

Bills Referred to the Joint Subcommittee

2021

HB 2329 Involuntary commitment; release of person before expiration of order.

Chief patron: Cox

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 to such state hospital or licensed hospital during the 96-hour period immediately following the entry of the involuntary commitment order, unless in the opinion of (i) the psychiatrist treating the person, based on an evaluation conducted by the psychiatrist, and (ii) a second psychiatrist who has evaluated the person, the person will not meet the criteria for involuntary commitment if released.

- This bill was tabled in the House Committee on Health, Welfare and Institutions during the 2021 Regular Session with the agreement of the committee chairman to send a letter to the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century requesting that the Joint Subcommittee study the issues raised by the bill.

Bills Referred 2020 — PENDING

HB 883 DCJS; costs and benefits of implementing a deflection to treatment program, report.

Chief patron: Subramanyam

Directs the Department of Criminal Justice Services to evaluate the costs and benefits of implementing a deflection to treatment program for individuals with substance use disorder or mental illness generally, and the Five Deflection Pathways in accordance with the Police, Treatment and Community Collaborative specifically, and to report its findings and recommendations to the Governor and the General Assembly by December 1, 2020.

HB 1026 Mandatory outpatient treatment; criteria.

Chief patron: Adams, L.R.

Eliminates the requirement that a person have a history of lack of compliance with treatment for mental illness that has, at least twice within the previous 36 months, resulted in the person being subject to an order for involuntary admission to be eligible for mandatory outpatient treatment following a period of involuntary inpatient treatment.

HB 1351 Temporary detention; expands category of individuals who may evaluate a person.

Chief patron: Watts

Expands the category of individuals who may evaluate a person who is the subject of an emergency custody order to determine whether the person meets the criteria for temporary detention to include any person described in the definition of "mental health professional" in § 54.1-2400.1 who (i) is skilled in the diagnosis and treatment of mental illness, (ii) has completed a certification program approved by the Department of Behavioral Health and Developmental Services, and (iii) complies with regulations of the Board of Behavioral Health and Developmental Services related to performance of such evaluations.

SB 317 Licensed inpatient nursing services; in-home follow-up care upon discharge.

Chief patron: Kiggans

Directs the State Board of Behavioral Health and Developmental Services to promulgate regulations that require each provider of inpatient psychiatric services to develop and implement a policy for linking individuals who will be discharged from inpatient psychiatric care with in-home follow-up nursing services as available, including assistance with medication management, upon discharge, which may be provided by a licensed home care organization, certified home health agency, community services board, or other appropriate service provider, allowing patient choice to the greatest extent possible in the selection of such service provider.

SB 569 DBHDS and VSP; mobile applications, mental health and public safety.

Chief patron: Dunnavant

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 in the Commonwealth through calls, texts, and online chat portals. The bill requires the mobile application to be integrated with the crisis intervention phone hotline established as part of System Transformation Excellence and Performance (STEP-VA). The Secretary of Health and Human Resources is directed to promote, market, and advertise the use of such application using existing resources.

The bill also requires the Department of State Police, in coordination with the Virginia Fusion Intelligence Center, to (i) develop or obtain a public safety mobile application to enable individuals in the Commonwealth to furnish confidential tips to the Department of State Police through text, audio, images, or video concerning a suspected, anticipated, or completed criminal violation or a school-related safety concern and (ii) develop a referral system to ensure that such confidential tips are referred to the appropriate law-enforcement agency, school board, threat assessment team, or other relevant entity. The Secretary of Public Safety and Homeland Security is directed to promote, market, and advertise the use of such application using existing resources.

The provisions of the bill related to an application developed by DBHDS have a delayed effective date of July 1, 2021. The provisions of the bill are contingent on funding in a general appropriation act.

SB 1049 Involuntary commitment; notice and participation, discharge plans.

Chief patron: Deeds

Clarifies the role of individuals identified and requested by a person in the involuntary commitment process to assist him in the process. The bill sets out such authorized individuals' right to receive medical records, notice of hearings, and copies of orders and to participate in hearings and the discharge planning process.

HBs 699, 700, 702 and 713 (Hope), amending statutes governing mandatory outpatient treatment, were referred to the Joint Subcommittee during the 2020 Regular Session. Due to the COVID-19 pandemic and the 2020 Special Session, the Joint Subcommittee was unable to study the matters during the 2020 interim. HB 2166 (Hope) introduced and enacted during the 2021 Regular Session incorporated many of the changes to the Commonwealth's mandatory outpatient treatment laws set forth in HBs 699, 700, 702 and 713.