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S.203

Introduced by Senator Ayer

Referred to Committee on Health and Welfare

Date: January 3, 2018

Subject: Health; mental health; legislative intent

Statement of purpose of bill as introduced: This bill proposes to adopt an action plan submitted by the Agency of Human Services pertaining to Vermont's mental health system. It also proposes to fund the construction of any necessary mental health facilities.

An act relating to systemic improvements of the mental health system

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

~~Sec. 1. LEGISLATIVE INTENT; ACTION PLAN; FACILITIES~~

It is the intent of the General Assembly to:

(1) implement the action plan required to be submitted on or before December 15, 2017 by the Agency of Human Services to the General Assembly pursuant to 2017 Acts and Resolves No. 82, Secs. 3-4; and

(2) fund the construction of any facility necessary to expand access to mental health services through the fiscal year 2019 capital construction and State bonding bill.

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2018.~~

*Sec. 1. ORDER OF NON-HOSPITALIZATION STUDY COMMITTEE*

*(a) Creation. There is created the Order of Non-Hospitalization Study Committee to examine the strengths and weaknesses of Vermont's orders of non-hospitalizations for the purpose of improving patient care.*

*(b) Membership. The Committee shall be composed of the following 11 members:*

*(1) the Commissioner of Mental Health or designee;*

*(2) the Commissioner of Public Safety or designee;*

*(3) the Chief Superior Judge or designee;*

*(4) a member appointed by the Vermont Care Partners;*

*(5) a member appointed by the Vermont Association of Hospitals and Health Systems;*

*(6) a member appointed by Vermont Legal Aid's Mental Health Project;*

*(7) a member appointed by the Executive Director of the Department of State's Attorneys and Sheriffs;*

*(8) the Vermont Defender General or designee;*

*(9) the Executive Director of Vermont Psychiatric Survivors or designee;*

*(10) an individual who was previously under an order of non-hospitalization, appointed by Vermont Psychiatric Survivors; and*

*(11) the family member of an individual who is currently or was previously under an order of non-hospitalization, appointed by the Vermont chapter of the National Alliance on Mental Illness.*

*(c) Powers and duties. The Committee shall examine the strengths and weaknesses of Vermont's orders of non-hospitalization for the purpose of improving patient care and may propose a pilot project that seeks to redress any weaknesses and build upon any existing strengths. The Committee shall:*

*(1) review and understand existing laws pertaining to orders of non-hospitalization, including 1998 Acts and Resolves No. 114;*

*(2) review the 2017 Treatment Advocacy Center report entitled "Reimagining ONH," including the efficacy of each recommendation in the report;*

(3) review existing data pertaining to orders of non-hospitalization, including data pertaining to individuals entering the mental health system through both civil and forensic procedures;

(4) if appropriate, propose a pilot project for the purpose of improving the efficacy of orders of non-hospitalization;

(5) if appropriate, recommend any changes necessary to approve the efficacy of orders of non-hospitalization; and

(6) identify statutory changes necessary to implement recommended changes to orders of non-hospitalization, if any.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Mental Health.

(e) Report. On or before November 1, 2018, the Committee shall submit a written report to the House Committee on Health Care and the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Commissioner of Mental Health or designee shall call the first meeting of the Committee to occur on or before August 1, 2018.

(2) The Commissioner of Mental Health or designee shall be the Chair.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on December 1, 2018.

(g) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to the Department of Mental Health.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.