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SENATE BILL NO. 1488

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 17, 2019)

(Patron Prior to Substitute—Senator Hanger)

A *BILL to require the Secretary of Health and Human Resources to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness.*

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Secretary of Health and Human Resources shall convene a work group composed of stakeholders including the Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, the Virginia Association of Community Services Boards, the National Alliance on Mental Illness - Virginia, Mental Health America of Virginia, VOCAL, Inc., the Virginia Hospital and Healthcare Association, the Office of the Executive Secretary of the Supreme Court of Virginia, the Virginia Association of Chiefs of Police, the Virginia Sheriffs' Association, the Institute of Law, Psychiatry and Public Policy, the Psychiatric Society of Virginia, the Virginia College of Emergency Room Physicians, and the Medical Society of Virginia to examine the causes of the high census at the Commonwealth's state hospitals for individuals with mental illness.

In conducting such examination, the work group shall consider the impact of the practice of conducting evaluations of individuals who are the subject of an emergency custody order in hospital emergency departments, the treatment needs of individuals with complex medical conditions, the treatment needs of individuals who are under the influence of alcohol or other controlled substances, and the need to ensure that individuals receive treatment in the most appropriate setting to meet their physical and behavioral health care needs on the census at the Commonwealth's state hospitals for individuals with mental illness. The work group shall also consider the potential impact of (i) extending the time frame during which an emergency custody order remains valid, (ii) revising security requirements to allow custody of a person who is the subject of an emergency custody order to be transferred from law enforcement to a hospital emergency department, (iii) diverting individuals who are the subject of an emergency custody order from hospital emergency departments to other, more appropriate locations for medical and psychological evaluations, and (iv) preventing unnecessary use of hospital emergency department resources by improving the efficiency of the evaluation process on the census at the Commonwealth's state hospitals for individuals with mental illness. The work group shall include analysis of how such issues affect both adults and children. The work group shall develop recommendations, including recommendations for both long-term and short-term solutions to the high census at the Commonwealth's state hospitals for individuals with mental illness, which shall include recommendations for statutory, regulatory, and budget actions to address the high census at the Commonwealth's state hospitals for individuals with mental illness.

Staffing support for the work group shall be provided by the Department of Behavioral Health and Developmental Services. The work group shall complete its work and report its recommendations to the Chairmen of the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century, the House Committee on Appropriations, the House Committee for Courts of Justice, the Senate Committee on Finance, and the Senate Committee for Courts of Justice by November 1, 2019.