

1 H.241

2 Introduced by Committee on Human Services

3 Date:

4 Subject: Human services; mental health; emergency involuntary procedures

5 Statement of purpose of bill as introduced: This bill proposes to amend the
6 Department of Mental Health's rulemaking authority regarding emergency
7 involuntary procedures.

8 An act relating to rulemaking on emergency involuntary procedures

9 It is hereby enacted by the General Assembly of the State of Vermont:

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

11 Sec. 33a. RULEMAKING

12 ~~On or before September 1, 2012, the commissioner of mental health shall~~
13 ~~initiate a rulemaking process that establishes standards~~ The Commissioner of
14 Mental Health shall adopt rules pursuant to 3 V.S.A. chapter 25 on emergency
15 involuntary procedures for adults in the custody or temporary custody of the
16 Commissioner that meet or exceed and are consistent with standards set by the
17 Centers for Medicare and Medicaid Services ~~and the Joint Commission for~~
18 regarding the use and reporting of ~~the emergency involuntary procedures of~~
19 seclusion or, physical restraint, and chemical restraint on individuals within the
20 custody of the commissioner and that require the personnel performing those

1 emergency involuntary procedures to receive training and certification on the
2 use of these procedures. Standards established by rule shall be consistent with
3 the ~~recommendations made pursuant to Sec. 33(a)(1) and (3) of this act~~
4 Department's final proposed rule, as amended, on emergency involuntary
5 procedures submitted to the Legislative Committee on Administrative Rules on
6 November 6, 2013, with the exception that:

7 (1) chemical restraint may only be administered by a physician or an
8 advanced practice registered nurse licensed by the Vermont Board of Nursing
9 as a nurse practitioner in psychiatric nursing; and

10 (2) a physician or an advanced practice registered nurse licensed by the
11 Vermont Board of Nursing as a nurse practitioner in psychiatric nursing shall
12 personally observe a person in the custody or temporary custody of the
13 Commissioner prior to administering chemical restraint.

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.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on passage.