

18106800D

## SENATE BILL NO. 878

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance  
on February 6, 2018)

(Patron Prior to Substitute—Senator Dunnavant)

*A BILL to amend and reenact §§ 37.2-500, as it is currently effective and as it shall become effective, and 53.1-68 of the Code of Virginia, relating to mental health services in local and regional jails.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 37.2-500, as it is currently effective and as it shall become effective, and 53.1-68 of the Code of Virginia are amended and reenacted as follows:**

**§ 37.2-500. (Effective until July 1, 2019) Purpose; community services board; services to be provided.**

A. The Department, for the purposes of establishing, maintaining, and promoting the development of mental health, developmental, and substance abuse services in the Commonwealth, may provide funds to assist any city or county or any combinations of cities or counties or cities and counties in the provision of these services. Every county or city shall establish a community services board by itself or in any combination with other cities and counties, unless it establishes a behavioral health authority pursuant to Chapter 6 (§ 37.2-600 et seq.). Every county or city or any combination of cities and counties that has established a community services board, in consultation with that board, shall designate it as an operating community services board, an administrative policy community services board or a local government department with a policy-advisory community services board. The governing body of each city or county that established the community services board may change this designation at any time by ordinance. In the case of a community services board established by more than one city or county, the decision to change this designation shall be the unanimous decision of all governing bodies

B. The core of services provided by community services boards within the cities and counties that they serve shall include ~~emergency~~:

1. *Emergency services;*
2. *Mental health and substance abuse services for individuals incarcerated in local and regional correctional facilities for each county and city served by the community services board; and, subject*
3. *Subject to the availability of funds appropriated for them, case management services.*

C. Subject to the availability of funds appropriated for them, the core of services may include a comprehensive system of inpatient, outpatient, day support, residential, prevention, early intervention, and other appropriate mental health, developmental, and substance abuse services necessary to provide individualized services and supports to persons with mental illness, developmental disabilities, or substance abuse. Community services boards may establish crisis stabilization units that provide residential crisis stabilization services.

D. In order to provide comprehensive mental health, developmental, and substance abuse services within a continuum of care, the community services board shall function as the single point of entry into publicly funded mental health, developmental, and substance abuse services.

E. *In any case in which an individual receiving services from a community services board pursuant to subdivision B 2 is released from the custody of a local or regional correctional facility, the individual may continue to receive services from the community services board providing services pursuant to subdivision B 2 or the community services board serving the county or city in which he will reside upon release. In cases in which the individual chooses to receive services from a community services board other than the community services board providing services pursuant to subdivision B 2, the individual shall notify the community services board that provided services pursuant to subdivision B 2 and such community services board shall contact the community services board for the county or city in which the individual will reside upon release to facilitate the delivery of mental health and substance abuse services for the individual.*

**§ 37.2-500. (Effective July 1, 2019) Purpose; community services board; services to be provided.**

A. The Department, for the purposes of establishing, maintaining, and promoting the development of mental health, developmental, and substance abuse services in the Commonwealth, may provide funds to assist any city or county or any combinations of cities or counties or cities and counties in the provision of these services. Every county or city shall establish a community services board by itself or in any combination with other cities and counties, unless it establishes a behavioral health authority pursuant to Chapter 6 (§ 37.2-600 et seq.). Every county or city or any combination of cities and counties that has established a community services board, in consultation with that board, shall designate it as an operating community services board, an administrative policy community services board or a local government department with a policy-advisory community services board. The governing body of each

city or county that established the community services board may change this designation at any time by ordinance. In the case of a community services board established by more than one city or county, the decision to change this designation shall be the unanimous decision of all governing bodies.

B. The core of services provided by community services boards within the cities and counties that they serve shall include:

1. Emergency services;
2. Same-day mental health screening services;
3. Outpatient primary care screening and monitoring services for physical health indicators and health risks and follow-up services for individuals identified as being in need of assistance with overcoming barriers to accessing primary health services, including developing linkages to primary health care providers; and

4. *Mental health and substance abuse services for individuals incarcerated in local and regional correctional facilities for each county and city served by the community services board; and*

5. Subject to the availability of funds appropriated for them, case management services.

C. Subject to the availability of funds appropriated for them, the core of services may include a comprehensive system of inpatient, outpatient, day support, residential, prevention, early intervention, and other appropriate mental health, developmental, and substance abuse services necessary to provide individualized services and supports to persons with mental illness, developmental disabilities, or substance abuse. Community services boards may establish crisis stabilization units that provide residential crisis stabilization services.

D. In order to provide comprehensive mental health, developmental, and substance abuse services within a continuum of care, the community services board shall function as the single point of entry into publicly funded mental health, developmental, and substance abuse services.

*E. In any case in which an individual receiving services from a community services board pursuant to subdivision B 4 is released from the custody of a local or regional correctional facilities, the individual may continue to receive services from the community services board providing services pursuant to subdivision B 4 or the community services board serving the county or city in which he will reside upon release. In cases in which the individual chooses to receive services from a community services board other than the community services board providing services pursuant to subdivision B 4, the individual shall notify the community services board that provided services pursuant to subdivision B 4 and such community services board shall contact the community services board for the county or city in which the individual will reside upon release to facilitate the delivery of mental health and substance abuse services for the individual.*

**§ 53.1-68. Minimum standards for local correctional facilities, lock-ups and personnel, health inspections.**

A. The Board shall establish minimum standards for the construction, equipment, administration and operation of local correctional facilities, whether heretofore or hereafter established. However, no minimum standard shall be established that includes square footage requirements in excess of accepted national standards. The Board or its agents shall conduct at least one unannounced inspection of each local facility annually. However, in those years in which a certification audit of a facility is performed and the facility is in compliance with all the standards, the Board may elect to suspend the unannounced inspection based upon that certification audit and the history of compliance of the facility with the standards promulgated in accordance with this section, except in any year in which there is a change in the administration of a local or regional jail. The Board shall also establish minimum standards for the construction, equipment and operation of lock-ups, whether heretofore or hereafter established. However, no minimum standard shall be established that includes square footage requirements in excess of accepted national standards.

B. Standards concerning sanitation in local correctional facilities and procedures for enforcing these standards shall be promulgated by the Board with the advice and guidance of the State Health Commissioner. The Board, in conjunction with the Board of Health, shall establish a procedure for the conduct of at least one unannounced annual health inspection by the State Health Commissioner or his agents of each local correctional facility. The Board and the State Health Commissioner may authorize such other announced or unannounced inspections as they consider appropriate.

C. *Standards concerning mental health and substance abuse services in local correctional facilities and procedures for enforcing these standards shall be promulgated by the Board with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services. Such standards shall include a requirement that (i) the sheriff of each county and city in which a local correctional facility is located enter into an agreement with the community services board serving that county or city for the delivery of mental health and substance abuse services in the local correctional facility and (ii) the superintendent of each regional correctional facility enter into an agreement with the community services board or boards serving the counties and cities participating in the regional correctional facility. Such agreement shall include a process by which a community services board providing mental*

122 *health services in the local or regional correctional facility shall bill and the sheriff or superintendent*  
123 *shall pay, pursuant to § 53.1-126, for mental health services provided by the community services board.*  
124 *If a sheriff or superintendent contracts with an agency or entity other than a community services board*  
125 *for the provision of mental health and substance abuse services, such sheriff or superintendent may*  
126 *continue to use such alternative service provider in lieu of contracting with a community services board*  
127 *pursuant to this subsection.*

128 *D. The Department of Criminal Justice Services, in accordance with § 9.1-102, shall establish*  
129 *minimum training standards for persons designated to provide courthouse and courtroom security*  
130 *pursuant to the provisions of § 53.1-120 and for persons employed as jail officers or custodial officers*  
131 *under the provisions of this title. The sheriff shall establish minimum performance standards and*  
132 *management practices to govern the employees for whom the sheriff is responsible.*

133 ~~D.~~ *E. The superintendent of a regional jail or jail farm shall establish minimum performance*  
134 *standards and management practices to govern the employees for whom the superintendent is*  
135 *responsible.*

136 **2. That the standards required to be promulgated pursuant to subsection C of § 53.1-68 of the**  
137 **Code of Virginia, as amended by this act, shall not be subject to the Administrative Process Act**  
138 **(§ 2.2-4000 et seq. of the Code of Virginia).**

139 **3. That the provisions of this act shall not become effective unless an appropriation effectuating**  
140 **the purposes of this act is included in a general appropriation act passed in 2018 by the General**  
141 **Assembly that becomes law.**