

1 H.344

2 Introduced by Representatives Moran of Wardsboro, Christie of Hartford,
3 Cole of Burlington, Davis of Washington, Donovan of
4 Burlington, Evans of Essex, Lenex of Shelburne, Macaig of
5 Williston, O'Sullivan of Burlington, Till of Jericho, and
6 Townsend of South Burlington

7 Referred to Committee on

8 Date:

9 Subject: Mental health; inpatient treatment facilities; staff safety

10 Statement of purpose of bill as introduced: This bill proposes to ensure the
11 safety of staff at inpatient psychiatric facilities by requiring courts to consider
12 staff safety prior to issuing orders of hospitalization and nonhospitalization.

13 The bill would also require inpatient psychiatric facilities to report adverse
14 events involving staff members to the Department of Mental Health.

15 An act relating to staff safety at inpatient psychiatric facilities

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

17 Sec. 1. 18 V.S.A. § 7251 is amended to read:

18 § 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

19 The ~~general assembly~~ General Assembly adopts the following principles as
20 a framework for reforming the mental health care system in Vermont:

1 (1) individuals with a mental health condition or psychiatric disability in
2 the custody of the ~~commissioner~~ Commissioner; or

3 (2) health care professionals or staff members of the hospital or facility
4 when the death or injury was caused by an individual with a mental condition
5 or psychiatric disability in the custody of the Commissioner.

6 (b) An acute inpatient hospital, an intensive residential recovery facility, a
7 designated agency, or a secure residential recovery facility shall report to the
8 Department of Mental Health any incident involving a simple assault pursuant
9 to 13 V.S.A. § 1023, an aggravated assault pursuant to 13 V.S.A. § 1024, or
10 the reckless endangerment of another person pursuant to 13 V.S.A. § 1025
11 when:

12 (1) the victim or assailant is an individual with a mental condition or
13 psychiatric disability in the custody of the Commissioner; and

14 (2) a police report or worker's compensation claim or both were filed as
15 a result of the event.

16 (c) On a quarterly basis, the Commissioner of Mental Health shall report to
17 the General Assembly regarding any reportable adverse event listed in this
18 section in a manner that protects the identity and protected health information
19 of individuals with a mental condition or psychiatric disability in the custody
20 of the Commissioner and health care professionals or staff members of the
21 hospital or facility involved in the reportable adverse event.

1 Sec. 4. 18 V.S.A. § 7401 is amended to read:

2 § 7401. POWERS AND DUTIES

3 Except insofar as this part of this title specifically confers certain powers,
4 duties, and functions upon others, the ~~commissioner~~ Commissioner shall be
5 charged with its administration. The ~~commissioner~~ Commissioner may:

6 * * *

7 (10) investigate complaints made by a patient, his or her attorney, ~~or~~ an
8 interested party on his or her behalf, or a health care professional or staff
9 member of a psychiatric hospital, intensive residential recovery facility,
10 designated agency, or secure residential recovery facility or his or her attorney
11 with regard to work-related violence;

12 * * *

13 Sec. 5. 18 V.S.A. § 7402 is amended to read:

14 § 7402. RECORDS AND REPORTS

15 The ~~commissioner~~ Commissioner shall keep records of all commitments
16 and admissions to a hospital and shall secure compliance with the laws relating
17 thereto. The ~~commissioner~~ Commissioner shall report biennially to the
18 ~~governor~~ Governor and the ~~general assembly~~ General Assembly on the
19 condition of hospitals, on the physical and medical treatment of patients
20 therein, on the safety of health care professionals and staff members having
21 direct contact with individuals in the custody of the Commissioner, on the need

1 for community services to former patients and those mentally ill persons not
2 hospitalized, and on any other matters the ~~commissioner~~ Commissioner deems
3 advisable.

4 Sec. 6. 18 V.S.A. § 7617 is amended to read:

5 § 7617. FINDINGS; ORDER

6 * * *

7 (c) Prior to ordering any course of treatment, the court shall determine
8 whether there exists an available program of treatment for the person which is
9 an appropriate alternative to hospitalization. The court shall not order
10 hospitalization without a thorough consideration of available alternatives.

11 (d) Before making its decision, the court shall order testimony by an
12 appropriate representative of a hospital, a community mental health agency,
13 public or private entity or agency, or a suitable person, who shall assess the
14 availability and appropriateness for the individual of treatment programs other
15 than hospitalization and the effect each treatment alternative has on staff
16 safety.

17 (e) Prior to ordering the hospitalization of a person, the court shall inquire
18 into the adequacy of treatment to be provided to the person by the hospital.
19 Hospitalization shall not be ordered unless the hospital in which the person is
20 to be hospitalized can provide him or her with treatment which is adequate and

1 appropriate to his or her condition and can ensure the safety of its health care
2 professionals and other staff members.

3 * * *

4 Sec. 7. REPORT ON MENTAL HEALTH CARE PROFESSIONALS

5 Consistent with the principle set forth in 18 V.S.A. § 7251(10), the
6 Department of Mental Health shall include the following in its January 15,
7 2014 report to the Senate Committee on Health and Welfare and the House
8 Committee on Human Services required by 18 V.S.A. § 7256:

9 (1) an assessment of the adequacy of compensation to state-funded
10 health care professionals and other staff members who provide care and
11 support to individuals with a mental condition or psychiatric disability; and

12 (2) the progress achieved, if any, with regard to the recruitment and
13 retention of workers identified in the 2007 report to the General Assembly
14 entitled "Follow up Study on the Financial Sustainability of the Vermont
15 Designated Agency Provider System for Mental Health, Developmental
16 Disability, and Substance Abuse Services."

17 Sec. 8. EFFECTIVE DATE

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