








Final disposition of legislation and budget amendments supported by the BHC

2023 Session



LEGISLATION



Recommendation / option	Patron	Bill number	Final outcome
JLARC Report: CSB Behavioral Health Services (click for report)			
Strengthen monitoring and enforcement of CSB compliance with performance contracts. Modifies and reorganizes provisions related to the requirements of performance contracts between DBHDS and CSBs/BHAs by 2024; requires DBHDS to monitor CSB and BHA compliance with performance contracts and to use enforcement mechanisms.	Del. Rasoul	HB 2185	Approved by Governor Chapter 790 ✓
	Sen. Hanger	SB 1169	Approved by Governor Chapter 754 ✓
Purpose of CSB services; goals and objectives aligned with purpose and included in performance contracts. Defines the purpose of behavioral health services provided by CSBs and BHAs within the state's broader behavioral health system. Also requires the development of clear CSB/BHA goals and objectives that align with and advance the newly defined purpose to be included in performance contracts. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities.	Sen. Hanger	SB 1465	Approved by Governor Chapter 484 ✓
JLARC Report: Pandemic Impact on Public K-12 Education (click for report)			
School counselors; staff time. Defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of their staff time during normal school hours on the direct counseling of individual students or groups of students and clarifies that each school counselor may also spend up to 20 percent of his staff time during normal school hours on program planning and support.	Del. Rasoul	HB 2187	Approved by Governor Chapter 347 ✓
	Sen. Favola	SB 1257	Incorporated into SB 1043 , which was approved by Governor Chapter 349 ✓



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School psychologists; staffing flexibility. Provides that in order to fill vacant school psychologist positions, any local school board may employ, under a provisional license, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.	Del. Rasoul	HB 2188	Tabled in subcommittee 
	Sen. Favola	SB 1268	Incorporated into SB 1043 , which was approved by Governor Chapter 349 
BHC Staff Study of HB 2047/SB 1315 (click for findings)			
Orders for involuntary outpatient evaluations and services; evidence of defendant's mental condition. Allows the court, if a defendant is found not guilty of any offense after a trial at which evidence of his mental condition was admitted, to enter an order for an outpatient evaluation of the defendant if the court finds probable cause to believe the defendant meets the criteria. Specifies that evidence of mental condition is only relevant in cases involving specific intent offenses.	Del. Bell	HB 2434	Tabled in committee 
	Sen. Mason	SB 1510	PBI in committee 
Information to certain defendants; services of community services boards. Requires courts, in cases in which a defendant is found not guilty of any offense after a trial at which evidence of the defendant's mental condition at the time of the alleged offense was introduced, to make available to the defendant information regarding services provided by the community services board and how such services may be accessed.	Del. Hope	HB 2054	Approved by Governor Chapter 217 
	Sen. Favola	SB 1267	Approved by Governor Chapter 218 
Staff Study of SB 198 – Competency Restoration (click for findings)			
Criminal proceedings; disposition when defendant found incompetent; evaluation for temporary detention. Requires a competency evaluation report to identify whether the defendant should be evaluated for TDO diversion. Changes the order of events in a TDO diversion case such that the court does not dismiss the	Del. Hope	HB 1908	Approved by Governor Chapter 229 


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charges until the CSB has provided written notice of evaluation. In cases where the defendant does not cooperate with the evaluation, requires the CSB to notify the court and requires the court to issue a mandatory examination order. Repeals the sunset on the TDO diversion process.	Sen. Mason	SB 1507	Approved by Governor Chapter 230 ✓
Behavioral Health Commission			
Behavioral Health Commission; funding; sunset. Repeals outdated provisions that provided temporary alternative funding for and contingent expiration of the Behavioral Health Commission in the event that the Commission was not funded in the general Appropriation Act during its first year of existence.	Del. Watts	HB 2155	Approved by Governor Chapter 634 ✓
	Sen. Deeds	SB 1381	Approved by Governor Chapter 635 ✓
Behavioral Health Commission; agency assistance; access; records. Clarifies the duty of all agencies and other state-affiliated entities to cooperate with and assist the Behavioral Health Commission in the performance of its duties and to provide to the Commission certain information and access to facilities. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission.	Del. Watts	HB 2156	Approved by Governor Chapter 668 ✓
	Sen. Hanger	SB 1170	Approved by Governor Chapter 669 ✓



BUDGET AMENDMENTS



Recommendation / option	Original Patron	Floor Approved – HB 1400/ SB800?	2023 Appropriation Act Outcome
JLARC Report: CSB Behavioral Health Services			
Recommendation A. The General Assembly may wish to consider including language in the Appropriation Act requiring the Department of Behavioral Health and Developmental Services (DBHDS) to report annually on (i) community service board (CSB) performance in improving the functioning levels of its consumers based on composite and individual item scores from the DLA-20 assessment, or results from another comparable assessment, by CSB, (ii) changes in CSB performance in improving consumer functioning levels over time, by CSB, and (iii) the use of functional assessment data by DBHDS to improve CSB performance to the State Board of Behavioral Health and Developmental Services and the Behavioral Health Commission.	Del. Brewer	Yes. 311 #3h	Not included. 
Recommendation B. The General Assembly may wish to consider including funding in the Appropriation Act to fund a salary increase for direct care staff at community services boards. Funding: \$14.5M	Del. Hope	Yes. 313 #1h The BHC recommendation would have provided \$14,500,000 for a 5% salary increase for direct care staff at CSBs. The House included \$36,535,694 for additional salary adjustments for all CSB staff; this amount is equal to approx. 5% of total CSB payroll.	Item 313.RR includes \$18 million for "staff that work for" CSBs or BHAs and authorizes DBHDS to fund up to 100% of the costs of the compensation increase. 
	Sen. Hanger	Yes. 313 #5s	



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		<p>The BHC recommendation would have provided \$14,500,000 for 5% salary increase for direct care staff at CSBs.</p> <p>The Senate included \$50,000,000 for additional salary adjustments for "staff that work for" CSBs or BHAs. DBHDS is also directed to work with CSBs/BHAs to develop criteria for allocating the funds and authorizes DBHDS to fund up to 100% of the costs of the compensation increase.</p>	
Recommendation C. The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Behavioral Health and Developmental Services to report annually to the State Board of Behavioral Health and Developmental Services and the Behavioral Health Commission on average salaries, turnover, and vacancy rates, by position type, across community services boards.	Sen. Deeds	Yes. 311 #20s	Not included. 
Recommendation D. The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Behavioral Health and Developmental Services (DBHDS) to amend community services board (CSB) performance contracts to require that (i) any funding appropriated by the General Assembly to CSBs for staff compensation only be used for staff compensation and (ii) CSBs report annually on any staff compensation actions taken during the prior fiscal year to DBHDS.	Sen. Deeds	Yes. 312 #5s	Not included. 



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Recommendation E. The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Behavioral Health and Developmental Services (DBHDS) to (i) identify all current DBHDS requirements related to documentation and reporting of community services board (CSB) behavioral health services; (ii) identify which of these requirements currently apply to work by CSB direct care staff; (iii) identify any DBHDS requirements of direct care staff that are duplicative of or conflict with other DBHDS requirements; (iv) eliminate any requirements that are not essential to ensuring consumers receive effective and timely services or are duplicative or conflicting; and (iv) report to the State Board of Behavioral Health and Developmental Services and the Behavioral Health Commission on progress made toward eliminating administrative requirements that are not essential, are duplicative, or are conflicting.	Del. Rasoul	Yes. 311 #2h	Not included. 
	Sen. Mason	Yes. 311 #18s	
Recommendation F. The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Behavioral Health and Developmental Services (DBHDS) to contract with one or more higher education institutions to establish training and technical assistance centers to (i) deliver standardized training for preadmission screening clinicians on developing appropriate preadmission screening recommendations, interpreting lab results, and understanding basic medical conditions and (ii) provide technical assistance to preadmission screening clinicians, particularly when quality improvement is deemed necessary by DBHDS.	Sen. Deeds	Yes. 312 #4s	Not included. 

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Recommendation G. The General Assembly may wish to consider including funding in the Appropriation Act for the Department of Behavioral Health and Developmental Services to help community services boards hire additional staff for crisis stabilization units whose bed capacity is not fully utilized because of a lack of staff.	Del. Hope	No. (Original: 313 #11h) The BHC recommendation would have provided \$2,500,000 for DBHDS to help CSBs hire additional staff for CSUs. The House included \$25,000,000 for additional CSUs but did not include funding for existing CSUs.	Not included. 
	Sen. Deeds	No. (Original: 313 #4s) The BHC recommendation would have provided \$2,500,000 for DBHDS to help CSBs hire additional staff for CSUs. The Senate included \$30,000,000 for the creation of additional crisis receiving centers and crisis stabilization units and to make enhancements to existing sites but did not include funding for existing CSUs.	

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Recommendation H. The General Assembly may wish to consider including language and funding in the Appropriation Act to support the development and ongoing operations of additional crisis stabilization units (CSUs) for children and adolescents, the Southside area, and any other underserved areas of the state, and to direct that the Department of Behavioral Health and Developmental Services provide detailed information on the following before such funding is provided for a new unit to ensure the most strategic deployment of limited resources: (i) the unmet needs the new unit will address, (ii) the capacity of community service boards or private providers to staff the proposed unit, (iii) the unit's ability to serve individuals under a temporary detention order, (iv) expected initial and ongoing costs of the proposed unit, and (v) the planned timeframe for when the unit would become operational.	Del. Brewer	Yes. 312 #1h The BHC recommendation would have provided an additional \$17,000,000 for 2 additional CSUs. The House included an additional \$25,000,000 for CSUs to be placed in priority areas, in addition to the CSUs proposed in the Right Help, Right Now plan.	Not included. 
	Sen. Hanger	Yes. 312 #1s The BHC recommendation would have provided \$17,000,000 for 2 additional CSUs. The Senate included \$30,000,000 for the creation of additional crisis receiving centers and crisis stabilization units and to make enhancements to existing sites. SB 800 requires DBHDS to notify the Chairs of HAC and SFAC within 10 days of each award, stating the amount approved and the services that will be provided.	
Recommendation I (revised). The General Assembly may wish to consider including language in the Appropriation Act to (i) direct the Department of Behavioral Health and Developmental Services to contract as soon as practicable with a vendor to implement a	Del. Brewer	No. (Original: 311 #3h)	Not included. 

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<p>secure online portal, which is compliant with the Health Insurance Portability and Accountability Act (HIPAA), for community services boards to upload and share patient documents with inpatient psychiatric facilities, and (ii) temporarily suspend the requirement that state facilities, CSBs/BHAs, and private inpatient providers licensed by DBHDS participate in the acute psychiatric bed registry pursuant to § 37.2-308.1.</p> <p>Funding: \$650K.</p>	Sen. Deeds	Yes. 311 #2s	
<p>Recommendation J. The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Behavioral Health and Developmental Services to work with the Department of Medical Assistance Services to (i) develop and implement a targeted review process to assess the extent to which community services boards (CSBs) are billing for Medicaid-eligible services they provide, (ii) provide technical assistance and training, in coordination with Medicaid managed care organizations, on appropriate Medicaid billing and claiming practices to relevant CSB staff, and (iii) report the results of these targeted reviews, and any technical assistance or training provided in response, to the House Appropriations and Senate Finance and Appropriations committees no later than December 1, 2023, and annually thereafter.</p>	Sen. Favola	Yes. 311 #17s	Not included. 
<p>Recommendation K. The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Medical Assistance Services to (i) work with the managed care organizations (MCOs) to standardize, to the maximum extent practicable, policies, procedures, and requirements that CSBs must follow to receive reimbursement for the cost of Medicaid</p>	Sen. Favola	No. (Original: 308 #15s)	Not included. 

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services they provide, including documentation, training, and credentialing requirements; and (ii) report on the improvements made to MCO policies, procedures, and requirements to the Behavioral Health Commission no later than December 1, 2023.			
Recommendation M. The General Assembly may wish to direct the Department of Behavioral Health and Developmental Services (DBHDS) to complete a comprehensive review of the performance contracts with community services boards and revise all performance measures in the base performance contract and addendums to ensure that (i) performance measures are designed to measure outcomes for each service; (ii) performance measures include a relevant benchmark for each measure, and (iii) DBHDS has given clear direction on how it will monitor performance and enforce compliance with performance requirements. DBHDS should complete the contract revision and report on the improvements made to the Behavioral Health Commission by December 1, 2023 and implement changes before the finalization of the fiscal year 2025 performance contract.	Sen. Deeds	Yes. 311 #13s	Not included. 
Recommendation O. The General Assembly may wish to include language in the Appropriation Act directing the Department of Behavioral Health and Developmental Services (DBHDS) to report community services board (CSB)-level performance information, including any substantial underperformance or non-compliance and associated enforcement actions, annually to (1) each CSB governing board, (2) the Behavioral Health Commission,	Sen. Deeds	Yes. 311 #14s	Not included. 

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and (3) the State Board of Behavioral Health and Developmental Services.			
JLARC Report: Pandemic Impact on Public K-12 Education			
Option 3. The General Assembly may wish to provide additional funding for the Virginia Tiered System of Supports program to train staff at more schools about student behavior and classroom management. Funding: \$1.5M	Del. Watts	Yes (partial). 130 #1h The BHC recommendation would have provided \$1,500,000 for the VTSS. The House included \$500,000 for the VTSS.	Not included. 
	Sen. Mason	Yes. 129 #2s The Senate included \$1,500,000 for DOE to provide technical assistance to teachers and administrators on positive behavioral interventions and supports (PBIS)	
Behavioral Health Commission			
Recommendation 13. The General Assembly way wish to consider including funding in the Appropriation Act for one additional staff position to be hired by the Behavioral Health Commission.	Del. Watts	Yes. 33 #1h	Not included. 
	Sen. Deeds	No. (Original: 33 #2s)	