

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-311.1 of the Code of Virginia, relating to comprehensive crisis system;*
 3 *Marcus alert system; powers and duties of the Department of Behavioral Health and Developmental*
 4 *Services related to comprehensive mental health, substance abuse, and developmental disability crisis*
 5 *services; written plan.*

6 [S 513]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 37.2-311.1 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 37.2-311.1. Comprehensive crisis system; Marcus alert system; powers and duties of the**
 11 **Department related to comprehensive mental health, substance abuse, and developmental disability**
 12 **crisis services.**

13 A. As used in this section and §§ 37.2-311.2 through 37.2-311.6, unless the context requires a different
 14 meaning:

15 "Community care team" means a team of mental health service providers, and may include registered peer
 16 recovery specialists and law-enforcement officers as a team, with the mental health service providers leading
 17 such team, to help stabilize individuals in crisis situations. Law enforcement may provide backup support as
 18 needed to a community care team in accordance with the protocols and best practices developed pursuant to
 19 § 9.1-193. In addition to serving as a co-response unit, community care teams may, at the discretion of the
 20 employing locality, engage in community mental health awareness and services.

21 "Comprehensive crisis system" means the continuum of care established by the Department of Behavioral
 22 Health and Developmental Services pursuant to this section.

23 "Crisis call center" means a call center that provides crisis intervention that meets NSPL standards for risk
 24 assessment and engagement and the requirements of § 37.2-311.2.

25 "Crisis stabilization center" means a facility providing short-term (under 24 hours) observation and crisis
 26 stabilization services to all referrals in a home-like, nonhospital environment.

27 "Fund" means the Crisis Call Center Fund established under § 37.2-311.4.

28 "Historically economically disadvantaged community" means the same as that term is defined in
 29 § 56-576.

30 "Mental health awareness response and community understanding services alert system" or "Marcus alert
 31 system" means a set of protocols to (i) initiate a behavioral health response to a behavioral health crisis,
 32 including for individuals experiencing a behavioral health crisis secondary to mental illness, substance abuse,
 33 developmental disabilities, or any combination thereof; (ii) divert such individuals to the behavioral health or
 34 developmental services system whenever feasible; and (iii) facilitate a specialized response in accordance
 35 with § 9.1-193 when diversion is not feasible.

36 "Mobile crisis response" means the provision of professional, same-day intervention for children or adults
 37 who are experiencing crises and whose behaviors are consistent with mental illness or substance abuse, or
 38 both, including individuals experiencing a behavioral health crisis that is secondary to mental illness,
 39 substance abuse, developmental or intellectual disability, brain injury, or any combination thereof. "Mobile
 40 crisis response" may be provided by a community care team or a mobile crisis team, and a locality may
 41 establish either or both types of teams to best meet its needs.

42 "Mobile crisis team" means a team of one or more qualified or licensed mental health professionals and
 43 may include a registered peer recovery specialist or a family support partner. A law-enforcement officer shall
 44 not be a member of a mobile crisis team, but law enforcement may provide backup support as needed to a
 45 mobile crisis team in accordance with the protocols and best practices developed pursuant to § 9.1-193.

46 "NSPL" or "National Suicide Prevention Lifeline" means the national suicide prevention and mental
 47 health crisis hotline established by the federal government in accordance with 42 U.S.C. § 290bb—36c to
 48 provide a national network of crisis centers linked by a toll-free number to route callers in suicidal crisis or
 49 emotional distress to the closest certified local crisis center.

50 "NSPL Administrator" means the entity designated by the federal government to administer the NSPL.

51 "Registered peer recovery specialist" means the same as such term is defined in § 54.1-3500.

52 "SAMHSA" or "Substance Abuse and Mental Health Services Administration" means the agency within
 53 the U.S. Department of Health and Human Services that leads federal behavioral health efforts.

54 B. The Department shall have the following duties and responsibilities for the provision of crisis services
 55 and support for individuals with mental illness, substance abuse, developmental or intellectual disabilities, or
 56 brain injury who are experiencing a crisis related to mental health, substance abuse, or behavioral support

57 needs:

58 1. The Department shall develop a comprehensive crisis system, with such funds as may be appropriated
59 for such purpose, based on national best practice models and composed of a crisis call center, community
60 care and mobile crisis teams, crisis stabilization centers, and the Marcus alert system. In addition to all
61 requirements under this section, the crisis call center shall meet the requirements of § 37.2-311.2.

62 2. By July 1, 2021, the Department, in collaboration with the Department of Criminal Justice Services and
63 law-enforcement, mental health, behavioral health, developmental services, emergency management, brain
64 injury, and racial equity stakeholders, shall develop a written plan for the development of a Marcus alert
65 system. Such plan shall (i) inventory past and current crisis intervention teams established pursuant to Article
66 13 (§ 9.1-187 et seq.) of Chapter 1 of Title 9.1 throughout the Commonwealth that have received state
67 funding; (ii) inventory the existence, status, and experiences of community services board mobile crisis teams
68 and crisis stabilization units; (iii) identify any other existing cooperative relationships between community
69 services boards and law-enforcement agencies; (iv) review the prevalence of crisis situations involving
70 mental illness or substance abuse, or both, including individuals experiencing a behavioral health crisis that is
71 secondary to mental illness, substance abuse, developmental or intellectual disability, brain injury, or any
72 combination thereof; (v) identify state and local funding of emergency and crisis services; (vi) include
73 protocols to divert calls from the 9-1-1 dispatch and response system to a crisis call center for risk assessment
74 and engagement, including assessment for mobile crisis or community care team dispatch; (vii) include
75 protocols for local law-enforcement agencies to enter into memorandums of agreement with mobile crisis
76 response providers regarding requests for law-enforcement backup during a mobile crisis or community care
77 team response; (viii) develop minimum standards, best practices, and a system for the review and approval of
78 protocols for law-enforcement participation in the Marcus alert system set forth in § 9.1-193; (ix) assign
79 specific responsibilities, duties, and authorities among responsible state and local entities; and (x) assess the
80 effectiveness of a locality's or area's plan for community involvement, including engaging with and providing
81 services to historically economically disadvantaged communities, training, and therapeutic response
82 alternatives.

83 3. *The Department, in collaboration with the Department of Criminal Justice Services, may amend the*
84 *written plan created pursuant to subdivision 2 after the publication of such written plan, provided that (i) the*
85 *stakeholders listed in subdivision 2 are consulted during the development of any new language to be added to*
86 *such written plan and (ii) a public comment period of no less than 30 days is held prior to the finalization of*
87 *such written plan. The written plan shall serve as the operational framework for relevant components of the*
88 *comprehensive crisis system and the Marcus alert system. State agencies and local implementing partners*
89 *shall align their policies, procedures, and operations on an ongoing basis with the requirements and*
90 *guidance set forth in the written plan, as amended.*

91 C. 1. No later than December 1, 2021, the Department shall establish five Marcus alert programs and
92 community care or mobile crisis teams, one located in each of the five Department regions.

93 2. No later than July 1, 2023, the Department shall establish five additional Marcus alert system programs
94 and community care or mobile crisis teams, one located in each of the five Department regions. Community
95 services boards or behavioral health authorities that serve the largest populations in each region, excluding
96 those community services boards or behavioral health authorities already selected under subdivision 1, shall
97 be selected for programs under this subdivision.

98 3. The Department shall establish additional Marcus alert systems and community care teams in
99 geographical areas served by a community services board or behavioral health authority by July 1, 2024; July
100 1, 2025; and July 1, 2026. No later than July 1, 2028, all community services board and behavioral health
101 authority geographical areas shall have established a Marcus alert system that uses a community care or
102 mobile crisis team.

103 4. All community care teams and mobile crisis teams established under this section shall meet the
104 standards set forth in § 37.2-311.3.

105 D. The Department shall report annually by November 15 to the Governor and the Chairmen of the House
106 Committees for Courts of Justice and on Health and Human Services, the Senate Committees for Courts of
107 Justice and on Education and Health, and the Behavioral Health Commission regarding the comprehensive
108 crisis system and the effectiveness of such system in meeting the goals set forth in this section. The report
109 shall include, for the previous calendar year, (i) a description of approved local Marcus alert programs in the
110 Commonwealth, including the number of such programs operating in the Commonwealth, the number of such
111 programs added in the previous calendar year, and an analysis of how such programs work to connect the
112 Commonwealth's comprehensive crisis system and mobile crisis response programs; (ii) the number of calls
113 received by the crisis call center established pursuant to this section; (iii) the number of mobile crisis
114 responses undertaken by community care teams and mobile crisis teams in the Commonwealth; (iv) the
115 number of mobile crisis responses that involved law-enforcement backup; (v) the number of crisis incidents
116 and injuries to any parties involved; (vi) an analysis of the overall operation of any local protocols adopted or
117 programs established pursuant to § 9.1-193, including any disparities in response and outcomes by race and
118 ethnicity of individuals experiencing a behavioral health crisis and recommendations for improvement of the

119 programs; (vii) a description of the overall function of the Marcus alert program and the comprehensive crisis
120 system, including a description of any successes and any challenges encountered; and (viii) recommendations
121 for improvement of the Marcus alert system and approved local Marcus alert programs. The report shall also
122 include (a) a description of barriers to establishment of a local Marcus alert program and community care or
123 mobile crisis team to provide mobile crisis response in each geographical area served by a community
124 services board or behavioral health authority in which such program and team has not been established and
125 (b) a plan for addressing such barriers in order to increase the number of local Marcus alert programs and
126 community care or mobile crisis teams. The Department of Criminal Justice Services shall assist the
127 Department in the preparation of the report required by this subsection.

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