

# Joint Subcommittee to Study Mental Health Services in the 21<sup>st</sup> Century: Update

David Cotter

Sarah E.B. Stanton

Virginia Division of Legislative Services

# Jt. Subcommittee Information

- Created by SJ 47 (2014, Deeds)
- Four-year Study
  - Interim report published in 2015
  - Final report due December 1, 2017
- Twelve Legislative Members
  - Chair: Sen. R. Creigh Deeds
  - Vice-Chair: Del. Robert B. Bell

# Jt. Subcommittee Charge

- Review & coordinate with the work of the Governor's Task Force on Improving Mental Health Services & Crisis Response
- Review the law governing the provision of mental health services, including the involuntary commitment of persons
- Assess the systems of publicly funded mental health services, including emergency, forensic, & long-term mental health care and the services provided by local & regional jail and juvenile detention facilities
- Identify gaps in services & the types of facilities and services necessary to meet the needs of the Commonwealth
- Recommend statutory or regulatory changes needed to improve access to services, the quality of services, and outcomes for individuals in need of services

# Jt. Subcommittee 2014 & 2015

- Three meetings during 2014
- Established three work groups of Jt. Subcommittee members
  - Crisis Intervention
  - Continuum of Care
  - Special Populations

# Jt. Subcommittee 2014 & 2015

- 2014 Legislative Recommendations (for the 2015 Session):
  - SB 1263 (Deeds) & HB 1693 (Bell, Robert B.)
    - Authorizing use of alternative transportation for a person subject to a TDO or ECO when there exists a substantial likelihood that the person will cause serious harm to himself or others
  - SB 1264 (Deeds)
    - Allows law-enforcement officers, for criminal justice purposes, access to information related to persons adjudicated incapacitated, involuntarily committed, or ordered to MOT, or who were subject to a TDO and agreed to voluntary admission
  - SB 1265 (Deeds) & HB 2118 (Cline)
    - Requires a facility update the acute psychiatric bed registry whenever availability changes or, if no change, once a day
- All three recommendations became law effective July 1, 2015

# Jt. Subcommittee 2014 & 2015

- Five meetings during 2015
- Three two-day meetings held outside of Richmond
- Toured several facilities
  - Commonwealth Center for Children & Adolescents (Staunton)
  - Valley CSB (Staunton, Waynesboro, Augusta & Highland Counties)
  - Western Tidewater CSB (Franklin, Suffolk, Isle of Wight & Southampton Counties)
  - Norfolk CSB
  - Veterans Affairs Medical Center (Hampton)
  - Pathway Homes (Fairfax)
  - Fairfax-Falls Church CSB
  - Prince William County CSB

# Jt. Subcommittee 2014 & 2015

- 2015 Legislative Recommendations (for the 2016 Session):
  - SB 566 (Barker) & HB 543 (Watts)
    - Clarifies that the sheriff or other person in charge of the local correctional facility where an inmate is incarcerated shall file the petition for involuntary treatment of such inmate
  - SB 567 (Deeds) & HB 1110 (Bell, Robert B.)
    - Makes several changes to TDO process
      - Requires consideration by the magistrate of information provided by the person who initiated emergency custody, if available
      - Requires the CSB evaluating a person subject to a TDO to (i) notify the person who initiated emergency custody (& an onsite treating physician) if it recommends that the person not be committed and (ii) facilitate communication between the magistrate and the person who initiated emergency custody
      - Imposes a duty on health care providers to make a reasonable attempt to notify a person's family or personal representative that such person is subject to emergency custody, temporary detention, or commitment proceedings
- Both recommendations became law effective July 1, 2016

# Jt. Subcommittee 2016 & 2017

- Two meetings to date
- Four work groups created
  - System Structure and Finance
  - Criminal Justice Diversion
  - Crisis & Emergency Services
  - Housing
- Expert advisory panels have been formed to assist the work groups



# Jt. Subcommittee 2016 & 2017

- Meeting #1 – April 19, 2016
  - Update on Certified Community Behavioral Health Centers
  - Report on investigation into the death of Jamycheal Mitchell
- Meeting #2 – June 23, 2016
  - Additional information about Certified Community Behavioral Health Centers
  - Update on work group activities
- Three additional meetings scheduled in 2016:
  - August 22, 2016
  - October
  - December

# System Structure & Finance Work Group

- To evaluate the existing public mental health service system (the system), including the types of services provided, the organization and structure of the system by which such services are provided, and the oversight and control of the system, and to make recommendations for reform of the existing system to ensure consistent delivery of a full array of high-quality mental health prevention, treatment, and recovery support services across the age range in a timely and effective manner throughout the Commonwealth.

# System Structure & Finance Work Group

- Members: Senator Hanger (Chair), Senator Deeds, and Delegate Farrell
- Questions:
  - i. What should the overarching service system structure look like?
  - ii. What services should the system provide?
  - iii. How can the quality of the services provided be improved?
  - iv. How should the service system be financed?
- Two meetings have been held during 2016; several more are scheduled

# System Structure & Finance Work Group

- Meeting #1 - May 17, 2016
  - Advisory Panel Update
  - Discussion of issues and topics for further study
- Meeting #2 - June 23, 2016
  - Advisory Panel Update
    - Initial Report on System Governance and Structure identified three system governance structures
      - State-funded and state-operated system; no local role
      - State-funded services delivered by contracted public or private providers; no local role
      - Locally controlled services delivered directly or by contracted providers; mix of state and local funding
      - **Conclusion**: maintain the current locally controlled system governance structure but increase state oversight
    - Problem Statement and Work Plan
    - Governance Structure-Financing Diagram
  - Presentation on Community Services Boards Performance Contracts
  - Presentation on Public Mental Health Service System Financing Panel Update

# System Structure & Finance Work Group

- Looking forward:
  - At least three more meetings during the 2016 interim
  - Will continue to focus on:
    - Defining the array of services that CSBs should provide
    - Addressing challenges related to availability, accessibility, and quality of services provided
    - Improving coordination between the public mental health service system and other state agencies and service systems
    - Financing public mental health services

# Criminal Justice Diversion Work Group

- To evaluate any existing mechanisms in the Commonwealth for diverting individuals with mental illness who have committed criminal offenses into available mental health services rather than into the criminal justice system and to make recommendations for reform of any existing mechanisms or for the adoption of additional mechanisms for the diversion of such individuals into mental health services that are consistent with the need to address both the mental health needs of such individuals and the safety of the community.

# Criminal Justice Diversion Work Group

- Members: Delegate Bell, R.B. (Chair), Delegate Watts, and Senator Cosgrove
- Questions:
  - i. How to determine what individuals should be diverted from the criminal justice system into mental health services?
  - ii. What services should be provided to facilitate diversion of individuals?
  - iii. What services should be provided to individuals while incarcerated in jail and upon release
- Held its first meeting on June 23, 2016; Next meeting scheduled for Aug. 22, 2016

# Criminal Justice Diversion Work Group

- June 23, 2016
  - Presentation on the Recommendations of the DBHDS Justice-Involved Transformation Team
  - Advisory Panel Update
    - Diversion into mental health services from criminal justice system at various stages (arrest, post-booking)
    - Cross-systems mapping and sequential intercepts model
    - Use of mental health dockets
- Looking forward:
  - At least three more meetings during the 2016 interim
  - Will continue to focus on:
    - Reasonable diversion options
    - Best practices for the operation of a mental health docket
    - Availability of treatment and services for jail inmates
    - Post-release treatment and services



# Crisis & Emergency Services Work Group

- To evaluate the existing crisis response and emergency services system and provide recommendations for reform of such system to provide high-quality services to individuals experiencing an acute mental health crisis while ensuring the safety of such persons and the community.

# Crisis & Emergency Services Work Group

- Members: Delegate Garrett (Chair), Senator Barker, and Delegate Yost
- The work group will focus on one “urgent” issue identified by the Advisory Panel at each meeting; topics include:
  - i. Alternative transportation
  - ii. Telepsychiatry
  - iii. Regional emergency psychiatric services units
  - iv. Core services for individuals in crisis
- The work group has met one time and plans to meet at least twice more during 2016

# Crisis & Emergency Services Work Group

- Meeting #1 - June 23, 2016
  - Focused on alternative transportation
  - Information from the Department for Behavioral Health and Developmental Services, John Jones (Sheriff's Association), and John Oliver (advisory panel chair)
  - Additional data requested
- Next meeting – August 22, 2016

# Housing Work Group

- To evaluate the existing system for providing access to housing and surrounding services to individuals with serious mental illness who have housing needs and to make recommendations for reform of the existing system to ensure that such individuals receive such access and services and are able to maintain housing stability.

# Housing Work Group

- Members: Senator Howell (Chair), Delegate Ransone, and Delegate Torian
- The work group has identified Permanent Supportive Housing as an effective solution to address the housing needs of individuals with serious mental illness and will focus on the availability of Permanent Supportive Housing in the Commonwealth
- The work group has met one time and plans to meet at least twice more during 2016

# Housing Work Group

- Meeting #1 - June 23, 2016
  - Advisory Panel Update
  - Presentation from the Department for Behavioral Health and Developmental Services on Permanent Supportive Housing
- Next meeting – August 22, 2016