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SENATE BILL NO. 1598

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on January 31, 2019)

(Patron Prior to Substitute—Senator Dunnavant)

A *BILL to amend and reenact § 53.1-5 of the Code of Virginia, relating to Board of Corrections; minimum standards for health care services in local correctional facilities.*

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-5 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities;

2. To advise the Governor and Director on matters relating to corrections;

3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community correctional facilities;

4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;

5. To develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any local, regional, or community correctional facility. Such policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of evidence necessary to conduct a thorough review of any such death;

6. *To establish minimum standards for health care services in local, regional, and community correctional facilities, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and the State Health Commissioner or their designees, which shall include:*

a. Requirements for medical, dental, and pharmaceutical services in local, regional, and community correctional facilities;

b. Requirements for behavioral health care services in local, regional, and community correctional facilities, including requirements for screening and assessment of all individuals committed to local, regional, and community correctional facilities to determine mental health, developmental, and intellectual disability service needs;

c. A requirement that each local, regional, and community correctional facility submit to the Board standardized quarterly continuous quality improvement reports, containing such data and information related to the delivery of health care services in the local, regional, or community correctional facility as the Board shall deem appropriate, along with any improvements made to those services, and make such reports available to the public on a website maintained by the local, regional, or community correctional facility; and

d. Provisions for enforcement of such standards, which shall include provisions for accepting accreditation of a local, regional, or community correctional facility by the American Correctional Association or National Commission on Correctional Health Care as evidence that the local, regional, or correctional facility meets the minimum standards of the Board established pursuant to subdivisions a and b;

7. To establish and promulgate regulations regarding the provision of educational and vocational programs within the Department; and

8. To adopt and promulgate regulations and require the Director and Department to enforce regulations prohibiting the possession of obscene materials, as defined and described in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities.