

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No. 241  
3 entitled “An act relating to rulemaking on emergency involuntary procedures”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 2012 Acts and Resolves No. 79, Sec. 33a is amended to read:

8 Sec. 33a. RULEMAKING

9 ~~On or before September 1, 2012, the commissioner of mental health shall~~  
10 ~~initiate a rulemaking process that establishes standards~~ The Commissioner of  
11 Mental Health shall adopt rules pursuant to 3 V.S.A. chapter 25 on emergency  
12 involuntary procedures for adults in the custody or temporary custody of the  
13 Commissioner who are admitted to a psychiatric inpatient unit that meet or  
14 exceed and are consistent with standards set by the Centers for Medicare and  
15 Medicaid Services ~~and the Joint Commission for~~ regarding the use and  
16 reporting of ~~the emergency involuntary procedures of seclusion or, physical~~  
17 restraint, and restraint on individuals within the custody of the commissioner  
18 emergency involuntary medication and that require the personnel performing  
19 those emergency involuntary procedures to receive training and certification on  
20 the use of these procedures. Standards established by rule shall be consistent  
21 with the ~~recommendations made pursuant to Sec. 33(a)(1) and (3) of this act~~

1 Department's final proposed rule, as amended, on emergency involuntary  
2 procedures submitted to the Legislative Committee on Administrative Rules on  
3 November 6, 2013, with the exception that:

4 (1) emergency involuntary medication may only be ordered by a  
5 psychiatrist, an advanced practice registered nurse licensed by the Vermont  
6 Board of Nursing as a nurse practitioner in psychiatric nursing, or a certified  
7 physician assistant licensed by the State Board of Medical Practice and  
8 supervised by a psychiatrist; and

9 (2) a certified physician assistant licensed by the State Board of Medical  
10 Practice and supervised by a psychiatrist shall personally observe a person  
11 admitted to a psychiatric inpatient unit who is in the custody or temporary  
12 custody of the Commissioner prior to ordering emergency involuntary  
13 medication.

14 Sec. 2. 18 V.S.A. § 7251 is amended to read:

15 § 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

16 The General Assembly adopts the following principles as a framework for  
17 reforming the mental health care system in Vermont:

18 \* \* \*

19 (9) Individuals with a psychiatric disability or mental condition who are  
20 in the custody or temporary custody of the Commissioner of Mental Health  
21 and who receive treatment in an acute inpatient hospital, intensive residential

1 recovery facility, or a secure residential facility shall be afforded at least the  
2 same rights and protections as those individuals cared for at the former  
3 Vermont State Hospital to the extent that those rights and protections reflect  
4 evolving medical practice and evidence-based best practices aimed at reducing  
5 the use of coercion.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on passage.

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12 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE