

1 S.287

2 Representatives Donahue of Northfield, Batchelor of Derby, French of
3 Randolph, Haas of Rochester, McFaun of Barre Town, and Pugh of South
4 Burlington move that the House propose to the Senate that the report of the
5 Committee on Judiciary be amended as follows:

6 First: By striking Sec. 1 in its entirety and inserting in lieu thereof a new
7 Sec. 1 as follows:

8 Sec. 1. 18 V.S.A. § 7101 is amended to read;

9 § 7101. DEFINITIONS

10 As used in this part of this title, the following words, unless the context
11 otherwise requires, shall have the following meanings:

12 * * *

13 (9) “Interested party” means a guardian, spouse, parent, adult child,
14 close adult relative, a responsible adult friend, or person who has the individual
15 in his or her charge or care. It also means a mental health professional, a law
16 enforcement officer, a licensed physician, or a head of a hospital, ~~a selectman,~~
17 ~~a town service officer, or a town health officer.~~

18 * * *

19 (29) “Peer” means an individual who has a personal experience of living
20 with a mental health condition or psychiatric disability.

1 (30) “Peer services” means support services provided by trained peers or
2 peer-managed organizations focused on helping individuals with mental health
3 and other co-occurring conditions to support recovery.

4 Second: By adding a new Sec. 2 after Sec. 1 to read as follows:

5 Sec. 2. 18 V.S.A. § 7252 is amended to read:

6 § 7252. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (10) ~~“Peer” means an individual who has a personal experience of living~~
10 ~~with a mental health condition or psychiatric disability. [Repealed.]~~

11 (11) ~~“Peer services” means support services provided by trained peers or~~
12 ~~peer-managed organizations focused on helping individuals with mental health~~
13 ~~and other co-occurring conditions to support recovery. [Repealed.]~~

14 * * *

15 and by renumbering the remaining sections accordingly

16 Third: In the new Sec. 8, 18 V.S.A. § 7508, by striking out subdivision
17 (e)(4) in its entirety and inserting in lieu thereof the following:

18 (4) A person held for an emergency examination may be admitted to an
19 appropriate hospital at any time.

20 Fourth: In the new Sec. 9, 18 V.S.A. § 7509, in subsection (b), by striking
21 out “the presence” before “the peer support person”.

1 Fifth: In the new Sec. 12, 18 V.S.A. § 7615, by striking subdivision

2 (a)(2)(A) in its entirety and inserting in lieu thereof the following:

3 (2)(A) The applicant or a person who is certified as a person in need of
4 treatment pursuant to section 7508 of this title may file a motion to expedite
5 the hearing. The motion shall be supported by an affidavit, and the Court shall
6 rule on the motion on the basis of the filings without holding a hearing. The
7 Court:

8 (i) shall grant the motion if it finds that the person demonstrates a
9 significant risk of causing the person or others serious bodily injury as defined
10 in 13 V.S.A. § 1021 even while hospitalized, and clinical interventions have
11 failed to address the risk of harm to the person or others;

12 (ii) may grant the motion if it finds that the person has received
13 involuntary medication pursuant to section 7624 of this title during the past
14 two years and, based upon the person’s response to previous and ongoing
15 treatment, there is good cause to believe that additional time will not result in
16 the person establishing a therapeutic relationship with providers or regaining
17 competence.

18 Sixth: In the new Sec. 13, 18 V.S.A. § 7624, in subdivision (c)(3), by
19 striking out “competency” and inserting in lieu thereof competence.

1 Seventh: In the new Sec. 16, 18 V.S.A. § 7627, in subdivision (f)(1), by
2 striking out the last sentence and inserting in lieu thereof the following:

3 A long-acting injection shall not be ordered without clear and convincing
4 evidence, particular to the patient, that this treatment is the most appropriate
5 under the circumstances.

6 Eighth: In the new Sec. 17, 18 V.S.A. § 7629, in subsection (c), in the first
7 sentence, by striking out “involuntary” before “medication”.

8 Ninth: In the new Sec. 18, 18 V.S.A. § 9701, in subdivision (21), by
9 striking out “Pursuant” and inserting in lieu thereof pursuant.

10 Tenth: By inserting a new Sec. 27 after Sec. 26 to read as follows:
11 Sec. 27. 1998 Acts and Resolves No. 114, Sec. 6 is amended to read:

12 Sec. 6. STUDY AND REPORT

13 (a) An annual independent study shall be commissioned by the ~~department~~
14 ~~of developmental and mental health services~~ Department of Mental Health
15 which shall:

16 (1) evaluate and critique the performance of the institutions and staff of
17 those institutions that are implementing the provisions of this act;

18 (2) include interviews with persons ~~subjected to orders of involuntary~~
19 ~~medication~~ subject to proceedings under 18 V.S.A. § 7624, regardless of
20 whether involuntarily medicated, and their families on the outcome and effects
21 of the order;

1 (3) include the steps taken by the ~~department~~ Department to achieve a
2 mental health system free of coercion; and

3 (4) include any recommendations to change current practices or statutes.

4 (b) The person who performs the study shall prepare a report of the results
5 of the study, which shall be filed with the ~~general-assembly~~ General Assembly
6 and the ~~department~~ Department annually on or before January 15.

7 (c) Interviews with patients pursuant to this section may be conducted with
8 the assistance of the mental health patient representative established in
9 18 V.S.A. § 7253.

10 and by renumbering the remaining section to be Sec. 28.

11 Eleventh: By striking out renumbered Sec. 28 in its entirety and inserting in
12 lieu thereof the following:

13 Sec. 28. EFFECTIVE DATES

14 (a) Except for Secs. 6 (application and certificate for emergency
15 examination), 7 (warrant and certificate for emergency examination), and 8
16 (emergency examination and second certification), this act shall take effect on
17 July 1, 2014.

18 (b) Secs. 6–8 shall take effect on November 1, 2014.

19

20

1 (Committee vote: _____)

2

3

Representative _____

4

FOR THE COMMITTEE