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HOUSE BILL NO. 2146

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact § 37.2-316 of the Code of Virginia, relating to closure of state training centers.*

Patrons—Cline; Senator: Newman

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-316 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-316. System restructuring; state and community consensus and planning team required.

A. For the purpose of considering any restructuring of the system of mental health services *or services for persons with mental retardation* involving an existing state hospital *or training center*, the Commissioner shall establish a state and community consensus and planning team consisting of Department staff and representatives of the localities served by the state hospital *or training center*, including local government officials, consumers, family members of consumers, advocates, state hospital *or training center* employees, community services boards, behavioral health authorities, public and private service providers, licensed hospitals, local health department staff, local social services department staff, sheriffs' office staff, area agencies on aging, and other interested persons. In addition, the members of the House of Delegates and the Senate representing the localities served by the affected state hospital *or training center* may serve on the state and community consensus and planning team for that state hospital *or training center*. Each state and community consensus and planning team, in collaboration with the Commissioner, shall develop a plan that addresses (i) the types, amounts, and locations of new and expanded community services that would be needed to successfully implement the closure or conversion of the state hospital *or training center* to any use other than the provision of mental health services *or services for persons with mental retardation*, including a six-year projection of the need for inpatient psychiatric beds and related community mental health services *or residential or community-based services for persons with mental retardation*; (ii) the development of a detailed implementation plan designed to build community ~~mental health~~ infrastructure for current and future *mental health or mental retardation service* capacity needs; (iii) the creation of new and enhanced community services prior to the closure of the state hospital *or training center* or its conversion of the state hospital *or training center* to any use other than the provision of mental health services *or services for persons with mental retardation*; (iv) the transition of state hospital consumers *or training center residents* to community services in the locality of their residence prior to admission or the locality of their choice after discharge; (v) the resolution of issues relating to the restructuring implementation process, including employment issues involving state hospital *or training center* employee transition planning and appropriate transitional benefits; and (vi) a six-year projection comparing the cost of the current structure and the proposed structure.

B. The Commissioner shall ensure that each plan includes the following components:

1. A plan for community education;
2. A plan for the implementation of required community services, including state-of-the-art practice models and any models required to meet the unique characteristics of the area to be served, which may include models for rural areas;
3. A plan for assuring the availability of adequate staff in the affected communities, including specific strategies for transferring qualified state hospital *or training center* employees to community services;
4. A plan for assuring the development, funding, and implementation of individualized discharge plans pursuant to § 37.2-505 for individuals discharged as a result of the closure or conversion of the state hospital *or training center* to any use other than the provision of mental health services *or services for persons with mental retardation*; and
5. A provision for suspending implementation of the plan if the total general funds appropriated to the Department for state hospital ~~and, training center~~, or community services decrease in any year of plan implementation by more than 10 percent from the year in which the plan was approved by the General Assembly.

C. At least nine months prior to any proposed state hospital *or training center* closure or conversion of the state hospital *or training center* to any use other than the provision of mental health services *or services for persons with mental illness*, the state and community consensus and planning team shall

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HB2146

59 submit a plan to the Joint Commission on Health Care and the Governor for review and
60 recommendation.

61 D. The Joint Commission on Health Care shall make a recommendation to the General Assembly on
62 the plan no later than six months prior to the date of the proposed closure *of the state hospital or*
63 *training center* or conversion of the state hospital *or training center* to any use other than the provision
64 of mental health services *or services for persons with mental retardation*.

65 E. Upon approval of the plan by the General Assembly and the Governor, the Commissioner shall
66 ensure that the plan components required by subsection B are in place and may thereafter perform all
67 tasks necessary to implement the closure *of the state hospital or training center* or conversion of the
68 state hospital *or training center* to any use other than the provision of mental health services *or services*
69 *for persons with mental retardation*.

70 F. Any funds saved by the closure *of the state hospital or training center* or conversion of the state
71 hospital *or training center* to any use other than the provision of mental health services *or services for*
72 *persons with mental retardation* and not allocated to individualized services plans for consumers *or*
73 *residents* being transferred or discharged as a result of the closure *of the state hospital or training center*
74 or conversion of the state hospital *or training center* to any use other than the provision of mental
75 health services *or services for persons with mental retardation* shall be invested in the Behavioral Health
76 and Developmental Services Trust Fund established in Article 4 (§ 37.2-317 et seq.) of this chapter.

77 G. Nothing in this section shall prevent the Commissioner from leasing unused, vacant space to any
78 public or private organization.