

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 47  
3 entitled “An act relating to the transport of individuals requiring psychiatric  
4 care” respectfully reports that it has considered the same and recommends that  
5 the House propose to the Senate that the bill be amended by striking out all  
6 after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 7505 is amended to read:

8 § 7505. WARRANT AND CERTIFICATE FOR EMERGENCY  
9 EXAMINATION

10 (a) In emergency circumstances where certification by a licensed physician  
11 is not available without serious and unreasonable delay, and when personal  
12 observation of the conduct of a person constitutes reasonable grounds to  
13 believe that the person is a person in need of treatment, and ~~he or she~~ the  
14 person presents an immediate risk of serious injury to ~~himself or herself~~ self or  
15 others if not restrained, a law enforcement officer or mental health professional  
16 may make an application, not accompanied by a physician’s certificate, to any  
17 Superior judge for a warrant for an emergency examination.

18 (b) (1) The law enforcement officer ~~or mental health professional~~ may take  
19 the person into temporary custody, ~~and shall apply to the court without delay~~  
20 ~~for the warrant~~ the law enforcement officer or a mental health professional  
21 shall apply to the court for the warrant without delay while the person is in

1 temporary custody. Once application to the court for the warrant has been  
2 made, the law enforcement officer, or a mental health professional if clinically  
3 appropriate, may transport the person to a hospital, police barracks, or another  
4 safe location in accordance with section 7511 of this title. The law  
5 enforcement officer or mental health professional while the person is in  
6 temporary custody.

7 (2) Transports conducted pursuant to this subsection shall provide  
8 individuals with the same protections as provided to individuals in the custody  
9 of the Commissioner who are transported pursuant to section 7511 of this title.

10 (c) If the judge is satisfied that a physician's certificate is not available  
11 without serious and unreasonable delay, and that probable cause exists to  
12 believe that the person is in need of an emergency examination, ~~he or she~~ the  
13 judge may order the person to submit to an evaluation by a licensed physician  
14 for that purpose.

15 (d) (1) If necessary, the court may order the law enforcement officer ~~or~~  
16 ~~mental health professional~~ to transport the person, in accordance with section  
17 7511 of this title, to a hospital for an evaluation by a licensed physician to  
18 determine if the person should be certified for an emergency examination.

19 (2) Transports conducted pursuant to this subsection shall provide  
20 individuals with the same protections as provided to individuals in the custody  
21 of the Commissioner who are transported pursuant to section 7511 of this title.

1 (e) A person transported pursuant to subsection (d) of this section shall be  
2 evaluated as soon as possible after arrival at the hospital. If after evaluation  
3 the licensed physician determines that the person is a person in need of  
4 treatment, ~~he or she~~ the licensed physician shall issue an initial certificate that  
5 sets forth the facts and circumstances constituting the need for an emergency  
6 examination and showing that the person is a person in need of treatment.  
7 Once the licensed physician has issued the initial certificate, the person shall be  
8 held for an emergency examination in accordance with section 7508 of this  
9 title. If the licensed physician does not certify that the person is a person in  
10 need of treatment, ~~he or she~~ the licensed physician shall immediately discharge  
11 the person and cause ~~him or her~~ the person to be returned to the place from  
12 which ~~he or she~~ the person was taken, or to such place as the person reasonably  
13 directs.

14 Sec. 2. 18 V.S.A. § 7511 is amended to read:

15 § 7511. TRANSPORTATION

16 (a) The Commissioner shall ensure that all reasonable and appropriate  
17 measures consistent with public safety are made to transport or escort a person  
18 subject to this chapter to and from any emergency department or inpatient  
19 setting, including escorts within a designated hospital or the Vermont State  
20 Hospital or its successor in interest or otherwise being transported under the  
21 jurisdiction of the Commissioner in any manner ~~which~~ that:

- 1           (1) prevents physical and psychological trauma;  
2           (2) respects the privacy of the individual; and  
3           (3) represents the least restrictive means necessary for the safety of the  
4 patient.

5           (b) The Commissioner shall have the authority to designate the  
6 professionals or law enforcement officers who may authorize the method of  
7 transport of patients under the Commissioner’s care and custody.

8           (c) When a professional or law enforcement officer designated pursuant to  
9 subsection (b) of this section decides an individual is in need of secure  
10 transport with mechanical restraints, the reasons for such determination shall  
11 be documented in writing.

12           (d) It is the policy of the State of Vermont that mechanical restraints are not  
13 routinely used on persons subject to this chapter unless circumstances dictate  
14 that such methods are necessary. A law enforcement vehicle shall have soft  
15 restraints available for use as a first option, and mechanical restraints shall not  
16 be used as a substitute for soft restraints if the soft restraints are otherwise  
17 deemed adequate for safety.

18           Sec. 3. EFFECTIVE DATE

19           This act shall take effect on July 1, 2023.

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3 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE