

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 93 entitled “An act relating to notice of placement at designated residential
4 service homes” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking all after the enacting clause
6 and inserting in lieu thereof the following:

7 Sec. 1. WORK GROUP ON NOTICE OF PLACEMENT

8 (a) On or before September 1, 2013, the Commissioners of Disabilities,
9 Aging, and Independent Living and of Mental Health shall convene and jointly
10 staff a work group of stakeholders to examine those community placements at
11 designated residential service homes arranged by the Departments for
12 individuals:

13 (1) convicted of a listed crime or an offense involving sexual
14 exploitation of children in violation of 13 V.S.A. chapter 64;

15 (2) charged with a listed crime or an offense involving sexual
16 exploitation of children in violation of 13 V.S.A. chapter 64, but who have not
17 been tried due to lack of competency under 13 V.S.A. § 4817;

18 (3) known to have a propensity for violence; or

19 (4) posing a risk or perceived risk to public safety.

20 (b) Members of the Work Group shall include:

21 (1) the Commissioner of Disabilities, Aging, and Independent Living;

1 (2) the Commissioner of Mental Health;

2 (3) a representative of the Vermont Council on Developmental and
3 Mental Health Services;

4 (4) the Mental Health Care Ombudsman;

5 (5) a representative of Vermont Legal Aid’s Mental Health Law Project;
6 and

7 (6) a representative of the law enforcement community.

8 (c) With regard to the population described in subsection (a) of this act, the
9 Work Group shall consider:

10 (1) measures currently used at designated residential service homes to
11 ensure public safety and the safety of clients;

12 (2) methods of enhancing those public safety measures currently used at
13 designated residential service homes, if necessary, including training
14 requirements for providers;

15 (3) existing notice requirements under state and federal law pertaining to
16 the placement of an individual at a designated residential service home,
17 including who receives notice and the category of individuals for whom notice
18 of placement is required; and

19 (4) how the Departments of Disabilities, Aging, and Independent Living
20 and of Mental Health can enhance existing notice of designated residential
21 service home placements to host communities and to the local law enforcement

1 agency of a municipality in which individuals are placed while maintaining
2 individuals' civil liberties and the security of protected health information.

3 (d) On or before December 1, 2013, the Commissioners of Disabilities,
4 Aging, and Independent Living and of Mental Health shall submit a report
5 containing the Work Group's findings and recommendations, including
6 recommendations for legislation if any, to the Chair of the Senate Committee
7 on Health and Welfare and to the Chair of the House Committee on Human
8 Services.

9 (e) As used in this act:

10 (1) "Designated residential service home" shall mean a place, however
11 named, which provides for profit or otherwise individualized therapeutic
12 treatment in a residential setting to one or two residents in accordance with an
13 authorized service plan.

14 (2) "Listed crime" shall have the same meaning as in 13 V.S.A. § 5301.

15 (3) "Local law enforcement agency" shall have the same meaning as in
16 13 V.S.A. § 5401.

17 Sec. 2. EFFECTIVE DATE

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

19
20
21

1 (Committee vote: _____)

2

3

Senator [surname]

4

FOR THE COMMITTEE