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## Joint Subcommittee to Study Mental Health Services in the 21st Century

April 20, 2021, at 2:00 p.m.

Electronic Meeting

[dls.virginia.gov/interim\\_studies\\_MHS.html](https://dls.virginia.gov/interim_studies_MHS.html)

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The Joint Subcommittee to Study Mental Health Services in the 21st Century (the Joint Subcommittee) met electronically with Senator R. Creigh Deeds, chair, presiding.<sup>1</sup> The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Joint Subcommittee's website](#).

### **Presentation: Overview of the Joint Subcommittee and 2020 Recommendations and Outcomes**

*Sarah Stanton, Senior Staff Attorney, Division of Legislative Services*

Ms. Stanton began her presentation by summarizing the primary recommendations made during the 2020 meetings of the Joint Subcommittee. The 2020 recommendations were that:

1. The General Assembly should establish a Behavioral Health Commission;
2. The General Assembly should direct the Department of Behavioral Health and Developmental Services to convene a work group to study and develop a plan for collecting and compiling data related to behavioral health and criminal justice;
3. The General Assembly should restore funding (\$3.5 million) for discharge planning in jails; and
4. The Joint Subcommittee should continue to work on clarifying and reorganizing statutes related to mandatory outpatient treatment.

Ms. Stanton went on to discuss the respective outcomes of these four recommendations. The outcomes were as follows:

1. SB 1273 (Deeds) (Chapter 313, Acts of Assembly, 2021 Special Session I) creates the Behavioral Health Commission as a legislative branch agency to study and make recommendations for the improvement of behavioral health services and the behavioral health service system in the Commonwealth for the purpose of improving the quality of and increasing access to the full continuum of high-quality, effective, and efficient behavioral health care in the Commonwealth. Chapter 313 becomes effective on July 1, 2021.
2. House Joint Resolution 578 (Price, 2021 Special Session I) requests that the Department of Behavioral Health and Developmental Services establish a work group to study the

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<sup>1</sup> **Members Present:** Senator R. Creigh Deeds (chair), Senator George L. Barker, Senator Emmett W. Hanger, Jr., Senator Janet D. Howell, Senator T. Montgomery "Monty" Mason, Delegate Robert B. Bell, Delegate Patrick A. Hope, Delegate Marcia "Cia" Price, Delegate Margaret B. Ransone, Delegate Mark D. Sickles, Delegate Vivian A. Watts

**Members Absent:** Delegate Nick Rush

feasibility of developing a secure, de-identified, renewable, and relational database of criminal justice, behavioral health, and other human services records to facilitate the development of more effective interventions. HJR 578 was agreed to by both the House of Delegates and the Senate.

3. The 2021 Appropriation Act restores \$2.1 million in funding for discharge planning in jails for the second year of the biennium; this amount is the full amount that was previously appropriated and then unallotted by Chapter 1289 of the Acts of Assembly of 2020.
4. HB 2166 (Hope) (Chapter 221, Acts of Assembly, 2021 Special Session I) makes numerous changes to the statutes governing mandatory outpatient treatment services in the Commonwealth. Chapter 221 becomes effective on July 1, 2022.

### **Presentation: Mental Health Services Budget Update**

*Mike Tweedy, Health and Human Resources Legislative Analyst, Senate Committee on Finance and Appropriations*

Mr. Tweedy began his presentation with a summary of the 2020–2022 budget bills: the 2020–2022 Biennial Budget (Chapter 1289, Acts of Assembly, 2020), Amendments to Chapter 1289 (Chapter 56, Acts of Assembly, 2020 Special Session I), and the 2020–2022 Amended Biennial Budget (Chapter 552, Acts of Assembly, 2021 Special Session I). Mr. Tweedy then discussed which funds were not allotted in Chapter 1289, which funds were restored by Chapter 56, and which funds were restored by Chapter 552 for STEP-VA, permanent supportive housing, discharge assistance planning to transition individuals from state hospitals, pilot projects with hospitals to reduce census pressures, the Virginia Mental Health Access Program, forensic discharge planning in jail, and pilot diversion projects for dementia patients. Mr. Tweedy also went through several other behavioral health funding actions that were affected by the three 2020–2022 budget bills. The specific dollar amounts can be found in the Joint Subcommittee materials from the April 20, 2021, meeting.

Additionally, Mr. Tweedy discussed other budget actions, including (i) continuation of the Temporary Detention Order Evaluator Workgroup pursuant to Chapters 918 and 919 of the 2020 Acts of Assembly; (ii) establishing a work group to evaluate to review the current processes and barriers to sharing relevant patient information between community hospitals and Community Services Boards for shared patients subject to an emergency custody order (ECO) and under evaluation for a temporary detention order (TDO); (iii) a directive to the Department of Behavioral Health and Developmental Services (DBHDS) to work with the Virginia Treatment Center for Children (VTCC) to examine and develop strategies that better utilize the VTCC in assisting with relief on the census pressures on the Commonwealth Center for Children and Adolescents; (iv) a requirement for DBHDS to report on efforts to provide early psychosis intervention and coordinated specialty care for children, adolescents, and young adults by November 15, 2021; and (v) a directive to DBHDS to collaborate with Chesapeake Regional Healthcare to develop a memorandum of understanding for dedicating a portion of the future beds of a 20-bed psychiatric unit at the hospital for use in providing treatment services to individuals who may otherwise be admitted to state behavioral health hospitals.

### **Presentation: Department of Behavioral Health and Developmental Services Update**

*Alison G. Land, FACHE, Commissioner, Department of Behavioral Health and Developmental*



## Services

Commissioner Land described the challenges that have arisen with the populations of state hospitals. Statewide, she said, the adult state hospital census was at 112 percent capacity at its highest point in fiscal year 2021. She provided a chart of the extreme activity that took place from July 2020–March 2021 (available in the meeting materials), and noted that six of the eight state hospitals experienced closures due to COVID-19 during fiscal year 2021.

Commissioner Land also discussed the challenges facing the Commonwealth Center for Children and Adolescents (CCCA). While CCCA admissions were significantly lower due to the stay-at-home order during the last quarter of the 2020 fiscal year, admissions increased steadily throughout fiscal year 2021. Additionally, CCCA initially faced staffing shortages due to a COVID-19 outbreak in September 2020 and is working on securing a \$4.5 million emergency contract with a major children's health care system for diversion in anticipation of an admissions surge during September 2021 when in-person learning returns.

According to Commissioner Land, the biggest challenge that DBHDS facilities face is a statewide staffing shortage. She noted that staffing vacancies range from over 20 percent to 52 percent in facilities across the Commonwealth. These staffing shortages arise from several factors, including compensation that is not competitive and the shortages exacerbated by the COVID-19 pandemic. DBHDS is also working to find solutions to (i) issues faced by law enforcement when admissions to state hospitals are delayed, (ii) the discharge of patients with a diagnosis of dementia, and (iii) expediting the discharge process for patients who are clinically ready for discharge. Additionally, she provided updates on the list of extraordinary barriers that prevent patients from being discharged from state facilities in a timely manner.

When Commissioner Land concluded her presentation, the members asked questions and discussed some of the key initiatives she had outlined, with a focus on staffing shortages and delays in the discharge of patients.

### **Presentation: Department of Medical Assistance Services Update**

*From the Department of Medical Assistance Services, Division of Developmental Disabilities and Behavioral Health: Dr. Alyssa Ward, Behavioral Health Clinical Director; Laura Reed, Behavioral Health Senior Program Advisor; Ashley Harrell, Senior Program Advisor*

Dr. Ward began the Department of Medical Assistance Services (DMAS) presentation by outlining the behavioral health priorities for 2021: (i) the implementation of project BRAVO; (ii) Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act efforts; (iii) therapeutic day treatment (TDT) monitoring and support; (iv) permanent telehealth policies and monitoring; and (v) subject matter expertise support for Medicaid Enterprise System implementation, the service authorization request for proposals (RFP) process, and other agency priorities. Dr. Ward mentioned that the number of TDT services declined by 68 percent, while the number of intensive in-home services among TDT members increased by 81 percent, and she expects those trends to shift as children begin to go back to school in 2021.

The DMAS presenters also explained that DMAS is focused on enhancing behavioral health services by implementing the following six services: (i) the Partial Hospitalization Program, (ii) assertive community treatment, (iii) multi-systemic therapy, (iv) the Intensive Outpatient Program, (v) comprehensive crisis services, and (vi) functional family therapy. They noted that the focus on the enhancement of behavioral health services provides alternatives to state



psychiatric admissions and offers step-down resources that are not currently available, which would assist with the current psychiatric bed crisis and has demonstrated cost-efficiency and value in other states. The presenters further noted that the Managed Care Organization (MCO) Resolutions Panel, which was established through budget language attached to Behavioral Health Enhancement, has met twice to create a new venue for provider associations to bring trend-level concerns about MCO actions.

Ms. Harrell provided updates regarding the current projects funded by the SUPPORT Act grant and specifically highlighted how the SUPPORT Act grant has helped DMAS revolutionize the system of addiction care bridge clinics for treatment of opioid use disorder by utilizing telehealth flexibilities and creating virtual bridge clinics.

### **Presentation: Virginia Sheriffs' Association Comments Regarding the Emergency Custody and Temporary Detention Process**

*John Jones, Executive Director, Virginia Sheriffs' Association*

*Darrell Warren, Sheriff, Gloucester County, and President, Virginia Sheriffs' Association*

*Arthur Townsend, Sheriff, Lunenburg County, and Chairman, Virginia Sheriffs' Association Legislative Committee*

Mr. Jones said that the main concern of the Virginia Sheriffs' Association (VSA) is the delay in admissions to state hospitals due to a lack of available beds, which puts a strain on law-enforcement agencies. Specifically, he explained that if someone is experiencing a mental health crisis and is under an ECO or TDO, law-enforcement officers are tasked with staying in a hospital with that patient until a bed opens in a state hospital, which both puts a strain on law-enforcement services and creates budgeting challenges due to extensive overtime.

Sheriff Warren followed up and noted that his jurisdiction faces these same challenges. He said that, in his rural jurisdiction, there are not as many law-enforcement officers on duty to begin with, so even one mental health crisis can significantly reduce law-enforcement resources due to the delays in transportation.

### **Work Plan**

*Division of Legislative Services Staff*

Following the presentations, the Joint Subcommittee discussed potential agenda items for the 2021 interim work plan. A draft work plan will be circulated and available in the meeting materials online once approved.

### **Public Comment and Next Meeting**

The Joint Subcommittee heard public comment and testimony. The next meeting of the Joint Subcommittee will be held at a date and time to be determined.



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For more information, see the [\*Joint Subcommittee's website\*](#) or contact the Division of Legislative Services staff:

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