

1 H.403

2 Introduced by Representatives Haas of Rochester, Batchelor of Derby, Davis  
3 of Washington, Donahue of Northfield, Hooper of Montpelier,  
4 Lenes of Shelburne, and Waite-Simpson of Essex

5 Referred to Committee on

6 Date:

7 Subject: Human services; mental health; serious functional impairment

8 Statement of purpose of bill as introduced: This bill proposes to establish a  
9 legislative study committee to examine community supports for Vermonters  
10 with serious functional impairments.

11 An act relating to community supports for persons with serious functional  
12 impairments

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

14 Sec. 1. STUDY AND REPORT ON PROVIDING COMMUNITY  
15 SUPPORTS TO PERSONS WITH SERIOUS FUNCTIONAL  
16 IMPAIRMENTS

17 (a) As used in this act “designated population” shall mean those Vermont  
18 residents with mental impairments or developmental disorders so severe that  
19 they cannot live in the community without substantial supports and who have

1 committed, been charged with, or are at risk of committing a criminal offense  
2 that renders them a threat to public safety or themselves, or both.

3 (b) A legislative study committee is established to examine the needs of the  
4 designated population in community-based settings. The Study Committee  
5 shall consist of four members of the House of Representatives, not all from the  
6 same party, appointed by the Speaker of the House, and four members of the  
7 Senate, not all from the same party, appointed by the Committee on  
8 Committees. The Study Committee shall discuss and make recommendations  
9 on legislative and nonlegislative solutions for improving the quality and  
10 cost-effectiveness of treatment to the designated population, in collaboration  
11 with the following organizations and individuals or their designee:

12 (1) the Secretary of Human Services;

13 (2) the Commissioner of Health;

14 (3) the Commissioner of Disabilities, Aging, and Independent Living;

15 (4) the Commissioner of Mental Health;

16 (5) the Commissioner of Corrections;

17 (6) the Commissioner of Vermont Health Access;

18 (7) the Office of the Attorney General;

19 (8) the Mental Health Care Ombudsman;

20 (9) the Court Administrator;

1           (10) the Vermont Council of Developmental and Mental Health

2           Services;

3           (11) Vermont Legal Aid's Mental Health Law Project;

4           (12) the Executive Director of the Vermont Developmental Disabilities

5           Council;

6           (13) the Executive Director of the Vermont Human Rights Commission;

7           (14) Disability Rights Vermont; and

8           (15) other interested stakeholders.

9           (c)(1) The first meeting of the Study Committee shall be held on or before  
10           August 1, 2013. At its first meeting, the Study Committee shall elect two  
11           legislative members to serve as co-chairs. The Study Committee shall not  
12           meet more than four times.

13           (2)(A) The Office of Legislative Council shall provide administrative,  
14           staff, and legislative drafting support to the Study Committee. The Joint Fiscal  
15           Office shall provide staff support to the Study Committee.

16           (B) Prior to the first meeting of the Study Committee, the Office of  
17           Legislative Council shall collect from the Agency of Human Services existing  
18           data and background materials relevant to the responsibilities of the Study  
19           Committee.

1           (d) The Study Committee shall consider:

2           (1) the continuum of appropriate treatment alternatives for members of  
3 the designated population living in the community;

4           (2) practices for lowering the recidivism rate among the designated  
5 population;

6           (3) how best to protect the legal rights of members of the designated  
7 population living in community settings;

8           (4) approaches for managing the public safety risk of the designated  
9 population;

10           (5) cost-saving opportunities for treating members of the designated  
11 population outside a correctional facility; and

12           (6) any other issues as the Study Committee deems necessary and  
13 appropriate.

14           (e) On or before December 15, 2013, the Study Committee shall provide a  
15 written report containing any proposed legislation and its findings and  
16 recommendations, including the need for future action, to the House  
17 Committees on Appropriations, on Corrections and Institutions, on Human  
18 Services, and on Judiciary and to the Senate Committees on Appropriations, on  
19 Health and Welfare, and on Judiciary. In addition to the Study Committee's  
20 findings and recommendations, the report shall:

1           (1) develop guidelines specifying how an individual shall be assessed to  
2           determine if he or she is a member of the designated population and what  
3           benchmarks shall be achieved by the individual prior to declassification from  
4           the designated population; and

5           (2) address the extent to which one or more secure residential recovery  
6           facilities are within the appropriate continuum of treatment alternatives for the  
7           designated population.

8           (f) For physical participation at meetings, legislative members of the Study  
9           Committee shall be entitled to receive per diem compensation and  
10          reimbursement of expenses pursuant to 2 V.S.A. § 406.

11          Sec. 2. EFFECTIVE DATE

12          This act shall take effect on passage.