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SENATE BILL NO. 1222

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health)
(Patron Prior to Substitute—Senator Barker)
Senate Amendments in [] — February 6, 2017

A BILL to amend the Code of Virginia by adding a section numbered 37.2-308.2, relating to the acute psychiatric patient registry.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 37.2-308.2 as follows:

§ 37.2-308.2. Acute psychiatric patient registry created.

A. The Department shall develop and administer an acute psychiatric patient registry to collect, aggregate, and display de-identified information about some individuals who meet the criteria for temporary detention pursuant to § 37.2-809 to facilitate the timely identification of a facility for temporary detention and treatment of the individual.

B. The acute psychiatric patient registry shall:

1. Include de-identified information about persons found to meet the criteria for temporary detention pursuant to § 37.2-809 for whom a non-state placement has not been quickly identified, including nonidentifying demographic data, information about the type of care and level of security required, and any other information that may be necessary to allow employees of private providers of mental health services licensed by the Department to determine whether the provider may be able to provide temporary detention and treatment for the individual;

2. Allow employees of private providers of mental health services licensed by the Department to perform searches of the acute psychiatric patient registry to identify individuals for whom the provider may be able to provide temporary detention and treatment. In any case in which the private provider determines that a patient described in the acute psychiatric patient registry is a patient for whom the provider may be able to provide temporary detention and treatment, the provider shall contact the state facility, community services board, or behavioral health agency having custody of the individual to determine whether to transfer the patient to the provider for temporary detention and treatment; and

3. Protect patient privacy and data security pursuant to provisions of this chapter and state and federal privacy laws, including the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq., as amended), Titles XIX and XXI of the Social Security Act, § 32.1-127.1:03, Chapter 6 (§ 38.2-600 et seq.) of Title 38.2, and the Health Information Technology for Economic and Clinical Health (HITECH) Act, as included in the American Recovery and Reinvestment Act (P.L. 111-5, 123 Stat. 115).

C. Every state facility, community services board, behavioral health authority, and private provider of mental health services licensed by the Department may participate in the acute psychiatric patient registry created pursuant to this section. Any such participant shall designate such employees as may be necessary to submit information for inclusion in and conduct searches of the acute psychiatric patient registry and serve as a point of contact for addressing requests for information related to data reported to the acute psychiatric patient registry.

D. Every community services board and behavioral health authority participating in the registry shall update information contained in the acute psychiatric patient registry to include information about a person found to meet the criteria for temporary detention pursuant to § 37.2-809 as soon as practicable after completion of the evaluation required by § 37.2-809 and shall remove information about a patient from the acute psychiatric patient registry as soon as (i) the order for temporary detention expires pursuant to subsection H of § 37.2-809, (ii) the person is found to no longer meet the criteria for temporary detention, or (iii) the person becomes the subject of an order for involuntary commitment pursuant to § 37.2-807.

[2. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed in 2017 by the General Assembly that becomes law.]

ENGROSSED

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