

18 V.S.A. § 7101. Definitions

As used in this part of this title, the following words, unless the context otherwise requires, shall have the following meanings:

(1) "Board" means the Board of Mental Health.

(2) "Commissioner" means the Commissioner of Mental Health.

(3) "Custody" means safe-keeping, protection, charge, or care.

(4) "Designated hospital" means a hospital or other facility designated by the Commissioner as adequate to provide appropriate care for the mentally ill patient.

(5) "Elopement" means the leaving of a designated hospital or designated program or training school without lawful authority.

(6) "Head of a hospital" means the administrator or persons in charge at any time.

(7) "Hospital" means a public or private hospital or facility or part thereof, equipped and otherwise qualified to provide in-patient care and treatment for persons with mental conditions or psychiatric disabilities.

(8) "Individual" means a resident of or a person in Vermont.

(9) "Interested party" means a guardian, spouse, parent, adult child, close adult relative, a responsible adult friend, or person who has the individual in his or her charge or care. It also means a mental health professional, a law enforcement officer, a licensed physician, or a head of a hospital.

(10) "Law enforcement officer" means a sheriff, deputy sheriff, constable, municipal police officer, or State Police.

(11) "Licensed physician" means a physician legally qualified and licensed to practice as a physician in Vermont.

(12) [Repealed.]

(13) "Mental health professional" means a person with professional training, experience, and demonstrated competence in the treatment of mental illness, who shall be a physician, psychologist, social worker, mental health counselor, nurse, or other qualified person designated by the Commissioner.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory, any of which grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life, but shall not include intellectual disability.

(15) "Patient" means a resident of or person in Vermont qualified under this title for hospitalization or treatment as a person with a mental illness or intellectual disability.

(16) "A patient in need of further treatment" means:

(A) a person in need of treatment; or

(B) a patient who is receiving adequate treatment, and who, if such treatment is discontinued, presents a substantial probability that in the near future his or her condition will deteriorate and he or she will become a person in need of treatment.

(17) "A person in need of treatment" means a person who has a mental illness and, as a result of that mental illness, his or her capacity to exercise self-control, judgment, or discretion in the conduct of his or her affairs and social relations is so lessened that he or she poses a danger of harm to himself, to herself, or to others:

(A) A danger of harm to others may be shown by establishing that:

(i) he or she has inflicted or attempted to inflict bodily harm on another; or

(ii) by his or her threats or actions he or she has placed others in reasonable fear of physical harm to themselves; or

(iii) by his or her actions or inactions he or she has presented a danger to persons in his or her care.

(B) A danger of harm to himself or herself may be shown by establishing that:

(i) he or she has threatened or attempted suicide or serious bodily harm; or

(ii) he or she has behaved in such a manner as to indicate that he or she is unable, without supervision and the assistance of others, to satisfy his or her need for nourishment, personal or medical care, shelter, or self-protection and safety, so that it is probable that death, substantial physical bodily injury, serious mental deterioration, or serious physical debilitation or disease will ensue unless adequate treatment is afforded.

(18) "Resident of Vermont" means:

(A) A person who has lived continuously in Vermont for one year immediately preceding his or her admission as a patient or immediately preceding his or her becoming a proposed patient.

(B) A person who has a present intention to make Vermont his or her home for an indefinite period of time. This intention may be evidenced by prior statements or it may be implied from facts which show that the person does in fact make Vermont his or her permanent home. A married woman shall be capable of establishing a legal residence apart from her husband, and a child under 18 years shall take legal residence of the parent or guardian with whom he or she is actually living.

(19) "Retreat" means the Brattleboro Retreat.

(20) "Secretary" means the Secretary of Human Services.

(21), (22) [Repealed.]

(23) "Vermont" means the State of Vermont.

(24) "Voluntary patient" means an individual admitted to a hospital voluntarily or an individual whose status has been changed from involuntary to voluntary.

(25) "Children and adolescents with a severe emotional disturbance" means those persons defined as such under 33 V.S.A. § 4301(3).

(26) "No refusal system" means a system of hospitals and intensive residential recovery facilities under contract with the Department of Mental Health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the Commissioner in contract.

(27) "Participating hospital" means a hospital under contract with the Department of Mental Health to participate in the no refusal system.

(28) "Successor in interest" means the mental health hospital owned and operated by the State that provides acute inpatient care and replaces the Vermont State Hospital.

(29) "Peer" means an individual who has a personal experience of living with a mental health condition or psychiatric disability.

(30) "Peer services" means support services provided by trained peers or peer-managed organizations focused on helping individuals with mental health and other co-occurring conditions to support recovery.