

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 622

An Act to amend and reenact §§ 2.1-746, 9-6.23, 9-267, 9-268, 9-270, 9-271, and 9-272 of the Code of Virginia, relating to prevention services.

[H 1294]

Approved April 15, 1998

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-746, 9-6.23, 9-267, 9-268, 9-270, 9-271, and 9-272 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-746. State executive council; members; duties.

The members of the state executive council shall be the Commissioners of Health, of Mental Health, Mental Retardation and Substance Abuse Services and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; an elected or appointed local official, to be appointed by the Governor; a private provider representative as a nonvoting, ex officio member, to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and a parent representative. The parent representative shall be appointed by the Governor for a term not to exceed three years and shall not be an employee of any public or private program which serves children and families. The council shall annually elect a chairman who shall be responsible for convening the council. The council shall meet, at a minimum, semiannually, to oversee the administration of this chapter and make such decisions as may be necessary to carry out its purposes.

The state executive council shall:

1. Appoint the members of the state management team in accordance with the requirements of § 2.1-747;

2. Provide for the establishment of interagency programmatic and fiscal policies developed by the state management team, which support the purposes of this chapter, through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;

3. Oversee the administration of state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

4. Provide for the administration of necessary interagency functions which support the work of the state management team;

5. Review and take appropriate action on issues brought before it by the state management team;

6. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes which facilitate interagency service development and implementation, communication and cooperation;

7. Provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems;

8. Oversee coordination of ~~prevention~~ and early intervention programs to promote comprehensive, coordinated service delivery, local interagency program management, and co-location of programs and services in communities. ~~Prevention~~ and Early intervention programs include state programs under the administrative control of the state executive council member agencies; and

9. Biennially publish and disseminate to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth and families and a plan for such services for the next succeeding biennium. The state plan shall:

a. provide a fiscal profile of current and previous years' federal and state expenditures for a comprehensive service system for children, youth and families;

b. incorporate information and recommendations from local comprehensive service systems with responsibility for planning and delivering services to children, youth and families;

c. identify and establish goals for comprehensive services and the estimated costs of implementing these goals, report progress toward previously identified goals and establish priorities for the coming biennium; and

d. include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the state's comprehensive services system.

§ 9-6.23. Prohibition against service by legislators on boards, commissions, and councils within the executive branch.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch which are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the

General Assembly to a board, commission, or council in the executive branch which is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position. The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.1-750; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 9-326; to members of the Advisory Commission on Welfare Reform, who shall be appointed as provided for in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided for in § 2.1-451.2; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.1-563.41; ~~or~~ to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; *or to members of the Council on Coordinating Prevention, who shall be appointed as provided for in § 9-268.*

§ 9-267. Definitions.

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

"Council" means the Virginia Council on Coordinating Prevention.

"Early intervention" means prevention efforts for individuals who are at risk for developing problems based on biological, psychological or social/environmental factors.

"Local prevention advisory team" means an inclusive community team designated by local government to develop, implement, monitor, and evaluate the community-based prevention plan.

"Plan" means the Comprehensive Prevention Plan.

"Prevention" means efforts that (i) promote health and competence in people and (ii) create, promote and strengthen environments that nurture people in their development.

§ 9-268. Virginia Council on Coordinating Prevention; members; terms.

The Virginia Council on Coordinating Prevention is hereby established. *There shall be four members from the House of Delegates to be appointed by the Speaker of the House and two members from the Senate to be appointed by the Senate Committee on Privileges and Elections.* There shall be one member each from the Advisory Board for the Aging, Board of Correctional Education, State Board of Corrections, State Board of Juvenile Justice, Criminal Justice Services Board, State Board of Education, State Board of Health, Board of Medical Assistance Services, State Mental Health, Mental Retardation and Substance Abuse Services Board, Virginia Board for People with Disabilities, ~~and~~ Board of Social Services, *Department of Motor Vehicles, Medical Advisory Board, Alcoholic Beverage Control Board, Comprehensive Services State Executive Council, and the Substance Abuse Council and Prevention Task Force of the Virginia Association of Community Services Boards,* to be appointed by the chairman of the respective board or council. Persons appointed to the Council by virtue of their membership on a board or council listed above may serve on the Council only while a member of the respective board or council and may not serve on the Council for more than two consecutive terms.

Five members shall be representatives of the private sector who are interested in prevention, to be appointed by the Governor. Representatives of the private sector shall serve for terms of four years. Members appointed to the Council by the Governor shall not be eligible to serve more than two consecutive full terms.

The Secretary of Health and Human Resources shall be an ex officio member of the Council. The Governor shall appoint a chairman from the membership of the Council.

§ 9-270. Powers and duties.

A. The Council shall have the power and duty to:

1. Review and comment on the Comprehensive Prevention Plan and submit these comments to the Governor biennially prior to submission of the budget;
2. Recommend to the Governor policies, legislation, regulations, and funding that will further the purposes of the Council and local prevention programs;
3. Recommend, in order of priority, prevention issues to be addressed by government and the private sector;
4. Recognize outstanding prevention programs and initiatives;
5. Recommend methods by which the Commonwealth may provide technical assistance and training to state and local, public and private agencies, organizations or individuals to promote the development and implementation of prevention initiatives;

6. Develop recommendations for the establishment and operation of a clearinghouse for information pertinent to prevention initiatives, record keeping of existing prevention programs, and methods by which information concerning those programs may be communicated to the public; *and*

7. Recommend methods by which the Commonwealth may collect data on the effectiveness of prevention programs; *and*

8. ~~Employ staff as necessary to carry out its duties.~~

B. In carrying out the purposes of this chapter, the Council shall consider prevention activities, issues and programs to be those governmental and private sector programs and/or services which promote the maximum independence of individuals and strengthen families; which avoid or minimize physical or mental disability or dysfunction; which reduce the likelihood of dependency on governmental and private sector support, treatment and rehabilitative services; and which encourage future cost savings through early intervention or treatment.

C. *Staff support shall be provided by the Department of Mental Health, Mental Retardation and Substance Abuse Services.*

§ 9-271. Comprehensive Prevention Plan.

A Comprehensive Prevention Plan shall be jointly developed biennially by the following agencies:

Department for the Aging, *Department of Alcoholic Beverage Control*, Department of Correctional Education, Department of Corrections, Department of Juvenile Justice, Department of Criminal Justice Services, Department of Education, Department of Health, Department of Medical Assistance Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, *Department of Motor Vehicles*, Department for Rights of Virginians With Disabilities, and Department of Social Services. The Secretary of Health and Human Resources shall designate an agency to coordinate development of the Plan. The Comprehensive Prevention Plan shall coordinate and integrate the planning efforts of the state agencies listed above and the private sector in order to provide a broad prevention agenda for the Commonwealth, enable communities to design and implement prevention programs that meet the identified needs of the community and facilitate the development of interagency and broad-based community involvement in the development of prevention programs. The Comprehensive Prevention Plan shall identify priority prevention issues and challenges, prevention goals and objectives and public and private strategies to achieve goals and objectives. For the purposes of the Plan, prevention activities, issues and programs shall be those activities which promote the objective identified in subsection B of § 9-270. The Plan with a cost analysis of the proposed strategies shall be submitted to the House Committee on Health, Welfare and Institutions and the Senate Committees on Rehabilitation and Social Services and Education and Health for the purpose of analysis, review and comment prior to implementation.

§ 9-272. State agency responsibilities.

The agencies listed in § 9-271 shall have the duty to:

1. Participate in the development of the Comprehensive Prevention Plan, *based on risks, protective factors, and clearly defined benchmarks, and to* shall include cost estimates for implementation and long-term cost savings;

2. Develop and implement, to the extent authorized by law, programs that support the Comprehensive Prevention Plan;

3. Facilitate the involvement of local service providers in interagency, broad-based community development and implementation of *local* prevention programs consistent with the Comprehensive Prevention Plan;

4. Require that the planning process for all agency programs that relate to the priority issues identified by the Council include an analysis of their prevention component or potential and their potential impact on budgetary requests; *and*

5. Set funding priorities and recommend regulations and guidelines to the Council to administer the Community Prevention Initiative Grants Program;

6. *Support the development of a state prevention activities database that includes risk and protective factors;*

7. *Develop and implement a set of essential elements of a community-based prevention plan to be used by state agencies that provide grant funding for prevention services;*

8. *Provide coordinated and comprehensive training and technical assistance to localities for prevention planning and implementation; and*

9. *Facilitate the involvement of local service providers in the development and implementation of the community-based prevention plan as prepared by the local prevention advisory team.*