

2008 SESSION

SENATE SUBSTITUTE

084082304

SENATE BILL NO. 297

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 24, 2008)

(Patrons Prior to Substitute—Senators Puller and Houck [SB 304])

A BILL to amend and reenact §§ 2.2-2004, 37.2-304 and 51.5-14 of the Code of Virginia, relating to a mental health and rehabilitation program for veterans.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2004, 37.2-304 and 51.5-14 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2004. Additional powers and duties of Commissioner.

The Commissioner shall have the following powers and duties related to veterans services:

1. Perform cost-benefit and value analysis of (i) existing programs and services, and (ii) new programs and services before establishing and implementing them;

2. Seek alternative funding sources for the Department's veterans service programs;

3. Cooperate with all relevant entities of the federal government, including, but not limited to, the United States Department of Veterans Affairs, the United States Department of Housing and Urban Development, and the United States Department of Labor in matters concerning veterans benefits and services;

4. Appoint a full-time coordinator to collaborate with the Joint Leadership Council of Veteran Service Organizations created in § 2.2-2681 on ways to provide both direct and indirect support of ongoing veterans programs, and to determine and address future veterans needs and concerns;

5. *Establish, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services, a program to address the unique mental health and rehabilitation needs of veterans, including post-traumatic stress disorder and traumatic brain injuries, and seek additional federal, state, and private sources of funding for such program.*

56. Initiate, conduct, and issue special studies on matters pertaining to veterans needs and priorities, as determined necessary by the Commissioner;

67. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or other entities and organizations of the government of the Commonwealth and make recommendations to the Secretary of Administration, the Governor, and the General Assembly on ways to increase awareness of the services available to veterans or improve veterans services;

78. Assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to provide services to veterans, including the dissemination of relevant materials and the rendering of technical or other advice;

89. Assist counties, cities, and towns of the Commonwealth in the development, implementation, and review of local veterans services programs as part of the state program and establish as necessary, in consultation with the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations, volunteer local and regional advisory committees to assist and support veterans service efforts;

910. Review the activities, roles, and contributions of various entities and organizations to the Commonwealth's veterans services programs and report on or before December 1 of each year in writing to the Governor and General Assembly on the status, progress, and prospects of veterans services in the Commonwealth, including performance measures and outcomes of veterans services programs;

1011. Recommend to the Secretary of Administration, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs to make service to veterans and their surviving spouses, orphans, and dependents as efficient and effective as practicable;

1112. Design, implement, administer, and review special programs or projects needed to promote veterans services in the Commonwealth;

1213. Integrate veterans services activities into the framework of economic development activities in general;

1314. Manage operational funds using accepted accounting principles and practices in order to provide for a sum sufficient to ensure continued, uninterrupted operations;

1415. Engage Department personnel in training and educational activities aimed at enhancing veterans services; and

1516. Develop a strategic plan to ensure efficient and effective utilization of resources, programs, and services.

§ 37.2-304. Duties of Commissioner.

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

62 1. To supervise and manage the Department and its state facilities.

63 2. To employ the personnel required to carry out the purposes of this title.

64 3. To make and enter into all contracts and agreements necessary or incidental to the performance of
65 the Department's duties and the execution of its powers under this title, including contracts with the
66 United States, other states, and agencies and governmental subdivisions of the Commonwealth,
67 consistent with policies and regulations of the Board and applicable federal and state statutes and
68 regulations.

69 4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the
70 United States government, agencies and instrumentalities thereof, and any other source, subject to the
71 approval of the Governor. To these ends, the Commissioner shall have the power to comply with
72 conditions and execute agreements that may be necessary, convenient, or desirable, consistent with
73 policies and regulations of the Board.

74 5. To accept, execute, and administer any trust in which the Department may have an interest, under
75 the terms of the instruments creating the trust, subject to the approval of the Governor.

76 6. To transfer between state hospitals and training centers school-age consumers who have been
77 identified as appropriate to be placed in public school programs and to negotiate with other school
78 divisions for placements in order to ameliorate the impact on those school divisions located in a
79 jurisdiction in which a state hospital or training center is located.

80 7. To provide to the Director of the Virginia Office for Protection and Advocacy, pursuant to
81 § 51.5-39.12, a written report setting forth the known facts of critical incidents or deaths of consumers
82 in facilities within 15 working days of the critical incident or death.

83 8. To work with the appropriate state and federal entities to ensure that any person who has been a
84 consumer in a state facility for more than one year has possession of or receives prior to discharge any
85 of the following documents, when they are needed to obtain the services contained in his discharge plan:
86 a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a
87 copy of his birth certificate if the consumer was born in the Commonwealth, or a social security card
88 from the Social Security Administration. State facility directors, as part of their responsibilities pursuant
89 to § 37.2-837, shall implement this provision when discharging consumers.

90 9. *To work with the Commissioner of Veterans Services and the Commissioner of Rehabilitative*
91 *Services in establishing a program to address the unique mental health and rehabilitation needs of*
92 *veterans, including post-traumatic stress disorder and traumatic brain injuries.*

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

95 § 51.5-14. Powers and duties of Commissioner.

96 The Commissioner shall have the following powers and duties:

97 1. To employ such personnel, qualified by knowledge, skills, and abilities, as may be required to
98 carry out the purposes of this title relating to the Department;

99 2. To make and enter into all contracts and agreements necessary or incidental to the performance of
100 the Department's duties and the execution of its powers under this title, including, but not limited to,
101 contracts with the United States, other states, agencies and governmental subdivisions of this
102 Commonwealth;

103 3. To accept grants from the United States government and agencies and instrumentalities thereof and
104 any other source and, to these ends, to comply with such conditions and execute such agreements as
105 may be necessary, convenient or desirable;

106 4. To do all acts necessary or convenient to carry out the purposes of this title;

107 5. To develop and analyze information on the needs of persons with disabilities;

108 6. To establish plans, policies and programs for the delivery of services to persons with disabilities
109 for consideration by the Governor and the General Assembly. Such policies, plans and programs for
110 services to those who cannot benefit from vocational rehabilitation shall be prepared over time, and as
111 funds become available for such efforts;

112 7. To operate and maintain the Woodrow Wilson Rehabilitation Center and to organize, supervise
113 and provide other necessary services and facilities (i) to prepare persons with disabilities for useful and
114 productive lives, including suitable employment and (ii) to enable persons with disabilities, to the degree
115 possible, to become self-sufficient and have a sense of well-being;

116 8. To develop criteria for the evaluation of plans and programs relative to the provision of
117 rehabilitative and other services;

118 9. To investigate the availability of funds from any source for planning, developing and providing
119 services to persons with disabilities, particularly those not capable of being gainfully employed;

120 10. To coordinate the Department's plans, policies, programs and services, and such programs and
121 services required under § 51.5-9.2, with those of the other state agencies providing services to persons

122 with disabilities so as to achieve maximum utilization of available resources to meet the needs of such
 123 persons;
 124 11. To compile and provide information on the availability of federal, state, regional and local funds
 125 and services for persons with disabilities;
 126 12. To accept, execute and administer any trust in which the Department may have an interest, under
 127 the terms of the instruments creating the trust, subject to the approval of the Governor;
 128 13. To promulgate regulations necessary to carry out the provisions of the laws of the
 129 Commonwealth administered by the Department; ~~and~~
 130 14. *To work with the Commissioner of Veterans Services and the Commissioner of Mental Health,*
 131 *Mental Retardation, and Substance Abuse Services in establishing a program to address the unique*
 132 *mental health and rehabilitation needs of veterans, including post-traumatic stress disorder and*
 133 *traumatic brain injuries; and*
 134 ~~14~~15. To perform such other duties as may be required by the Governor and the Secretary of Health
 135 and Human Resources.