

2023 GENERAL ASSEMBLY - Bills Submitted which influence CSA Policy/Practice

[HB 1599](#)

**HB 1599 Individuals with developmental disabilities; DMAS to amend certain waivers providing services, etc**

**Certificate of public need; expedited review process.** Requires the Department of Health to establish an expedited review process for certain projects involving addition of imaging equipment, addition of a new ambulatory or outpatient surgery center, addition of operating rooms at an existing ambulatory or outpatient surgery center, and addition of psychiatric beds or conversion of existing beds at a medical care facility to psychiatric beds and requires the Board of Health to include in regulations governing the certificate of public need program a provision for the development of review criteria and standards for specific medical care facilities and health care services for each health planning region that take into account the unique needs and characteristics of such region. The bill also amends the definition of "charity care" and defines "health care service" and "indigent."

[HB1600](#)

**Children's Services Act; special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

[SB1023](#)

**State plan for medical assistance services; violence prevention services benefit.** Directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for violence prevention services, defined in the bill, provided by a qualified violence prevention professional to an individual who receives medical treatment for an injury sustained as a result of community violence, defined in the bill, who is determined by a health care provider to be at risk of repeat injury or retaliation. The bill directs the Department of Medical Assistance Services to convene a work group to advise the Board on the design and implementation of the violence prevention services benefit and specifies that the work group include representatives from the Department and violence intervention programs, medical providers, survivors of community violence, and other members as deemed appropriate by the Department. The bill requires the Department to post on its website the date upon which violence prevention services may be provided and billed pursuant to the provisions of the bill.

[SB1104](#)

Department of Behavioral Health and Developmental Services; provider licensing; inspections. Requires the Commissioner of Behavioral Health and Developmental Services or his authorized agents to make at least one unannounced inspection of each service offered by each licensed provider during the licensing period. Current law requires an annual unannounced inspection. The bill also removes the requirement that inspections evaluate the physical facilities in which services are provided.

[SB1155](#)

Community services boards; behavioral health authorities; performance contracts. Modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities.

[SB1169](#)

**Department of Behavioral Health and Developmental Services; licensed provider reporting requirements.** Directs the Department of Behavioral Health and Developmental Services to amend its regulations to require providers licensed by the Department to report allegations of abuse, neglect, and exploitation and incidents classified as Level II and Level III incidents by the end of the next business day following the receipt of the allegation or discovery of the Level II or Level III incident.

[SB1177](#)

**Public schools: parental rights to educational transparency.** Declares that the parent of any student enrolled in a public elementary or secondary school in the Commonwealth has the right to (i) access a list of any printed or audiovisual instructional material; (ii) participate in the textbook review and approval process; (iii) receive notice of and give informed consent to any counseling or guidance program offered to his child by the school; (iv) access his child's education records; (v) receive advance, written notice of any school-sponsored field trip, activity, assembly, presentation, or other event at which his child's attendance is invited, including a clear opt-out provision; (vi) receive advance notice of any questionnaire or survey to be administered to his child; (vii) receive notice of and attend any public meeting of the school board in the local school division in which his child is enrolled; (viii) review the annual school division budget and expenditures; and (ix) petition the circuit court with jurisdiction over such child's local school division to review an action of the school board if the parent is aggrieved by such action. The bill requires the Department of Education to develop and make available to each school board model policies and procedures to ensure compliance with the parental right to review and exempt his child from any printed or audiovisual instructional materials used as a part of the curriculum in any class or course in which such parent's child is enrolled. The bill also revises existing policies and duties of each local school board in accordance with the parental rights to transparency in education.

#### [SB1199](#)

**Children Deserve Help Not Harm Act established; health benefit plans; coverage for gender transition procedures.** Creates the Children Deserve Help Not Harm Act (the Act), which prohibits gender transition procedures, defined in the bill, for individuals under 18 years of age and prohibits the use of public funds for gender transition procedures for individuals under 18 years of age. The bill establishes enforcement procedures for violation of the Act. The bill provides that a health benefit plan providing health care coverage in the Commonwealth is prohibited from providing coverage for gender transition procedures for individuals younger than 18 years of age and is not required to provide coverage for gender transition procedures for individuals 18 years of age or older.

#### [SB1203](#)

**Kinship foster care; barrier crimes; exception.** Allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxymethamphetamine, (ii) five years have elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction.

#### [SB1219](#)

All public agencies that have served a family or treated a child referred to a family assessment and planning team shall cooperate with this team. The agency that refers a youth and family to the team shall be responsible for obtaining the consent required to share agency client information with the team. After obtaining the proper consent, all agencies shall promptly deliver, upon request and without charge, such records of services, treatment, or education of the family or child as are necessary for a full and informed assessment by the team.

#### [HB2018](#)

**Children's Services Act: special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 (George Washington Regional) for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

#### [SB1023](#)

**Office of the Children's Ombudsman.** Repeals the Children's Advocacy Fund, created to support the Office of the Children's Ombudsman (Office), as general funds are used to fund the Office. The definition of "abused and neglected child" is amended to match the definition in Title 63.2. The bill removes the authority previously granted to the Office to investigate "adoption attorneys." The bill also clarifies that the Office is exempt from the Virginia Freedom of Information Act. Finally, the bill contains several technical amendments.

#### [SB1081](#)

23101405D

**HOUSE BILL NO. 2018**

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact § 2.2-5210 of the Code of Virginia, relating to Children's Services Act; information sharing; confidentiality exception.*

Patron—Adams, L.R.

Committee Referral Pending

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-5210 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-5210. Information sharing; confidentiality.**

All public agencies that have served a family or treated a child referred to a family assessment and planning team shall cooperate with this team. The agency that refers a youth and family to the team shall be responsible for obtaining the consent required to share agency client information with the team. After obtaining the proper consent, all agencies shall promptly deliver, upon request and without charge, such records of services, treatment, or education of the family or child as are necessary for a full and informed assessment by the team.

Proceedings held to consider the appropriate provision of services and funding for a particular child or family or both who have been referred to the family assessment and planning team and whose case is being assessed by this team or reviewed by the community policy and management team shall be confidential and not open to the public, unless the child and family who are the subjects of the proceeding request, in writing, that it be open. All information about specific children and families obtained by the team members in the discharge of their responsibilities to the team shall be confidential; however, if team members obtain information from which the team determines that a child poses a threat of violence or physical harm to himself or others, the team may share such information with local law enforcement or the applicable threat assessment team established pursuant to § 22.1-79.4.

Utilizing a secure electronic database, the CPMT and the family assessment and planning team shall provide the Office of Children's Services with client-specific information from the mandatory uniform assessment and information in accordance with subdivision D 11 of § 2.2-2648.

INTRODUCED

HB2018