

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-403 of the Code of Virginia, relating to brain injury; definition.*

3 [S 1421]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 37.2-403 of the Code of Virginia is amended and reenacted as follows:**7 **§ 37.2-403. Definitions.**

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

9 "Brain injury" is *means* any injury to the brain that occurs after birth, ~~but before age 65~~, that is
10 acquired through traumatic or non-traumatic insults. Non-traumatic insults may include, but are not
11 limited to anoxia, hypoxia, aneurysm, toxic exposure, encephalopathy, surgical interventions, tumor, and
12 stroke. "Brain injury" does not include hereditary, congenital, or degenerative brain disorders, or injuries
13 induced by birth trauma.14 "Conditional license" means a license issued in accordance with the requirements of § 37.2-415 to a
15 provider for a new service for a period of time sufficient to allow the provider to demonstrate
16 compliance with regulations of the Board governing licensure of providers.17 "Full license" means a license issued in accordance with the requirements of § 37.2-404 to a provider
18 who demonstrates full compliance with the regulations of the Board governing licensure of providers.19 "Provider" means any person, entity, or organization, excluding an agency of the federal government
20 by whatever name or designation, that delivers (i) services to individuals with mental illness,
21 developmental disabilities, or substance abuse or (ii) residential services for persons with brain injury.
22 The person, entity, or organization shall include a hospital as defined in § 32.1-123, community services
23 board, behavioral health authority, private provider, and any other similar or related person, entity, or
24 organization. It shall not include any individual practitioner who holds a license issued by a health
25 regulatory board of the Department of Health Professions or who is exempt from licensing pursuant to
26 § 54.1-3501, 54.1-3601, or 54.1-3701.27 "Provisional license" means a license issued to a provider previously issued a full license that has
28 demonstrated a temporary inability to maintain compliance with licensing or human rights regulations or
29 that has failed to comply with a previous corrective action plan, and that allows the provider to continue
30 operating for a limited time while addressing the inability or failure to comply with regulations.

31 "Service or services" means:

32 1. Planned individualized interventions intended to reduce or ameliorate mental illness, developmental
33 disabilities, or substance abuse through care, treatment, training, habilitation, or other supports that are
34 delivered by a provider to persons with mental illness, developmental disabilities, or substance abuse.
35 Services include outpatient services, intensive in-home services, opioid treatment services, inpatient
36 psychiatric hospitalization, community gero-psychiatric residential services, assertive community
37 treatment, and other clinical services; day support, day treatment, partial hospitalization, psychosocial
38 rehabilitation, and habilitation services; case management services; and supportive residential, special
39 school, halfway house, in-home services, crisis stabilization, and other residential services; and40 2. Planned individualized interventions intended to reduce or ameliorate the effects of brain injury
41 through care, treatment, or other supports provided in residential services for persons with brain injury.

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