute agreements that may be necessary, convenient, or desirable, consistent with
22 policies and regulations of the Board.23 5. To accept, execute, and administer any trust in which the Department may have an interest, under
24 the terms of the instruments creating the trust, subject to the approval of the Governor.25 6. To transfer between state hospitals and training centers school-age consumers who have been
26 identified as appropriate to be placed in public school programs and to negotiate with other school
27 divisions for placements in order to ameliorate the impact on those school divisions located in a
28 jurisdiction in which a state hospital or training center is located.29 7. To provide to the Director of the Virginia Office for Protection and Advocacy, pursuant to
30 § 51.5-39.12, a written report setting forth the known facts of critical incidents or deaths of consumers
31 in facilities within 15 working days of the critical incident or death.32 8. To work with the appropriate state and federal entities to ensure that any person who has been a
33 consumer in a state facility for more than one year has possession of or receives prior to discharge any
34 of the following documents, when they are needed to obtain the services contained in his discharge plan:
35 a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a
36 copy of his birth certificate if the consumer was born in the Commonwealth, or a social security card
37 from the Social Security Administration. State facility directors, as part of their responsibilities pursuant
38 to § 37.2-837, shall implement this provision when discharging consumers.39 9. To work with the Department of Veterans Services and the Department of Rehabilitative Services
40 to establish a program for mental health and rehabilitative services for Virginia veterans and members of
41 the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal
42 service and their family members pursuant to § 2.2-2001.1.43 *10. To establish and maintain a pharmaceutical and therapeutics committee composed of*
44 *representatives of the Department of Medical Assistance Services, state facilities operated by the*
45 *Department, community services boards, and at least one health insurance plan, and at least one*
46 *consumer to develop a drug formulary for use at all community services boards, state facilities operated*
47 *by the Department, and providers licensed by the Department.*48 Unless specifically authorized by the Governor to accept or undertake activities for compensation, the
49 Commissioner shall devote his entire time to his duties.50 **2. That the Department of Behavioral Health and Developmental Services shall establish the**
51 **pharmaceutical and therapeutics committee pursuant to subdivision 10 of § 37.2-304 of the Code of**
52 **Virginia no later than July 1, 2011.**

ENROLLED

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