



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

Work Group 2: Special Populations

June 22, 2021, at 10:00 a.m.

Electronic Meeting

http://dls.virginia.gov/interim_studies_MHS.html

Work Group 2: Special Populations (the Work Group) of the Joint Subcommittee to Study Mental Health Services in the 21st Century (the Joint Subcommittee) met electronically with Delegate Vivian E. Watts, 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](#).

Overview of Bills Referred to the Work Group

Division of Legislative Services Staff

HB 2047 (Bourne, 2021 Special Session I) & SB 1315 (McClellan, 2021 Special Session I): Criminal proceedings; consideration of mental condition and intellectual and developmental disabilities.

Staff gave a brief overview of identical bills HB 2047 (Bourne, 2021) and SB 1315 (McClellan, 2021). The bills as enacted by the 2021 Special Session I allow a defendant to introduce evidence at trial of his mental condition at the time of an alleged offense, including expert testimony. This evidence can be used to show whether the defendant had the requisite intent for the offense charged. The third enactment clause of the bills directs the Joint Subcommittee to study the relevant standard of danger to self or others that may be appropriately applied to persons found not guilty under the provisions of these bills in the issuance of emergency custody orders or temporary detention orders, or the ordering of other mandatory mental health treatments. The Joint Subcommittee is directed to report recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by December 1, 2021.

SB 569 (Dunnivant, 2020): Department of Behavioral Health and Developmental Services; Department of State Police; mobile applications; mental health and public safety.

Staff also provided an overview of SB 569 (Dunnivant, 2020) that was referred to the Joint Subcommittee following the 2020 Session. The bill, which was continued to 2021 by the Behavioral Health Subcommittee of the House Committee on Health, Welfare and Institutions, requires the Department of Behavioral Health and Developmental Services (DBHDS) to develop or obtain a mental health mobile application to facilitate the provision of crisis intervention services by licensed clinicians to individuals through calls, text messages, or online chat portals. Under the bill, the Department of State Police, in turn, is required to develop or obtain a public safety mobile application to furnish confidential tips through text, audio, images, or video and develop a referral system to ensure such confidential tips are referred to the appropriate law-

¹ **Members Present:** Delegate Vivian E. Watts (chair), Delegate Marcia S. "Cia" Price, Delegate Robert B. Bell, Senator R. Creigh Deeds

Members Absent: Delegate Margaret B. Ransone

enforcement or other agency. The members of the Joint Subcommittee discussed making the components of this bill a priority should funding allow.

Presentation: Update on Jail Diversion Initiatives and Key Considerations for Forensics Patients

Christine Schein, Deputy Director of Forensic Services, DBHDS

Ms. Schein began with an update on jail diversion initiatives. She noted that the primary goals of these initiatives at any stage of the criminal justice system are to (i) identify individuals diagnosed with serious mental illnesses and co-occurring disorders; (ii) divert individuals away from the criminal justice system; and (iii) connect individuals with meaningful services and treatment. She further explained that during fiscal year 2020, these diversion initiatives yielded positive outcomes, including a 32 percent decrease in utilization of emergency or crisis services and a 100 percent decrease in acute psychiatric hospitalization 180 days after discharge.

One avenue of jail diversion is the implementation of mental or behavioral health dockets. Ms. Schein noted that the aim of these dockets is to divert eligible defendants with diagnosed mental health disorders into judicially supervised, community-based treatment. Currently, 14 Virginia courts utilize these dockets, four of which are funded by DBHDS. Of these four DBHDS-funded dockets, 338 individuals have participated since fiscal year 2015, and 52 percent of those participants have successfully completed all docket requirements.

Ms. Schein also detailed some key considerations for forensics patients. Forensics patients represent approximately 40 percent of the state mental health hospital population. She explained a few of the unique challenges these patients present, such as difficulty conducting court-ordered evaluations and the delay between competency or insanity evaluations and the subsequent hearing. To avoid these delays, it is key to streamline the hearings after an evaluation is conducted. Ms. Schein noted that the use of remote testimony will help.

Public Comment and Directions to Staff

The Work Group members heard public comment and then discussed next steps. Moving forward, the agenda for the next meeting of the Work Group will include (i) a full presentation by the patrons on HB 2047 (Bourne, 2021) and SB 1315 (McClellan, 2021); (ii) recommendations on how to best utilize American Rescue Act funds to support mental health initiatives; and (iii) look at each of the recommendations from DBHDS regarding forensics patients and have follow-up presentations on both data and how to best implement such recommendations.

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

Sarah Stanton, Senior Attorney, DLS
sstanton@dls.virginia.gov
804-698-1824

Sabrina Miller-Bryson, Attorney, DLS
smiller-bryson@dls.virginia.gov
804-698-1876

