



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

Work Group 3: Involuntary Commitment & Emergency Services

June 7, 2021, at 1:30 p.m.

Electronic Meeting

<https://studies.viriniageneralassembly.gov/studies/554>

Work Group 3: Involuntary Commitment & Emergency Services (the Work Group) of the Joint Subcommittee to Study Mental Health Services in the 21st Century (the Joint Subcommittee) met electronically with Delegate Patrick A. Hope, chair, presiding.¹ 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 meetings webpage](#).

Presentation: HB 2329 (Cox, 2021): Involuntary Commitment, Release of Person Before Expiration of Order

Delegate M. Kirkland Cox and Kanika Pride

Delegate Cox began the presentation with a brief summary of HB 2329, which provides that the director of a state hospital or person in charge of a licensed hospital shall not release a person who has been involuntarily admitted during the 96-hour period immediately following entry of the involuntary commitment order unless, after conducting their own evaluations, both the psychiatrist treating the person and a second psychiatrist conclude that the person will not meet the criteria for involuntary commitment if released. He then introduced Ms. Pride, who shared her story of a family member who was released too soon from involuntary commitment. Ms. Pride's situation gave rise to the need for the bill.

After the presentation, Delegate Hope inquired about the current process for releasing someone who is under a temporary detention order. Staff responded that the relevant provision of the Code of Virginia allows whoever operates the facility to make the decision as to when to release someone under an involuntary commitment. The Work Group members then agreed that having a second person sign off on an early release is a necessary step to ensuring public safety.

Presentation: SB 1049 (Deeds, 2020): Involuntary Commitment; Notice and Participation, Discharge Plans

Senator R. Creigh Deeds and Steve Pearson

Senator Deeds gave a brief summary of SB 1049, which clarifies the role of individuals identified and requested by a person in the involuntary commitment process to assist him in the process. This includes such individuals' right to receive medical records, notice of hearings, and

¹ Members Present: Delegate Patrick A. Hope (chair), Delegate Nick Rush, Senator R. Creigh Deeds, Senator T. Montgomery Mason
Members Absent: None

copies of orders and to participate in hearings and the discharge planning process. Mr. Pearson spoke about his own experience with an adult son who had been involuntarily committed on multiple occasions but would revoke his consent for his parents to view his medical records as soon as he experienced a mental health crisis.

The Work Group members and stakeholders, primarily members of the mental health care community, discussed their concerns, including that, if implemented incorrectly, SB 1049 could result in a removal of the rights of mentally ill adults. Several stakeholders and Work Group members agreed that utilizing an advanced directive would accomplish the intention of this bill without being detrimental to the person.

Discussion and Directions to Staff

The stakeholders took turns discussing reorganizing the provisions of the Code of Virginia that govern mandatory outpatient treatment and heard public comment on the subject. The Work Group members then discussed HB2329 and SB 1049 and next steps. The Work Group directed Staff to:

- Conduct a 50-state survey regarding how other states handle releasing patients who have been involuntarily committed;
- Further research advance medical directives to see if they are a sufficient solution for the issue of the release of medical records to family members or other designated individuals of those experiencing a mental health crisis; and
- Begin working on reorganizing the mandatory outpatient statute.

A date for the next meeting was not set.

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

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