

1 H.113

2 Introduced by Representatives Donahue of Northfield, Burditt of West

3 Rutland, Gage of Rutland City, Grad of Moretown, Koch of

4 Barre Town, Waite-Simpson of Essex, Webb of Shelburne, and

5 Woodward of Johnson

6 Referred to Committee on

7 Date:

8 Subject: Health; mental health; admission procedures; involuntary; hearing

9 Statement of purpose of bill as introduced: This bill proposes to require a
10 probable cause hearing after a person is admitted to a hospital involuntarily as
11 a person in need of mental health treatment.

12 An act relating to probable cause hearings for mental health admissions

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

14 Sec. 1. 18 V.S.A. § 7510 is amended to read:

15 § 7510. PRELIMINARY HEARING

16 (a) ~~Within five days after a person is admitted to a designated hospital for~~
17 ~~emergency examination, he or she may request the criminal division of the~~
18 ~~superior court to conduct a preliminary hearing to determine whether there is~~
19 ~~probable cause to believe that he or she was a person in need of treatment at~~
20 ~~the time of his or her admission.~~ An individual who is admitted to a

1 designated hospital under subsection 7504(a) of this chapter shall not be held
2 involuntarily without a preliminary hearing establishing probable cause that the
3 individual met the criteria of a person in need of treatment, both at the time of
4 admission and at the time of the hearing and application for treatment required
5 under subdivision 7508(d)(2) of this chapter. The preliminary hearing shall be
6 conducted within 72 hours of an individual's admission to a designated
7 hospital.

8 (b) ~~The court shall conduct the hearing within three working days of the~~
9 ~~filing of the request. The court shall cause timely notice of the preliminary~~
10 ~~hearing to be given to the patient or his or her attorney, the hospital and the~~
11 ~~attorney for the applicant. [Repealed.]~~

12 (c) The individual has the right to be present and represented by legal
13 counsel at the preliminary hearing.

14 (d) If probable cause to believe that the individual was a person in need of
15 treatment at the time of his or her admission is established at the preliminary
16 hearing, the individual shall be ordered held for further proceedings in
17 accordance with the law. If probable cause is not established, the individual
18 shall be ordered discharged from the hospital and the court shall order him or
19 her returned to the place from which he or she was transported or to his or her
20 home.

1 (e) Upon a showing of need, the court may grant a reasonable continuance
2 to either the patient's attorney or the attorney for the ~~state~~ State.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2013.