

# House Calendar

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Tuesday, April 11, 2017

98th DAY OF THE BIENNIAL SESSION

House Convenes at 10:00 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Favorable with Amendment**

**H. 197**

An act relating to mental health parity for workers' compensation

**Rep. Copeland-Hanzas of Bradford**, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

\* \* \*

(11) "Personal injury by accident arising out of and in the course of employment" includes an injury caused by the willful act of a third person directed against an employee because of that employment.

\* \* \*

(I)(i) In the case of police officers, rescue or ambulance workers, or firefighters, post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, or firefighter who is diagnosed with post-traumatic stress disorder within three years of the last active date of employment as a police officer, rescue or ambulance worker, or firefighter shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

(I) "Firefighter" means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).

(II) "Mental health professional" means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed by this State to provide mental health care services and for whom diagnoses of mental conditions are within his or her scope of practice, including a

physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.

(III) “Police officer” means a law enforcement officer who has been certified by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151.

(IV) “Rescue or ambulance worker” means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

\* \* \*

(23) “Occupational disease” means a disease that results from causes and conditions characteristic of and peculiar to a particular trade, occupation, process, or employment, and to which an employee is not ordinarily subjected or exposed outside or away from the employment, and that arises out of and in the course of the employment. The term “occupational disease” shall include a mental condition as defined in 8 V.S.A. § 4089b, whether sudden or gradual in onset, that requires medical or psychiatric services or that results in physical or psychiatric disability or death.

\* \* \*

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

### **( Committee Vote: 10-0-1)**

**Rep. Poirier of Barre City**, for the Committee on Commerce and Economic Development, recommends the bill ought to pass when amended as recommended by the Committee on Health Care and when further amended as follows:

In Sec. 1, 21 V.S.A. § 601, by striking out Sec. 1 in its entirety and inserting a new Sec. 1 to read as follows:

Sec. 1. 21 V.S.A. § 601 is amended to read:

### § 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

\* \* \*

(11) “Personal injury by accident arising out of and in the course of employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

\* \* \*

(I)(i) In the case of police officers, rescue or ambulance workers, or firefighters, post-traumatic stress disorder that is diagnosed by a mental health professional shall be presumed to have been incurred during service in the line of duty and shall be compensable, unless it is shown by a preponderance of the evidence that the post-traumatic stress disorder was caused by nonservice-connected risk factors or nonservice-connected exposure.

(ii) A police officer, rescue or ambulance worker, or firefighter who is diagnosed with post-traumatic stress disorder within three years of the last active date of employment as a police officer, rescue or ambulance worker, or firefighter shall be eligible for benefits under this subdivision (11).

(iii) As used in this subdivision (11)(I):

(I) “Firefighter” means a firefighter as defined in 20 V.S.A. § 3151(3) and (4).

(II) “Mental health professional” means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed by this State to provide mental health care services and for whom diagnoses of mental conditions are within his or her scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.

(III) “Police officer” means a law enforcement officer who has been certified by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151.

(IV) “Rescue or ambulance worker” means ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

(J)(i) A mental condition resulting from a work-related event or work-related stress shall be considered a personal injury by accident arising out of and in the course of employment and be compensable if it is demonstrated by the preponderance of the evidence that:

(I) the work-related event or work-related stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations; and

(II) the work-related event or work-related stress, and not some other event or source of stress, was the predominant cause of the mental condition.

(ii) A mental condition shall not be considered a personal injury by accident arising out of and in the course of employment if it results from

any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer.

\* \* \*

( **Committee Vote: 9-1-1**)

### **H. 356**

An act relating to approval of amendments to the charter of the Town of Berlin

**Rep. Lewis of Berlin**, for the Committee on Government Operations, recommends the bill be amended as follows:

In Sec. 3 (effective date) by striking out the section in its entirety and inserting in lieu thereof:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

( **Committee Vote: 10-0-1**)

### **S. 14**

An act relating to expanding the Vermont Practitioner Recovery Network

**Rep. Cina of Burlington**, for the Committee on Health Care, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Podiatrists \* \* \*

Sec. 1. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates,

coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

\* \* \* Physicians \* \* \*

Sec. 2. 26 V.S.A. § 1395(c) is amended to read:

~~(c) Notwithstanding the provisions of subsection (a) of this section and any other provision of law, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed, and who certifies to the Vermont board of medical practice that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee health care clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further examination, interview, fee, or any other requirement for board licensure. The physician shall file with the board, on forms provided by the board and based on criteria developed by the board, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the board may require. A license granted under this subsection shall authorize the licensee to practice medicine on a voluntary basis in Vermont. [Repealed.]~~

Sec. 3. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(3) Initial limited temporary license; annual renewal \$75.00.

\* \* \*

(c)(1) Notwithstanding any other provision of this chapter, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed and who meets the criteria of the Board shall be licensed without fee if the physician certifies to the Board that he or she shall limit practice in Vermont solely to providing:

(A) pro bono services at a free or reduced fee health care clinic in Vermont; or

(B) volunteer services through the Vermont Medical Reserve Corps.

(2) A physician, under this subsection, shall file with the Board using forms provided on the Board's website, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the Board may require. A license granted under this subsection shall authorize the licensee to practice medicine either on a voluntary basis at a free or reduced fee clinic in Vermont or in connection with the Vermont Medical Reserve Corps, respectively.

\* \* \* Anesthesiologist Assistants \* \* \*

Sec. 4. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, \$120.00;

(ii) Each additional application, \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent~~ licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2)(A)(i) Biennial renewal, \$120.00;

(ii) Each additional renewal, \$55.00;

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors ~~recovering chemically dependent~~ licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, \$20.00.

\* \* \* Physician Assistants \* \* \*

Sec. 5. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, \$225.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

\* \* \* Radiologist Assistants \* \* \*

Sec. 6. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification  
\$120.00;

(ii) Each additional application \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an



impaired ability to practice medicine with reasonable skill and safety.

- |                              |           |
|------------------------------|-----------|
| (2)(A)(i) Biennial renewal   | \$120.00; |
| (ii) Each additional renewal | \$55.00;  |

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

- |                               |          |
|-------------------------------|----------|
| (3) Transfer of certification | \$20.00. |
|-------------------------------|----------|

\* \* \* Effective Date \* \* \*

#### Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

**(Committee vote: 11-0-0 )**

**(For text see Senate Journal February 15, 2017 )**

#### NOTICE CALENDAR

#### Committee Bill for Second Reading

#### H. 523

An act relating to fair and impartial policing.

**(Rep. Morris of Bennington will speak for the Committee on Judiciary.)**

#### Favorable with Amendment

#### H. 492

An act relating to the Racial Justice Oversight Board

**Rep. Morris of Bennington**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 168 is added to read:

#### § 168. RACIAL JUSTICE BOARD

(a) The Racial Justice Board is established. The Board shall be organized

and have the duties and responsibilities as provided in this section. The Board shall be organized within the Office of the Attorney General, and members of the Board shall be drawn from throughout the State and from diverse racial, ethnic, religious, age, gender, sexual orientation, and socioeconomic backgrounds, and shall have had experience working to implement racial justice reform.

(b) The Board shall comprise the following 15 members:

(1) five members to represent the interests of communities of color throughout the State, appointed by the Attorney General, including:

(A) a member with expertise in implicit bias;

(B) a member with expertise in education;

(C) a member with expertise in labor and employment;

(D) a member with expertise in health care; and

(E) a member with expertise in economic development;

(2) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(3) the Attorney General or designee;

(4) the Defender General or designee;

(5) the Executive Director of the State's Attorneys and Sheriffs or designee;

(6) the Chief Superior Judge or designee;

(7) the Commissioner of Corrections or designee;

(8) the Commissioner of Public Safety or designee;

(9) a representative of the Vermont Police Association;

(10) the Executive Director of the Vermont Human Rights Commission or designee; and

(11) the Executive Director of the Vermont chapter of the ACLU or designee.

(c) The members of the Board appointed under subdivision (b)(1) of this section shall serve staggered four-year terms. As terms of currently serving members expire, appointments of successors shall be in accord with the provisions of subsection (b) of this section. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term. Members of the Board shall be eligible for reappointment. Members of the Board shall serve no more than

three consecutive terms in any capacity.

(d) Members of the Board shall elect biennially by majority vote the Chair of the Board. Members of the Board shall receive no compensation for their services, but shall be entitled to reimbursement for expenses in the manner and amount provided to employees of the State.

(e) A majority of the members of the Board shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

(f) The Board shall undertake an ongoing formal review of racial justice reform across the State, including within the systems of education, labor and employment, housing, health care, economic development, and criminal and juvenile justice, by monitoring the collection and publication of race-based data, recommending policies and trainings to address systemic implicit bias, and evaluating racial justice policies, practices, and results statewide, including determining whether there is variation across the State and the cause of any such variation. In furtherance of that responsibility, the Board shall:

(1) review and make recommendations to address persistent racial disparities in statewide systems of education, labor and employment, economic development, health care, and housing;

(2) review and make recommendations regarding statewide criminal and juvenile justice reform, including:

(A) continually reviewing the data collected pursuant to 20 V.S.A. § 2366 to measure State progress toward a fair and impartial system of law enforcement;

(B) providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association, based on the latest social science research and best practices in law enforcement and criminal and juvenile justice, on model trainings and policies for law enforcement, judges, correctional officers, and attorneys, including prosecutors and public defenders, to recognize and address implicit bias; and

(C) providing recommendations to the Criminal Justice Training Council, based on the latest social science research and best practices in law enforcement, on a model training and policy on the use of force in policing;

(3) educate and engage with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination and the systemic and institutionalized nature of race-based bias, and on progress made toward racial justice;

(4) at the Board's discretion, provide the Executive and Legislative

Branches of State government with an assessment of the disparate racial impact of a proposed policy or legislation; and

(5) on or before January 15, 2018, and biannually thereafter, report to the General Assembly, and provide as a part of that report recommendations to address systemic implicit bias in Vermont, including:

(A) a public complaint process to address perceived implicit bias across all systems of State government;

(B) prohibiting racial profiling, including any associated penalties;

(C) expanding law enforcement race data collection practices to include data on nontraffic stops by law enforcement; and

(D) amending the Vermont Constitution to clarify that slavery in any form is prohibited.

Sec. 2. CRIMINAL JUSTICE TRAINING COUNCIL; REPORTING TO THE RACIAL JUSTICE BOARD

The Criminal Justice Training Council shall, on a regular and ongoing basis, report to the Racial Justice Board regarding:

(1) the adoption and implementation of the Board's recommended implicit bias trainings and policies pursuant to 3 V.S.A. § 168(f)(2)(B);

(2) the incorporation of implicit bias training into the requirements of basic training pursuant to 20 V.S.A. § 2358; and

(3) the implementation of the refresher trainings as required by 20 V.S.A. § 2358(e).

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to the Racial Justice Board”

**( Committee Vote: 8-2-1)**

**Rep. Hooper of Montpelier**, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Judiciary and when further amended as follows:

First: In Sec. 1, 3 V.S.A. § 168, in subdivision (a), after “The Board shall be organized within the Office of the Attorney General,” by inserting “which shall provide the Board with administrative and professional support,”

Second: In Sec. 1, 3 V.S.A. § 168, by striking out subdivision (d) in its entirety and inserting in lieu thereof the following:

(d) Members of the Board shall elect biennially by majority vote the Chair of the Board. Members of the Board who are not State employees or whose participation is not supported through their employment or association shall receive per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010, to be provided by the Office of the Attorney General. The Board may meet up to three times per year.

**( Committee Vote: 10-0-1)**

**Favorable**

**H. 327**

An act relating to the charter of the Northeast Kingdom Solid Waste Management District

**Rep. Lewis of Berlin**, for the Committee on Government Operations, recommends the bill ought to pass.

**( Committee Vote: 9-0-2)**

**Rep. Canfield of Fair Haven**, for the Committee on Ways and Means, recommends the bill ought to pass.

**( Committee Vote: 9-0-2)**

**Senate Proposal of Amendment**

**H. 42**

An act relating to appointing municipal clerks and treasurers and to municipal audit penalties

The Senate proposes to the House to amend the bill as follows:

By striking out Sec. 4, 24 V.S.A. § 1686 (penalty) in its entirety and its reader assistance heading and inserting in lieu thereof the following:

Sec. 4. [Deleted.]

(For text see House Journal March 14, 2017 )