

SENATE BILL NO. 569

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules

on _____)

(Patron Prior to Substitute--Senator Deeds)

A BILL to direct the State Board of Behavioral Health and Developmental Services to amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services in crisis receiving centers and crisis stabilization units; appropriate and safe use of seclusion; work group; report.

Be it enacted by the General Assembly of Virginia:

1. § 1. The State Board of Behavioral Health and Developmental Services (the Board) shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, including by authorizing the appropriate and safe use of seclusion in crisis receiving centers and crisis stabilization units. Such regulations shall, to the extent practicable, permit seclusion in the same manner authorized in other public and private facilities and programs licensed or funded by the Department of Behavioral Health and Developmental Services (the Department). Such initial adoption of regulations by the Board shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

§ 2. The Department shall convene a work group to propose additional regulations to allow for the use of (i) evidence-based and recovery-oriented seclusion and restraint practices and (ii) alternative behavior management practices that may limit or replace the use of seclusion and restraint in hospitals, residential programs, and licensed facilities. In developing such regulations, the work group shall (a) solicit input from experts in the field of behavioral health, persons with relevant lived experience with the Commonwealth's behavioral health system, and staff from both public and private providers; (b) review any data and other information made available by the Department regarding seclusion and restraint, serious incidents, and complaints and investigations regarding the misuse of seclusion and restraint; (c)

27 review current regulations and training policies; (d) examine practices used in other states, best practice
28 recommendations from the Substance Abuse and Mental Health Services Administration, and evidence-
29 based and trauma-informed practices recommended by other national experts; (e) identify practices and
30 approaches that safely de-escalate persons in crisis and reduce or replace the use of seclusion and restraint;
31 and (f) identify staffing, training, and monitoring practices related to seclusion and restraint and that limit
32 and ensure the appropriate use of seclusion and restraint. The work group shall include the Secretary of
33 Health and Human Resources or his designee; the Commissioner of Behavioral Health and Developmental
34 Services or his designee; staff from public and private facilities, including frontline workers with treatment
35 experience; at least three mental health consumers; representatives of the disAbility Law Center of
36 Virginia; representatives of the Institute of Law, Psychiatry, and Public Policy at the University of
37 Virginia; staff representatives of community services boards; at least one member of the House of
38 Delegates, to be appointed by the Speaker of the House of Delegates; and at least one member of the
39 Senate, to be appointed by the Senate Committee on Rules. The Department may seek assistance from
40 faculty and students of institutions of higher education in the Commonwealth and, subject to the
41 availability of funding, may contract with a third-party expert to lead and advise the work group. The
42 Department shall submit a report of its findings, recommendations, and proposed regulations to the
43 General Assembly by November 1, 2025.

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