

## 1 HOUSE BILL NO. 515

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Health and Human Services

4 on February 1, 2024)

5 (Patron Prior to Substitute--Delegate Hope)

6 A BILL to direct the Department of Behavioral Health and Developmental Services to develop and  
7 implement a pilot program relating to the discharge of individuals at one state hospital; report.

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

9 1. § 1. That the Department of Behavioral Health and Developmental Services (the Department) shall  
10 develop and implement a pilot program at one state hospital to allow the director of the state hospital the  
11 option to discharge, after the preparation of a discharge plan, any individual receiving services in a state  
12 hospital who (i) is not held upon an order of a court for a criminal proceeding; (ii) in the director's judgment  
13 is recovered, does not have a mental illness, or is impaired or not recovered but whose discharge will not  
14 be detrimental to the public welfare or injurious to the individual; (iii) is not a proper case for treatment  
15 within the purview of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of the Code of Virginia; or (iv) whose  
16 treatment team determines that the individual is ready for discharge, provided that such discharge occurs  
17 within 15 days of such determination by the individual's treatment team. For all individuals discharged,  
18 the discharge plan shall be developed by the state hospital and shall be implemented by the community  
19 services board or behavioral health authority that serves the city or county where the individual resided  
20 prior to admission or by the board or authority that serves the city or county where the individual or his  
21 legally authorized representative on his behalf chooses to reside immediately following the discharge. The  
22 director may grant a trial or home visit to an individual receiving services in accordance with regulations  
23 adopted by the State Board of Behavioral Health and Developmental Services. The state facility granting  
24 a trial or home visit to an individual shall not be liable for such individual's expenses during the period of  
25 that visit. Such liability shall devolve upon the relative, conservator, person to whose care the individual  
26 is entrusted while on the trial or home visit, or the appropriate local department of social services of the

27 county or city in which the individual resided at the time of admission pursuant to regulations adopted by  
28 the State Board of Social Services. The Department shall submit a report on its findings and  
29 recommendations no later than November 1, 2025, to the Governor, the Chairman of the House Committee  
30 on Health and Human Services, the Senate Committee on Education and Health, and the Behavioral Health  
31 Commission.

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