

Adopted Recommendations

Discharge Planning from Inpatient Treatment to a Public School

Recommendation 1: Amend the *Code of Virginia* §§ 16.1-346.1, 37.2-505, and 32.1-127.1:03 to direct mental health inpatient facilities to share portions of a minor's discharge plan with the school's mental health professional or school counselor at a public elementary or secondary school under the following circumstances:

Relevant portions of the discharge plan and/or related discharge documents shall be shared only if the facility determines that (i) the minor requires additional educational services as included in the discharge plan and/or related discharge documents, or (ii) poses a risk of violence or physical harm to self or others at the time of discharge.

This amendment shall include a provision that the facility shall provide reasonable notice to the parent of the minor prior to the release of such information. A parent may refuse disclosure of any or all portions of the discharge plan by providing written notice to the facility. This amendment shall include a remedy for any unauthorized or improper release of the minor's information, consistent with parental notice and refusal provisions. Sharing of information shall be done as permitted by federal law.

Include an enactment clause directing the Department of Education to create guidelines to place safeguards around proper use of the information obtained and to prevent further disclosure of the discharge plan beyond the purpose for which such disclosure was made.

(OR)

Recommendation 2: Amend the *Code of Virginia* §§ 16.1-346.1, 37.2-505, and 32.1-127.1:03 to direct mental health inpatient facilities to notify the school's mental health professional or school counselor at the student's public elementary or secondary school prior to discharge from the facility if the facility determines that (i) the minor requires additional educational services as included in the discharge plan and/or related discharge documents, or (ii) poses a risk of violence or physical harm to self or others at the time of discharge.

This amendment shall require the facility to give the parent of the minor reasonable advance notice before informing the school and allow the parent to decline such disclosure by submitting a written request to the facility. This amendment shall include a remedy for any unauthorized or improper release of the minor's information, consistent with parental notice and refusal provisions. Sharing of information shall be done as permitted by federal law.

Include an enactment clause directing the Department of Education to create guidelines to place safeguards around proper use of the information obtained and to prevent further disclosure of the discharge plan beyond the purpose for which such disclosure was made.