

**Budget amendments and legislation supported by the Behavioral Health Commission
2024 Session**

BUDGET AMENDMENTS

Recommendation / option	Original Patrons	Item	Final Budget
STEP-VA Report			
The Department of Medical Assistance Services, in cooperation with DBHDS, shall (i) develop and implement a targeted review process to assess the extent to which CSBs are billing for Medicaid-eligible services they provide, (ii) determine if additional technical assistance and training, in coordination with Medicaid managed care organizations, is needed on appropriate Medicaid billing and claiming practices to relevant CSB staff, and (iii) evaluate the feasibility of a central billing entity, similar to the Federally Qualified Health Centers, that would handle all Medicaid claims for the entire system. The Department shall report the results of these targeted reviews, any technical assistance or training provided in response, and on the feasibility of central billing to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2024. (Recommendation 2)	Senate: Deeds House: Rasoul	295 OO.4.	✓
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 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, 2024. (Recommendation 3)	Senate: Deeds House: Rasoul	Not included	✗
DBHDS shall 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 CSBs. (Recommendation 4)	Senate: Favola House: Hope	Item 295 OO.5.	✓
DBHDS shall complete a comprehensive review of the performance contracts with CSBs and revise all performance	Senate: Deeds	Item 295 OO.3.	✓

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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 measurement, and (iii) DBHDS has given clear direction on how it will monitor performance and enforce compliance with performance requirements. The contracts shall also require that any funding appropriated by the General Assembly to CSBs for staff compensation shall only be used for staff compensation, and that CSBs report annually to DBHDS on any staff compensation actions taken during the prior fiscal year. DBHDS should complete the contract revisions and report on the improvements made to the Behavioral Health Commission by December 1, 2024, and implement changes before the finalization of the fiscal year 2026 performance contract. (Recommendation 5)	House: Hope		
DBHDS shall (i) identify all current Department requirements related to documentation and reporting of 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, and (v) 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, duplicative, or are conflicting. (Recommendation 6)	Senate: Favola House: Hope	Item 295 OO.2.	✓
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) finalize performance measures for every STEP-VA service component that has been initiated statewide and to report these measures to the House Appropriations and Senate Finance and Appropriations committees and to the Behavioral Health Commission by December 1, 2024, and (ii) finalize benchmarks for every STEP-VA service component that has been initiated statewide and to report these benchmarks to the House Appropriations and Senate Finance and Appropriations committees and to the Behavioral Health Commission by December 1, 2025. (Recommendation 7)	Senate: Favola House: Hope	Not included	✗

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The Department of Behavioral Health and Developmental Services shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Joint Subcommittee for Health and Human Resource Oversight, and the Behavioral Health Commission by December 1, 2024, on the changes to STEP-VA performance measures and benchmarks that are anticipated to be included in Community Services Board performance contracts, which will become effective July 1, 2025. (Recommendation 8)	Senate: Favola House: Hope	295 NN	✓
The Secretary of Health and Human Resources shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and to the Behavioral Health Commission by December 1, 2024 a plan detailing how funds appropriated during the 2023 and 2024 Sessions of the General Assembly shall be expended to expand and modernize the comprehensive crisis services system. (Recommendation 10)	Senate: Deeds House: Hope	267 C.1.	✓
The Department of Behavioral Health and Developmental Services (DBHDS) shall: (i) conduct a needs assessment to determine the unmet need for each of the nine service components of STEP-VA; (ii) develop an estimate of the cost of satisfying the unmet need for each of the nine STEP-VA service components statewide; and (iii) report on their findings to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and to the Behavioral Health Commission by December 1, 2024. (Option 1)	Senate: Deeds House: Hope	295 QQ.	✓
The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Medical Assistance Services to (i) ensure that comprehensive information about all available managed care organization preferred provider programs is provided to all community services boards (CSBs), including information about which behavioral health services are included in the preferred provider programs and the requirements CSBs must meet to participate in the programs; and (ii) report to the Behavioral Health Commission regarding efforts to make such information available to CSBs no later than December 1, 2024. (Option 2)	Senate: Favola House: Hope	Not included	✗

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The Secretary of Health and Human Resources shall report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees and to the Behavioral Health Commission by December 1, 2024, on plans to implement the Certified Community Behavioral Health Clinic (CCBHC) model in the Commonwealth, how adopting the CCBHC model could improve access to community-based behavioral health services and their quality, and barriers to implementation of the CCBHC model in the Commonwealth. (Option 3)	Senate: Deeds House: Watts	267 D.	✓
The General Assembly may wish to consider including language in the Appropriation Act directing the Department of Medical Assistance Services to examine how Virginia can most effectively and efficiently transition to a prospective payment system as required to fully adopt the Certified Community Behavioral Health Clinic (CCBHC) model and barriers to implementation, and to report its findings and recommendations to the House Appropriations and Senate Finance and Appropriations committees and to the Behavioral Health Commission by December 1, 2024. (Option 4)	Senate: Deeds House: Watts	Not included	✗
Report on Maximizing School-Based Mental Health			
Effective July 1, 2024, the Department of Medical Assistance Services (DMAS) shall have the authority to modify Medicaid behavioral health services such that: (1) legacy services that predate the current service delivery system, including Mental Health Skill Building, Psychosocial Rehabilitation, Intensive In Home Services, and Therapeutic Day Treatment are phased out; (2) legacy youth services are replaced with the implementation of tiered community based supports for youth and families with and at-risk for behavioral health disorders appropriate for delivery in homes and schools. (Recommendation 1)	Senate: Deeds House: Rasoul	288 XX.1.	✓
The General Assembly may wish to consider including in the Appropriation Act (1) \$7.5 million in FY25 and \$7.5 million in FY26 to support the School-Based Mental Health Integration Pilot for two additional years, and (2) language directing DBHDS to develop performance measures for participating sites and for the pilot overall, and to report to the Behavioral Health	Senate: Deeds House: Watts	Not included	✗

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Commission on the selected performance measures by November 1, 2024. (Option 1)			
The General Assembly may wish to consider including provisions in the Appropriation Act (i) directing the Department of Medical Assistance Services and Department of Education to revise their interagency agreement to reduce the percentage of administrative reimbursement pass-through funds retained by DMAS; and (ii) appropriating an equivalent amount of funding to the Department of Education to support one full-time position that would provide Virginia school divisions with additional technical assistance with billing the Medicaid program for school-based services. (Option 2)	Senate: Deeds House: Rasoul	Not included	✗
The Department of Education shall work collaboratively with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services on a plan for creating a new program to deliver flexible mental health funds to divisions. The program should provide flexible funding to participating divisions for maintaining school-based mental health services and supports as well as technical assistance and evaluation capabilities to build out their mental health programs within a multi-tiered system of supports and consider maximizing existing funding and positions funded through the Standards of Quality such as specialized student support positions. The plan should include: (i) a proposed vision and goals for Virginia's school-based mental health program and action steps to meet these goals; (ii) proposed outcome measures to determine program success; (iii) a recommendation on the amount of funding that should be appropriated annually; (iv) a proposed funding mechanism to ensure funding flexibility and consistency over time; and (v) a structure for providing technical assistance and evaluation capabilities that will ensure the program is positively impacting the outcomes of students. The Department of Education shall provide such plan to the Chairs of the Senate Finance and Appropriations Committee and the House Appropriations Committee and the Behavioral Health Commission no later than December 1, 2024. (Option 3)	Senate: Deeds House: Rasoul	117 M.	✓
The General Assembly may wish to consider including one-time funding in the Appropriation Act for divisions to maintain school-based mental health services in FY2025, until additional	Senate: Deeds House: Rasoul	Not included	✗

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funding is made available through the new state program in FY 2026. (Option 4)			
Limited-scope study of EDCOT			
The Office of the Executive Secretary of the Supreme Court (OES) shall contract with the National Center for State Courts (NCSC) and collaborate with the Department of Behavioral Health and Developmental Services (DBHDS) to study existing statewide jail diversion programs and initiatives for individuals with a serious mental illness in Virginia and other states, and the feasibility of implementing an expedited diversion to court-ordered treatment (EDCOT) process to divert individuals with a serious mental illness to court-supervised mental health treatment. In conducting such study, OES shall work with DBHDS to (i) identify existing statewide jail diversion programs and initiatives for individuals with a serious mental illness in Virginia and determine the scope and effectiveness of such programs and initiatives, including the populations served; (ii) assess in what ways and to what extent an EDCOT process could divert individuals with a serious mental illness who are not currently served by existing programs in Virginia; (iii) examine the operational, legal, funding, and other barriers identified by stakeholders that would be required to address EDCOT implementation; and (iv) determine the feasibility of implementing an EDCOT process or similar diversion program in Virginia to allow for diversion of individuals with a serious mental illness not currently served by existing statewide diversion programs. OES shall work with NCSC to evaluate whether other states use diversion best practices that could more effectively and efficiently serve individuals with a mental illness who could be diverted to mental health treatment through an EDCOT process, and who are not currently served by existing statewide diversion programs in the Commonwealth. OES and DBHDS shall provide ample opportunities for meaningful collaboration and cooperation with stakeholders impacted by the potential implementation of an EDCOT process and changes to diversion programs in Virginia. OES shall report on its findings to the Behavioral Health Commission by November 1, 2025. (Option 1)	Senate: Deeds House: Watts	31 T.	✓

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Behavioral Health Commission			
The General Assembly may wish to consider including funding in the Appropriation Act to fully fund the positions allocated to the Behavioral Health Commission and to fund one additional staff position to perform monitoring activities. (Recommendation A)	Senate: Deeds House: Rasoul	21	✓
JLARC Report: State psychiatric hospitals			
The General Assembly may wish to consider including language and funding in the Appropriation Act directing the Department of Behavioral Health and Developmental Services to establish a program for state-licensed psychiatric hospitals (commonly referred to as “private psychiatric hospitals”) to provide funding for those hospitals that agree to increase the percentage of involuntary inpatient admissions they accept and demonstrate the need for funding to safely admit such patients. Funds could be provided to cover one-time and ongoing costs for creating and filling additional security positions, providing staff training on how to safely treat these patients, and making safety improvements to the facilities. (Recommendation 7)	Senator Favola Delegate Rasoul	Not included	✗
The General Assembly may wish to consider including language and funding in the Appropriation Act to expand the discharge assistance provided by the Department of Behavioral Health and Developmental Services (DBHDS) to individuals facing substantial barriers to discharge from inpatient psychiatric units and facilities licensed by DBHDS (commonly referred to as “privately operated”). (Recommendation 8)	Senator Favola Delegate Rasoul	Not included	✗
Out of this appropriation, \$10,383,859 the first year and \$10,383,859 the second year from the general fund is provided for salary increases for clinical staff, including psychologists, social workers, counselors, therapists, medical lab technicians, and pharmacists, at state facilities. Out of this appropriation \$7,905,714 the first year and \$7,905,714 the second year from the general fund is provided or salary increases for food services and environmental services staff at state facilities professionals. (Recommendation 17)	Senator Deeds	301 E. 302 F.	✓

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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 Behavioral Health Commission on average turnover and vacancy rates and salary competitiveness, by hospital and position type, for the state's psychiatric hospitals. (Recommendation 18)	Senator Deeds	Not included	✗
Out of this appropriation, \$451,054 the first year and \$364,060 the second year from the general fund is provided to procure scheduling software to assist state hospitals in scheduling nursing shifts. (Recommendation 20)	Senator Favola Delegate Watts	302 I.	✓
The General Assembly may wish to include language and funding in the Appropriation Act to (i) increase the number of nursing positions allocated to state psychiatric hospitals to a level that would ensure adequate and safe patient care, as determined in 2022 by the Department of Behavioral Health and Developmental Services (DBHDS) and (ii) appropriate the amount of funding necessary to fill those positions. (Recommendation 21)	Senator Durant Delegate Watts	Not included	✗
The General Assembly may wish to consider including language in the Appropriation Act to direct the Department of Behavioral Health and Developmental Services to (i) contract for an assessment of the adequacy of each hospital's planned and actual staffing levels for key positions affecting facility operations, patient and staff safety, and quality of care; (ii) conduct similar assessments of the adequacy of each state hospital staffing levels at least biennially; and (iii) report the results of the initial and ongoing assessments to the Behavioral Health Commission, and any additional funding needed to address any staffing level deficiencies, to the chairs of the House Appropriations and Finance and Senate Finance and Appropriations committees. (Recommendation 22)	Senator Deeds Delegate Watts	Not included	✗
The Department of Behavioral Health and Developmental Services, in consultation with other relevant state and local agencies, shall identify existing and develop new, if necessary, alternative placements that are effective, safe, and therapeutic for children and youth who would otherwise be admitted to the Commonwealth Center for Children and Adolescents (CCCA) and report findings to the Governor and the Chairs of the House Appropriations and the Senate Finance and	Senator Deeds Delegate Hope	301 G.	✓

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Appropriations Committees by November 1, 2024. The report shall include information on (i) the types and locations of alternative placements identified, (ii) the number and treatment needs of children and youth who could be admitted at each placement type identified, (iii) the cost and funding sources for each placement type, and (iv) steps that remain to be taken to identify a sufficient number of appropriate alternative placements for all children and youth who would otherwise be admitted to CCCA. (Recommendation 32)			
Additional 2023 BHC budget recommendations not included in final 2023 budget, reintroduced in 2024			
JLARC Report: CSB Behavioral Health Services			
The Department of Behavioral Health and Developmental Services (DBHDS) shall report annually on (i) Community Services Boards (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, (iii) any substantial underperformance or non-compliance and associated enforcement actions, and (iv) the use of functional assessment data by the DBHDS to improve CSB performance to the State Board of Behavioral Health and Developmental Services, the Behavioral Health Commission, and each CSB governing board. (BHC Recommendation A)	Senate: Favola House: Watts	Item 295 OO.1.	✓
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. (BHC Recommendation F)	Senate: Favola House: Hope	Not included	✗

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Out of this appropriation, \$2,500,000 the first year and \$2,500,000 the second year from the general fund is provided or Community Services Boards to hire additional staff for crisis stabilization units whose bed capacity is not fully utilized due to lack of staff. (BHC Recommendation G)	Senate: Deeds House: Rasoul	297 TT.	✓
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 funding is provided for a CSU 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. (BHC Recommendation H)	Senate: Favola House: Watts	Not included	✗
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 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. (BHC Recommendation I (revised))	Senate: Favola House: Watts	Not included	✗
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	Senate: Favola House: Watts	Not included	✗

Recommendation / option	Original Patrons	Item	Final Budget
Commission, and (3) the State Board of Behavioral Health and Developmental Services. (BHC Recommendation O)			
JLARC Report: Pandemic Impact on Public K-12 Education			
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. (Option 3)	Senate: Favola House: Rasoul	Not included	X

LEGISLATION

Recommendation / option	Patron	Bill number	Final outcome
STEP-VA			
Community services boards; core of services. Adds to the list of the core services to be provided by community services boards (i) crisis services for individuals with a mental illness or substance use disorder, (ii) outpatient mental health and substance abuse services, (iii) psychiatric rehabilitation services, (iv) peer support and family support services, (v) mental health services for members of the armed forces located 50 miles or more from a military treatment facility and veterans located 40 miles or more from a Veterans Health Administration medical facility, and (vi) care coordination services. The bill removes language that conditions the duty of community services boards to provide case management services on the availability of funding. The bill further requires community services boards to provide any such services (a) to every adult who has a serious mental illness, child who has or is at risk of serious emotional disturbance, and individual who has a substance use disorder and (b) in a timely manner and at a location that is near the individual. The bill has a delayed effective date of July 1, 2026, for most provisions. (Recommendation 1)	Sen. Deeds	SB 590	Continued to 2025 in Appropriations 
	Del. Watts	HB 885	Left in Appropriations 
BHC Membership			
Behavioral Health Commission; membership. Changes the composition of the Behavioral Health Commission by increasing from two to three the number of House appointees who are required to be members of the House Committee on Appropriations.	Sen. Favola	SB 125	Approved by Governor Chapter 496 
	Del. Rasoul	HB 807	Approved by Governor Chapter 456 
JLARC - State psychiatric facilities			
Civil commitments and temporary detention orders; definition of mental illness; neurocognitive disorders and neurodevelopmental disabilities; Secretary of Health and Human Resources to evaluate placements for certain individuals; report. Specifies that for the	Sen. Favola	SB 176	Approved by Governor Chapter 579 

Recommendation / option	Patron	Bill number	Final outcome
purpose of civil commitments and temporary detention orders, behaviors and symptoms that manifest from a neurocognitive disorder or neurodevelopmental disability are excluded from the definition of mental illness and are, therefore, not a basis for placing an individual under a temporary detention order or committing an individual involuntarily to an inpatient psychiatric hospital. The bill provides that if a state facility has reason to believe that an individual's behaviors or symptoms are solely a manifestation of a neurocognitive disorder or neurodevelopmental disability, the state facility may require that a licensed psychiatrist or other licensed mental health professional reevaluate the individual's eligibility for a temporary detention order before the individual is admitted and shall promptly authorize the release of an individual held under a temporary detention order if the licensed psychiatrist or other licensed mental health professional determines the individual's behaviors or symptoms are solely a manifestation of a neurocognitive disorder or neurodevelopmental disability. The foregoing provisions of the bill do not become effective unless reenacted by the 2025 Session of the General Assembly. The bill also directs the Secretary of Health and Human Resources to convene a work group to evaluate, identify, and develop placements for individuals with neurocognitive disorders and neurodevelopmental disabilities, as well as any statutory or funding changes needed to prevent inappropriate placements for such individuals, and to report his findings and recommendations by November 1, 2024. (Recommendations 1, 2, 3, 4)			
	Del. Watts	HB 888	Approved by Governor Chapter 696 
State psychiatric hospitals; temporary detention orders; delayed admission to determine medical needs. Allows state psychiatric hospitals to delay admission of an individual under a temporary detention order until the state psychiatric hospital has determined that the individual does not have potentially life-threatening medical needs that require immediate evaluation and treatment that the state psychiatric hospital is incapable of providing. (Recommendation 5)	Sen. Durant	SB 653	Stricken by patron 
	Del. Rasoul	HB 808	Failed to pass in House 
Department of Human Resource Management; employee designation and payment policies; nursing staff at state psychiatric hospitals. Directs the Department of Human Resource Management to amend its policies to authorize the Department of Behavioral Health and Developmental Services and state psychiatric hospitals to designate as full-time employees nursing staff and psychiatric technicians who work at least 36 hours per week to permit state hospitals to use 12-hour shifts for such staff. The bill prohibits the Department from requiring reductions in pay or other benefits for such employees based solely on the fact that the	Sen. Favola	SB 177	Approved by Governor Chapter 342 

Recommendation / option	Patron	Bill number	Final outcome
employee works 36 hours per week. The bill also directs the Department to examine whether the policy change should be extended to comparable direct care positions in other executive branch agencies to improve recruitment and retention. (Recommendation 19)	Del. Rasoul	HB 806	Approved by Governor Chapter 304 ✓
Office of the State Inspector General; investigations of abuse or neglect at state psychiatric hospitals; report. Directs the Office of the State Inspector General to (i) develop a plan to fulfill its statutory obligation to fully investigate all complaints it receives alleging abuse, neglect, or inadequate care at a state psychiatric hospital and (ii) submit such plan to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2024. The bill also requires the Office to submit an annual report to the General Assembly on or before December 1 of each year regarding the number of such complaints received and the number of complaints that were fully investigated by the Office. (Recommendation 24)	Sen. Favola	SB 178	Approved by Governor Chapter 664 ✓
	Del. Hope	HB 313	Approved by Governor Chapter 638 ✓
State hospitals; discharge planning; report. Provides that (i) when an individual is to be discharged from Central State Hospital, Southwestern Virginia Mental Health Institute, or Southern Virginia Mental Health Institute in 30 days or less after admission, the appropriate community services board shall implement the discharge plan developed by the state facility and (ii) when an individual is to be discharged from any other state facility in 30 and behavioral health authorities provide discharge planning for all individuals discharged from state hospitals, regardless of the duration of their stay. The bill requires the Department of Behavioral Health and Developmental Services to make certain annual reports by August 1 to the Governor and the General Assembly and to provide the General Assembly with a one-time evaluation of the impacts of the changes to discharge planning implemented by the bill by November 1, 2025. The bill has a delayed effective date of January 1, 2025. (Recommendation 29)	Sen. Favola	SB 179	Approved by Governor Chapter 153 ✓
	Del. Hope	HB 314	Approved by Governor Chapter 279 ✓