

Act No. 21 (H.241). Human services; mental health; emergency involuntary procedures

An act relating to rulemaking on emergency involuntary procedures

This act directs the Commissioner of Mental Health to adopt rules on emergency involuntary procedures for children and adults in the custody or temporary custody of the Commissioner who are admitted to a psychiatric inpatient unit. With two exceptions, the rules shall contain the same policies as set forth in the Department's final proposed rule, as amended, on emergency involuntary procedures submitted to the Legislative Committee on Administrative Rules on November 6, 2013. Unlike the Department's original proposal, the rules shall specify that emergency involuntary medication shall only be ordered by a psychiatrist, an advanced practice registered nurse (APRN) licensed by the Vermont Board of Nursing in psychiatric nursing, or a certified physician assistant licensed by the State Board of Medical Practice and supervised by a psychiatrist. Additionally, the rules shall require a certified physician assistant licensed by the State Board of Medical Practice and supervised by a psychiatrist to personally observe a patient prior to issuing the order for emergency involuntary medication. While a psychiatrist or an APRN licensed by the Vermont Board of Nursing in psychiatric nursing may personally observe a patient prior to issuing an order for emergency involuntary medication, a physician assistant or registered nurse trained to observe patients for this purpose must conduct the observation if the psychiatrist or APRN does not.

This act also amends existing principles for mental health care reform by specifying that patients shall be afforded rights and protections "that reflect evidence-based best practices aimed at reducing the use of emergency involuntary procedures."

Effective Date: May 13, 2015