

**MEMORANDUM**

**TO:** Senator Virginia Lyons, Chair, Senate Committee on Health and Welfare

**FROM:** Emily Hawes, Commissioner, Department of Mental Health

**DATE:** March 15, 2023

**RE:** Request to provide testimony on S.47 - An act relating to the transport of individuals requiring psychiatric care

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The Department of Mental Health (DMH) seeks to provide input on S.47 - an act relating to the transport of individuals requiring psychiatric care. This bill, as written, will impact DMH's current operations and finances and cause some transports to not be done in the least restrictive manner.

Below is an outline of bill sections directly impacting DMH and rationale for DMH concern. We welcome the opportunity to provide further testimony on these points.

**18 V.S.A. § 7505(b):**

- DMH is greatly concerned by the proposed repeal of authority for a mental health professional to transport an individual for whom a warrant for emergency examination is pending. During the workgroup of which this language came out of, DMH consistently took the position that we strongly disagreed that only law enforcement should transport individuals. Instead, transports should be done in the least restrictive manner.
- DMH has concerns that the proposed language refers to 18 V.S.A. § 7511, which currently is specific to transports to inpatient settings. Our concerns are more fully detailed below.

**18 V.S.A. § 7505(d):**

- This section seems at odds with section (b) above.
- DMH remains concerned with the proposed language referring to 18 V.S.A. § 7511, for all the reasons identified below.

**18 V.S.A. § 7511(a):**

- DMH has large concerns with this section of the bill. As noted previously, this section currently only applies to transport to inpatient units. This language proposes to vastly broaden our responsibilities and would require additional funding as this language makes DMH the responsible entity for designating, arranging, and paying for law enforcement transportation to emergency departments when someone has a pending warrant.
- Modifying this provision creates more questions than solutions. What does "designating" mean in this context? At this time, law enforcement does not do the vast majority of the transports under this section, logistically it would be very difficult under our current contracts to require that warrants



must be transported via law enforcement but individuals going to inpatient units do not. Where is the money coming from to pay for these services?

**18 V.S.A. § 7511(d):**

- This section is confusing and unnecessary.
  - It refers to mental health professional or law enforcement but that is not consistent with the changes made in section 7505(b) to only allow transports to be conducted by law enforcement.
  - There is already a DMH manual that spells out, in much more detail, how transports are to take place. Our position is that the manual is sufficient and is what should be referred to and followed. There does not seem to be a problem that needs to be addressed.

