

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 313

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 63, consisting of sections numbered 30-401 through 30-408, relating to the Behavioral Health Commission created.

[S 1273]

Approved March 24, 2021

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 63, consisting of sections numbered 30-401 through 30-408, as follows:

CHAPTER 63.

BEHAVIORAL HEALTH COMMISSION.

§ 30-401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Behavioral health" means the full range of mental health and substance abuse services.

"Behavioral health service system" means those public and private providers, including state and local government agencies and entities, engaged in the development, delivery, coordination, monitoring, oversight, and financing of behavioral health services in the Commonwealth.

"Commission" means the Behavioral Health Commission.

§ 30-402. Behavioral Health Commission; purpose.

The Behavioral Health Commission is established in the legislative branch of state government for the purpose of studying and making recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth. In carrying out its purpose, the Commission shall provide ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.

The Commission may coordinate with other agencies and entities of the Commonwealth with regard to development and proposal of recommendations related to behavioral health services and the behavioral health service system.

§ 30-403. Membership; terms; vacancies; chairman and vice-chairman; quorum; meetings; voting on recommendations.

The Commission shall consist of 12 legislative members, who shall be appointed as follows: five members of the Senate, at least one of whom shall be a member of the Senate Committee on Education and Health, at least one of whom shall be a member of the Senate Committee on Rehabilitation and Social Services, and at least two of whom shall be members of the Senate Committee on Finance and Appropriations, to be appointed by the Committee on Rules and seven members of the House of Delegates, at least two of whom shall be members of the House Committee on Appropriations and at least two of whom shall be members of the House Committee on Health, Welfare and Institutions, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired term. Vacancies shall be filled in the same manner as the original appointment.

The Commission shall elect a chairman and a vice-chairman from among its membership.

A majority of the members of the Commission shall constitute a quorum. Meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members of the Commission so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-404. Compensation; expenses.

Members of the Commission shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid

from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

§ 30-405. Powers and duties of the Commission; report.

The Commission shall have the following powers and duties:

1. To collect and analyze information and data necessary to accomplish the purpose set forth in § 30-402;

2. To monitor and evaluate the jurisdiction, powers and duties, operations, management, and interrelationships of any department, division, board, bureau, commission, authority, or other agency with direct responsibility for the delivery, coordination, management, or financing of behavioral health services in the Commonwealth and develop recommendations for the improvement thereof;

3. To monitor and evaluate the design, implementation, and operation of new behavioral health initiatives in the Commonwealth and develop recommendations for the improvement thereof;

4. To examine matters related to the delivery of behavioral health services in other states and to consult and exchange information with officers and agencies of other states with respect to behavioral health service issues of mutual concern;

5. To maintain offices and hold meetings and functions at any place in the Commonwealth that it deems necessary;

6. To invite other interested parties to sit with the Commission and participate in its deliberations;

7. To appoint any work group or special task force from among its members to study and make recommendations on specific matters before the Commission; and

8. To report its recommendations to the General Assembly and the Governor annually and to make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor.

§ 30-406. Staffing.

The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary and shall determine the duties and fix the salaries or compensation of such executive director and other persons, within the amounts appropriated for such purpose. The Commission may also employ experts who have knowledge of the issues before it.

§ 30-407. Chairman's executive summary.

The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activities and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-408. Cooperation of other state agencies and political subdivisions.

The Commission may request and shall, upon such request, receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.

2. That, for its first year of existence, if the Behavioral Health Commission (the Commission), as created by this act, is not funded by a separate appropriation in the appropriation act, the Commission may be funded from the operating budgets of the Clerk of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules Committee. If the Commission is not funded by a separate appropriation in the appropriation act for any year thereafter, this chapter shall expire on July 1 of the fiscal year in which the Commission fails to receive such funding.