

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 physician is not
11 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. The application
18 shall be based on facts personally observed by the mental health professional
19 or the law enforcement officer or shall be supported by a statement of facts
20 under penalty of perjury by a person who personally observed the facts that
21 form the basis of the application.

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Sec. 2. 18 V.S.A. § 7505 is amended to read:

§ 7505. WARRANT AND CERTIFICATE FOR EMERGENCY

EXAMINATION

(a) In emergency circumstances where certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and the person presents an immediate risk of serious injury to self or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician’s certificate, to any Superior judge for a warrant for an emergency examination. ~~The application shall be based on facts personally observed by the mental health professional or the law enforcement officer or shall be supported by a statement of facts under penalty of perjury by a person who personally observed the facts that form the basis of the application.~~

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Sec. 3. 18 V.S.A. § 7511 is amended to read:

§ 7511. TRANSPORTATION

(a) The Commissioner shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a person

1 subject to this chapter to and from any inpatient setting, ~~including escorts~~
2 ~~within a designated hospital or the Vermont State Hospital or its successor in~~
3 ~~interest or otherwise being transported~~ under the jurisdiction of the
4 Commissioner in any manner ~~which~~ that:

5 (1) prevents physical and psychological trauma;

6 (2) respects the privacy of the individual; and

7 (3) represents the least restrictive means necessary for the safety of the
8 patient.

9 (b) The Commissioner shall have the authority to designate the
10 professionals or law enforcement officers who may authorize the method of
11 transport of patients under the Commissioner's care and custody.

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

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

1 **Sec. 4. REPORT; MENTAL HEALTH; WARRANT PROCESS**

2 On or before January 15, 2024, the Department of Mental Health, in
3 consultation with Vermont Care Partners, Vermont Legal Aid, and persons
4 with lived experience of involuntary admissions procedures pursuant to 18
5 V.S.A. chapter 179, shall submit a report to the Governor, the House
6 Committees on Health Care and on Judiciary, and the Senate Committees on
7 Health and Welfare and on Judiciary containing any proposed changes to the
8 warrant process in 18 V.S.A. § 7505, including mechanisms to reduce safety
9 risks and reduce delays in accessing care.

10 Sec. 5. EFFECTIVE DATES

11 This act shall take effect on July 1, 2023, except that Sec. 2 (18 V.S.A.
12 § 7505(a)) shall take effect on July 1, 2024.

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16 (Committee vote: _____)

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18 Representative _____

19 FOR THE COMMITTEE