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HOUSE BILL NO. 271

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 37.2-310 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-310.1, relating to the Substance Abuse Recovery Support Services Grant Program.

Patrons—Peace, Carr, McClellan, McQuinn, Morrissey and O'Bannon; Senator: Hanger

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-310 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-310.1 as follows:

§ 37.2-310. Powers and duties of Department related to substance abuse.

The Department shall have the following powers and duties related to substance abuse:

1. To act as the sole state agency for the planning, coordination, and evaluation of the comprehensive interagency state plan for substance abuse services.

2. To provide staff assistance to the Substance Abuse Services Council pursuant to § 2.2-2696.

3. To (i) develop, implement, and promote, in cooperation with federal, state, local, and other publicly-funded agencies, a comprehensive interagency state plan for substance abuse services, consistent with federal guidelines and regulations, for the long-range development of adequate and coordinated programs, services, and facilities for the research, prevention, and control of substance abuse and the treatment and rehabilitation of persons with substance abuse; (ii) review the plan annually; and (iii) make revisions in the plan that are necessary or desirable.

4. To report biennially to the General Assembly on the comprehensive interagency state plan for substance abuse services and the Department's activities in administering, planning, and regulating substance abuse services and specifically on the extent to which the Department's duties as specified in this title have been performed.

5. To develop, in cooperation with the Department of Corrections, Virginia Parole Board, Department of Juvenile Justice, Department of Criminal Justice Services, Commission on the Virginia Alcohol Safety Action Program, Office of the Executive Secretary of the Supreme Court of Virginia, Department of Education, Department of Health, Department of Social Services, and other appropriate agencies, a section of the comprehensive interagency state plan for substance abuse services that addresses the need for treatment programs for persons with substance abuse who are involved with these agencies.

6. To specify uniform methods for keeping statistical information for inclusion in the comprehensive interagency state plan for substance abuse services.

7. To provide technical assistance and consultation services to state and local agencies in planning, developing, and implementing services for persons with substance abuse.

8. To review and comment on all applications for state or federal funds or services to be used in substance abuse programs in accordance with § 37.2-311 and on all requests by state agencies for appropriations from the General Assembly for use in substance abuse programs.

9. To recommend to the Governor and the General Assembly legislation necessary to implement programs, services, and facilities for the prevention and control of substance abuse and the treatment and rehabilitation of persons with substance abuse.

10. To organize and foster training programs for all persons engaged in the treatment of substance abuse.

11. To identify, coordinate, mobilize, and use the research and public service resources of institutions of higher education, all levels of government, business, industry, and the community at large in the understanding and solution of problems relating to substance abuse.

12. To inspect substance abuse treatment programs at reasonable times and in a reasonable manner.

13. To maintain a current list of substance abuse treatment programs, which shall be made available upon request.

14. To implement a grant program pursuant to § 37.2-310.1 to support the activities of recovery support services organizations throughout the Commonwealth.

§ 37.2-310.1. Substance Abuse Recovery Support Services Grant Program established.

A. The Department shall develop a Substance Abuse Recovery Support Services Grant Program (the Grant Program) and shall allocate to the Grant Program all donations and contributions to the Grant Program and such moneys as may be appropriated by the General Assembly to the Grant Program.

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59 Moneys allocated to the Grant Program shall be used solely for the purpose of funding grants for
60 recovery support services providers in the Commonwealth pursuant to this section.

61 B. The Department shall annually issue a request for proposals for the use of available Grant
62 Program funds to providers of recovery support services in the Commonwealth. In developing the
63 request for proposals, the Department shall work together with stakeholders as provided in subsection D
64 and shall include:

65 1. A long-range planning and priority-setting process to identify state and local service needs and
66 avoid overlap or duplication of services. The planning and priority-setting process shall include
67 opportunity for citizen participation and consideration of local and statewide service needs and
68 priorities;

69 2. A competitive process, to include uniform eligibility criteria for service providers seeking funding
70 and uniform application and selection procedures for comparable service categories;

71 3. Uniform oversight, administrative, and reporting requirements for service providers receiving
72 funding through the Grant Program; and

73 4. Uniform program evaluation criteria to determine the effectiveness and efficiency of comparable
74 services funded through the Grant Program.

75 C. Grants to service providers shall be made through a competitive process that is designed in a
76 manner that ensures that all service providers in the Commonwealth, regardless of size or geographic
77 location, are afforded the opportunity to apply for Grant Program funds. The Department shall require
78 service providers applying for funding through the Grant Program to submit a detailed proposal that
79 includes a description of the program or programs proposed to be funded using Grant Program funds, a
80 proposed budget, proposed program outcomes, and proposed program outcome measures. Applicants for
81 Grant Program funds shall be reviewed, and decisions regarding awards of Grant Program funds and
82 the amount of such awards shall be determined by the Department together with stakeholders as
83 provided in subsection D. The Department shall require all service providers receiving Grant Program
84 funds to report annually on the use of all funds received pursuant to this section and the outcomes
85 achieved.

86 D. The Department shall annually convene a work group of stakeholders to develop the request for
87 proposals pursuant to subsection B and to evaluate applications and determine awards of grants and the
88 amount of such awards pursuant to subsection C. The work group shall include private and nonprofit
89 recovery support services providers representing a range of types and sizes of recovery support services
90 providers and representing all geographic areas of the Commonwealth.

91 E. The Department shall report annually to the Governor and the General Assembly regarding (i)
92 grants made to recovery support services providers, including the recipient of Grant Program funds and
93 the amount of Grant Program funds awarded; (ii) outcomes reported by grant recipients; and (iii) a
94 forecast of the amount available for future grants.

95 2. That the Auditor of Public Accounts shall administer an operational and programmatic
96 performance audit focusing on the agencies providing public substance abuse prevention and
97 treatment services in the Commonwealth, with primary emphasis on the Department of Behavioral
98 Health and Developmental Services and community services boards and behavioral health
99 authorities. The purpose of such audit shall be to provide an objective and independent cost
100 savings assessment of the organization and operation of public substance abuse services in the
101 Commonwealth in order to provide information to the Governor and the General Assembly
102 related to opportunities to improve efficiency and effectiveness and implement cost savings
103 measures in the delivery of public substance abuse prevention and treatment services in the
104 Commonwealth.

105 The audit shall be conducted by a private management consulting firm with experience in
106 conducting government performance audits. The audit shall take into consideration results of
107 prior studies, audits, or reviews conducted by (i) the General Assembly, the Joint Legislative
108 Audit and Review Commission, or the Auditor of Public Accounts; (ii) any Governor-appointed
109 commission or other like entity; or (iii) any other independent entity that addresses the
110 structure and operation of state government and has identified monetary savings, reduced
111 duplication of effort, or efficiencies leading to a reduction in costs.

112 A final report on the findings of the performance audit shall be submitted to the Governor and
113 the General Assembly no later than December 31, 2012. The report shall consist of detailed
114 findings and recommendations, including but not limited to the following subject matter areas:

115 1. Overall efficiency and effectiveness of the Commonwealth's existing system of public
116 substance abuse services;

117 2. The current role of private and nonprofit providers of recovery support services, including
118 peer support services, in the existing system of public substance abuse services;

119 3. Opportunities for improving efficiency and effectiveness and reducing the cost of the
120 Commonwealth's system of public substance abuse services, including potential changes in the

121 organizational structure, staffing, funding, and operations of the Commonwealth's system of
122 public substance abuse services and opportunities for public-private partnerships with private
123 and nonprofit providers of substance abuse services in the Commonwealth;

124 4. Costs and benefits of each option for improving the efficiency and effectiveness of the
125 Commonwealth's system of public substance abuse services, including the costs and benefits of
126 any options for public-private partnerships with private and nonprofit providers of substance
127 abuse services generally and recovery support and peer support services providers specifically;
128 and

129 5. Best practices related to the organization, funding, and delivery of public substance abuse
130 services including recovery support and peer support services, which may be implemented to
131 improve efficiency and effectiveness and reduce the cost of the Commonwealth's system of
132 public substance abuse services.

133 Any monetary savings realized from the implementation of recommendations of the
134 performance audit shall be applied to the Substance Abuse Recovery Support Services Grant
135 Program established pursuant to this act.