

14100465D

HOUSE BILL NO. 659

Offered January 8, 2014

Prefiled January 7, 2014

A BILL to amend and reenact §§ 37.2-504 and 37.2-605 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-217.2, relating to community services boards and behavioral health authorities; information for secondary school students about available services.

Patron—Bell, Robert B.

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 and that the Code of Virginia is amended by adding a section numbered 22.1-217.2 as follows:

§ 22.1-217.2. High school students with emotional disability, intellectual disability, or mental illness; information about services available through community service boards and behavioral health authorities.

A. For the purposes of this section:

"Behavioral health authority" and "community services board" have the same meanings as provided in § 37.2-100.

"Emotional disability" and "intellectual disability" have the same meanings as provided by the Board in regulations.

"Mental illness" has the same meaning as provided in § 37.2-100.

B. Subsequent to the annual presentation by the community services board pursuant to § 37.2-504 or the behavioral health authority pursuant to § 37.2-605, each local school board or its designee shall annually make a presentation about services available through the community services board or the behavioral health authority to high school students with emotional disability, intellectual disability, mental illness, or any combination thereof and their parents. The Board shall require each student with emotional disability, intellectual disability, mental illness, or any combination thereof and his parents shall attend the annual presentation by the local school board or its designee at least once before the student graduates from high school.

§ 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

INTRODUCED

HB659

59 consultation with the administrative policy board within the amounts made available by appropriation for
60 this purpose. In the case of a local government department with a policy-advisory board, the director of
61 the local government department shall serve as the executive director. The policy-advisory board shall
62 participate in the selection and the annual performance evaluation of the executive director, who meets
63 the minimum qualifications established by the Department. The compensation of the executive director
64 shall be fixed by local government in consultation with the policy-advisory board within the amounts
65 made available by appropriation for this purpose.

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

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

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

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

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

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

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

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

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

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

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

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

110 19. *Annually make a presentation to each local school board in the locality or localities that the*
111 *community services board or the local government department with a policy-advisory board serves*
112 *regarding services available to students with emotional disability, intellectual disability, or mental illness*
113 *upon transition into the community after graduation from high school. For the purposes of this*
114 *subdivision, "emotional disability" and "intellectual disability" have the same meanings as provided by*
115 *the Board of Education in regulations and "mental illness" has the same meaning as provided in*
116 *§ 37.2-100.*

117 By local agreement between the administrative policy board and the governing body of the city or
118 county that established it, additional responsibilities may be carried out by the local government,
119 including personnel or financial management. In the case of an administrative policy board established
120 by more than one city or county, the cities and counties shall designate which local government shall

assume these responsibilities.

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

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

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

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

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

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

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

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

8. *Annually make a presentation to each local school board in the locality or localities that the community services board serves regarding services available to students with emotional disability, intellectual disability, or mental illness upon transition into the community after graduation from high school.*

§ 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 and service planning, delivery, and evaluation.

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

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

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

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

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

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

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

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

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

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

27. Establish retirement, group life insurance, and group accident and sickness insurance plans or

244 systems for its employees in the same manner as cities, counties, and towns are permitted to do under
 245 § 51.1-801.

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

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

248 30. *Annually make a presentation to each local school board in the locality or localities that the*
 249 *behavioral health authority serves regarding services available to students with emotional disability,*
 250 *intellectual disability, or mental illness upon transition into the community after graduation from high*
 251 *school. For the purposes of this section, "emotional disability" and "intellectual disability" have the*
 252 *same meanings as provided by the Board of Education in regulations and "mental illness" has the same*
 253 *meaning as provided in § 37.2-100.*

INTRODUCED

HB659