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## HOUSE BILL NO. 2305

Offered January 22, 2015

A *BILL to amend and reenact §§ 37.2-504 and 37.2-605 of the Code of Virginia, relating to community services boards and behavioral health authorities; coordination of services for veterans.*

Patron—Filler-Corn

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That §§ 37.2-504 and 37.2-605 of the Code of Virginia are amended and reenacted as follows:****§ 37.2-504. Community services boards; local government departments; powers and duties.**

A. Every operating and administrative policy community services board and local government department with a policy-advisory board shall have the following powers and duties:

1. Review and evaluate public and private community mental health, developmental, and substance abuse services and facilities that receive funds from it and advise the governing body of each city or county that established it as to its findings.

2. Pursuant to § 37.2-508, submit to the governing body of each city or county that established it a performance contract for community mental health, developmental, and substance abuse services for its approval prior to submission of the contract to the Department.

3. Within amounts appropriated for this purpose, provide services authorized under the performance contract.

4. In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.

5. In the case of operating and administrative policy boards, make policies or regulations concerning the delivery of services and operation of facilities under its direction or supervision, subject to applicable policies and regulations adopted by the Board.

6. In the case of an operating board, appoint an executive director of community mental health, developmental, and substance abuse services, who meets the minimum qualifications established by the Department, and prescribe his duties. The compensation of the executive director shall be fixed by the operating board within the amounts made available by appropriation for this purpose. The executive director shall serve at the pleasure of the operating board and be employed under an annually renewable contract that contains performance objectives and evaluation criteria. For an operating board, the Department shall approve the selection of the executive director for adherence to minimum qualifications established by the Department and the salary range of the executive director. In the case of an administrative policy board, the board shall participate with local government in the appointment and annual performance evaluation of an executive director of community mental health, developmental, and substance abuse services, who meets the minimum qualifications established by the Department, and prescribe his duties. The compensation of the executive director shall be fixed by local government in consultation with the administrative policy board within the amounts made available by appropriation for this purpose. In the case of a local government department with a policy-advisory board, the director of the local government department shall serve as the executive director. The policy-advisory board shall participate in the selection and the annual performance evaluation of the executive director, who meets the minimum qualifications established by the Department. The compensation of the executive director shall be fixed by local government in consultation with the policy-advisory board within the amounts made available by appropriation for this purpose.

7. Prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the board and establish procedures for the collection of those fees. All fees collected shall be included in the performance contract submitted to the local governing body or bodies pursuant to subdivision 2 and § 37.2-508 and shall be used only for community mental health, developmental, and substance abuse services purposes. Every board shall institute a reimbursement system to maximize the collection of fees from individuals receiving services under its jurisdiction or supervision, consistent with the provisions of § 37.2-511, and from responsible third party payors. Boards shall not attempt to bill or collect fees for time spent participating in commitment hearings for involuntary admissions pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8.

8. Accept or refuse gifts, donations, bequests, or grants of money or property from any source and utilize them as authorized by the governing body of each city or county that established it.

9. Seek and accept funds through federal grants. In accepting federal grants, the board shall not bind the governing body of any city or county that established it to any expenditures or conditions of

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59 acceptance without the prior approval of the governing body.

60 10. Notwithstanding any provision of law to the contrary, disburse funds appropriated to it in  
61 accordance with such regulations as may be established by the governing body of each city or county  
62 that established it.

63 11. Apply for and accept loans as authorized by the governing body of each city or county that  
64 established it.

65 12. Develop joint written agreements, consistent with policies adopted by the Board, with local  
66 school divisions; health departments; boards of social services; housing agencies, where they exist;  
67 courts; sheriffs; area agencies on aging; and regional offices of the Department for Aging and  
68 Rehabilitative Services. The agreements shall specify the services to be provided to individuals. All  
69 participating agencies shall develop and implement the agreements and shall review the agreements  
70 annually.

71 13. Develop and submit to the Department the necessary information for the preparation of the  
72 Comprehensive State Plan for Behavioral Health and Developmental Services pursuant to § 37.2-315.

73 14. Take all necessary and appropriate actions to maximize the involvement and participation of  
74 individuals receiving services and family members of individuals receiving services in policy formulation  
75 and services planning, delivery, and evaluation.

76 15. Institute, singly or in combination with other community services boards or behavioral health  
77 authorities, a dispute resolution mechanism that is approved by the Department and enables individuals  
78 receiving services and family members of individuals receiving services to resolve concerns, issues, or  
79 disagreements about services without adversely affecting their access to or receipt of appropriate types  
80 and amounts of current or future services from the community services board.

81 16. Notwithstanding the provisions of § 37.2-400 or any regulations adopted thereunder, release data  
82 and information about each individual receiving services to the Department so long as the Department  
83 implements procedures to protect the confidentiality of that data and information.

84 17. In the case of administrative policy boards and local government departments with  
85 policy-advisory boards, carry out other duties and responsibilities as assigned by the governing body of  
86 each city or county that established it.

87 18. In the case of an operating board, have authority, notwithstanding any provision of law to the  
88 contrary, to receive state and federal funds directly from the Department and act as its own fiscal agent,  
89 when authorized to do so by the governing body of each city or county that established it.

90 19. *Designate a staff member who shall be responsible for coordinating the delivery of mental health*  
91 *services, including crisis services, to veterans in cooperation with the Department of Veterans Services,*  
92 *U.S. Department of Veterans Affairs, and hospitals, centers, and other facilities or installations of the*  
93 *U.S. Department of Veterans Affairs.*

94 By local agreement between the administrative policy board and the governing body of the city or  
95 county that established it, additional responsibilities may be carried out by the local government,  
96 including personnel or financial management. In the case of an administrative policy board established  
97 by more than one city or county, the cities and counties shall designate which local government shall  
98 assume these responsibilities.

99 B. Every policy-advisory community services board, with staff support provided by the director of  
100 the local government department, shall have the following powers and duties:

101 1. Advise the local government regarding policies or regulations for the delivery of services and  
102 operation of facilities by the local government department, subject to applicable policies and regulations  
103 adopted by the Board.

104 2. Review and evaluate the operations of the local government department and advise the local  
105 governing body of each city or county that established it as to its findings.

106 3. Review the community mental health, developmental, and substance abuse services provided by  
107 the local government department and advise the local governing body of each city or county that  
108 established it as to its findings.

109 4. Review and comment on the performance contract, performance reports, and Comprehensive State  
110 Plan information developed by the local government department. The board's comments shall be attached  
111 to the performance contract, performance reports, and Comprehensive State Plan information prior to  
112 their submission to the local governing body of each city or county that established it and to the  
113 Department.

114 5. Advise the local government as to the necessary and appropriate actions to maximize the  
115 involvement and participation of individuals receiving services and family members of individuals  
116 receiving services in policy formulation and services planning, delivery, and evaluation.

117 6. Participate in the selection and the annual performance evaluation of the local government  
118 department director employed by the city or county.

119 7. Carry out other duties and responsibilities as assigned by the governing body of each city or  
120 county that established it.

**§ 37.2-605. Behavioral health authorities; powers and duties.**

Every authority shall be deemed to be a public instrumentality, exercising public and essential governmental functions to provide for the public mental health, welfare, convenience, and prosperity of the residents and such other persons who might be served by the authority and to provide behavioral health services to those residents and persons. An authority shall have the following powers and duties:

1. Review and evaluate public and private community mental health, developmental, and substance abuse services and facilities that receive funds from the authority and advise the governing body of the city or county that established it as to its findings.

2. Pursuant to § 37.2-608, submit to the governing body of the city or county that established the authority an annual performance contract for community mental health, developmental, and substance abuse services for its approval prior to submission of the contract to the Department.

3. Within amounts appropriated for this purpose, provide services authorized under the performance contract.

4. In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.

5. Make and enter into all other contracts or agreements as the authority may determine that are necessary or incidental to the performance of its duties and to the execution of powers granted by this chapter, including contracts with any federal agency, any subdivision or instrumentality of the Commonwealth, behavioral health providers, insurers, and managed care or health care networks on such terms and conditions as the authority may approve.

6. Make policies or regulations concerning the delivery of services and operation of facilities under its direction or supervision, subject to applicable policies and regulations adopted by the Board.

7. Appoint a chief executive officer of the behavioral health authority, who meets the minimum qualifications established by the Department, and prescribe his duties. The compensation of the chief executive officer shall be fixed by the authority within the amounts made available by appropriation for this purpose. The chief executive officer shall serve at the pleasure of the authority's board of directors and be employed under an annually renewable contract that contains performance objectives and evaluation criteria. The Department shall approve the selection of the chief executive officer for adherence to minimum qualifications established by the Department and the salary range of the chief executive officer.

8. Authorize the chief executive officer to maintain a complement of professional staff to operate the behavioral health authority's service delivery system.

9. Prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the authority and establish procedures for the collection of those fees. All fees collected shall be included in the performance contract submitted to the local governing body pursuant to subdivision 2 and § 37.2-608 and shall be used only for community mental health, developmental, and substance abuse services purposes. Every authority shall institute a reimbursement system to maximize the collection of fees from individuals receiving services under the jurisdiction or supervision of the authority, consistent with the provisions of § 37.2-612, and from responsible third party payors. Authorities shall not attempt to bill or collect fees for time spent participating in commitment hearings for involuntary admissions pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8.

10. Accept or refuse gifts, donations, bequests, or grants of money or property or other assistance from the federal government, the Commonwealth, any municipality thereof, or any other sources, public or private; utilize them to carry out any of its purposes; and enter into any agreement or contract regarding or relating to the acceptance, use, or repayment of any such grant or assistance.

11. Seek and accept funds through federal grants. In accepting federal grants, the authority shall not bind the governing body of the city or county that established it to any expenditures or conditions of acceptance without the prior approval of that governing body.

12. Notwithstanding any provision of law to the contrary, disburse funds appropriated to it in accordance with applicable regulations.

13. Apply for and accept loans in accordance with regulations established by the board of directors.

14. Develop joint written agreements, consistent with policies adopted by the Board, with local school divisions; health departments; local boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional offices of the Department for Aging and Rehabilitative Services. The agreements shall specify the services to be provided to individuals. All participating agencies shall develop and implement the agreements and shall review the agreements annually.

15. Develop and submit to the Department the necessary information for the preparation of the Comprehensive State Plan for Behavioral Health and Developmental Services pursuant to § 37.2-315.

16. Take all necessary and appropriate actions to maximize the involvement and participation of individuals receiving services and family members of individuals receiving services in policy formulation

182 and service planning, delivery, and evaluation.

183 17. Institute, singly or in combination with community services boards or other behavioral health  
184 authorities, a dispute resolution mechanism that is approved by the Department and enables individuals  
185 receiving services and family members of individuals receiving services to resolve concerns, issues, or  
186 disagreements about services without adversely affecting their access to or receipt of appropriate types  
187 and amounts of current or future services from the authority.

188 18. Notwithstanding the provisions of § 37.2-400 and regulations adopted thereunder, release data and  
189 information about each individual receiving services to the Department, so long as the Department  
190 implements procedures to protect the confidentiality of that data and information. Every authority shall  
191 submit data on children and youth in the same manner as community services boards, as set forth in  
192 § 37.2-507.

193 19. Fulfill all other duties and be subject to applicable provisions specified in the Code of Virginia  
194 pertaining to community services boards.

195 20. Make loans and provide other assistance to corporations, partnerships, associations, joint ventures,  
196 or other entities in carrying out any activities authorized by this chapter.

197 21. Transact its business, locate its offices and control, directly or through stock or nonstock  
198 corporations or other entities, facilities that will assist the authority in carrying out the purposes and  
199 intent of this chapter, including without limitations the power to own or operate, directly or indirectly,  
200 behavioral health facilities in its service area.

201 22. Acquire property, real or personal, by purchase, gift, or devise on such terms and conditions and  
202 in such manner as it may deem proper and such rights, easements, or estates therein as may be  
203 necessary for its purposes and sell, lease, and dispose of the same or any portion thereof or interest  
204 therein, whenever it shall become expedient to do so.

205 23. Participate in joint ventures with persons, corporations, partnerships, associations, or other entities  
206 for providing behavioral health care or related services or other activities that the authority may  
207 undertake to the extent that such undertakings assist the authority in carrying out the purposes and intent  
208 of this chapter.

209 24. Conduct or engage in any lawful business, activity, effort, or project that is necessary or  
210 convenient for the purposes of the authority or for the exercise of any of its powers.

211 25. As a public instrumentality, establish and operate its administrative management infrastructure in  
212 whole or in part independent of the local governing body; however, nothing in the chapter precludes  
213 behavioral health authorities from acquiring support services through existing governmental entities.

214 26. Carry out capital improvements and bonding through existing economic or industrial development  
215 authorities.

216 27. Establish retirement, group life insurance, and group accident and sickness insurance plans or  
217 systems for its employees in the same manner as cities, counties, and towns are permitted to do under  
218 § 51.1-801.

219 28. Provide an annual report to the Department of the authority's activities.

220 29. Ensure a continuation of all services for individuals during any transition period.

221 30. *Designate a staff member who shall be responsible for coordinating the delivery of mental health*  
222 *services, including crisis services, to veterans in cooperation with the Department of Veterans Services,*  
223 *U.S. Department of Veterans Affairs, and hospitals, centers, and other facilities or installations of the*  
224 *U.S. Department of Veterans Affairs.*