

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care recommends that the report of the
3 Committee on Human Services be amended by striking out all after the
4 enacting clause and inserting in lieu thereof the following:

5 * * * Purpose * * *

6 Sec. 1. PURPOSE

7 It is the purpose of this act to:

8 (1) enable the Commissioner of Mental Health to seek treatment for
9 individuals at a secure residential recovery facility, regardless of a previous
10 order of hospitalization; and

11 (2) update the civil commitment procedures for individuals with
12 intellectual disabilities.

13 * * * Secure Residential Recovery Facility * * *

14 Sec. 2. 18 V.S.A. § 7101 is amended to read:

15 § 7101. DEFINITIONS

16 As used in this part of this title, the following words, unless the context
17 otherwise requires, shall have the following meanings:

18 * * *

19 (31) “Department” means the Department of Mental Health.

20 (32) “Secure residential recovery facility” means a residential facility,
21 licensed as a therapeutic community residence as defined in 33 V.S.A.

1 § 7102(11), for an individual in need of treatment within a secure setting for an
2 extended period of time. “Secure,” when describing a secure residential
3 recovery facility, means that the residents can be physically prevented from
4 leaving the facility by means of locking devices or other mechanical or
5 physical mechanisms.

6 Sec. 3. 18 V.S.A. § 7612 is amended to read:

7 § 7612. APPLICATION FOR INVOLUNTARY TREATMENT

8 (a) An interested party may, by filing a written application, commence
9 proceedings for the involuntary treatment of an individual by judicial process.

10 * * *

11 (d) The application shall contain:

12 (1) The name and address of the applicant.

13 (2) A statement of the current and relevant facts upon which the
14 allegation of mental illness and need for treatment is based. The application
15 shall be signed by the applicant under penalty of perjury.

16 (e) The application shall be accompanied by:

17 (1) a certificate of a licensed physician, which shall be executed under
18 penalty of perjury stating that the physician has examined the proposed patient
19 within five days after the date the petition is filed and is of the opinion that the
20 proposed patient is a person in need of treatment, including the current and

1 relevant facts and circumstances upon which the physician’s opinion is based;

2 or

3 (2) a written statement by the applicant that the proposed patient refused
4 to submit to an examination by a licensed physician.

5 (f) Before an examining physician completes the certificate of examination,
6 ~~he or she~~ the examining physician shall consider available alternative forms of
7 care and treatment that might be adequate to provide for the person’s needs
8 without requiring hospitalization. The examining physician shall document on
9 the certificate the specific alternative forms of care and treatment that ~~he or she~~
10 the examining physician considered and why those alternatives were deemed
11 inappropriate, including information on the availability of any appropriate
12 alternatives.

13 (g) If the Commissioner seeks to have the patient receive treatment in a
14 secure residential recovery facility, the application for an order authorizing
15 treatment shall expressly state that such treatment is being sought. The
16 application shall contain, in addition to the statements required by subsections
17 (d) and (e) of this section, a statement setting forth the reasons for the
18 Commissioner’s determination that clinically appropriate treatment for the
19 patient’s condition can be provided safely only in a secure residential recovery
20 facility.

21 Sec. 4. 18 V.S.A. § 7618 is amended to read:

1 § 7618. ORDER; NONHOSPITALIZATION

2 (a) If the court finds that a treatment program other than hospitalization is
3 adequate to meet the person’s treatment needs, the court shall order the person
4 to receive whatever treatment other than hospitalization is appropriate for a
5 period of 90 days. If the treatment plan proposed by the Commissioner for a
6 person in need of treatment includes admission to a secure residential recovery
7 facility, the court may at any time, on its own motion or on motion of an
8 interested party, review the need for treatment at the secure residential
9 recovery facility.

10 (b) If at any time during the specified period it comes to the attention of the
11 court either that the patient is not complying with the order or that the
12 alternative treatment has not been adequate to meet the patient’s treatment
13 needs, the court may, after proper hearing:

14 (1) consider other alternatives, modify its original order, and direct the
15 patient to undergo another program of alternative treatment for the remainder
16 of the 90-day period; or

17 (2) enter a new order directing that the patient be hospitalized for the
18 remainder of the 90-day period.

19 Sec. 5. 18 V.S.A. § 7620 is amended to read:

20 § 7620. APPLICATION FOR CONTINUED TREATMENT

21 * * *

1 ~~(e) As used in this chapter:~~

2 (1) ~~“Secure,” when describing a residential facility, means that the~~
3 ~~residents can be physically prevented from leaving the facility by means of~~
4 ~~locking devices or other mechanical or physical mechanisms.~~

5 (2) ~~“Secure residential recovery facility” means a residential facility,~~
6 ~~licensed as a therapeutic community residence as defined in 33 V.S.A.~~
7 ~~§ 7102(11), for an individual who no longer requires acute inpatient care but~~
8 ~~who does remain in need of treatment within a secure setting for an extended~~
9 ~~period of time. A secure residential recovery facility shall not be used for any~~
10 ~~purpose other than the purposes permitted by this section.~~

11 Sec. 6. 18 V.S.A. § 7624 is amended to read:

12 § 7624. APPLICATION FOR INVOLUNTARY MEDICATION

13 (a) The Commissioner may commence an action for the involuntary
14 medication of a person who is refusing to accept psychiatric medication and
15 meets any one of the following ~~six~~ conditions:

16 (1) has been placed in the Commissioner’s care and custody pursuant to
17 section 7619 of this title or subsection 7621(b) of this title;

18 (2) has previously received treatment under an order of hospitalization
19 and is currently under an order of nonhospitalization, ~~including a person on an~~
20 ~~order of nonhospitalization who resides in a secure residential recovery~~
21 ~~facility;~~

1 (3) has been committed to the custody of the Commissioner on an order
2 of nonhospitalization and has been placed at a secure residential recovery
3 facility;

4 (4) has been committed to the custody of the Commissioner of
5 Corrections as a convicted felon and is being held in a correctional facility that
6 is a designated facility pursuant to section 7628 of this title and for whom the
7 Departments of Corrections and of Mental Health have determined jointly that
8 involuntary medication would be appropriate pursuant to 28 V.S.A.
9 § 907(4)(H);

10 (4)(5) has an application for involuntary treatment pending for which
11 the court has granted a motion to expedite pursuant to subdivision
12 7615(a)(2)(A)(i) of this title;

13 (5)(6)(A) has an application for involuntary treatment pending;

14 (B) waives the right to a hearing on the application for involuntary
15 treatment until a later date; and

16 (C) agrees to proceed with an involuntary medication hearing without
17 a ruling on whether ~~he or she~~ the person is a person in need of treatment; or

18 (6)(7) has had an application for involuntary treatment pending pursuant
19 to subdivision 7615(a)(1) of this title for more than 26 days without a hearing
20 having occurred and the treating psychiatrist certifies, based on specific

1 behaviors and facts set forth in the certification, that in ~~his or her~~ the
2 psychiatrist's professional judgment there is good cause to believe that:

3 (A) additional time will not result in the person establishing a
4 therapeutic relationship with providers or regaining competence; and

5 (B) serious deterioration of the person's mental condition is
6 occurring.

7 (b)(1) Except as provided in subdivisions (2), ~~(3)(4)~~, and ~~(4)(5)~~ of this
8 subsection, an application for involuntary medication shall be filed in the
9 Family Division of the Superior Court in the county in which the person is
10 receiving treatment.

11 (2) If the application for involuntary medication is filed pursuant to
12 subdivision ~~(a)(4)~~ (a)(5) of this section:

13 (A) the application shall be filed in the county in which the
14 application for involuntary treatment is pending; and

15 (B) the court shall consolidate the application for involuntary
16 treatment with the application for involuntary medication and rule on the
17 application for involuntary treatment before ruling on the application for
18 involuntary medication.

19 (3) If the application for involuntary medication is filed pursuant to
20 subdivision ~~(a)(5)(6)~~ or ~~(a)(6)(7)~~ of this section, the application shall be filed in
21 the county in which the application for involuntary treatment is pending.

1 psychologist trained in forensic psychology and licensed under 26 V.S.A.
2 chapter 55. ~~This subsection shall be repealed on July 1, 2024.~~

3 * * *

4 Sec. 8. 13 V.S.A. § 4816 is amended to read:

5 § 4816. SCOPE OF EXAMINATION; REPORT; EVIDENCE

6 * * *

7 (b) A competency evaluation for an individual thought to have a
8 developmental disability shall ~~include~~ be a current evaluation by a doctoral-
9 level psychologist trained in forensic psychology and skilled in assessing
10 individuals with developmental disabilities.

11 * * *

12 (e) The relevant portion of a psychiatrist's report produced by a psychiatrist
13 or psychologist, as described in subsection (c) of this section, shall be admitted
14 into evidence as an exhibit on the issue of the person's mental competency to
15 stand trial and the opinion shall be conclusive on the issue if agreed to by the
16 parties and if found by the court to be relevant and probative on the issue.

17 (f) Introduction of a report under subsection (d) of this section shall not
18 preclude either party or the court from calling the psychiatrist or psychologist
19 as described in subsection (b) of this section who wrote the report as a witness
20 or from calling witnesses or introducing other relevant evidence. Any witness

1 called by either party on the issue of the defendant’s competency shall be at the
2 State’s expense, or, if called by the court, at the court’s expense.

3 Sec. 9. 13 V.S.A. § 4817 is amended to read:

4 § 4817. COMPETENCY TO STAND TRIAL; DETERMINATION

5 * * *

6 (c) If a person indicted, complained, or informed against for an alleged
7 criminal offense, an attorney or guardian acting in the person’s behalf, or the
8 State, at any time before final judgment, raises before the court before which
9 such person is tried or is to be tried, the issue of whether such person is
10 incompetent to stand trial, or if the court has reason to believe that such person
11 may not be competent to stand trial, a hearing shall be held before such court at
12 which evidence shall be received and a finding made regarding the person’s
13 competency to stand trial. However, in cases where the court has reason to
14 believe that such person may be incompetent to stand trial due to a mental
15 disease or mental defect, such hearing shall not be held until an examination
16 has been made and a report submitted by an examining psychiatrist or
17 psychologist in accordance with sections 4814–4816 of this title.

18 * * *

1 Sec. 10. 13 V.S.A. § 4820 is amended to read:

2 § 4820. HEARING REGARDING COMMITMENT

3 (a)(1) When a person charged on information, complaint, or indictment
4 with a criminal offense:

5 ~~(1) [Repealed.]~~

6 ~~(2)(A)~~ is found upon hearing pursuant to section 4817 of this title to be
7 incompetent to stand trial due to a mental disease or mental defect;

8 ~~(3)(B)~~ is not indicted upon hearing by grand jury by reason of insanity at
9 the time of the alleged offense, duly certified to the court; or

10 ~~(4)(C)~~ upon trial by court or jury is acquitted by reason of insanity at the
11 time of the alleged offense;

12 (2) ~~the~~ The court before which such person is tried or is to be tried for
13 such offense, shall hold a hearing for the purpose of determining whether such
14 person should be committed to the custody of the Commissioner of Mental
15 Health or Commissioner of Disabilities, Aging, and Independent Living, as
16 appropriate. Such person may be confined in jail or some other suitable place
17 by order of the court pending hearing for a period not exceeding 21 days.

18 (b) When a person is found to be incompetent to stand trial, has not been
19 indicted by reason of insanity for the alleged offense, or has been acquitted by
20 reason of insanity at the time of the alleged offense, the person shall be entitled
21 to have counsel appointed from Vermont Legal Aid to represent the person.

1 The Department of Mental Health and, if applicable, the Department of
2 Disabilities, Aging, and Independent Living shall be entitled to appear and call
3 witnesses at the proceeding.

4 (c) Notwithstanding any other provision of law, a commitment order issued
5 pursuant to this chapter shall not modify or vacate orders concerning
6 conditions of release or bail issued pursuant to chapter 229 of this title, and the
7 commitment order shall remain in place unless expressly modified, provided
8 that inpatient treatment shall be permitted if a person who is held without bail
9 is found to be in need of inpatient treatment under this chapter.

10 Sec. 11. 13 V.S.A. § 4823 is amended to read:

11 § 4823. FINDINGS AND ORDER; PERSONS WITH AN INTELLECTUAL
12 DISABILITY

13 (a) If the court finds by clear and convincing evidence that such person is a
14 person in need of custody, care, and habilitation as defined in 18 V.S.A.

15 § 8839, the court shall issue an order of commitment for up to one year
16 directed to the Commissioner of Disabilities, Aging, and Independent Living
17 for placement in a designated program in the least restrictive environment
18 consistent with the person's need for custody, care, and habilitation of such
19 ~~person for an indefinite or limited period in a designated program.~~

20 (b) Such order of commitment shall have the same force and effect as an
21 order issued under 18 V.S.A. ~~§ 8843~~ chapter 206, subchapter 3 and persons

1 committed under such an order shall have the same status, and the same rights,
2 including the right to receive care and habilitation, to be examined and
3 discharged, and to apply for and obtain judicial review of their cases, as
4 persons ordered committed under 18 V.S.A. § ~~8843~~ chapter 206, subchapter 3.

5 (c) ~~Section 4822 of this title shall apply to persons proposed for discharge~~
6 ~~under this section; however, judicial proceedings shall be conducted in the~~
7 ~~Criminal Division of the Superior Court in which the person then resides,~~
8 ~~unless the person resides out of State in which case the proceedings shall be~~
9 ~~conducted in the original committing court. [Repealed.]~~

10 Sec. **12**. 18 V.S.A. chapter 206, subchapter 3 is amended to read:

11 Subchapter 3. Judicial Proceeding; Persons with an Intellectual Disability
12 Who Present a Danger of Harm to Others

13 § 8839. DEFINITIONS

14 As used in this subchapter:

15 (1) ~~“Danger of harm to others” means the person has inflicted or~~
16 ~~attempted to inflict serious bodily injury to another or has committed an act~~
17 ~~that would constitute a sexual assault or lewd or lascivious conduct with a~~
18 ~~child~~ “Commissioner” means the Commissioner of Disabilities, Aging, and
19 Independent Living.

20 (2) “Designated program” means a program designated by the
21 Commissioner as adequate to provide in an individual manner appropriate

1 custody, care, and habilitation to persons with intellectual disabilities receiving
2 services under this subchapter.

3 (3)(A) “Person in need of continued custody, care, and habilitation”
4 means a person:

5 (i) who was previously found to be a person in need of custody,
6 care, and habilitation;

7 (ii) who poses a danger of harm to others; and

8 (iii) for whom appropriate custody, care, and habilitation can be
9 provided by the Commissioner in a designated program.

10 (B) As used in this subdivision (3), a danger of harm to others shall
11 be shown by establishing that, in the time since the last order of commitment
12 was issued, the person:

13 (i) has inflicted or attempted to inflict serious bodily injury to
14 another or has committed an act that would constitute sexual conduct with a
15 child as defined in section 2821 of this title or lewd and lascivious conduct
16 with a child as provided in section 2602 of this title; or

17 (ii) has exhibited behavior demonstrating that, absent treatment or
18 programming provided by the Commissioner, there is a substantial likelihood
19 that the person would inflict or attempt to inflict physical or sexual harm to
20 another.

21 (4) “Person in need of custody, care, and habilitation” means a person:

1 (A) ~~a person~~ with an intellectual disability, which means significantly
2 subaverage intellectual functioning existing concurrently with deficits in
3 adaptive behavior that were manifest before 18 years of age;

4 (B) who ~~presents a danger of harm to others~~ has inflicted or
5 attempted to inflict serious bodily injury to another or who has committed an
6 act that would constitute sexual conduct with a child as defined in section 2821
7 of this title or lewd and lascivious conduct with a child as provided in section
8 2602 of this title; and

9 (C) for whom appropriate custody, care, and habilitation can be
10 provided by the Commissioner in a designated program.

11 (5) “Victim” has the same meaning as in 13 V.S.A. § 5301(4).

12 § 8840. ~~JURISDICTION AND VENUE~~

13 ~~Proceedings brought under this subchapter for commitment to the~~
14 ~~Commissioner for custody, care, and habilitation shall be commenced by~~
15 ~~petition in the Family Division of the Superior Court for the unit in which the~~
16 ~~respondent resides. [Repealed.]~~

17 § 8841. ~~PETITION; PROCEDURES~~

18 ~~The filing of the petition and procedures for initiating a hearing shall be as~~
19 ~~provided in sections 8822-8826 of this title. [Repealed.]~~

1 § 8842. HEARING

2 ~~Hearings under this subchapter for commitment shall be conducted in~~
3 ~~accordance with section 8827 of this title. [Repealed.]~~

4 § 8843. FINDINGS AND ORDER

5 ~~(a) In all cases, the court shall make specific findings of fact and state its~~
6 ~~conclusions of law.~~

7 ~~(b) If the court finds that the respondent is not a person in need of custody,~~
8 ~~care, and habilitation, it shall dismiss the petition.~~

9 ~~(c) If the court finds that the respondent is a person in need of custody,~~
10 ~~care, and habilitation, it shall order the respondent committed to the custody of~~
11 ~~the Commissioner for placement in a designated program in the least restrictive~~
12 ~~environment consistent with the respondent's need for custody, care, and~~
13 ~~habilitation for an indefinite or a limited period. [Repealed.]~~

14 § 8844. LEGAL COMPETENCE

15 No determination that a person is in need of custody, care, and habilitation
16 or in need of continued custody, care, and habilitation and no order authorizing
17 commitment shall lead to a presumption of legal incompetence.

1 § 8845. JUDICIAL REVIEW PETITION AND ORDER FOR CONTINUED
2 CUSTODY, CARE, AND HABILITATION

3 ~~(a) A person committed under this subchapter may be discharged from~~
4 ~~eustody by a Superior judge after judicial review as provided herein or by~~
5 ~~administrative order of the Commissioner.~~

6 ~~(b) Procedures for judicial review of persons committed under this~~
7 ~~subchapter shall be as provided in section 8834 of this title, except that~~
8 ~~proceedings shall be brought in the Criminal Division of the Superior Court in~~
9 ~~the unit in which the person resides or, if the person resides out of state, in the~~
10 ~~unit that issued the original commitment order.~~

11 ~~(c) A person committed under this subchapter shall be entitled to a judicial~~
12 ~~review annually. If no such review is requested by the person, it shall be~~
13 ~~initiated by the Commissioner. However, such person may initiate a judicial~~
14 ~~review under this subsection after 90 days after initial commitment but before~~
15 ~~the end of the first year of the commitment.~~

16 ~~(d) If at the completion of the hearing and consideration of the record, the~~
17 ~~court finds at the time of the hearing that the person is still in need of custody,~~
18 ~~care, and habilitation, commitment shall continue for an indefinite or limited~~
19 ~~period. If the court finds at the time of the hearing that the person is no longer~~
20 ~~in need of custody, care, and habilitation, it shall discharge the person from the~~

1 ~~eustody of the Commissioner. An order of discharge may be conditional or~~
2 ~~absolute and may have immediate or delayed effect.~~

3 (1) If, prior to the expiration of any previous commitment order issued in
4 accordance with 13 V.S.A. § 4823 or this subchapter, the Commissioner
5 believes that the person is a person in need of continued custody, care, and
6 habilitation, the Commissioner shall seek continued custody, care, and
7 habilitation in the Family Division of the Superior Court. The Commissioner
8 shall, by filing a written petition, commence proceedings for the continued
9 custody, care, and habilitation of a person. The petition shall state the current
10 and relevant facts upon which the person’s alleged need for continued custody,
11 care, and habilitation is predicated.

12 (2) Any commitment order for custody, care, and habilitation or
13 continued custody, care, and habilitation issued in accordance with 13 V.S.A.
14 § 4823 or this subchapter shall remain in force pending the court’s decision on
15 the petition.

16 (b) Upon receipt of the petition for the continued custody, care, and
17 habilitation, the court shall hold a hearing within 14 days after the date of
18 filing.

19 (c) If the court finds by clear and convincing evidence at the time of the
20 hearing that the person is a person in need of continued custody, care, and
21 habilitation, it shall issue an order of commitment for up to one year in a

1 designated program in the least restrictive environment consistent with the
2 person’s need for continued custody, care, and habilitation. If the court finds
3 at the time of the hearing that the person is no longer in need of continued
4 custody, care, and habilitation, it shall discharge the person from the custody of
5 the Commissioner in accordance with section 8847 of this subchapter. In
6 determining whether a person is a person in need of continued custody, care,
7 and habilitation, the court shall consider the degree to which the person has
8 previously engaged in or complied with the treatment and programming
9 provided by the Commissioner.

10 § 8846. RIGHT TO INITIATE REVIEW

11 A person may initiate a judicial review in the Family Division of the
12 Superior Court or an administrative review under this subchapter at any time
13 after 90 days following a current order of commitment or continued
14 commitment and not earlier than six months after the filing of a previous
15 application under this section. If the court or Commissioner finds that the
16 person is not a person in need of custody, care, and habilitation or continued
17 custody, care, and habilitation, the person shall be discharged from the custody
18 of the Commissioner pursuant to section 8847 of this subchapter.

19 § 8847. DISCHARGE FROM COMMITMENT

20 (a) A person committed under 13 V.S.A. § 4823 or this subchapter may be
21 discharged as follows:

1 (1) by a Family Division Superior Court judge after review of an order
2 of custody, care, and habilitation or an order of continued custody, care, and
3 habilitation if the court finds that a person is not a person in need of custody,
4 care, and habilitation or continued custody, care, and habilitation, respectively;
5 or

6 (2) by administrative order of the Commissioner regarding an order of
7 custody, care, and habilitation or an order of continued custody, care, and
8 habilitation if the Commissioner determines that a person is no longer a person
9 in need of custody, care, and habilitation or continued custody, care, and
10 habilitation, respectively.

11 (b) A judicial or administrative order of discharge may be conditional or
12 absolute and may have immediate or delayed effect.

13 (c)(1) When a person is under an order of commitment pursuant to
14 13 V.S.A. § 4823 or continued commitment pursuant to this subchapter, the
15 Commissioner shall provide notice to the State’s Attorney of the county where
16 the prosecution originated or to the Office of the Attorney General if that
17 Office prosecuted the case:

18 (A) at least 10 days prior to discharging a person from commitment
19 or continued commitment;

1 (B) at least 10 days prior to the expiration of a commitment or
2 continued commitment order if the Commissioner does not seek an order of
3 continued custody, care, and habilitation; or

4 (C) any time that the person elopes from custody of the
5 Commissioner and cannot be located, and there is reason to believe the person
6 may be lost or poses a risk of harm to others.

7 (2) When the State’s Attorney or Attorney General receives notice under
8 subdivision (1) of this subsection, the Office shall provide notice of the action
9 to any victim of the offense for which the person has been charged who has not
10 opted out of receiving notice.

11 (d) Whenever a person is subject to a judicial or administrative discharge
12 from commitment, the Criminal Division of the Superior Court shall retain
13 jurisdiction over the person’s underlying charge and any orders holding the
14 person without bail or concerning bail, and conditions of release shall remain
15 in place. Those orders shall be placed on hold while a person is in the custody,
16 care, and habilitation or continued custody, care, and habilitation of the
17 Commissioner. When a person is discharged from the Commissioner’s
18 custody, care, and habilitation to a correctional facility, the custody of the
19 Commissioner shall cease when the person enters the correctional facility.

1 § ~~8846~~ 8848. RIGHT TO COUNSEL

2 Persons subject to commitment ~~or judicial review under, continued~~
3 commitment, or self-initiated review pursuant to section 8846 of this
4 subchapter shall have a right to counsel as provided in section 7111 of this
5 title.

6 * * * Proposal for Enhanced Services * * *

7 Sec. 13. INDIVIDUALS WITH INTELLECTUAL DISABILITIES;
8 ENHANCED SERVICES

9 On or before December 1, 2024, the Department of Disabilities, Aging, and
10 Independent Living, in consultation with Disability Rights Vermont, Vermont
11 Legal Aid, Developmental Services State Program Standing Committee, and
12 Vermont Care Partners, may submit an alternative proposal to the forensic
13 facility to the House Committee on Human Services and to the Senate
14 Committee on Health and Welfare for enhanced community-based services for
15 those individuals committed to the Commissioner who require custody, care,
16 and habilitation in a secure setting for brief periods of time. A proposal
17 submitted pursuant to this subsection shall address required resources,
18 including funding and staffing, and be eligible for funding through the Global
19 Commitment Home- and Community-Based Services Waiver.

*** Rulemaking ***

Sec. 14. RULEMAKING; CONFORMING AMENDMENTS

On or before November 1, 2024, the Commissioner of Disabilities, Aging, and Independent Living, in consultation with the Commissioner of Mental Health, shall file initial proposed rule amendments with the Secretary of State pursuant to 3 V.S.A. § 836(a)(2) to the Department of Disabilities, Aging, and Independent Living, Licensing and Operating Regulations for Therapeutic Community Residences (CVR 13-110-12) for the purpose of amending the secure residential recovery facility section of the rule to allow the use of emergency involuntary procedures and the administration of involuntary medication at the secure residential recovery facility.

*** Psychiatric Residential Treatment Facility ***

Sec. 15. 18 V.S.A. § 7255 is amended to read:

§ 7255. SYSTEM OF CARE

The Commissioner of Mental Health shall coordinate a geographically diverse system and continuum of mental health care throughout the State that shall include at least the following:

- (1) comprehensive and coordinated community services, including prevention, to serve children, families, and adults at all stages of mental condition or psychiatric disability;
- (2) peer services, which may include:

- 1 (A) a warm line;
- 2 (B) peer-provided transportation services;
- 3 (C) peer-supported crisis services; and
- 4 (D) peer-supported hospital diversion services;
- 5 (3) alternative treatment options for individuals seeking to avoid or
- 6 reduce reliance on medications;
- 7 (4) recovery-oriented housing programs;
- 8 (5) intensive residential recovery facilities;
- 9 (6) appropriate and adequate psychiatric inpatient capacity for voluntary
- 10 patients;
- 11 (7) appropriate and adequate psychiatric inpatient capacity for
- 12 involuntary inpatient treatment services, including persons receiving treatment
- 13 through court order from a civil or criminal court; ~~and~~
- 14 (8) a secure residential recovery facility; and
- 15 (9) a psychiatric residential treatment facility for youth.

16 Sec. 16. 18 V.S.A. § 7260 is added to read:

17 § 7260. PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY FOR
18 YOUTH

19 (a) The Department shall not establish, maintain, or operate a psychiatric
20 residential treatment facility for youth in this State without first obtaining a

1 license from the Department of Health for the psychiatric residential treatment
2 facility for youth in accordance with this section.

3 (b) Upon receipt of the Department’s application for a license, the
4 Department of Health shall issue a license if it determines that the Department
5 and the proposed psychiatric residential treatment facility for youth meet the
6 following minimum standards:

7 (1) The Department shall demonstrate the capacity to operate a
8 psychiatric residential treatment facility for youth in accordance with rules
9 adopted by the Department of Health.

10 (2) The Department shall demonstrate that its facility complies fully
11 with standards for health, safety, and sanitation as required by State law,
12 including standards set forth by the State Fire Marshal and the Department of
13 Health, and municipal ordinance.

14 (3) The applicant shall have a clear process for responding to resident
15 complaints.

16 (4) The psychiatric residential treatment facility for youth, including the
17 buildings and grounds, shall be subject to inspection by the Department, its
18 designees, and other authorized entities at all times.

19 (c) A license is not transferable or assignable and shall be issued only for
20 the premises named in the application.

1 (d) Once licensed, a psychiatric residential treatment facility for youth shall
2 be among the placement options for individuals committed to the custody of
3 the Commissioner under an order of nonhospitalization.

4 (e) The Department of Health shall adopt rules pursuant to 3 V.S.A.
5 chapter 25 to carry out the purposes of this section. Rules pertaining to
6 emergency involuntary procedures shall:

7 (1) be identical to those rules adopted by the Department of Mental
8 Health governing the use of emergency involuntary procedures in psychiatric
9 inpatient units; and

10 (2) require that a certificate of need for all emergency involuntary
11 procedures performed at the psychiatric residential treatment facility for youth
12 be submitted to the Department and the Mental Health Care Ombudsman in the
13 same manner and time frame as required for hospitals.

14 * * * Fiscal Estimate of Competency Restoration Program * * *

15 Sec. 17. REPORT; COMPETENCY RESTORATION PROGRAM; FISCAL
16 ESTIMATE

17 On or before November 1, 2024, the Agency of Human Services shall
18 submit a report to the House Committees on Appropriations, on Health Care,
19 and on Human Services and to the Senate Committees on Appropriations and
20 on Health and Welfare that provides a fiscal estimate for the implementation of

1 a competency restoration program operated or under contract with the
2 Department of Mental Health. The estimate shall include:

3 (1) whether and how to serve individuals with an intellectual disability
4 in a competency restoration program;

5 (2) varying options dependent upon which underlying charges are
6 eligible for court-ordered competency restoration; and

7 (3) costs associated with establishing a residential program where court-
8 ordered competency restoration programming may be performed on an
9 individual who is neither in the custody of the Commissioner of Mental Health
10 pursuant to 13 V.S.A. § 4822 nor in the custody of the Commissioner of
11 Disabilities, Aging, and Independent Living pursuant to 13 V.S.A. § 4823.

12 * * * Effective Date * * *

13 Sec. 18. EFFECTIVE DATE

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

15 and that after passage the title of the bill be amended to read: “An act
16 relating to secure residential recovery facility admission procedures for
17 individuals with a mental illness and civil commitment procedures for
18 individuals with an intellectual disability”

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE