

Virginia Counselors Association Legislative Update February 22, 2009

Calendar

With one more week to go in the General Assembly, we are all looking forward to adjournment. This coming Monday, February 23rd marks the last day for committee action in each house. At the same time, the budget conferees will be meeting to reconcile House and Senate differences in HB 1600, the budget bill. Meanwhile, as sometimes happens, tempers rise in certain quarters over real or perceived slights, not only between the houses, but within each house.

Here's what happened this past week.

The Budget

On last Wednesday (Feb 18th), the Senate amended HB 1600, the House version of the budget bill, which was debated and accepted by the Senate. On Thursday, the House rejected the Senate's amendments so that the two versions of HB 1600 could go into conference committee. Sound confusing? This happens every year, because neither house agrees with the other house's version of the budget bill. Both houses have appointed budget conferees who hammer out the differences.

The budget conferees are scheduled to begin their work Sunday, the 22nd, with their first report due to the respective houses on Tuesday, the 24th. There are few ideological differences between the two budget versions, and they *should* make their deadline. The operative word *should* prevails—see first paragraph above on “tempers.”

School budget

This year is a very different year for the budget-makers because of the massive infusion of funds that Virginia will reap as a result of the passage of HR 1, the federal stimulus package. For detailed information on the federal package, click on the VEA website, <http://www.veanea.org/top-stories/arra-2002-02-20.html> for details. Here is the short version:

- Virginia will receive \$1.822 billion from the federal stimulus plan for K12 spending. That amount is almost half of the entire amount that Virginia will receive (the other half is primarily aimed at Medicaid and healthcare spending).
- The cash infusion also means targeted increased funding for Title I, special education, and Head Start.
- The total federal infusion of approximately \$4 billion exceeds the current projected budget deficit of \$3.7 billion.
- National estimates indicate that the federal package will provide an extra \$870 per pupil spending over the next two years. That means retention of jobs and perhaps new positions.
- Federal guidelines for spending are not yet available; the US Dept of Education expects that half of the funds will reach the Commonwealth within 40 days.

In the short term, Virginia's budget conferees will have to agree that any cuts to direct aid to education should be made by giving the localities **flexibility**. We also hope that the conferees agree that the cuts should be considered **temporary** and not permanent, as the Governor had requested in December.

Mental health budget

For clinical counselors employed at Community Services Boards, these are the essential points in the federal fund injection (as analyzed by Mary Ann Bergeron, Executive Director of the Virginia Association of Community Services Boards):

- 200 additional MR Waiver slots in 2010 now contained in the House budget. (These are **new** slots as the 200 for April have been restored through the stimulus package requirements.)
- Local inpatient purchase of services (LIPOS) funding of \$5.5 million for 2010 in the Senate version of the budget.
- Restoration of the funding for Drug Courts which a House amendment would eliminate.
- Continuing with the plan developed by the Tidewater Region CSBs to close Southeastern Virginia Training Center (SEVTC) in a way that assures appropriate care for each resident and the development of community capacity. The supporting material from the Hampton Roads region provides some actions that should be taken in this budget cycle if closure or even significant downsizing is to occur. While the Senate restores full funding, language call for an in-depth assessment of the residents' needs, community capacity, gaps in services and funding, and if whether or not a smaller facility is needed. The House restores funding but calls for the building of a 75-bed facility and development of community capacity.
- Within the plan for SEVTC is contained the need for \$400,000 for the Regional Community Support Center, which has been included in the Senate budget for 2010.

These additional federal funds are due to expire in December 2010. We can all hope that the economic situation will be improving by then. Otherwise, we may still be in for a rough ride.

Bills we are following

At the bottom of this update are two lists—one for school bills and the other for mental health bills.

School bills:

The bill list below contains only those bills that are still being considered for passage (or that have been voted out of both houses). Only one of these bills appear to be in jeopardy-- [HB 1727](#).

Mental health bills:

Many bills never made it through the process, some of which we have discussed in prior updates. Our final legislative summary will highlight those.

School Bills	Committee	Last action	Date
HB 1624 - Englin - Bullying, harassment, etc.; provides specific information for Bd. of Education in its model policy.	(H) Committee on Education (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 1679 - Orrock - Child abuse and neglect data; school board applicants.	(H) Committee on Education (S) Committee on Education and Health	(S) Signed by President	02/18/09
HB 1727 - Cole - Interstate Compact on Educational Opportunity for Military Children; created, report.	(H) Committee on Appropriations (S) Committee for Courts of Justice	(S) Rereferred to Courts of Justice	02/18/09
HB 1746 - Pogge - Family life education; adds benefits, etc., of marriage for men, etc., to list of topics covered.	(H) Committee on Education (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 1794 - Brink - Suspension; sufficient cause necessary to suspend student cannot rest solely on instance of truancy.	(H) Committee on Education (S) Committee on Education and Health	(S) Signed by President	02/18/09
HB 1826 - Fralin - Driver's licenses; suspension thereof for minor who has 10 or more unexcused absences from school.	(H) Committee on Transportation (S) Committee on Transportation	(S) Reported from Transportation (14-Y 1-N)	02/19/09
HB 1844 - Lingamfelter - Charter school, public; applicant of governing body, etc. to disclose interests during charter term.	(H) Committee on Education (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 1940 - Peace - Open Education Resource Center Grant Fund; established, development of two-year pilot project.	(H) Committee on Science and Technology (S) Committee on Finance	(S) Passed Senate (40-Y 0-N)	02/19/09
HB 1942 - Peace - Single-sex education;	(H) Committee on	(S) Signed by	02/18/09

clarifies manner school boards may establish program in school division.	Education <hr/> (S) Committee on Education and Health	President	
HB 1945 - Peace - Regional alternative education programs; certain students may be administratively assigned thereto.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 1980 - McClellan - Family life education; right of parents to review certain materials.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 2069 - Tata - Retirement System; health insurance credits for retired teachers.	(H) Committee on Appropriations <hr/> (S) Committee on Finance	(S) Signed by President	02/17/09
HB 2070 - Scott, E.T. - Classroom placement of twins or multiples; school board to develop policies to allow parental input.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 2089 - Fralin - School boards, local; grievance procedure.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 2132 - Miller, J.H. - Workforce housing; locality may offer housing assistance grants to school division personnel.	(H) Committee on Counties, Cities and Towns <hr/> (S) Committee on Local Government	(S) Passed by for the day	02/20/09
HB 2166 - Lohr - Schools; delayed implementation of certain statutes, etc. upon which accreditation is based.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09
HB 2304 - Griffith - Special education; one year to appeal due process hearing decisions.	(H) Committee on Education <hr/> (S) Committee on Education and Health	(S) Constitutional reading dispensed (39-Y 0-N)	02/20/09

<p>HB 2341 - Amundson - Suspension of a student, short-term; pending superintendent's decision on alternative education.</p>	<p>(H) Committee on Education</p> <hr/> <p>(S) Committee on Education and Health</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/20/09</p>
<p>HB 2406 - Bulova - School records; may be received as evidence in cases involving custody of students, etc.</p>	<p>(H) Committee for Courts of Justice</p> <hr/> <p>(S) Committee for Courts of Justice</p>	<p>(S) Assigned Courts sub: Civil</p>	<p>02/11/09</p>
<p>HB 2474 - Hugo - Planning time for school teachers; Superintendent to ensure elementary school teachers are provided.</p>	<p>(H) Committee on Appropriations</p> <hr/> <p>(S) Committee on Education and Health</p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/20/09</p>
<p>HB 2513 - Marsden - Mob violence; adds act of violence to listing of offenses reported by juvenile intake officer.</p>	<p>(H) Committee for Courts of Justice</p> <hr/> <p>(S) Committee for Courts of Justice</p>	<p>(S) Passed Senate (40-Y 0-N)</p>	<p>02/18/09</p>
<p>HB 2632 - Shannon - Health insurance; development of optional proposed program for school board, etc.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on Finance</p>	<p>(H) Engrossed bill reprinted 092604724-E</p>	<p>02/20/09</p>
<p>HJ 652 - Cosgrove - K-8 Mathematics Specialists; school divisions to hire to improve performance of students.</p>	<p>(H) Committee on Education</p> <hr/> <p>(S) Committee on Rules</p>	<p>(S) Committee substitute printed 094222472-S1</p>	<p>02/20/09</p>
<p>HJ 723 - Landes - No Child Left Behind; Division of Legislative Services to collect data and information on impact.</p>	<p>(H) Committee on Rules</p> <hr/> <p>(S) Committee on Rules</p>	<p>(S) Assigned Rules sub: Studies</p>	<p>02/12/09</p>
<p>SB 827 - Smith - Family life education; adds benefits, etc., of marriage for men, etc., to list of topics covered.</p>	<p>(H) Committee on Education</p> <hr/> <p>(S) Committee on Education and Health</p>	<p>(H) VOTE: --- PASSAGE (88-Y 11-N)</p>	<p>02/20/09</p>
<p>SB 919 - Reynolds - Retirement System; retirees may be hired as teachers without interrupting retirement benefits.</p>	<p>(H) Committee on Education</p> <hr/> <p>(S) Committee on Education and Health</p>	<p>(H) Subcommittee recommends reporting</p>	<p>02/19/09</p>

<p>SB 1173 - Watkins - Open Education Resource Center Grant Fund; established, development of two-year pilot project.</p>	<p>(H) Committee on Science and Technology</p> <hr/> <p>(S) Committee on Finance</p>	<p>(H) Read second time</p>	<p>02/20/09</p>
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Mental Health Bills	Committee	Last action	<u>Date</u>
<p>HB 1802 - Loupassi - Behavioral health authority; allows member of local government to member of board of directors.</p>	<p>(H) Committee on Counties, Cities and Towns</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(S) Passed by for the day</p>	<p>02/20/09</p>
<p>HB 1843 - Griffith - Civil commitment of sexually violent predators; changes including access to sealed records, etc.</p>	<p>(H) Committee for Courts of Justice</p> <hr/> <p>(S) Committee for Courts of Justice</p>	<p>(S) Assigned Courts sub: Civil</p>	<p>02/13/09</p>
<p>HB 1853 - Cox - Mental Retardation Waiver and IFDDS Waiver; Governor to plan to eliminate urgent care waiting lists.</p>	<p>(H) Committee on Appropriations</p> <hr/> <p>(S) Committee on Rules</p>	<p>(S) Assigned Rules sub: Studies</p>	<p>02/12/09</p>
<p>HB 1898 - Watts - Sex Offender and Crimes Against Minors Registry Act; registration requirements.</p>	<p>(H) Committee on Militia, Police and Public Safety</p> <hr/> <p>(S) Committee for Courts of Justice</p>	<p>(S) Assigned Courts sub: Criminal</p>	<p>02/11/09</p>
<p>HB 1948 - Shuler - Involuntary commitment; allow examination by licensed marriage and family therapists.</p>	<p>(H) Committee on Health, Welfare and Institutions</p> <hr/> <p>(S) Committee on Education and Health</p>	<p>(S) Signed by President</p>	<p>02/18/09</p>
<p>HB 2060 - Hamilton - Mental health law; amends statutes to address issues resulting from overhaul thereof.</p>	<p>(H) Committee on Health, Welfare and Institutions</p> <hr/> <p>(S) Committee for Courts of Justice</p>	<p>(S) Signed by President</p>	<p>02/17/09</p>
<p>HB 2061 - Hamilton - Psychiatric</p>	<p>(H) Committee on</p>	<p>(S) Constitutional</p>	<p>02/20/09</p>

Inpatient Treatment of Minors Act; mandatory outpatient treatment.	Appropriations <hr/> (S) Committee on Education and Health	reading dispensed (39-Y 0-N)	
HB 2062 - Hamilton - Incapacitated person; admission to a mental health facility by an agent or guardian.	(H) Committee on Health, Welfare and Institutions	(H) Incorporated by Health, Welfare and Institutions (HB2396-Bell)	01/29/09
HB 2108 - Sherwood - Electronic video and audio communication, two-way; if available for a hearing, judge shall use.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(S) Signed by President	02/18/09
HB 2257 - Albo - Outpatient treatment; allows court to order mandatory treatment following involuntary admission.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee for Courts of Justice	(S) Referred to Committee for Courts of Justice	02/11/09
HB 2274 - Poindexter - Sex Offender Registry; not required to provide list of registrants' wanted offenses on Internet.	(H) Committee on Appropriations <hr/> (S) Committee for Courts of Justice	(S) Assigned Courts sub: Criminal	02/13/09
HB 2288 - Cline - Community services board; removes provision allowing employment of person convicted of assault.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(S) Left in Education and Health	02/19/09
HB 2300 - Caputo - Mental Health, Mental Retardation & Substance Abuse Services, Department of; name change.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(S) Passed Senate (35-Y 5-N)	02/16/09
HB 2334 - Amundson - Advance medical directives; physician determining patient is incapable of making informed decision.	(H) Committee on Health, Welfare and Institutions	(H) Incorporated by Health, Welfare and Institutions (HB2396-Bell)	01/29/09
HB 2362 - Gilbert - Drug offenses; person convicted of second offense would be a felon if committed in State.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(S) Assigned Courts sub: Criminal	02/13/09

<p><u>HB 2369</u> - <u>Nutter</u> - Prescription medication; Substance Abuse Services Council, to conduct 1 year study, report.</p>	<p><u>(H) Committee on Rules</u></p> <hr/> <p><u>(S) Committee on Rules</u></p>	<p>(S) Assigned Rules sub: Studies</p>	<p>02/12/09</p>
<p><u>HB 2370</u> - <u>Nutter</u> - Virginia's Future, Council on; assessment of the impact of prescription drug abuse.</p>	<p><u>(H) Committee on Rules</u></p>	<p>(H) Incorporated by Rules (HB2369-Nutter)</p>	<p>02/03/09</p>
<p><u>HB 2396</u> - <u>Bell</u> - Advance medical directives; revises Health Care Decisions Act to clarify process.</p>	<p><u>(H) Committee on Health, Welfare and Institutions</u></p> <hr/> <p><u>(S) Committee on Education and Health</u></p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/20/09</p>
<p><u>HB 2400</u> - <u>Bell</u> - Criminal sexual assault; establishment of a multidisciplinary response thereto.</p>	<p><u>(H) Committee for Courts of Justice</u></p> <hr/> <p><u>(S) Committee for Courts of Justice</u></p>	<p>(S) Assigned Courts sub: Criminal</p>	<p>02/13/09</p>
<p><u>HB 2405</u> - <u>Tyler</u> - Health Professions, Department of; may release information for determining shortage designations.</p>	<p><u>(H) Committee on Health, Welfare and Institutions</u></p> <hr/> <p><u>(S) Committee on Education and Health</u></p>	<p>(H) VOTE: --- ADOPTION (98-Y 0-N)</p>	<p>02/18/09</p>
<p><u>HB 2407</u> - <u>Hall</u> - Health Practitioners' Intervention Program; revisions, changes name.</p>	<p><u>(H) Committee on Health, Welfare and Institutions</u></p> <hr/> <p><u>(S) Committee on Education and Health</u></p>	<p>(S) Constitutional reading dispensed (39-Y 0-N)</p>	<p>02/20/09</p>
<p><u>HB 2459</u> - <u>O'Bannon</u> - Right to notify; consumer in mental health facility to have opportunity thereto of his condition.</p>	<p><u>(H) Committee on Health, Welfare and Institutions</u></p> <hr/> <p><u>(S) Committee on Education and Health</u></p>	<p>(S) Signed by President</p>	<p>02/18/09</p>
<p><u>HB 2460</u> - <u>O'Bannon</u> - Transportation of person under emergency custody, etc.; allowed to be transported by family member.</p>	<p><u>(H) Committee on Health, Welfare and Institutions</u></p> <hr/> <p><u>(S) Committee for Courts of Justice</u></p>	<p>(S) Signed by President</p>	<p>02/18/09</p>
<p><u>HB 2461</u> - <u>O'Bannon</u> - Notification of family member in commitment</p>	<p><u>(H) Committee on Health, Welfare and</u></p>	<p>(S) Constitutional reading dispensed (39-Y</p>	<p>02/20/09</p>

process; disclosure of certain information of patient.	Institutions <hr/> (S) Committee on Education and Health	0-N)	
HB 2486 - Ward - Emergency custody; authority of law-enforcement officer.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee for Courts of Justice	(H) VOTE: --- ADOPTION (97-Y 0-N)	02/18/09
SB 823 - Cuccinelli - Transportation of person under emergency custody, etc.; allowed to be transported by family member.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee for Courts of Justice	(H) Read second time	02/20/09
SB 854 - Edwards - Mental health courts; Office of Ex. Secretary of Supreme Court to establish for nonviolent offender.	(H) Committee for Courts of Justice <hr/> (S) Committee on Finance	(H) Assigned Courts sub: Criminal	02/16/09
SB 861 - Edwards - Children's Ombudsman, Office of; created, report.	(H) Committee on General Laws <hr/> (S) Committee on Finance	(H) Subcommittee recommends laying on the table	02/17/09
SB 1051 - Whipple - Mental health; admission of incapacitated person to a facility by an agent or guardian.	(S) Committee on Education and Health	(S) Incorporated by Education and Health (SB1142-Whipple) (14-Y 0-N)	02/05/09
SB 1076 - Howell - Right to notify; consumer in mental health facility to have person of choice notified of condition.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/19/09
SB 1077 - Howell - Notification of family member in commitment process; disclosure of certain information of patient.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/19/09
SB 1078 - Howell - Special justices; expenses when presiding over certain hearings.	(H) Committee on Appropriations	(H) Subcommittee recommends reporting with amendment(s)	02/20/09

	(S) Committee on Finance		
SB 1079 - Howell - Emergency custody; authority of law-enforcement officer.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee for Courts of Justice	(H) Read second time	02/20/09
SB 1080 - Howell - Involuntary commitment hearing; upon request, district court judge, etc. may restrict attendance.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(H) Stricken from docket by Courts of Justice	02/18/09
SB 1081 - Howell - Special justices; appointment.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(H) Reported from Courts of Justice (22-Y 0-N)	02/20/09
SB 1082 - Howell - Voluntary and involuntary commitment; Executive Secretary of Supreme Court to prepare petitions.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(H) Reported from Courts of Justice (22-Y 0-N)	02/20/09
SB 1083 - Howell - Mental health law; amends statutes to address issues resulting from overhaul thereof.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee for Courts of Justice	(H) Read second time	02/20/09
SB 1117 - Ticer - Mental Health, Mental Retardation & Substance Abuse Services, Department of; name change.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Education and Health	(H) VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)	02/19/09
SB 1122 - Lucas - Psychiatric Inpatient Treatment of Minors Act; mandatory outpatient treatment; etc.	(H) Committee on Health, Welfare and Institutions <hr/> (S) Committee on Finance	(H) Read second time	02/20/09
SB 1142 - Whipple - Advance medical directives; revises Health Care Decisions Act to clarify process.	(H) Committee on Health, Welfare and Institutions <hr/>	(H) Read second time	02/20/09

	(S) Committee on Education and Health		
SB 1275 - Obenshain - Privileged communications; provides communications between physicians and patients thereof.	(H) Committee for Courts of Justice <hr/> (S) Committee for Courts of Justice	(H) Read second time	02/20/09
SB 1304 - Hurt - Drug treatment court; authorized for County of Franklin.	(H) Committee for Courts of Justice <hr/> (S) Committee on Finance	(H) Reported from Courts of Justice with amendment (15-Y 7-N)	02/20/09
SB 1432 - Cuccinelli - Notification of family member; disclosure of information regarding patient's location and condition.	(S) Committee on Education and Health	(S) Incorporated by Education and Health (SB1077-Howell) (15-Y 0-N)	02/05/09
SB 1433 - Cuccinelli - Right to notify; consumer in mental health facility to have person of choice notified of condition.	(S) Committee on Education and Health	(S) Incorporated by Education and Health (SB1076-Howell) (15-Y 0-N)	02/05/09
SB 1501 - Barker - Mental Retardation Medicaid Waiver, etc.; elimination of waiting lists.	(H) Committee on Appropriations <hr/> (S) Committee on Finance	(H) Subcommittee recommends reporting with amendment(s)	02/20/09
SB 1503 - McEachin - Mental health court; Executive Secretary of the Supreme Court to establish in City of Richmond.	(S) Committee for Courts of Justice	(S) Incorporated by Courts of Justice (SB854-Edwards) (15-Y 0-N)	02/04/09
SB 1506 - Hanger - Comprehensive Services Act Program; judicial assignment of services for children.	(H) Committee for Courts of Justice <hr/> (S) Committee on Rehabilitation and Social Services	(H) Reported from Courts of Justice (22-Y 0-N)	02/20/09