

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to require the Secretary of Health and Human Resources to examine the causes of the high*  
3 *census at the Commonwealth's state hospitals for individuals with mental illness.*

4 [S 1488]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1.** *§ 1. That the Secretary of Health and Human Resources shall convene a work group composed of*  
8 *stakeholders including the Department of Behavioral Health and Developmental Services, the*  
9 *Department of Medical Assistance Services, the Virginia Association of Community Services Boards, the*  
10 *National Alliance on Mental Illness - Virginia, Mental Health America of Virginia, VOCAL, Inc., the*  
11 *Virginia Hospital and Healthcare Association, the Office of the Executive Secretary of the Supreme*  
12 *Court of Virginia, the Virginia Association of Chiefs of Police, the Virginia Sheriffs' Association, the*  
13 *Institute of Law, Psychiatry and Public Policy, the Psychiatric Society of Virginia, the Virginia College*  
14 *of Emergency Room Physicians, and the Medical Society of Virginia to examine the causes of the high*  
15 *census at the Commonwealth's state hospitals for individuals with mental illness.*

16 *In conducting such examination, the work group shall consider the impact of the practice of*  
17 *conducting evaluations of individuals who are the subject of an emergency custody order in hospital*  
18 *emergency departments, the treatment needs of individuals with complex medical conditions, the*  
19 *treatment needs of individuals who are under the influence of alcohol or other controlled substances,*  
20 *and the need to ensure that individuals receive treatment in the most appropriate setting to meet their*  
21 *physical and behavioral health care needs on the census at the Commonwealth's state hospitals for*  
22 *individuals with mental illness. The work group shall also consider the potential impact of (i) extending*  
23 *the time frame during which an emergency custody order remains valid, (ii) revising security*  
24 *requirements to allow custody of a person who is the subject of an emergency custody order to be*  
25 *transferred from law enforcement to a hospital emergency department, (iii) diverting individuals who are*  
26 *the subject of an emergency custody order from hospital emergency departments to other, more*  
27 *appropriate locations for medical and psychological evaluations, and (iv) preventing unnecessary use of*  
28 *hospital emergency department resources by improving the efficiency of the evaluation process on the*  
29 *census at the Commonwealth's state hospitals for individuals with mental illness. The work group shall*  
30 *include analysis of how such issues affect both adults and children. The work group shall develop*  
31 *recommendations, including recommendations for both long-term and short-term solutions to the high*  
32 *census at the Commonwealth's state hospitals for individuals with mental illness, which shall include*  
33 *recommendations for statutory, regulatory, and budget actions to address the high census at the*  
34 *Commonwealth's state hospitals for individuals with mental illness.*

35 *Staffing support for the work group shall be provided by the Department of Behavioral Health and*  
36 *Developmental Services. The work group shall complete its work and report its recommendations to the*  
37 *Chairmen of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the*  
38 *Twenty-First Century, the House Committee on Appropriations, the House Committee for Courts of*  
39 *Justice, the Senate Committee on Finance, and the Senate Committee for Courts of Justice by November*  
40 *1, 2019.*