



Legislative Highlights February 9, 2012

HB 1230, which requires the Virginia Office for Protection and Advocacy to develop a plan for creating and transitioning to a nonprofit entity, has been approved by the House of Delegates. It now moves to the Senate for consideration. It will be heard by the Senate Committee on Education and Health.

HB 1106 raced through the both the House and the Senate and has already been approved by the Governor. The bill authorizes the Board of Medicine to license behavior analysts and assistant behavior analysts. This was an emergency measure, believed to be necessary in order to implement legislation passed last year to mandate insurance coverage of some treatment for autism. The Board must now establish criteria for such licensure.

The Virginia Office for Protection and Advocacy is an independent state agency, promoting the rights of Virginians with disabilities. VOPA's mission is, through zealous and effective advocacy and legal representation to protect and advance legal, human, and civil rights of persons with disabilities; to combat and prevent abuse, neglect, and discrimination; and to promote independence, choice, and self-determination by persons with disabilities.

VOPA is available to assist and educate policymakers throughout the legislative session and throughout the year. Please let us know of any legislation of interest to the community. E-mail to general.vopa@vopa.virginia.gov or call 1-800-552-3962.

Here are some of the bills we are watching:

HB 192 (Lewis) – Requires state facilities to notify family or personal representatives when a critical incident has occurred (approved by the full House and referred to Senate Committee on Education and Health)

HB 218 (Bell) – Requires local school districts to consider communication needs of deaf and hard of hearing students (Approved by Committee on Education and referred to Appropriations. Appropriations approved with amendments.)

HB 270 (Peace) – Requires the public guardianship board to adopt person-centered practices. (Approved by the full House and referred to the Senate Committee on General Laws)

HB 475 (Albo) – Eliminates certain requirements before someone can be ordered to

outpatient treatment. The subcommittee amendments restore many of the requirements that were eliminated in the original proposal. (Courts of Justice, mental health subcommittee recommended approval with amendments)

HB 476 (Albo) – Requires a hearing before an individual can be discharged from a mental health facility. The subcommittee amended to make clear that the hearing will not delay discharge. (Courts of Justice, mental health subcommittee recommended approved with amendments)

HB 496 (Dance) – Requires that individuals being discharged from training centers be advised of their right to return to their home community (approved by the full House and referred to the Senate Committee on Education and Health)

HB 552 (Garrett) – Changes certain terminology in the code to “intellectual disability.” See also SB 387 below (Approved by the full House and referred to the Senate Committee on Education and Health)

HB 1010 (Ramaden) – Allows for an involuntary commitment hearing during a guardianship hearing and eliminates some of the standards for commitment in such hearing. (House Courts of Justice, Mental Health subcommittee recommends laying on the table)

HB 1280 (Stolle) – Changes inpatient commitment criteria for inmates of local correctional facilities to allow the transfer of those unable to protect themselves due to mental illness. See SB below 585 (House Courts of Justice, Mental Health subcommittee recommends approval)

HJ 18 (O’Bannon) – requests a study of community mental health services and identification of any gaps in services that exist (Rules, subcommittee on studies, recommends striking)

SB 92 (Howell) – Requires nursing homes to send a copy of notice of intent to discharge to the Long Term Care Ombudsman (Continued to 2013 in the Committee on Education and Health)

SB 387 (Martin) – Changes certain terminology in the code to “intellectual disability.” Incorporates SB 191 (Miller). See also HB 552 above (Approved by the full Senate)

SB 585 (Northam) – Changes inpatient commitment criteria for inmates of local correctional facilities to allow the transfer of those unable to protect themselves due to mental illness. See HB 1280 above. (Approved by Courts of Justice and referred to Finance)