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**HOUSE BILL NO. 1292**

Offered January 26, 1998

*A BILL to amend and reenact §§ 2.1-1.7, 9-6.23, 9-6.25:1, 18.2-254, 37.1-203 through 37.1-207 and 37.1-219 through 37.1-223 of the Code of Virginia and to repeal §§ 37.1-208, 37.1-209 and 37.1-214 through 37.1-218 of the Code of Virginia, relating to substance abuse services.*

Patrons—Christian, Behm, Blevins, Crittenden, Deeds, Drake, Grayson, Hull, Jackson, Jones, J.C., Kilgore, McClure, McEachin, Melvin, Moran, Robinson and Shuler; Senators: Hanger, Lucas, Miller, Y.B. and Ticer

Referred to Committee on Health, Welfare and Institutions

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

**1. That §§ 2.1-1.7, 9-6.23, 9-6.25:1, 18.2-254, 37.1-203 through 37.1-207 and 37.1-219 through 37.1-223 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-1.7. State councils.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:

Adult Education and Literacy, Virginia Advisory Council for  
Agricultural Council, Virginia  
~~Alcohol and Drug Abuse Problems, Governor's Council on~~  
Apprenticeship Council  
Blue Ridge Regional Education and Training Council  
Child Day-Care Council  
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion  
Coastal Land Management Advisory Council, Virginia  
Commonwealth Competition Council  
Commonwealth's Attorneys' Services Council  
Developmental Disabilities Planning Council, Virginia  
Disability Services Council  
Equal Employment Opportunity Council, Virginia  
Housing for the Disabled, Interagency Coordinating Council on  
Human Rights, Council on  
Human Services Information and Referral Advisory Council  
Indians, Council on  
Interagency Coordinating Council, Virginia  
Job Training Coordinating Council, Governor's  
Land Evaluation Advisory Council  
Maternal and Child Health Council  
Military Advisory Council, Virginia  
Needs of Handicapped Persons, Overall Advisory Council on the  
Prevention, Virginia Council on Coordinating  
Public Records Advisory Council, State  
Rate-setting for Children's Facilities, Interdepartmental Council on  
Revenue Estimates, Advisory Council on  
Southside Virginia Marketing Council  
Specialized Transportation Council  
State Health Benefits Advisory Council  
Status of Women, Council on the  
*Substance Abuse Services Council*  
Technology Council, Virginia  
Virginia Business-Education Partnership Program, Advisory Council on the  
Virginia Recycling Markets Development Council.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Council on Information Management  
Higher Education, State Council of  
Independent Living Council, Statewide

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60 Rehabilitation Advisory Council, Statewide  
61 Rehabilitation Advisory Council for the Blind, Statewide.  
62 Transplant Council, Virginia

63 § 9-6.23. Prohibition against service by legislators on boards, commissions, and councils within the  
64 executive branch.

65 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils  
66 within the executive branch which are responsible for administering programs established by the General  
67 Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in  
68 policy studies or commemorative activities. If any law directs the appointment of any member of the  
69 General Assembly to a board, commission, or council in the executive branch which is responsible for  
70 administering programs established by the General Assembly, such portion of such law shall be void,  
71 and the Governor shall appoint another person from the Commonwealth at large to fill such a position.  
72 The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who  
73 shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who  
74 shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be  
75 appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be  
76 appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia  
77 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the  
78 Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of  
79 the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.1-750; to  
80 members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be  
81 appointed as provided in § 9-326; to members of the Advisory Commission on Welfare Reform, who  
82 shall be appointed as provided for in § 63.1-133.44; to members of the Virginia Correctional Enterprises  
83 Advisory Board, who shall be appointed as provided for in § 2.1-451.2; to members appointed to the  
84 Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; to members appointed to the Board of  
85 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the  
86 Commonwealth Competition Commission, who shall be appointed as provided for in § 9-343; to  
87 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as  
88 provided for in § 2.1-563.41; ~~or~~ to members of the Advisory Commission on the Virginia Schools for  
89 the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; *or to members of the*  
90 *Substance Abuse Services Council, who shall be appointed as provided for in § 37.1-207.*

91 § 9-6.25:1. Advisory boards, commissions and councils.

92 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the  
93 following advisory boards, commissions and councils within the executive branch:

94 Advisory Board for the Department for the Deaf and Hard-of-Hearing  
95 Advisory Board for the Department for the Aging  
96 Advisory Board on Child Abuse and Neglect  
97 Advisory Board on Medicare and Medicaid  
98 Advisory Board on Occupational Therapy  
99 Advisory Board on Physical Therapy to the Board of Medicine  
100 Advisory Board on Rehabilitation Providers  
101 Advisory Board on Respiratory Therapy to the Board of Medicine  
102 Advisory Board on Teacher Education and Licensure  
103 Advisory Commission on the Virginia Schools for the Deaf and the Blind  
104 Advisory Council on Revenue Estimates  
105 Advisory Council on the Virginia Business-Education Partnership Program  
106 Appomattox State Scenic River Advisory Board  
107 Aquaculture Advisory Board  
108 Art and Architectural Review Board  
109 Board for the Visually Handicapped  
110 Board of Directors, Virginia Truck and Ornamentals Research Station  
111 Board of Forestry  
112 Board of Military Affairs  
113 Board of Rehabilitative Services  
114 Board of Transportation Safety  
115 Board of Trustees of the Family and Children's Trust Fund  
116 Board of Visitors, Gunston Hall Plantation  
117 Board on Veterans' Affairs  
118 Catoctin Creek State Scenic River Advisory Board  
119 Cave Board  
120 Chickahominy State Scenic River Advisory Board  
121 Clinch Scenic River Advisory Board

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| 122 | Coal Surface Mining Reclamation Fund Advisory Board                             |
| 123 | Coastal Land Management Advisory Council, Virginia                              |
| 124 | Commonwealth Competition Council  |
| 125 | Council on Indians  |
| 126 | Council on the Status of Women  |
| 127 | Debt Capacity Advisory Committee  |
| 128 | Emergency Medical Services Advisory Board                                       |
| 129 | Falls of the James Committee  |
| 130 | Goose Creek Scenic River Advisory Board   |
| 131 | <del>Governor's Council on Alcohol and Drug Abuse Problems</del>                |
| 132 | Governor's Mined Land Reclamation Advisory Committee                            |
| 133 | Hemophilia Advisory Board   |
| 134 | Human Services Information and Referral Advisory Council                        |
| 135 | Interagency Coordinating Council on Housing for the Disabled                    |
| 136 | Interdepartmental Board of the State Department of Minority Business Enterprise |
| 137 | Litter Control and Recycling Fund Advisory Board                                |
| 138 | Local Advisory Board to the Blue Ridge Community College                        |
| 139 | Local Advisory Board to the Central Virginia Community College                  |
| 140 | Local Advisory Board to the Dabney S. Lancaster Community College               |
| 141 | Local Advisory Board to the Danville Community College                          |
| 142 | Local Advisory Board to the Eastern Shore Community College                     |
| 143 | Local Advisory Board to the Germanna Community College                          |
| 144 | Local Advisory Board to the J. Sargeant Reynolds Community College              |
| 145 | Local Advisory Board to the John Tyler Community College                        |
| 146 | Local Advisory Board to the Lord Fairfax Community College                      |
| 147 | Local Advisory Board to the Mountain Empire Community College                   |
| 148 | Local Advisory Board to the New River Community College                         |
| 149 | Local Advisory Board to the Northern Virginia Community College                 |
| 150 | Local Advisory Board to the Patrick Henry Community College                     |
| 151 | Local Advisory Board to the Paul D. Camp Community College                      |
| 152 | Local Advisory Board to the Piedmont Virginia Community College                 |
| 153 | Local Advisory Board to the Rappahannock Community College                      |
| 154 | Local Advisory Board to the Southside Virginia Community College                |
| 155 | Local Advisory Board to the Southwest Virginia Community College                |
| 156 | Local Advisory Board to the Thomas Nelson Community College                     |
| 157 | Local Advisory Board to the Tidewater Community College                         |
| 158 | Local Advisory Board to the Virginia Highlands Community College                |
| 159 | Local Advisory Board to the Virginia Western Community College                  |
| 160 | Local Advisory Board to the Wytheville Community College                        |
| 161 | Maternal and Child Health Council   |
| 162 | Medical Advisory Board, Department of Motor Vehicles                            |
| 163 | Migrant and Seasonal Farmworkers Board  |
| 164 | Motor Vehicle Dealer's Advisory Board   |
| 165 | North Meherrin State Scenic River Advisory Board                                |
| 166 | Nottoway State Scenic River Advisory Board                                      |
| 167 | Personnel Advisory Board  |
| 168 | Plant Pollination Advisory Board  |
| 169 | Private College Advisory Board  |
| 170 | Private Enterprise Commission   |
| 171 | Private Security Services Advisory Board  |
| 172 | Psychiatric Advisory Board  |
| 173 | Radiation Advisory Board  |
| 174 | Rappahannock Scenic River Advisory Board  |
| 175 | Recreational Fishing Advisory Board, Virginia                                   |
| 176 | Reforestation Board   |
| 177 | Rockfish State Scenic River Advisory Board                                      |
| 178 | Shenandoah State Scenic River Advisory Board                                    |
| 179 | Small Business Advisory Board   |
| 180 | Small Business Environmental Compliance Advisory Board                          |
| 181 | St. Mary's Scenic River Advisory Committee                                      |
| 182 | State Advisory Board on Air Pollution   |

183 State Advisory Board for the Virginia Employment Commission  
184 State Building Code Technical Review Board  
185 State Health Benefits Advisory Council  
186 State Land Evaluation Advisory Council  
187 State Networking Users Advisory Board  
188 State Public Records Advisory Council  
189 Statewide Independent Living Council  
190 Statewide Rehabilitation Advisory Council  
191 Statewide Rehabilitation Advisory Council for the Blind  
192 Staunton Scenic River Advisory Committee  
193 *Substance Abuse Services Council*  
194 Telecommunications Relay Service Advisory Board  
195 Virginia-Israel Advisory Board  
196 Virginia Advisory Commission on Intergovernmental Relations  
197 Virginia Advisory Council for Adult Education and Literacy  
198 Virginia Coal Mine Safety Board  
199 Virginia Coal Research and Development Advisory Board  
200 Virginia Commission for the Arts  
201 Virginia Commission on the Bicentennial of the United States Constitution  
202 Virginia Correctional Enterprises Advisory Board  
203 Virginia Council on Coordinating Prevention  
204 Virginia Equal Employment Opportunity Council  
205 Virginia Geographic Information Network Advisory Board  
206 Virginia Interagency Coordinating Council  
207 Virginia Military Advisory Council  
208 Virginia Public Buildings Board  
209 Virginia Recycling Markets Development Council  
210 Virginia Technology Council  
211 Virginia Transplant Council  
212 Virginia Veterans Cemetery Board  
213 Virginia Water Resources Research Center, Statewide Advisory Board  
214 Virginia Winegrowers Advisory Board.  
215 § 18.2-254. Commitment of convicted person for treatment for drug or alcohol abuse.  
216 A. The court trying the case of any person alleged to have committed any offense designated by this  
217 article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the  
218 commission of the offense was motivated by, or closely related to, the use of drugs and determined by  
219 the court to be in need of treatment for the use of drugs may commit such person, upon his conviction  
220 and with his consent and the consent of the receiving institution, to any facility for the treatment of  
221 persons for the intemperate use of narcotic or other controlled substances, licensed or supervised by the  
222 State Mental Health, Mental Retardation and Substance Abuse Services Board, if space is available in  
223 such facility, for a period of time not in excess of the maximum term of imprisonment specified as the  
224 penalty for conviction of such offense or, if sentence was determined by a jury, not in excess of the  
225 term of imprisonment as set by such jury. Confinement under such commitment shall be, in all regards,  
226 treated as confinement in a penal institution and the person so committed may be convicted of escape if  
227 he leaves the place of commitment without authority. The court may revoke such commitment, at any  
228 time, and transfer the person to an appropriate state or local correctional facility. Upon presentation of a  
229 certified statement from the director of the treatment facility to the effect that the confined person has  
230 successfully responded to treatment, the court may release such confined person prior to the termination  
231 of the period of time for which such person was confined and may suspend the remainder of the term  
232 upon such conditions as the court may prescribe.  
233 B. The court trying a case in which commission of the offense was related to the defendant's habitual  
234 abuse of alcohol and in which the court determines that such defendant is an alcoholic as defined in  
235 § 37.1-217 37.1-1 and in need of treatment, may commit such person, upon his conviction and with his  
236 consent and the consent of the receiving institution, to any facility for the treatment of alcoholics  
237 licensed or supervised by the State Mental Health, Mental Retardation and Substance Abuse Services  
238 Board, if space is available in such facility, for a period of time not in excess of the maximum term of  
239 imprisonment specified as the penalty for conviction. Confinement under such commitment shall be, in  
240 all regards, treated as confinement in a penal institution and the person so committed may be convicted  
241 of escape if he leaves the place of commitment without authority. The court may revoke such  
242 commitment, at any time, and transfer the person to an appropriate state or local correctional facility.  
243 Upon presentation of a certified statement from the director of the treatment facility to the effect that the  
244 confined person has successfully responded to treatment, the court may release such confined person

prior to the termination of the period of time for which such person was confined and may suspend the remainder of the term upon such conditions as the court may prescribe.

§ 37.1-203. Definitions.

As used in this chapter:

1. "Substance" means both alcoholic beverages and *other* drugs.

2. "Substance abuse" means the use, without compelling medical reason, of ~~any substance~~ *alcohol and other drugs* which results in psychological or physiological dependency *or danger to self or others* as a function of continued use in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior.

~~3, 4. [Repealed.]~~

3. "Substance abuser" means any individual experiencing the effects of substance abuse.

4. "Office" means the Office of Substance Abuse Services.

5. "Director" means the Director of the Office of Substance Abuse Services.

6. "Approved treatment facility" means a publicly funded facility that has been licensed pursuant to Chapter 8 (§ 37.1-179 *et seq.*) of Title 37.1.

§ 37.1-204. Department responsible for substance abuse services; office established; qualifications of staff.

The Department of Mental Health, Mental Retardation and Substance Abuse Services shall be responsible for the administration, planning and regulation of substance abuse services in the Commonwealth. The Commissioner shall *establish an Office of Substance Abuse Services and employ a Director and staff* to carry out this responsibility who shall have knowledge of and experience in both the fields of alcoholism and *other* drug abuse.

§ 37.1-205. Powers and duties generally.

The Department shall have the following powers and duties:

1. To act as the sole state agency for the planning, coordination and evaluation of the state comprehensive *interagency state plan or plans* for substance abuse services.

2. To investigate and promote research concerning the extent and scope of all problems relating to substance abuse within the Commonwealth *provide staff assistance to the Substance Abuse Services Council.*

3. To ~~survey periodically existing and potential facilities and services available in state and local, public and private, agencies, institutions, and associations which can be cooperatively applied to the solution of existing and anticipated problems relating to substance abuse~~ *(i) develop, implement, and promote, in cooperation with federal, state, local and other publicly funded agencies, a comprehensive interagency state plan for substance abuse services, consistent with federal guidelines and regulations, for the long-range development of adequate and coordinated programs, services and facilities for research, prevention, and control of substance abuse and for treatment and rehabilitation of substance abusers; (ii) review such plan annually; and (iii) make such revisions as may be necessary or desirable.*

4. To coordinate, mobilize, and utilize the research and public service resources of institutions of higher education, all levels of government, business, industry, and the community at large in the understanding and solution of problems relating to substance abuse *develop in cooperation with the Department of Corrections, Virginia Parole Board, Department of Juvenile Justice, Department of Criminal Justice Services, Commission on the Virginia Alcohol Safety Action Program, Office of the Executive Secretary of the Supreme Court of Virginia, Department of Education, Department of Health, Department of Social Services, and other appropriate agencies, a section of the comprehensive interagency state plan for substance abuse services which addresses the need for treatment programs for substance abusers who are involved with these agencies.*

5. To formulate, in cooperation with federal, state, local and private agencies, a comprehensive state plan ~~or plans~~ for substance abuse, consistent with federal guidelines and regulations, for the long-range development of adequate and coordinated programs, services and facilities for research, prevention and control of substance abuse and for treatment and rehabilitation of substance abusers through the utilization of federal, state, local and private resources; to review such plan ~~or plans~~ annually and to make such revisions as may be necessary or desirable *specify uniform methods for keeping statistical information for inclusion in the comprehensive interagency state plan for substance abuse services.*

6. To promote the effectuation of the comprehensive state plan ~~or plans~~ for substance abuse in cooperation with other federal, state, local and private agencies *provide technical assistance and consultation services to state and local agencies in planning, developing and implementing services for substance abusers.*

7. To review and comment on all applications for state or federal funds or services to be used in substance abuse programs in accordance with § 37.1-206 and on all requests by state agencies for appropriations from the General Assembly for use in substance abuse programs.

8. To recommend to the Governor and the General Assembly legislation necessary to implement

programs, services, and facilities for the prevention and control of substance abuse and the treatment and rehabilitation of substance abusers.

~~9, 10. [Repealed.]~~

~~11. To encourage and assist community services boards in the formation of locally based substance abuse prevention, education, crisis intervention, treatment and rehabilitation programs.~~

~~12. [Repealed.]~~

*9. To organize and foster training programs for all persons engaged in the treatment of substance abuse.*

*10. To encourage general hospitals and other appropriate health facilities to admit substance abusers without discrimination and to provide them with adequate and appropriate treatment.*

*11. To identify, coordinate, mobilize, and use the research and public service resources of institutions of higher education, all levels of government, business, industry, and the community at large in the understanding and solution of problems relating to substance abuse.*

§ 37.1-205.1. Department to report to General Assembly.

The Department shall report ~~annually~~ *biennially* to the General Assembly on ~~its~~ *the comprehensive interagency state plan for substance abuse services and the Department's* activities in administering, planning and regulating substance abuse services and shall specifically state the extent to which the Department's duties as specified in this chapter *and in Chapter 8 (§ 37.1-179 et seq.) and Chapter 10 (§37.1-194 et seq.) of Title 37.1* have been performed.

§ 37.1-206. Review of applications for state or for federal funds or services.

A. No local or state agency which is empowered to issue final approval or disapproval of, or to make a final review and comment upon, any application for state or federal funds or services which are to be used in a substance abuse program shall take final action on or transmit such application until the application is first reviewed and commented upon by the Department *to determine its compatibility with the comprehensive interagency state plan for substance abuse services*, and thereafter such review and comment by the Department shall remain a part of the application documents.

B. Every applicant for any federal or state funds, services, loans, grants-in-aid, matching funds or services which are to be used in connection with any substance abuse program shall submit a copy of the application for such funds, services, loans, grants-in-aid, matching funds or services to the Department for review and comment, as provided in subsection A hereof.

C. The Department shall review and comment upon and return each application within forty-five days after receiving such application.

D. Each state agency requesting an appropriation from the General Assembly for substance abuse programs shall submit such request to the Department for review and comment *to determine its compatibility with the comprehensive interagency state plan for substance abuse services* and shall supply the Department with all relevant information including a full report on funds expended pursuant to prior appropriations. The Department shall provide the Governor and the General Assembly with its assessment of each such request for an appropriation by a state agency.

§ 37.1-207. Substance Abuse Services Council.

A. There is hereby established the ~~Governor's Substance Abuse Services Council on Alcohol and Drug Abuse Problems~~, hereafter referred to in this section as "the Council." The Council shall advise and make recommendations to the Governor, *the General Assembly, and the Board* on broad policies, goals and on the coordination of the Commonwealth's public and private efforts to control alcohol and *other* drug abuse.

B. The Council shall consist of ~~nineteen~~ *twenty-two* members ~~appointed by the Governor, one of whom shall represent the Office of the Secretary of Health and Human Resources, one of whom shall represent the Office of the Secretary of Transportation, one of whom shall represent the Office of the Secretary of Public Safety, five of whom shall represent state agencies with responsibility in the area of substance abuse, and two of whom shall represent local governmental agencies concerned with alcohol and drug abuse.~~ All of the above members shall serve on the Council at the pleasure of the Governor as follows: *six members of the General Assembly, including four members of the House of Delegates, to be appointed by the Speaker of the House, and two members of the Senate, to be appointed by the Senate Committee on Privileges and Elections, to serve as ex officio members of the Council with full voting privileges; one member each representing the Virginia Sheriff's Association, the Virginia Association of Community Services Boards, and a statewide consumer and advocacy organization to be appointed by the Speaker of the House of Delegates; one member each representing the Virginia Association of Community Services Boards and a statewide consumer and advocacy organization, to be appointed by the Senate Committee on Privileges and Elections; the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Health; the Superintendent of Public Instruction; the Directors of the Departments of Juvenile Justice, Corrections, Criminal Justice Services, and Social Services; and the Executive Director of the Commission on the Virginia Alcohol Safety Action Program or his designee; and the chairs or their designees of the*

Virginia Association of Drug and Alcohol Programs, the Virginia Association of Alcoholism and Drug Abuse Counselors, and the Substance Abuse Council and Prevention Task Force of the Virginia Association of Community Services.

C. The remaining nine members shall be from the general public. The nine public members shall each have a professional, research, or personal interest in drug or alcohol abuse and at least four of such members shall represent statewide organizations with alcohol or drug abuse concerns. When appointing members to the Council, the Governor shall assure that minority and low income groups are provided representation on the Council. Appointments of agency heads shall be for terms consistent with their terms of office. All other appointments of public nonlegislative members shall be for terms of three years, except an appointment to fill a vacancy which shall be for the unexpired term. The Governor Council shall appoint elect a chairman from the general public who shall call all meetings among its members.

No person shall be eligible to serve more than two successive terms, provided that a person appointed to fill a vacancy may serve two full successive terms.

D. The Council shall meet at least four times annually and more often if deemed necessary or advisable by the chairman.

E. The members of the Council shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

F. The duties of the Council shall be:

1. To formulate and recommend policies and goals to the Governor, the General Assembly, and the Board;

2. To review and comment on agency plans for substance abuse coordinate agency programs and activities, to prevent duplication of functions, and to combine all agency plans into a comprehensive interagency state plan for substance abuse services;

3. To review and comment on annual state agency budget provisions requests regarding substance abuse and on all applications for state or federal funds or services to be used in substance abuse control programs;

4. To develop recommendations and plans for strengthening substance abuse control activities define responsibilities among state agencies for various programs for persons with substance abuse problems and to encourage cooperation among agencies; and

5. To make investigations, issue annual reports to the Governor and the General Assembly and make recommendations relevant to substance abuse upon the request of the Governor.

G. Staff assistance shall be provided to the Council as directed by the Secretary of Health and Human Resources, the Secretary of Transportation, and the Secretary of Public Safety by the Office of Substance Abuse Services of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

§ 37.1-219. Standards for treatment facilities; inspections; list of facilities; filing of information.

A. The Board shall adopt reasonable regulations prescribing standards for the sanitation, hygiene and safety of substance abuse treatment facilities and standards to assure ensure proper attention, service and treatment to persons treated in such facilities. The Board may categorize treatment facilities in accordance with the character of treatment, care or service rendered or offered and prescribe such standards for each category. Such standards must be met by a public or private substance abuse treatment facility to be approved pursuant to regulations promulgated by the Board to receive public funds.

B. The Commissioner shall periodically cause to be inspected approved public and private substance abuse treatment facilities at reasonable times and in a reasonable manner.

C. The Department shall maintain a current list of approved public and private substance abuse treatment facilities, which shall be made available upon request.

D. Each approved public and private substance abuse treatment facility shall file with the Department such data, statistics, schedules and information as may be reasonably required.

E. Upon petition of the Commissioner and after a hearing held upon reasonable notice to the facility, a general district court may issue a warrant to an officer or employee of the Department authorizing him to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private substance abuse treatment facility which that refuses to consent to inspection or examination by authorized agents of the Department.

§ 37.1-220. Services for treatment of substance abuse.

A, B. [Repealed.]

CA. The comprehensive programs services for alcoholics and intoxicated persons substance abusers established by community services boards may include, but are not limited to:

1. Public information Prevention and education programs.

2. Approved treatment facilities for facilitating access into care and rehabilitation by detoxifying and

429 evaluating alcoholics and intoxicated persons and providing entrance into additional treatment programs.  
430 Such facilities shall have available the services of a licensed physician for medical emergencies and  
431 routine medical assistance. *Comprehensive assessment and evaluation.*

432 3. Approved *Residential* treatment facilities providing inpatient or full-time residential treatment.

433 4. Approved treatment facilities providing intermediate treatment or residential treatment that is less  
434 than full time. *Outpatient treatment and case management.*

435 5. Facilities providing outpatient and follow-up treatment where the client is not a full-time or  
436 part-time resident of the treatment facility. Such services may be offered in clinics, social services  
437 centers or in the patient's home. *Approved facilities for detoxification of persons with substance abuse*  
438 *problems.*

439 ~~DB.~~ No person who is not already within the correctional system may be referred to treatment  
440 programs operating within correctional institutions.

441 ~~E.~~ All appropriate public and private facilities and services shall be coordinated with and utilized in  
442 the program if possible.

443 ~~F. [Repealed.]~~

444 § 37.1-221. Regulations for acceptance for treatment of substance abuse.

445 The Board shall adopt regulations for acceptance of persons into approved *substance abuse* treatment  
446 facilities. In establishing the regulations the Board shall be guided by the following standards:

447 A. Whenever possible a *patient person abusing substances* shall be treated on a voluntary rather than  
448 an involuntary basis.

449 B. A *patient* shall be initially assigned or transferred to outpatient or intermediate treatment, unless  
450 he is found to require inpatient treatment.

451 ~~CB.~~ A person shall not be denied treatment solely because he has withdrawn from treatment against  
452 medical advice on a prior occasion or because he has relapsed after earlier treatment.

453 ~~DC.~~ An individual treatment plan shall be prepared and maintained on a current basis for each  
454 *patient person*.

455 ~~ED.~~ Adequate communication and referral systems shall be maintained between *all approved*  
456 *treatment components facilities and programs* to ~~insure~~ *ensure* smooth transition from one facility or  
457 form of treatment to another.

458 ~~EE.~~ An attempt shall be made to include all family members at the earliest possible phase of  
459 treatment.

460 § 37.1-222. Voluntary treatment of substance abusers.

461 ~~A.~~ Any approved treatment facility may admit as a *patient* any person requesting admission who,  
462 having been examined by an appropriate member of the staff of such facility, is deemed to be in need  
463 of treatment for alcoholism.

464 B. The administrator in charge of an approved treatment facility may determine who shall be  
465 admitted for treatment in accordance with regulations adopted by the Board. If a person is refused  
466 admission to an approved treatment facility, the administrator shall refer the person to another approved  
467 treatment facility in accordance with regulations adopted by the Board for treatment, if possible and  
468 appropriate.

469 § 37.1-223. Procedure for adoption of regulations.

470 Prior to the adoption, amendment, or repeal of any regulation, the Board shall, in addition to the  
471 procedures set forth in the Administrative Process Act (§ 9-6.14:1 et seq.):

472 ~~A. Present,~~ *present* the proposed regulation to the ~~Virginia Advisory Council on Substance Abuse~~  
473 ~~Problems Substance Abuse Services Council~~ at least thirty days prior to its adoption for the Council's  
474 review and comment.

475 ~~B. [Repealed.]~~

476 2. That §§ 37.1-208, 37.1-209 and 37.1-214 through 37.1-218 of the Code of Virginia are repealed.