

DISCHARGE PLANNING FROM INPATIENT TREATMENT TO A PUBLIC SCHOOL

DRAFT STUDY PLAN

Study Mandate

- The Commission on Youth shall review current discharge planning sharing options in Virginia between inpatient facilities and elementary and secondary public schools. The Commission shall consider Senate Bill 1143 (Obenshain) and the concepts it addresses and make recommendations for the 2026 Session of the General Assembly.

Background

- During the 2025 General Assembly Session, Senator Obenshain introduced Senate Bill 1143 “Public elementary & secondary schools; copies of minor's discharge plan sent to schools and parents.”
- As introduced, the bill sought to add the following language to the *Code of Virginia* related to the sharing of information with a public elementary or secondary school when a minor is being discharged from inpatient treatment:
 - If the minor is a student at a public elementary or secondary school and the facility deems that (i) the discharge of such minor poses a threat of violence or physical harm to self or others or (ii) additional educational services are needed, the portions of the discharge plan related to the threat of violence or physical harm or additional educational services shall be provided to the school's mental health professional or school counselor upon the completion of the discharge plan.
 - Prior to providing any portion of any discharge plan to a school's mental health professional or school counselor in accordance with the provisions of this subsection, each facility shall provide reasonable notice to the parent of such minor student of (a) the type of information that would be included as a part of any portion of the discharge plan provided pursuant to this subsection; (b) the right of the parent to refuse (1) the inclusion of any types of information in any portions of the discharge plan provided pursuant to this subsection or (2) the provision of any or all parts of the discharge plan; and (c) the period of time within which the parent shall provide written notice to the facility of any types of information or portions of the discharge plan the provision of which he refuses to allow in accordance with clause (b).
- This bill was passed by indefinitely with a letter to the Commission on Youth from the Chair of the House Education Committee.

Identified Issues

- The current role of discharge planning as it relates to minors is found in the *Code of Virginia* §16.1-346.1 as part of the Psychiatric Treatment of Minors Act.
- *Code of Virginia* §16.1-346.1 states that “the plan shall, at a minimum, (i) specify the services required by the released minor in the community to meet his needs for treatment, housing, nutrition, physical care, and safety; (ii) specify any income subsidies for which the minor is eligible; (iii) identify all local and state agencies which will be involved in providing treatment and support to the minor; and (iv) specify services which would be appropriate for the minor's treatment and support in the community but which are currently unavailable.”
- Additionally, § 37.2-505 describes the role of the community services board in discharge planning as it relates to state hospitals. The Commonwealth Center for Children & Adolescents (CCCA) is presently the only state mental health facility for children.
- *Code of Virginia* § 37.2-505 states that “the plan shall include the mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the individual will need upon discharge into the community and identify the public or private agencies that have agreed to provide these services.

Study Activities

- Review current discharge planning sharing options in Virginia between inpatient facilities and public schools.
- Conduct site visits and stakeholder interviews.
- Research state and federal laws and regulations on the disclosure of private medical information to outside entities including schools.
- Research and review discharge plan information sharing in other states.
- Develop findings and recommendations.
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.