

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 189  
3 entitled “An act relating to mental health response service guidelines and social  
4 service provider safety” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. 18 V.S.A. § 7260 is added to read:

9 § 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

10 (a) The Department shall develop guidelines for use by municipalities,  
11 including use by emergency medical technicians and public safety personnel,  
12 such as law enforcement officers as defined by 20 V.S.A. § 2351a and  
13 firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or  
14 are under contract with a municipality. The guidelines shall recommend best  
15 practices for de-escalation and for mental health response services, including  
16 crisis response services. The Department shall make the guidelines available  
17 to municipalities and publish the guidelines on the Department’s website.

18 (b) In developing the guidelines required pursuant to subsection (a) of this  
19 section, the Department shall consult with the following entities:

20 (1) the Department of Health;

21 (2) the Department of Disabilities, Aging, and Independent Living;

- 1           (3) the Department of Public Safety;
- 2           (4) the Vermont Care Partners;
- 3           (5) the Vermont Psychiatric Survivors;
- 4           (6) the Vermont chapter of the National Alliance on Mental Illness;
- 5           (7) the Vermont Criminal Justice Council;
- 6           (8) the Vermont League of Cities and Towns;
- 7           (9) Disability Rights Vermont;
- 8           (10) the Department’s State Program Standing Committees; and
- 9           (11) any other stakeholders the Department deems appropriate.

10       Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

11           (a) On or before November 15, 2024, the Agency of Human Services, in  
12           collaboration with the Vermont chapter of the National Association of Social  
13           Workers, shall convene one or more meetings related to social service provider  
14           safety with community-based social service organizations.

15           (1) The following community-based social service organizations,  
16           professions, and individuals may be included in the meeting or meetings  
17           described in this subsection:

- 18           (A) the Vermont Network Against Domestic and Sexual Violence;
- 19           (B) the Vermont Coalition to End Homelessness;
- 20           (C) mental health and health care providers;
- 21           (D) community action programs;

1           (E) restorative justice service providers;

2           (F) disability service providers and advocates;

3           (G) individuals with lived experience of a mental health condition,  
4           substance use disorder, or any other condition or circumstance requiring social  
5           work services; and

6           (H) any other stakeholder deemed appropriate by the Agency.

7           (2) In advance of the meeting or meetings described in this subsection,  
8           the participating community-based social service organizations and individuals  
9           from a participating profession may review relevant studies related to social  
10           service provider safety and individual social service provider safety  
11           experiences.

12           (b) On or before January 31, 2025, the Agency of Human Services, in  
13           collaboration with the Vermont chapter of the National Association of Social  
14           Workers, shall present findings and recommendations to the House  
15           Committees on Health Care and on Human Services and the Senate Committee  
16           on Health and Welfare, including a list of the community-based social service  
17           organizations that participated in the meeting or meetings and the number of  
18           meetings convened.

1 Sec. 3. 33 V.S.A. § 6309 is added to read:

2 § 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

3 (a) If an individual was previously discharged from service by a home  
4 health agency to protect the safety of staff in accordance with the rules adopted  
5 by the Department of Disabilities, Aging, and Independent Living pursuant to  
6 subsection 6303(a) of this chapter, and the behavior or conditions causing the  
7 discharge cannot be reasonably mitigated or eliminated, a home health agency  
8 may:

9 (1) deny a subsequent admission; or

10 (2) decline to send a home health agency employee to make a visit if the  
11 home health agency has reason to believe that the individual who exhibited the  
12 behavior that resulted in the discharge is present in the home.

13 (b) Nothing in this section shall be construed to require a home health  
14 agency to enter a home to determine if a risk can be mitigated or eliminated.

15 (c) A home health agency shall provide notice of any denial of admission  
16 made pursuant to this section. The notice shall include the reason for the  
17 denial of admission and information regarding how an individual may submit a  
18 complaint pursuant to section 6308 of this chapter in accordance with the rules  
19 adopted by the Department of Disabilities, Aging, and Independent Living  
20 pursuant to subsection 6303(a) of this chapter.

1       Sec. 4. REPORT; HOME HEALTH AGENCY SAFETY DISCHARGES

2           On or after February 15, 2025, in consultation with home health agencies,  
3       the Department of Disabilities, Aging, and Independent Living shall provide an  
4       update to the House Committee on Health Care and the Senate Committee on  
5       Health and Welfare regarding the implementation of Sec. 3 (33 V.S.A. § 6309)  
6       of this act. Specifically, the update shall address:

7           (1) the number of safety discharges made by home health agencies  
8       during the previous calendar year;

9           (2) the nature of the risks posed that result in a safety discharge; and

10          (3) the number of individuals denied subsequent admission to or  
11       services from a home health agency due to a previous safety discharge.

12       Sec. 5. EFFECTIVE DATE

13          This act shall take effect on July 1, 2024.

14          and that after passage the title of the bill be amended to read: “An act  
15       relating to mental health response service guidelines and the safety of social  
16       service and home health providers”

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2 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE