1	S.287
2	Representative Moran of Wardsboro moves that the House propose to the
3	Senate that the bill be amended as follows:
4	First: By inserting a new section to be Sec. 1a after Sec. 1 to read as
5	follows:
6	Sec. 1a. 18 V.S.A. § 7251 is amended to read:
7	§ 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM
8	The general assembly General Assembly adopts the following principles as
9	a framework for reforming the mental health care system in Vermont:
10	* * *
11	(10) The dignity and safety of all participants in Vermont's mental
12	health system shall be protected, including health care professionals and other
13	staff providing care and support to individuals with a mental condition.
14	Second: By striking out Sec. 4, 18 V.S.A. § 7257, in its entirety and
15	inserting in lieu thereof a new Sec. 4 to read as follows:
16	Sec. 4. 18 V.S.A. § 7257 is amended to read:
17	§ 7257. REPORTABLE ADVERSE EVENTS
18	(a) An acute inpatient hospital, an intensive residential recovery facility, a
19	designated agency, or a secure residential recovery facility shall report to the
20	department of mental health Department of Mental Health instances of death or
21	serious bodily injury to:

1	(1) individuals with a mental health condition in the custody or
2	temporary 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 in the custody or
5	temporary 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 in the custody or temporary
13	custody of the Commissioner; and
14	(2) a police report or workers' compensation claim, or both, were filed
15	as a result of the event.

1	<u>Third</u> : By inserting a new section to be Sec. 5a after Sec. 5 to read as
2	follows:
3	Sec. 5a. 18 V.S.A. § 7401 is amended to read:
4	§ 7401. POWERS AND DUTIES
5	Except insofar as this part of this title specifically confers certain powers,
6	duties, and functions upon others, the commissioner Commissioner shall be
7	charged with its administration. The commissioner Commissioner may:
8	* * *
9	(10) investigate complaints made by a patient, his or her attorney, or an
10	interested party on his or her behalf, or by a health care professional or staff
11	member of a psychiatric hospital, intensive residential recovery facility,
12	designated agency, or secure residential recovery facility, or his or her attorney
13	with regard to work-related violence;
14	* * *
15	Fourth: By inserting a new section to be Sec. 5b after Sec. 5a to read as
16	follows:
17	Sec. 5b. 18 V.S.A. § 7402 is amended to read:
18	§ 7402. RECORDS AND REPORTS
19	The commissioner Commissioner shall keep records of all commitments
20	and admissions to a hospital and shall secure compliance with the laws relating
21	thereto. The commissioner Commissioner shall report biennially to the

1	governor Governor and the general assembly General Assembly on the
2	condition of hospitals, on the physical and medical treatment of patients
3	therein, on the safety of health care professionals and staff members having
4	direct contact with individuals in the custody of the Commissioner, on the need
5	for community services to former patients and those mentally ill persons not
6	hospitalized, and on any other matters the commissioner Commissioner deems
7	advisable.
8	Fifth: By inserting a new section to be Sec. 12a after Sec. 12 to read as
9	follows:
10	Sec. 12a. 18 V.S.A. § 7617 is amended to read:
11	§ 7617. FINDINGS; ORDER
12	* * *
13	(c) Prior to ordering any course of treatment, the court Court shall
14	determine whether there exists an available program of treatment for the
15	person which is an appropriate alternative to hospitalization. The eourt Court
16	shall not order hospitalization without a thorough consideration of available
17	alternatives.
18	(d) Before making its decision, the eourt Court shall order testimony by an
19	appropriate representative of a hospital, a community mental health agency,
20	public or private entity or agency, or a suitable person, who shall assess the
21	availability and appropriateness for the individual of treatment programs other

1	than hospitalization and the effect each treatment alternative has on staff
2	safety.
3	(e) Prior to ordering the hospitalization of a person, the court Shall
4	inquire into the adequacy of treatment to be provided to the person by the
5	hospital. Hospitalization shall not be ordered unless the hospital in which the
6	person is to be hospitalized can provide him or her with treatment which is
7	adequate and appropriate to his or her condition and which takes into
8	consideration the safety of its health care professionals and other staff
9	members.