

HOUSE BILL NO. 103

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Delegate Hope)

A BILL to amend and reenact § 53.1-5 of the Code of Virginia, relating to State Board of Local and Regional Jails; powers and duties.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-5 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities;

2. To advise the Governor and Director on matters relating to corrections;

3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community correctional facilities. The Board, when promulgating regulations and adopting any policy or guidance document related to the enforcement of any minimum standards applicable to local, regional, and community correctional facilities, shall expressly and specifically include such items in its published agenda for meetings of the Board or any of its subcommittees. No standard, policy, or guidance document may be promulgated, amended, or rescinded in entirety or in part without compliance with this article;

4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;

5. To develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any local, regional, or community correctional facility. Such policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the

27 production of evidence necessary to conduct a thorough review of any such death. Notwithstanding any
28 other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-
29 4000 et seq.) in promulgating such policies and procedures;

30 6. To establish minimum standards for health care services, including medical, dental,
31 pharmaceutical, and behavioral health services, in local, regional, and community correctional facilities
32 and procedures for enforcing such minimum standards, with the advice of and guidance from the
33 Commissioner of Behavioral Health and Developmental Services and State Health Commissioner or their
34 designees. Notwithstanding any other provision of law, the Board shall adhere to procedures of the
35 Administrative Process Act (§ 2.2-4000 et seq.) in promulgating such policies and procedures. Such
36 minimum standards shall require that each local, regional, and community correctional facility submit a
37 standardized quarterly continuous quality improvement report documenting the delivery of health care
38 services, along with any improvements made to those services, to the Board. The Board shall make such
39 reports available to the public on its website. The Board may determine that any local, regional, or
40 community correctional facility that is accredited by the American Correctional Association or National
41 Commission on Correctional Health Care meets such minimum standards solely on the basis of such
42 facility's accreditation status; however, without exception, the requirement that each local, regional, and
43 community correctional facility submit a standardized quarterly continuous quality improvement report
44 to the Board shall be a mandatory minimum standard. In enforcing any adopted health care services
45 standards, the Board shall not find the facility or its non-health care staff in violation of any such standards
46 due to the actions or inactions of licensed medical or mental health professionals, as long as the facility
47 has met the applicable standards to have such care available and relied on the opinion of such licensed
48 professionals in the provision of care. The Board may report any alleged violations of standards or care to
49 the appropriate state health professions licensing board. Facilities shall be responsible for hiring or
50 contracting with qualified, licensed providers of health care services and ensuring that such care is
51 accessible and available to inmates pursuant to state standards; and

52 7. To report annually on or before December 1 to the General Assembly and the Governor on the
53 results of the inspections and audits of local, regional, or community correctional facilities conducted

54 pursuant to § 53.1-68 and the reviews of the deaths of inmates that occur in any local, regional, or
55 community correctional facility conducted pursuant to § 53.1-69.1. The report shall include (i) a summary
56 of the results of such inspections, audits, and reviews, including any trends identified by such inspections,
57 audits, and reviews and the frequency of violations of each standard established for local, regional, or
58 community correctional facilities, and (ii) any recommendations for changes to the standards established
59 for local, regional, or community correctional facilities or the policies and procedures for conducting
60 reviews of the death of inmates to improve the operations, safety, and security of local, regional, or
61 community correctional facilities.

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