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SENATE JOINT RESOLUTION NO. 47

Offered January 8, 2014

Prefiled January 6, 2014

Establishing a joint subcommittee to study mental health services in the Commonwealth. Report.

Patrons—Deeds, Howell, McDougale and Ebbin; Delegates: Plum and Torian

Referred to Committee on Rules

WHEREAS, mental health services in the Commonwealth are provided by an array of public and private providers, including a system of state hospitals operated by the Department of Behavioral Health and Developmental Services, community services boards, and behavioral health authorities that serve as the publicly funded system for mental health care; and

WHEREAS, this complex system of public and private mental health services providers must provide care for individuals with a range of mental health needs, including those requiring voluntary or involuntary, emergency, short-term, forensic, and long-term mental health care in inpatient and outpatient settings; and

WHEREAS, in 2002, the Department of Behavioral Health and Developmental Services began a Systems Transformation initiative focused on improving access to mental health and other behavioral health services throughout the Commonwealth; and

WHEREAS, in 2006, the Supreme Court of the United States established the Virginia Commission on Mental Health Law Reform to conduct a comprehensive examination of laws and regulations governing mental health services generally and mental health services for individuals involuntarily admitted for treatment specifically; the quality of the Commonwealth's system of public mental health services; and options for improving the legal framework and service system to provide better access and better outcomes for individuals in need of mental health treatment; and

WHEREAS, in the last ten years, laws governing mental health care, especially involuntary commitment of individuals in need of mental health care, and the system of publicly funded services for individuals in need of mental health care have undergone significant change; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study mental health services in the Commonwealth. The joint subcommittee shall consist of nine members that include six legislative members, two nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; four members of the House of Delegates 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; one nonlegislative citizen member who is a consumer of mental health care or a family member of a consumer of mental health care to be appointed by the Senate Committee on Rules; one nonlegislative citizen member who is a consumer of mental health care or a family member of a consumer of mental health care to be appointed by the Speaker of the House of Delegates; and the Commissioner of the Department of Behavioral Health and Developmental Services or his designee to serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) conduct a comprehensive review of the laws of the Commonwealth governing the provision of mental health care services, including involuntary commitment of individuals in need of mental health care; (ii) collect and review information about the publicly funded system of mental health care, including emergency, forensic, and long-term mental health care, in the Commonwealth; (iii) identify gaps in publicly funded mental health services in the Commonwealth; and (iv) recommend changes to the Commonwealth's laws governing the provision of mental health care and the system of publicly funded mental health care, to improve access to services, the quality of services, and outcomes for individuals in need of services.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2014 interim and four meetings for the 2015 interim, and the direct costs of this study shall not exceed \$13,680 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a

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59 companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall
60 be required.

61 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
62 or a majority of the House members appointed to the joint subcommittee (i) vote against the
63 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
64 joint subcommittee.

65 The joint subcommittee shall complete its meetings for the first year by November 30, 2014, and for
66 the second year by November 30, 2015, and the chairman shall submit to the Division of Legislative
67 Automated Systems an executive summary of its findings and recommendations no later than the first
68 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
69 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
70 report of its findings and recommendations for publication as a House or Senate document. The
71 executive summaries and reports shall be submitted as provided in the procedures of the Division of
72 Legislative Automated Systems for the processing of legislative documents and reports and shall be
73 posted on the General Assembly's website.

74 Implementation of this resolution is subject to subsequent approval and certification by the Joint
75 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
76 delay the period for the conduct of the study, or authorize additional meetings during the 2014 or 2015
77 interim.