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House Republicans Champion Mental Health Reforms

-- Restoring Kaine's Cuts of 200 MR Waiver Slots, Further Reducing Waiting List Top Budget Priorities --
-- GOP Bills Strengthen Historic Mental Health Reforms Enacted in 2008 Session --

RICHMOND, VA – Building on the landmark of Virginia's mental health system enacted by the General Assembly in the 2008 session, Speaker of the Virginia House of Delegates William J. Howell (R-Stafford) and Delegates M. Kirkland "Kirk" Cox (Colonial Heights), Phillip A. Hamilton (R-Newport News), Robert B. "Rob" Bell (R-Albemarle) and Dr. John M. O'Bannon, III (R-Henrico) today announced a package of legislation that:

- Improves the critical safety net for Virginia's most vulnerable citizens;
- Builds upon previous efforts to reform Virginia's mental health laws for mandatory outpatient treatment when using this option for children and adolescents; and
- Empowers those with mental illness and their families to obtain the best care possible in a crisis

In the wake of the Virginia Tech tragedy, House Republicans led a bipartisan effort in the 2008 Session of the General Assembly to pass fundamental mental health reforms. Last year, House Republicans also succeeded in having 600 Mental Retardation (MR) Waiver Slots incorporated into the 2008-2010 biennial state budget. Governor Kaine has proposed cutting 200 of those MR Waiver Slots in his proposed budget amendments this year.

"Last year, House Republicans committed to advancing a long-term approach to reforming the delivery and oversight of mental health care in Virginia," noted Speaker Howell. "The responsible initiatives we are offering today are a logical continuation of that commitment to help those in need. Virginians understand that, even in tough financial times, we cannot afford to neglect our citizens who often do not have a voice. House Republicans remain determined to do everything we can to address the urgent waiting list for our community-based waiver program and ensure Virginia's children and adults with mental illness receive proper treatment."

As the House Appropriations Committee continues to examine proposed amendments to the biennial budget, key leaders on the budget-writing committee have expressed a desire to work to reinstate the 200 MR waiver slots Governor Kaine proposed cutting from the budget. In addition, by redefining funding priorities, House leaders hope to be able to increase the number of MR waivers available in FY 2010. The MR waiver program is a home and community-based program that funds services to help individuals with intellectual disabilities remain in the community and avoid institutional care. [House Bill 1852](#), patroned by Delegate Cox, requires the Governor to develop a plan to eliminate the urgent care waiting list for MR waivers and the waiting list for Developmental Disabilities waivers by the 2018-2020 biennium. The Health and Human Resources Subcommittee of the House Appropriations Committee recommended reporting the substitute version of the bill on February 2.

“Virginia cannot fall further behind in keeping pace with the growing mental health needs of our citizens,” said Delegate Cox, a budget conferee. “Setting out an aggressive goal of eliminating the urgent care waiting list for these valuable mental health services is an important step to improving our services to citizens with intellectual disabilities. Despite our current economic situation, House Republicans know that we cannot afford to fall behind in reducing our urgent care waiting list and will keep working to fix this problem.”

Delegate Hamilton is patroning [House Bill 2061](#) that reforms the process for placing juveniles in outpatient mental health treatment services and monitoring those cases. The bill would allow minors hospitalized, while properly detained by the courts, to enter mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are deemed appropriate. The process established in this legislation, as well as clarifying changes included in Delegate Hamilton’s [House Bill 2060](#), complements the mental health reforms enacted by the General Assembly in the 2008 session.

“As Virginia continues to grapple with how to better serve those with mental illness, House Republicans understand that policy changes are needed to facilitate better access to critical services in an environment that does not stigmatize those needing assistance,” noted Delegate Hamilton, Chairman of the House Health, Welfare and Institutions Committee and a budget conferee. “The changes we are proposing today furthers the progress that state lawmakers and the Governor accomplished in a bipartisan manner last year.”

[House Bill 2396](#), patroned by Delegate Bell, would allow a person with mental illness to prepare directives to guide one’s care if the person was later incapable of providing such guidance. Allowing the mentally ill to identify preferred medications, facilities and to name an agent to make future decisions for themselves addresses the “Ulysses Question,” where an individual directs that a certain medication be given to him even if he subsequently protests. The bill provides exceptions where the advance directive would require care decisions that are themselves life-threatening.

“This bill is a way to empower the mentally ill to help their doctors determine how to best provide care,” remarked Delegate Bell, Chairman of the Mental Health Subcommittee of the House Courts of Justice Committee. “If someone is capable of making informed decisions about his care, we certainly want to have that input. This continues the most fundamental mental health reforms in the last 35 years we passed last year as a result of the Virginia Tech tragedy.”

Delegate O’Bannon is patroning a series of bills – [House Bill 2459](#), [House Bill 2460](#), and [House Bill 2461](#) – that would provide practical solutions to many of the issues raised in the wake of the comprehensive mental health reforms enacted last year. The bills would allow for a consumer at a mental health facility to choose someone to be notified of his care and location, provide safe transportation for a person under an emergency custody order, and ensure a family member is notified when a person is involved in a commitment process.

“We need to be ever mindful of the concerns of the people impacted directly by emergency mental health care services,” observed Delegate O’Bannon, the only practicing physician in the House of Delegates. “These bills make important changes in order to address those concerns by strengthening protections and facilitating communications with the patient and their family. As Virginia continues to take a comprehensive approach to improving our mental health system, House Republicans will seek to keep the best interests of our mentally ill citizens at the forefront.”

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