

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-304 of the Code of Virginia, relating to Commissioner of Behavioral*  
 3 *Health and Developmental Services; duties; Problem Gambling Treatment and Support Advisory*  
 4 *Committee; appointment of members.*

5 [H 32]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 37.2-304 of the Code of Virginia is amended and reenacted as follows:**9 **§ 37.2-304. Duties of Commissioner.**10 The Commissioner shall be the chief executive officer of the Department and shall have the following  
 11 duties and powers:

12 1. To supervise and manage the Department and its state facilities.

13 2. To employ the personnel required to carry out the purposes of this title.

14 3. To make and enter into all contracts and agreements necessary or incidental to the performance of the  
 15 Department's duties and the execution of its powers under this title, including contracts with the United  
 16 States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with  
 17 policies and regulations of the Board and applicable federal and state statutes and regulations.18 4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United  
 19 States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the  
 20 Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute  
 21 agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the  
 22 Board.23 5. To accept, execute, and administer any trust in which the Department may have an interest, under the  
 24 terms of the instruments creating the trust, subject to the approval of the Governor.25 6. To transfer between state hospitals and training centers school-age individuals who have been identified  
 26 as appropriate to be placed in public school programs and to negotiate with other school divisions for  
 27 placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a  
 28 state hospital or training center is located.29 7. To provide to the Director of the Commonwealth's designated protection and advocacy system,  
 30 established pursuant to § 51.5-39.13, a written report setting forth the known facts of (i) critical incidents, as  
 31 that term is defined in § 37.2-709.1, or deaths of individuals receiving services in facilities, within 15  
 32 working days of such critical incident or death; (ii) serious incidents and deaths that are required to be  
 33 reported to the Department through its incident reporting system, as required by regulations adopted by the  
 34 Board pursuant to Chapter 4 (§ 37.2-400 et seq.), within 15 working days of the date the report is received;  
 35 and (iii) allegations of abuse or neglect that are required to be reported pursuant to regulations adopted by the  
 36 Board pursuant to Chapter 4 (§ 37.2-400 et seq.), within five working days of the date on which the director's  
 37 final decision on the allegation is reported to the Department.38 8. To work with the appropriate state and federal entities to ensure that any individual who has received  
 39 services in a state facility for more than one year has possession of or receives prior to discharge any of the  
 40 following documents, when they are needed to obtain the services contained in his discharge plan: a  
 41 Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of  
 42 his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social  
 43 Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall  
 44 implement this provision when discharging individuals.45 9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative  
 46 Services to establish a program for mental health and rehabilitative services for Virginia veterans and  
 47 members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active  
 48 federal service and their family members pursuant to § 2.2-2001.1.49 10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives  
 50 of the Department of Medical Assistance Services, state facilities operated by the Department, community  
 51 services boards, at least one health insurance plan, and at least one individual receiving services to develop a  
 52 drug formulary for use at all community services boards, state facilities operated by the Department, and  
 53 providers licensed by the Department.54 11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to  
 55 § 37.2-312.2.

56 12. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the

57 Chairmen of the House Committee on Appropriations and Senate Committee on Finance and Appropriations  
58 that provides information on the operation of Virginia's publicly funded behavioral health and developmental  
59 services system. The report shall include a brief narrative and data on the number of individuals receiving  
60 state facility services or community services board services, including purchased inpatient psychiatric  
61 services; the types and amounts of services received by these individuals; and state facility and community  
62 services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major  
63 new initiatives implemented during the past year and shall provide information on the accomplishment of  
64 systemic outcome and performance measures during the year.

65 13. To establish a comprehensive program for the prevention and treatment of problem gambling in the  
66 Commonwealth and administer the Problem Gambling Treatment and Support Fund established pursuant to  
67 § 37.2-314.2.

68 14. To establish and maintain the Problem Gambling Treatment and Support Advisory Committee (the  
69 Advisory Committee) to enable collaboration among prevention and treatment providers and operators of  
70 legal gaming in the Commonwealth on efforts to reduce the negative effects of problem gambling. The  
71 Advisory Committee shall be composed of (i) the Problem Gambling Prevention Coordinator from the  
72 Department; (ii) *an employee of the Department who specializes in recovery and treatment services*; (iii) a  
73 representative from the Virginia Council on Problem Gambling; ~~(iii)~~ (iv) one representative from each of the  
74 state agencies primarily responsible for regulating the lottery, casino gaming, sports betting, live horse racing  
75 with pari-mutuel wagering, historical horse racing, charitable gaming, and any other form of legal gaming  
76 permitted under state law; ~~(iv)~~ (v) the executive director of a community services board; ~~(v)~~ (vi) a casino  
77 gaming operator; ~~(vi)~~ (vii) a sports betting permit holder; ~~(vii)~~ (viii) a historical horse racing operator; ~~and~~  
78 ~~(viii)~~ (ix) a charitable gaming permit holder; *and (x) a representative from the Virginia State Police Gaming*  
79 *Enforcement Unit*. The Problem Gambling Prevention Coordinator shall be the chairman of the Advisory  
80 Committee, and a vice-chairman shall be elected from among the designated membership.

81 Unless specifically authorized by the Governor to accept or undertake activities for compensation, the  
82 Commissioner shall devote his entire time to his duties.