

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~~ The Commissioner of Mental
11 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. The rules shall
14 establish standards that meet or exceed and are consistent with standards set by
15 the Centers for Medicare and Medicaid Services ~~and the Joint Commission for~~
16 regarding the use and reporting of the emergency involuntary procedures of
17 seclusion or restraint on individuals within the custody of the commissioner
18 ~~and that,~~ [physical] restraint, and emergency involuntary medication [OR
19 chemical restraint]. The rules shall also require the personnel performing
20 those emergency involuntary procedures to receive training and certification on
21 the their use of these procedures. Standards established by rule shall be

1 consistent with the ~~recommendations made pursuant to Sec. 33(a)(1) and (3) of~~
2 ~~this act~~ policies set forth in the Department's final proposed rule, as amended,
3 on emergency involuntary procedures submitted to the Legislative Committee
4 on Administrative Rules on November 6, 2013, with the following exceptions:

5 (1) Emergency involuntary medication [OR chemical restraint] may
6 only be ordered by a psychiatrist, an advanced practice registered nurse
7 licensed by the Vermont Board of Nursing as a nurse practitioner in psychiatric
8 nursing, or a certified physician assistant licensed by the State Board of
9 Medical Practice and supervised by a psychiatrist.

10 (2) Personal observation of an individual prior to ordering emergency
11 involuntary medication [OR chemical restraint]:

12 (A) Shall be conducted by a certified physician assistant licensed by
13 the State Board of Medical Practice and supervised by a psychiatrist if the
14 physician assistant is issuing the order.

15 (B) May be conducted by a psychiatrist or an advanced practice
16 registered nurse licensed by the Vermont Board of Nursing as a nurse
17 practitioner in psychiatric nursing if the psychiatrist or advanced practice
18 registered nurse is issuing the order. If a psychiatrist or advanced practice
19 registered nurse does not personally observe the individual prior to ordering
20 emergency involuntary medication [OR chemical restraint], the individual

1 shall be observed by a registered nurse trained to observe individuals for this
2 purpose or by a physician assistant.

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

4 § 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

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

7 * * *

8 (9) Individuals with a psychiatric disability or mental condition who are
9 in the custody or temporary custody of the Commissioner of Mental Health
10 and who receive treatment in an acute inpatient hospital, intensive residential
11 recovery facility, or a secure residential facility shall be afforded at least the
12 same rights and protections as those individuals cared for at the former
13 Vermont State Hospital to the extent that those rights and protections reflect
14 evolving medical practice and evidence-based best practices aimed at reducing
15 the use of coercion.

16 ***OR***

17 (9) Individuals with a psychiatric disability or mental condition who are
18 in the custody or temporary custody of the Commissioner of Mental Health
19 and who receive treatment emergency involuntary procedures in an acute
20 inpatient hospital, intensive residential recovery facility, or a secure residential
21 facility unit shall be afforded at least the same rights and protections as those

1 individuals ~~cared for~~ receiving emergency involuntary procedures at the former
2 Vermont State Hospital, except where rules adopted by the Department on
3 emergency involuntary procedures differ from the policies employed at the
4 former Vermont State Hospital.

5 *OR*

6 (9) ~~Individuals~~ To the extent permitted by law, individuals with a
7 psychiatric disability or mental condition who are in the custody or temporary
8 custody of the Commissioner of Mental Health and who receive treatment
9 emergency involuntary procedures in an acute inpatient hospital, intensive
10 residential recovery facility, or a secure residential facility unit shall be
11 afforded at least the same as rights and protections as those consistent with
12 those afforded to individuals cared for at the former Vermont State Hospital.

13 *OR*

14 (9) ~~Individuals~~ To the extent permitted by law, individuals with a
15 psychiatric disability or mental condition who are in the custody or temporary
16 custody of the Commissioner of Mental Health and who receive treatment in
17 an acute inpatient hospital unit, intensive residential recovery facility, or a
18 secure residential facility shall be afforded at least the same rights and
19 protections as those individuals cared for at the former Vermont State Hospital
20 that reduce the use of coercion.

21 Sec. 3. EFFECTIVE DATE

1 This act shall take effect on passage.

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6 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE