

CHAPTER 407

An Act to amend and reenact § 37.2-304 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-312.2, relating to the Mental Health First Aid Program.

[H 197]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-304 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-312.2 as follows:

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
2. To employ the personnel required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.
4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.
5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.
7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of critical incidents or deaths of individuals receiving services in facilities within 15 working days of the critical incident or death.
8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.
9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.
10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.
11. *To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.*

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-312.2. Commonwealth Mental Health First Aid Program.

A. For the purposes of this section, "certified trainer" means a person who has successfully completed a Mental Health First Aid instructor training program offered by the national authorities of Mental Health First Aid USA or the Commonwealth Mental Health First Aid Program and obtained a certification as an instructor of Mental Health First Aid.

B. The Department shall establish and administer the Commonwealth Mental Health First Aid Program (the Program) to provide training by certified trainers of individuals residing or working in the Commonwealth on how to identify and assist individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis. Such program shall include training on:

1. Building mental health and substance abuse literacy designed to help the public identify, understand, and respond to the signs of mental illness and substance abuse;

2. Assisting individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis by (i) recognizing the symptoms of a mental health or substance use disorder; (ii) providing initial assistance to those experiencing a mental health crisis; (iii) guiding individuals requiring assistance, including individuals who may be experiencing a mental health or substance abuse crisis, toward appropriate professional assistance; (iv) providing comfort to an individual experiencing a mental health or substance abuse crisis; (v) helping an individual with a mental health or substance use disorder avoid a mental health or substance abuse crisis that may lead to more costly interventions and treatments; and (vi) promoting healing, recovery, and good mental health.

C. The Department shall ensure that evaluative criteria are established to measure the effectiveness of the Program, including fidelity of the Program and training provided thereunder to the objectives set forth in subsection B.

D. Neither the Department nor any other agency of the Commonwealth shall incur any liability by reason of (i) any action taken by an employer or other person on the basis of information or materials provided through the Program or (ii) any workplace violence that occurs, regardless of whether the workplace at which an episode of workplace violence occurs had received information or materials provided through the Program.