

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 47 entitled “An act relating to transport of individuals requiring psychiatric
4 care” respectfully reports that it has considered the same and recommends that
5 the bill be amended by striking out all after the enacting clause and inserting in
6 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) The law enforcement officer ~~or mental health professional~~ may take the
19 person into temporary custody ~~and~~. The law enforcement officer, or a mental
20 health professional if clinically appropriate, may transport the person to a
21 hospital, police barracks, or another safe location in accordance with section

1 7511 of this title. The law enforcement officer or mental health professional
2 shall apply to the court without delay for the warrant while the person is in
3 temporary custody.

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

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

13 (e) A person transported pursuant to subsection (d) of this section shall be
14 evaluated as soon as possible after arrival at the hospital. If after evaluation
15 the licensed physician determines that the person is a person in need of
16 treatment, ~~he or she~~ the licensed physician shall issue an initial certificate that
17 sets forth the facts and circumstances constituting the need for an emergency
18 examination and showing that the person is a person in need of treatment.
19 Once the licensed physician has issued the initial certificate, the person shall be
20 held for an emergency examination in accordance with section 7508 of this
21 title. If the licensed physician does not certify that the person is a person in

1 need of treatment, ~~he or she~~ the licensed physician shall immediately discharge
2 the person and cause ~~him or her~~ the person to be returned to the place from
3 which ~~he or she~~ the person was taken, or to such place as the person reasonably
4 directs.

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

6 § 7511. TRANSPORTATION

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

13 (1) prevents physical and psychological trauma;

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

15 (3) represents the least restrictive means necessary for the safety of the
16 patient.

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

20 (c) When a professional or law enforcement officer designated pursuant to
21 subsection (b) of this section decides an individual is in need of secure

1 transport with mechanical restraints, the reasons for such determination shall
2 be documented in writing.

3 (d) It is the policy of the State of Vermont that mechanical restraints are not
4 routinely used on persons subject to this chapter unless circumstances dictate
5 that such methods are necessary. If a law enforcement officer or mental health
6 professional deems it necessary to use restraints, soft restraints shall be
7 considered as a first option. A law enforcement officer and mental health
8 professional shall have soft restraints available for use as a first option, and
9 mechanical restraints shall not be used as a substitute for soft restraints if the
10 soft restraints are otherwise deemed adequate for safety.

11 Sec. 3. EFFECTIVE DATE

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

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19 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE