

1 H.129

2 Introduced by Representative Pugh of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Health; mental health; advanced practice registered nurse

6 Statement of purpose: This bill proposes to allow an advanced practice
7 registered nurse to participate in the admission and examination of an
8 individual for mental health treatment.

9 An act relating to advanced practice registered nurses and mental health
10 treatment

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 18 V.S.A. § 7504 is amended to read:

13 § 7504. APPLICATION FOR EMERGENCY EXAMINATION

14 (a) A person shall be admitted to a designated hospital for an emergency
15 examination to determine if he or she is a person in need of treatment upon
16 written application by an interested party accompanied by a certificate by a
17 licensed physician who is not the applicant or a certificate by an advanced
18 practice registered nurse who is not the applicant and who has completed the
19 qualified mental health professional training conducted by the department of
20 mental health. The application and certificate shall set forth the facts and

1 circumstances which constitute the need for an emergency examination and
2 which show that the person is a person in need of treatment.

3 * * *

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

5 § 7505. WARRANT FOR IMMEDIATE EXAMINATION

6 (a) In emergency circumstances where a certification by a physician or an
7 advanced practice registered nurse is not available without serious and
8 unreasonable delay, and when personal observation of the conduct of a person
9 constitutes reasonable grounds to believe that the person is a person in need of
10 treatment, and ~~he~~ is a person who presents an immediate risk of serious injury
11 to himself or herself or others if not restrained, a law enforcement officer or
12 mental health professional may make an application, not accompanied by a
13 ~~physician's certificate~~ certification by a physician or an advanced practice
14 registered nurse, to any district or superior judge for a warrant for an
15 immediate examination.

16 * * *

17 (c) If the ~~judge~~ court is satisfied that a ~~physician's certificate~~ certification
18 by a physician or an advanced practice registered nurse is not available without
19 serious and unreasonable delay, and that probable cause exists to believe that
20 the person is in need of an immediate examination, ~~he~~ the court may order the

1 person to submit to an immediate examination at a designated hospital.

2 * * *

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

4 § 7612. APPLICATION FOR INVOLUNTARY TREATMENT

5 * * *

6 (e) The application shall be accompanied by:

7 (1) A certificate of a licensed physician or an advanced practice
8 registered nurse, which shall be executed under penalty of perjury stating that
9 he or she has examined the proposed patient within five days of the date the
10 petition is filed, and is of the opinion that the proposed patient is a person in
11 need of treatment, including the current and relevant facts and circumstances
12 upon which the physician's opinion is based; or

13 (2) A written statement by the applicant that the proposed patient
14 refused to submit to an examination by a licensed physician or an advanced
15 practice registered nurse.

16 * * *

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on July 1, 2011.