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HOUSE BILL NO. 496

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 19, 2012)

(Patron Prior to Substitute—Delegate Dance)

A *BILL to amend and reenact § 37.2-505 of the Code of Virginia, relating to release from a state hospital or training center; discharge planning.*

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-505 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-505. Coordination of services for preadmission screening and discharge planning.

A. The community services board shall fulfill the following responsibilities:

1. Be responsible for coordinating the community services necessary to accomplish effective preadmission screening and discharge planning for persons referred to the community services board. When preadmission screening reports are required by the court on an emergency basis pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8, the community services board shall ensure the development of the report for the court. To accomplish this coordination, the community services board shall establish a structure and procedures involving staff from the community services board and, as appropriate, representatives from (i) the state hospital or training center serving the board's service area, (ii) the local department of social services, (iii) the health department, (iv) the Department of Rehabilitative Services office in the board's service area, (v) the local school division, and (vi) other public and private human services agencies, including licensed hospitals.

2. Provide preadmission screening services prior to the admission for treatment pursuant to § 37.2-805 or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of any person who requires emergency mental health services while in a city or county served by the community services board.

3. Provide, in consultation with the appropriate state hospital or training center, discharge planning for any person who, prior to admission, resided in a city or county served by the community services board or who chooses to reside after discharge in a city or county served by the board and who is to be released from a state hospital or training center pursuant to § 37.2-837. *Upon initiation of discharge planning, the community services board shall inform the consumer that he may choose to return to the county or city in which he resided prior to admission or in any other county or city in the Commonwealth and that the community services board serving the county or city in which he chooses to live following discharge shall be responsible for arranging transportation for the individual upon request. If the consumer is unable to make informed decisions regarding his care, the community services board shall so inform his legally authorized representative, who may choose the county or city in which the consumer shall reside upon discharge. If the individual, or his legally authorized representative on his behalf, chooses to reside in a county or city other than one served by the community services board initially charged with preparing the discharge plan, the community services board shall notify the community services board serving the county or city in which the consumer will live upon discharge, and that community services board shall be responsible for developing the discharge plan and providing transportation if requested.*

The discharge plan shall be completed prior to the person's discharge. The plan shall be prepared with the involvement and participation of the consumer or his representative and must reflect the consumer's preferences to the greatest extent possible. The plan shall include the mental health, mental retardation, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the consumer will need upon discharge into the community and identify the public or private agencies that have agreed to provide these services.

No person shall be discharged from a state hospital or training center without completion by the community services board of the discharge plan described in this subdivision. If state hospital or training center staff identify a consumer as ready for discharge and the community services board that is responsible for the person's care disagrees, the community services board shall document in the treatment plan within 30 days of the person's identification any reasons for not accepting the person for discharge. If the state hospital or training center disagrees with the community services board and the board refuses to develop a discharge plan to accept the person back into the community, the state hospital or training center or the community services board shall ask the Commissioner to review the state hospital's or training center's determination that the person is ready for discharge in accordance with procedures established by the Department in collaboration with state hospitals, training centers, and community services boards. If the Commissioner determines that the person is ready for discharge, a discharge plan shall be developed by the Department to ensure the availability of adequate services for the consumer and the protection of the community. The Commissioner also shall verify that sufficient

60 state-controlled funds have been allocated to the community services board through the performance
61 contract. If sufficient state-controlled funds have been allocated, the Commissioner may contract with a
62 private provider, another community services board, or a behavioral health authority to deliver the
63 services specified in the discharge plan and withhold allocated funds applicable to that consumer's
64 discharge plan from the community services board in accordance with subsections C and E of
65 § 37.2-508.

66 B. The community services board may perform the functions set out in subdivision A 1 in the case
67 of children by referring them to the locality's family assessment and planning team and by cooperating
68 with the community policy and management team in the coordination of services for troubled youths
69 and their families. The community services board may involve the family assessment and planning team
70 and the community policy and management team, but it remains responsible for performing the
71 functions set out in subdivisions A 2 and A 3 in the case of children.