

July 18, 2006

Senator Frank Wagner
Chairman, Joint Commission on Administrative Rules
P.O. Box 68008
Virginia Beach, Virginia 23471

Dear Mr. Chairman,

During the 2001 legislative session Governor Gilmore set forth a plan to close several state facilities including Eastern State Hospital. Fortunately the plan didn't go forward because of the impasse over the budget. Prior to the stalemate however, several delegates requested amendments to the proposal designed to insure the safety of psychiatric patients who would be diverted from the state's care. These modifications were incorporated into Delegate McDonald's HB995 which became law in July 2002.

"§ 37.1-48.2. System restructuring; state and community consensus and planning team required.

A. For the purpose of considering any restructuring of the system of mental health services involving an existing state mental health facility, the Commissioner shall establish a state and community consensus and planning team consisting of Department staff and representatives of the jurisdictions served by the facility, including local government officials, consumers, family members of consumers, advocates, state facility employees, community services boards, public and private service providers, licensed hospitals, state-operated medical hospitals, local health department staff, local social services department staff, sheriffs' office staff, area agencies on aging, and other interested citizens."

In July 2003 the diversion of funding for inpatient care at Eastern State Hospital began. The diversion was part of Governor Warner's Reinvestment Plan. Despite aggressive efforts at outpatient stabilization by the CSBs, the closure of 43 admissions beds at Eastern State Hospital has had devastating consequences. One year later the Department of Mental Health conducted a survey of the state's civil commitment experience. Between September 1st and October 31st, 2004, no fewer than 68 mentally ill people, found to be either suicidal, homicidal or so sick they were no longer able to care for themselves, were discharged from police custody because there were no psychiatric beds to be found anywhere in the state.

"Survey data received from all 40 CSBs documents clearly the tremendous risk incurred by the Commonwealth and its citizens on a daily basis from lack of access to appropriate crisis intervention and acute care".

Despite the evidence, Governor Warner's last budget calls for a reduction of an additional 150 adult care beds at the new Eastern State Hospital. Virginia's mental health system no

longer provides a safety net for it's most vulnerable citizens. The additional loss of state beds will devastate available resources for years to come.

I've contacted Dana Schrad, Executive Director of the Virginia Association of Chiefs of Police and John Jones at the Virginia Sheriffs' Association and Institute. They report that although their members have been involved in related state studies, to the best of their knowledge, none has participated in "community consensus and planning teams" as required by statute.

Mr. Jones' comments to the Senate Finance Committee is illustrative:

"As it relates to the Governor's initiative, we believe a forecast policy committee should be established, implemented and recommendations should be forwarded to the money committees for consideration, relating to the need for mental health beds."

I am asking that your committee determine whether the Commissioner of the Department of Mental Health has complied with the statutory requirement. I am hopeful that if community participation is implemented, a safe, sound and reasonable plan for state mental health services can emerge.

Very truly yours,

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