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## HOUSE BILL NO. 2533

Offered February 16, 2011

A *BILL to amend and reenact § 37.2-319 of the Code of Virginia, relating to administration of Behavioral Health and Developmental Services Trust Fund.*

Patrons—Cox, M.K., Abbott, Albo, Anderson, Armstrong, BaCote, Bell, Richard P., Bell, Robert B., Brink, Bulova, Carr, Cleaveland, Cline, Cole, Comstock, Cox, J.A., Crockett-Stark, Dance, Ebbin, Englin, Filler-Corn, Gilbert, Greason, Habeeb, Herring, Hope, Howell, A.T., Howell, W.J., Hugo, Iaquinto, Ingram, James, Janis, Jones, Keam, Kilgore, Kory, Landes, Lewis, Lingamfelter, Marshall, D.W., Marshall, R.G., May, McClellan, Merricks, Miller, P.J., Morgan, O'Bannon, Oder, Orrock, Peace, Plum, Pogge, Poindexter, Pollard, Putney, Robinson, Rust, Scott, E.T., Scott, J.M., Sherwood, Sickles, Stolle, Tata, Torian, Toscano, Villanueva, Ward, Ware, O., Watts and Wilt

Introduced at the request of the Governor

Referred to Committee on Appropriations

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

**1. That § 37.2-319 of the Code of Virginia is amended and reenacted as follows:**

§ 37.2-319. Administration of Behavioral Health and Developmental Services Trust Fund.

A. The Fund shall be administered by the Commissioner. Moneys in the Fund shall be used solely to provide mental health, mental retardation, and substance abuse services to enhance and ensure the quality of care and treatment provided by the Commonwealth to persons with mental illness, mental retardation, or substance abuse for behavioral health and developmental services and to facilitate transition of individuals with intellectual disabilities from state training centers to community-based services. Notwithstanding any other provision of law, the net proceeds from the sale of any vacant buildings and land shall first be used to (i) deliver mental health, mental retardation, and substance abuse behavioral health and developmental services within the same service area where the sold buildings and land were located to ensure the same level of mental health, mental retardation, and substance abuse behavioral health and developmental services as before the sale and (ii) provide benefits to those persons who were employees of the Commonwealth and, as a result of the sale, are no longer employed by the Commonwealth or are otherwise negatively affected by the sale. Benefits shall include appropriate transitional benefits for unbudgeted and unavoidable increases in costs to state agencies for essential commodities and services which cannot be absorbed within agency appropriations to include unbudgeted benefits associated with Workforce Transition Act requirements.

B. For the fiscal years beginning on July 1, 2011, any funds directed to be deposited into the Fund pursuant to the general appropriation act shall be appropriated for the purpose of financing community-based services, including services provided through the Medicaid Intellectual Disability Home and Community Based Waiver, for the purpose of transitioning individuals with intellectual disabilities from state training centers to community-based care. Any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund, but shall remain in the Fund.

C. At the direction of the Governor, the Secretary of Health and Human Resources shall develop a plan in consultation with appropriate stakeholders to transition individuals with intellectual disabilities from state training centers to community-based settings. The plan shall include ideas on how to reduce the number of individuals who are currently residing in state training centers and include provisions to offer a broad array of community-based services, including, but not limited to Intellectual Disability Home and Community Based Waivers.

D. The Secretary shall submit semi-annual reports on implementation of the plan to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance on the first of June and December of each year beginning June 1, 2011.

INTRODUCED

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