

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 124 entitled “An act relating to miscellaneous law enforcement
4 amendments” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Vermont Criminal Justice Training Council * * *

8 Sec. 1. 20 V.S.A. § 2351 is amended to read:

9 § 2351. CREATION AND PURPOSE OF COUNCIL

10 * * *

11 (b) The Council is created to encourage and assist municipalities, counties,
12 and governmental agencies of this State in their efforts to improve the quality
13 of law enforcement and citizen protection by maintaining a uniform standard
14 of ~~recruitment~~ recruit and in-service training for law enforcement officers.

15 * * *

16 Sec. 2. 20 V.S.A. § 2352 is amended to read:

17 § 2352. COUNCIL MEMBERSHIP

18 (a)(1) The Vermont Criminal Justice Training Council shall consist of:

19 (A) the Commissioners of Public Safety, ~~of Corrections~~, of Motor
20 Vehicles, ~~and~~ of Fish and Wildlife, and of Mental Health;

21 (B) the Attorney General;

1 (C) the Executive Director of the Department of State’s Attorneys
2 and Sheriffs;

3 (D) a member of the Vermont Troopers’ Association or its successor
4 entity, elected by its membership;

5 ~~(D)~~(E) a member of the Vermont Police Association, elected by its
6 membership; ~~and~~

7 ~~(E)~~(F) ~~five additional members appointed by the Governor.~~

8 ~~(i) The Governor’s appointees shall provide broad representation~~
9 ~~of all aspects of law enforcement and the public in Vermont on the Council.~~

10 ~~(ii) The Governor shall solicit recommendations for appointment~~
11 ~~from the Vermont State’s Attorneys Association, the Vermont State’s Sheriffs~~
12 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~
13 ~~Constables Association~~ a member of the Chiefs of Police Association of
14 Vermont, appointed by the President of the Association;

15 (G) a member of the Vermont Sheriffs’ Association, appointed by the
16 President of the Association;

17 (H) a law enforcement officer appointed by the President of the
18 Vermont State Employees Association;

19 (I) an employee of the Vermont League of Cities and Towns,
20 appointed by the Executive Director of the League;

1 (A) require that officer to execute a written waiver that explicitly
2 authorizes the officer's;

3 (i) current law enforcement agency to disclose its analysis of the
4 officer's performance at that agency, if the officer is still employed at that
5 agency; or

6 (ii) last law enforcement agency employer to disclose the reason
7 that officer is no longer employed by that agency, if the officer is not currently
8 employed at an agency; and

9 (B) contact that former agency to determine that reason and provide
10 to that agency a copy of that written waiver.

11 (2) An officer who refuses to execute the written waiver shall not be
12 hired by the potential hiring agency.

13 (b)(1)(A) If that current or former agency is a law enforcement agency in
14 this State, the executive officer of that current or former agency or designee
15 shall disclose to the potential hiring agency in writing its analysis of the
16 officer's performance at that agency or the reason the officer is no longer
17 employed by the former agency, as applicable.

18 (B) The executive officer or designee shall send a copy of the
19 disclosure to the officer at the same time he or she sends it to the potential
20 hiring agency.

- 1 (ii) domestic assault;
- 2 (iii) false reports and statements;
- 3 (iv) driving under the influence, second offense;
- 4 (v) violation of a relief from abuse order or of a condition of
- 5 release;
- 6 (vi) stalking;
- 7 (vii) false pretenses;
- 8 (viii) voyeurism;
- 9 (ix) prostitution or soliciting prostitution;
- 10 (x) distribution of a regulated substance;
- 11 (xi) simple assault on a law enforcement officer; or
- 12 (xii) possession of a regulated substance, second offense.

13 (2) “Category B conduct” means gross professional misconduct
14 amounting to actions on duty or under color of authority, or both, that involve
15 willful failure to comply with a State-required policy or substantial deviation
16 from professional conduct as defined by the law enforcement agency’s policy
17 or if not defined by the agency’s policy, then as defined by Council policy,
18 ~~such as~~ and shall include:

- 19 (A) sexual harassment involving physical contact or misuse of
- 20 position;
- 21 (B) misuse of official position for personal or economic gain;

- 1 (C) excessive use of force under color of authority, ~~second~~ first
2 offense;
- 3 (D) biased enforcement; or
- 4 (E) use of electronic criminal records database for personal, political,
5 or economic gain.

6 * * *

7 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

8 (a)(1) The executive officer of a law enforcement agency or the chair of the
9 agency's civilian review board shall report to the Council within 10 business
10 days if any of the following occur in regard to a law enforcement officer of the
11 agency:

12 (A) Category ~~(A)~~.

13 (i) There is a finding of probable cause by a court that the officer
14 committed Category A conduct.

15 (ii) There is any decision or findings of fact or verdict regarding
16 allegations that the officer committed Category A conduct, including a judicial
17 decision and any appeal therefrom.

18 (B) Category B.

19 (i) The agency receives a complaint against the officer that, ~~if~~
20 ~~deemed credible by the executive officer of the agency as a result of a valid~~
21 ~~investigation,~~ alleges that the officer committed Category B conduct.

1 (ii) The agency receives or issues any of the following:

2 (I) a report or findings of a valid investigation finding that the
3 officer committed Category B conduct; or

4 (II) any decision or findings, including findings of fact or
5 verdict, regarding allegations that the officer committed Category B conduct,
6 including a hearing officer decision, arbitration, administrative decision, or
7 judicial decision, and any appeal therefrom.

8 (C) Termination. The agency terminates the officer for Category A
9 or Category B conduct.

10 (D) Resignation. The officer resigns from the agency while under
11 investigation for unprofessional conduct.

12 (2) As part of his or her report, the executive officer of the agency or the
13 chair of the civilian review board shall provide to the Council a copy of any
14 relevant documents associated with the report, including any findings,
15 decision, and the agency's investigative report.

16 (b) The Executive Director of the Council shall report to the Attorney
17 General and the State's Attorney of jurisdiction any allegations that an officer
18 committed Category A conduct.

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* * * Municipal Police Officer Recruitment and Retention * * *

Sec. 11. STATE TREASURER; RETIREMENT DIVISION; PROPOSED
PLAN; POLICE OFFICERS COVERED UNDER VERMONT
MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

(a) On or before January 15, 2021, the State Treasurer's Retirement Division shall submit to the Senate and House Committees on Government Operations a proposed plan to place municipal police officers covered under the Municipal Employees' Retirement System of Vermont (VMERS) on a new retirement plan substantially equivalent to the retirement plan that covers law enforcement officers under the Vermont State Retirement System (VSRS), except for the health and medical benefits available to officers under the VSRS.

(b) The Retirement Division's proposed plan shall include:

(1) recommendations on how to transition VMERS officers to the new retirement plan, including any specific timing recommendations;

(2) the costs associated with the new retirement plan; and

(3) concerns, if any, regarding the new retirement plan.

1 * * * Vermont Crime Information Center * * *

2 Sec. 12. 20 V.S.A. § 2053 is amended to read:

3 § 2053. COOPERATION WITH OTHER AGENCIES

4 (a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and
5 agencies, municipal police departments, sheriffs, and other law enforcement
6 officers in this ~~state~~ State and with federal and international law enforcement
7 agencies to develop and carry on a uniform and complete ~~state~~ State, interstate,
8 national, and international system of records of ~~criminal activities~~ commission
9 of crimes and information.

10 (b)(1) All ~~state~~ State departments and agencies, municipal police
11 departments, sheriffs, and other law enforcement officers shall cooperate with
12 and assist the ~~center~~ Center in the establishment of a complete and uniform
13 system of records relating to the commission of crimes, arrests, convictions,
14 imprisonment, probation, parole, fingerprints, photographs, stolen property,
15 and other matters relating to the identification and records of persons who have
16 or who are alleged to have committed a crime, or who are missing persons, or
17 who are fugitives from justice.

18 (2) In order to meet the requirements of subdivision (1) of this
19 subsection, the Center shall establish and provide training on a uniform list of
20 definitions to be used in entering data into a law enforcement agency's system

1 of records, and every law enforcement officer shall use those definitions when
2 entering data into his or her agency’s system.

3 Sec. 13. 20 V.S.A. § 2055 is amended to read:

4 § 2055. FILES

5 (a) The ~~director~~ Director of the Vermont ~~crime information center~~ Crime
6 Information Center shall:

7 (1) disseminate on a quarterly basis to the legislative body of each town
8 in the State without a police department a report describing the nature of
9 crimes alleged to have been committed in that town in the preceding quarter,
10 without providing any personally identifying information; and

11 (2) maintain and disseminate such files as are necessary relating to the
12 commission of crimes, arrests, convictions, disposition of criminal causes,
13 probation, parole, fugitives from justice, missing persons, fingerprints,
14 photographs, stolen property, and such matters as the ~~commissioner~~
15 Commissioner deems relevant.

16 (b) The ~~director~~ Director shall maintain criminal records pursuant to this
17 chapter regardless of whether the record is fingerprint supported. Any “no
18 print, no record” rule or policy of the ~~center~~ Center shall be void.

1 * * * Law Enforcement Advisory Board * * *

2 Sec. 14. LEAB; REPEAL FOR RECODIFICATION

3 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

4 Sec. 15. 20 V.S.A. § 1818 is added to read:

5 § 1818. LAW ENFORCEMENT ADVISORY BOARD

6 (a) The Law Enforcement Advisory Board is created within the Department
7 of Public Safety to advise the Commissioner of Public Safety, the Governor,
8 and the General Assembly on issues involving the cooperation and
9 coordination of all agencies that exercise law enforcement responsibilities.

10 The Board shall review any matter that affects more than one law enforcement
11 agency. The Board shall comprise the following members:

12 (1) the Commissioner of Public Safety;

13 (2) the Director of the Vermont State Police;

14 (3) the Director of the Enforcement Division of the Department of Fish
15 and Wildlife;

16 (4) the Director of the Vermont Criminal Justice Services Division;

17 (5) a member of the Chiefs of Police Association of Vermont, appointed
18 by the President of the Association;

19 (6) a member of the Vermont Sheriffs' Association, appointed by the
20 President of the Association;

1 (7) a representative of the Vermont League of Cities and Towns,
2 appointed by the Executive Director of the League;

3 (8) a member of the Vermont Police Association, appointed by the
4 President of the Association;

5 (9) the Attorney General or designee;

6 (10) a State’s Attorney appointed by the Executive Director of the
7 Department of State’s Attorneys and Sheriffs;

8 (11) the U.S. Attorney or designee;

9 (12) the Executive Director of the Vermont Criminal Justice Training
10 Council;

11 (13) the Defender General or designee;

12 (14) one representative of the Vermont Troopers’ Association or its
13 successor entity, elected by its membership;

14 (15) a member of the Vermont Constables Association, appointed by the
15 President of the Association; and

16 (16) a law enforcement officer, appointed by the President of the
17 Vermont State Employees Association.

18 (b) The Board shall elect a chair and a vice chair, which positions shall
19 rotate among the various member representatives. Each member shall serve a
20 term of two years. The Board shall meet at the call of the Chair. A quorum

1 shall consist of nine members, and decisions of the Board shall require the
2 approval of a majority of those members present and voting.

3 (c) The Board shall undertake an ongoing formal review process of law
4 enforcement policies and practices with a goal of developing a comprehensive
5 approach to providing the best services to Vermonters, given monies available.
6 The Board shall also provide educational resources to Vermonters about public
7 safety challenges in the State.

8 (d)(1) The Board shall meet not fewer than six times a year to develop
9 policies and recommendations for law enforcement priority needs, including
10 retirement benefits, recruitment of officers, training, homeland security issues,
11 dispatching, and comprehensive drug enforcement.

12 (2) The Board shall present its findings and recommendations in brief
13 summary form to the House and Senate Committees on Judiciary and on
14 Government Operations annually on or before January 15.

15 Sec. 16. LEAB; RECODIFICATION DIRECTIVE

16 (a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory
17 revision, the Office of Legislative Council shall revise accordingly any
18 references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.

19 (b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as
20 previously codified shall be deemed to refer to 20 V.S.A. § 1818.

1 ~~(1) Incompetency amounting to failure to perform his or her official~~
2 ~~duties competently;~~

3 ~~(2) Misconduct in office which shall be construed to include:~~

4 ~~(a) failure to be of good behavior;~~

5 ~~(b) participation, directly or indirectly, in a political campaign, rally,~~
6 ~~caucus or other political gathering, other than to vote. [Repealed.]~~

7 * * *

8 § 1875. RADIO COMMUNICATION SYSTEM

9 ~~the commissioner~~ Commissioner shall establish a communication
10 system as will best enable the ~~department~~ Department to carry out the purposes
11 of this chapter. This shall include a radio set furnished, on written request, to
12 the sheriff and ~~state's attorney~~ State's Attorney of each county on a
13 memorandum receipt.

14 ~~(b)(1)~~ (b)(1) The ~~commissioner~~ Commissioner may charge to all users of
15 telecommunications services managed, maintained, or operated by the
16 ~~department~~ Department for the benefit of the users a proportionate share of the
17 actual cost of providing the services and products inclusive of administrative
18 costs.

19 (2) Such charges shall be based on a pro rata allocation of the actual
20 costs of services or products, determined in an equitable manner, which shall
21 be representative of services provided to or system usage by individual units of

1 government, including ~~state~~ State, local, and federal agencies or private
2 nonprofit entities.

3 (3) Such charges shall be credited to the Vermont ~~communication~~
4 ~~system special fund~~ Law Telecommunications Special Fund and shall be
5 available to the ~~department~~ Department to offset the costs of providing the
6 services.

7 Sec. 19. DEPARTMENT OF PUBLIC SAFETY; DISPATCH RULES;
8 ADOPTION AND APPLICATION

9 The Department of Public Safety shall finally adopt the rules regarding
10 dispatch rates and standards required by 20 V.S.A. § 1871(i)(1) and (2) set
11 forth in Sec. 18 of this act so that those rules are in effect on or before July 1,
12 2021.

13 * * * Emergency Medical Services * * *

14 Sec. 20. 24 V.S.A. chapter 71 is amended to read:

15 CHAPTER 71. AMBULANCE SERVICES

16 Subchapter 1. Emergency Medical Services Districts

17 § 2651. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (14) ~~“State Board” means the State Board of Health. [Repealed.]~~

21 * * *

1 § 2652. CREATION OF DISTRICTS

2 The ~~State Board~~ Department of Health may divide the State into emergency
3 medical services districts, the number, size, and boundaries of which shall be
4 determined by the ~~Board~~ Department in the interest of affording adequate and
5 efficient emergency medical services throughout the State.

6 * * *

7 § 2654. RECORDING DETERMINATION OF DISTRICTS

8 The ~~State Board~~ Department of Health shall cause to be recorded in the
9 office of the Secretary of State a certificate containing its determination of
10 emergency medical services districts.

11 * * *

12 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

13 (a) The board of directors shall have full power to manage, control, and
14 supervise the conduct of the district and to exercise in the name of the district
15 all powers and functions belonging to the district, subject to such laws or
16 ~~regulations~~ rules as may be applicable.

17 * * *

18 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL
19 SERVICES DISTRICTS

20 (a) It shall be the function of each emergency medical services district to
21 foster and coordinate emergency medical services within the district, in the

1 interest of affording adequate ambulance services within the district. Each
2 emergency medical services district shall have powers ~~which~~ that include the
3 power to:

4 * * *

5 (3) enter into agreements and contracts for furnishing technical,
6 educational, and support services ~~and credentialing~~ related to the provision of
7 emergency medical treatment;

8 * * *

9 (6) monitor the provision of emergency medical services within the
10 district and make recommendations to the ~~State Board~~ Department of Health
11 regarding licensure, relicensure, and removal or suspension of licensure for
12 ambulance vehicles, ambulance services, and first responder services;

13 * * *

14 (10) assist the Department of Health in a program of testing for
15 licensure of emergency medical services personnel; and

16 (11) ~~assure that each affiliated agency in the district has implemented a~~
17 ~~system for the credentialing of all its licensed emergency medical personnel;~~
18 ~~and~~ [Repealed.]

19 (12) develop protocols for providing appropriate response times to
20 requests for emergency medical services.

21 * * *

1 (b) Two or more contiguous emergency medical services districts by a
2 majority vote of the district board in each of the districts concerned may
3 change the mutual boundaries of their emergency medical services districts.
4 The district boards shall report all changes in district boundaries to the ~~State~~
5 ~~Board~~ Department of Health.

6 * * *

7 Subchapter 2. Licensing Operation of ~~Ambulance Service~~ Affiliated Agencies

8 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

9 (a) A person furnishing ambulance services or first responder services shall
10 obtain a license to furnish services under this subchapter.

11 (b)(1) In order to obtain and maintain a license, an ambulance service shall
12 be required to provide its services in a manner that does not discriminate on the
13 basis of income, funding source, or severity of health needs, in order to ensure
14 access to ambulance services within the licensee's service area.

15 (2) The Department of Health shall adopt rules in accordance with the
16 provisions of subdivision (1) of this subsection.

17 § 2682. POWERS OF ~~STATE BOARD~~ THE DEPARTMENT OF HEALTH

18 (a) The ~~State Board~~ Department of Health shall administer this subchapter
19 and shall have power to:

20 (1) Issue licenses for ambulance services and first responder services
21 under this subchapter.

1 (2) Revoke or suspend upon due notice and opportunity for hearing the
2 license of any person who violates or fails to comply with any provision of this
3 subchapter, or any rule or requirement adopted under its authority.

4 (3) Make, adopt, amend, and revise, as it deems necessary or expedient,
5 reasonable rules in order to promote and protect the health, safety, and welfare
6 of members of the public using, served by, or in need of emergency medical
7 treatment. Any rule may be repealed within 90 days of the date of its adoption
8 by a majority vote of all the district boards. Such rules may cover or relate to:

9 (A) age, training, ~~credentialing~~, and physical requirements for
10 emergency medical services personnel;

11 (B) design and equipping of ambulances;

12 (C) cooperation with hospitals and organizations in other related
13 fields, and participation in central communications procedures; and

14 (D) any other matters properly within the purposes of this chapter.

15 (b) No fee or other payment shall be required of an applicant for a license.

16 § 2683. TERM OF LICENSE

17 Full licenses shall be issued on forms to be prescribed by the ~~State Board~~
18 Department of Health for a period of ~~one year~~ three years beginning on
19 January 1, or for the balance of any such ~~year~~ three-year period. Temporary,
20 conditional, or provisional licenses may also be issued by the ~~Board~~
21 Department.

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§ 2689. REIMBURSEMENT FOR AMBULANCE SERVICE PROVIDERS

(a)(1) When an ambulance service provides emergency medical treatment to a person who is insured by a health insurance policy, plan, or contract that provides benefits for emergency medical treatment, the health insurer shall reimburse the ambulance service directly, subject to the terms and conditions of the health insurance policy, plan, or contract.

(2) The Department of Financial Regulation shall enforce the provisions of this subsection.

(b) Nothing in this section shall be construed to interfere with coordination of benefits or to require a health insurer to provide coverage for services not otherwise covered under the insured’s policy, plan, or contract.

(c) Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a nonparticipating ambulance service to establish rates of reimbursement for emergency medical treatment.

Sec. 21. 18 V.S.A. § 9405 is amended to read:

§ 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE
ALLOCATION PLAN

* * *

(b) The Green Mountain Care Board, in consultation with the Secretary of Human Services or designee, shall publish on its website the Health Resource

1 Allocation Plan identifying Vermont’s critical health needs, goods, services,
2 and resources, which shall be used to inform the Board’s regulatory processes,
3 cost containment and statewide quality of care efforts, health care payment and
4 delivery system reform initiatives, and any allocation of health resources
5 within the State. The Plan shall identify Vermont residents’ needs for health
6 care services, programs, and facilities; the resources available and the
7 additional resources that would be required to realistically meet those needs
8 and to make access to those services, programs, and facilities affordable for
9 consumers; and the priorities for addressing those needs on a statewide basis.
10 The Board may expand the Plan to include resources, needs, and priorities
11 related to the social determinants of health. The Plan shall be revised
12 periodically, but not less frequently than once every four years.

13 (1) In developing the Plan, the Board shall:

14 (A) consider the principles in section 9371 of this title, as well as the
15 purposes enumerated in sections 9401 and 9431 of this title;

16 (B) identify priorities using information from:

17 (i) the State Health Improvement Plan;

18 (ii) emergency medical services resources and needs identified by
19 the EMS Advisory Committee in accordance with subsection 909(f) of this
20 title;

1 on Health Care regarding its enforcement of 24 V.S.A. § 2689(a) (health
2 insurers' direct reimbursement to ambulance services) as set forth in Sec. 22 of
3 this act.

4 Sec. 23. 18 V.S.A. chapter 17 is amended to read:

5 CHAPTER 17. EMERGENCY MEDICAL SERVICES

6 § 901. POLICY

7 It is the policy of the State of Vermont that all persons who suffer sudden
8 and unexpected illness or injury should have access to the emergency medical
9 services system in order to prevent loss of life or the aggravation of the illness
10 or injury, and to alleviate suffering.

11 (1) The system should include competent emergency medical ~~care~~
12 treatment provided by adequately trained, licensed, ~~credentialed~~, and equipped
13 personnel acting under appropriate medical control.

14 (2) Persons involved in the delivery of emergency medical care should
15 be encouraged to maintain and advance their levels of training and licensure,
16 and to upgrade the quality of their vehicles and equipment.

17 * * *

18 § 903. AUTHORIZATION FOR PROVISION OF EMERGENCY

19 MEDICAL SERVICES

20 Notwithstanding any other provision of law, including provisions of
21 26 V.S.A. chapter 23, persons who are licensed ~~and credentialed~~ to provide

1 emergency medical ~~care~~ treatment pursuant to the requirements of this chapter
2 and ~~implementing regulations~~ the rules adopted under it are hereby authorized
3 to provide such care without further certification, registration, or licensing.

4 § 904. ADMINISTRATIVE PROVISIONS

5 (a) In order to carry out the purposes and responsibilities of this chapter,
6 the Department of Health may contract for the provision of specific services.

7 (b) The Secretary of Human Services, upon the recommendation of the
8 Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and
9 responsibilities of this chapter.

10 * * *

11 § 906. EMERGENCY MEDICAL SERVICES DIVISION;

12 RESPONSIBILITIES

13 To implement the policy of section 901 of this ~~title~~ chapter, the Department
14 of Health shall be responsible for:

15 (1) Developing and implementing minimum standards for training
16 emergency medical personnel in basic life support and advanced life support,
17 and licensing emergency medical personnel according to their level of training
18 and competence. The Department shall establish by rule at least three levels of
19 emergency medical personnel instructors and the education required for each
20 level.

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(9) Establishing requirements for the collection of data by emergency medical personnel and hospitals as may be necessary to evaluate emergency medical ~~care~~ treatment.

(10) Establishing, by rule, license levels for emergency medical personnel. The Commissioner shall use the guidelines established by the National Highway Traffic Safety Administration (NHTSA) in the U.S. Department of Transportation as a standard or other comparable standards, except that a felony conviction shall not necessarily disqualify an applicant. The rules shall also provide that:

* * *

(B) An individual licensed by the Commissioner as an emergency medical technician, advanced emergency medical technician, or a paramedic, ~~who is credentialed by an affiliated agency,~~ shall be able to practice fully within the scope of practice for such level of licensure as defined by NHTSA’s National EMS Scope of Practice Model consistent with the license level of the affiliated agency, and subject to the medical direction of the emergency medical services district medical advisor.

(C)(i) Unless otherwise provided under this section, an individual seeking any level of licensure shall be required to pass an examination approved by the Commissioner for that level of licensure, except that any

1 psychomotor skills testing for emergency medical responder, or emergency
2 medical technician licensure shall be accomplished either by the demonstration
3 of those skills competencies as part of the education required for that license
4 level or by the National Registry of Emergency Medical Technicians’
5 psychomotor examination.

6 (ii) Written and practical examinations shall not be required for
7 relicensure; however, to maintain licensure, all individuals shall complete a
8 specified number of hours of continuing education as established by rule by the
9 Commissioner. The Commissioner shall ensure that continuing education
10 classes are available online and provided on a regional basis to accommodate
11 the needs of volunteers and part-time individuals, including those in rural areas
12 of the State.

13 * * *

14 (E) An applicant who has served as a hospital corpsman or a medic in
15 the U.S. Armed Forces, or who is licensed as a registered nurse or a physician
16 assistant shall be granted a permanent waiver of the training requirements to
17 become a licensed emergency medical technician, an advanced emergency
18 medical technician, or a paramedic, provided the applicant passes ~~the~~ any
19 applicable examination approved by the Commissioner for that level of
20 licensure ~~and further provided that the applicant is credentialed by an affiliated~~
21 ~~agency.~~

1 (F) An applicant who is registered on the National Registry of
2 Emergency Medical Technicians as an emergency medical technician, an
3 advanced emergency medical technician, or a paramedic shall be granted
4 licensure as a Vermont emergency medical technician, an advanced emergency
5 medical technician, or a paramedic without the need for further testing,
6 provided he or she is ~~eredentialed by an affiliated agency or is serving as a~~
7 medic with the Vermont National Guard.

8 (G) [Repealed.]

9 (11) In addition to the licenses established under subdivision (10) of this
10 section, the Department shall establish by rule an entry-level certification for
11 Vermont EMS first responders.

12 * * *

13 § 906b. ~~TRANSITIONAL PROVISION; CERTIFICATION TO~~
14 ~~LICENSURE~~

15 ~~Every person certified as an emergency medical provider shall have his or~~
16 ~~her certification converted to the comparable level of licensure. Until such~~
17 ~~time as the Department of Health issues licenses in lieu of certificates, each~~
18 ~~certified emergency medical provider shall have the right to practice in~~
19 ~~accordance with his or her level of certification. [Repealed.]~~

20 * * *

1 (b) The ~~Emergency Medical Services Advisory~~ Committee shall include
2 the following members:

3 * * *

4 (e) ~~Beginning~~ Annually, on or before January 1, ~~2019~~, the Committee shall
5 report ~~annually~~ on the ~~emergency medical services~~ EMS system to the House
6 Committees on Government Operations, on Commerce and Economic
7 Development, and on Human Services and to the Senate Committees on
8 Government Operations, on Economic Development, Housing and General
9 Affairs, and on Health and Welfare. The Committee's reports shall include
10 information on the following:

11 * * *

12 (5) funding mechanisms and funding gaps for EMS personnel and
13 providers across the State, including for the funding of infrastructure,
14 equipment, and operations and costs associated with initial and continuing
15 training; and licensure, ~~and credentialing~~ of personnel;

16 (6) the nature and costs of dispatch services for EMS providers
17 throughout the State, including the annual number of mutual aid calls to an
18 emergency medical service area that come from outside that area, and
19 suggestions for improvement;

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(8) how the current system of preparing and licensing EMS personnel could be improved, including the role of Vermont Technical College’s EMS program; whether the State should create an EMS academy; and how such an EMS academy should be structured; and

(9) how EMS instructor training and licensing could be improved; ~~and~~

~~(10) the impact of the State’s credentialing requirements for EMS personnel on EMS providers.~~

(f) In addition to its report set forth in subsection (e) of this section, the Committee shall identify EMS resources and needs in each EMS district and provide that information to the Green Mountain Care Board to inform the Board’s periodic revisions to the Health Resource Allocation Plan developed pursuant to subsection 9405(b) of this title.

(g) The Committee shall establish from among its members the EMS Education Council, which may:

(1) sponsor or approve training and education programs required for emergency medical personnel licensure in accordance with the Department of Health’s required standards for that training and education;

(2) provide notice to the Department of Health of any training or education program that it approves; and

1 (3) provide advice to the Department of Health regarding the standards
2 for emergency medical personnel licensure and any recommendations for
3 changes to those standards.

4 Sec. 24. 18 V.S.A. § 906(10)(C)(i) is amended to read:

5 (C)(i) Unless otherwise provided under this section, an individual
6 seeking any level of licensure shall be required to pass an examination
7 approved by the Commissioner for that level of licensure, except that any
8 psychomotor skills testing for emergency medical responder, or emergency
9 medical technician licensure shall be accomplished ~~either~~ by the demonstration
10 of those skills competencies as part of the education required for that license
11 level ~~or by the National Registry of Emergency Medical Technicians'~~
12 ~~psychomotor examination.~~

13 Sec. 25. 32 V.S.A. § 8557 is amended to read:

14 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

15 (a)(1) Sums for the expenses of the operation of training facilities and
16 curriculum of the Vermont Fire Service Training Council not to exceed
17 \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by
18 20 V.S.A. § 3157 by insurance companies; writing fire, homeowners multiple
19 peril, allied lines, farm owners multiple peril, commercial multiple peril (fire
20 and allied lines), private passenger and commercial auto, and inland marine
21 policies on property and persons situated within the State of Vermont within

1 30 days after notice from the Commissioner of Financial Regulation of such
2 estimated expenses. Captive companies shall be excluded from the effect of
3 this section.

4 * * *

5 (4) An amount not less than \$150,000.00 shall be specifically allocated
6 to the Emergency Medical Services Special Fund established under 18 V.S.A.
7 § 908 for the provision of training programs for certified Vermont EMS first
8 responders and licensed emergency medical responders, emergency medical
9 technicians, advanced emergency medical technicians, and paramedics.

10 * * *

11 Sec. 26. EMERGENCY MEDICAL PERSONNEL TRAINING;

12 APPROPRIATION

13 (a) The sum of \$450,000.00 is appropriated from the Emergency Medical
14 Services Fund and the sum of \$400,000.00 is appropriated from the General
15 Fund to the Department of Health in fiscal year 2021 for purposes of
16 emergency medical personnel training. The Department, in consultation with
17 the Emergency Medical Services Advisory Committee, shall use the monies to
18 provide funding for live and online training opportunities for emergency
19 medical personnel and for other emergency medical personnel training-related
20 purposes. The Department and the Advisory Committee shall prioritize
21 training opportunities for volunteer emergency medical personnel.

1 (b) The Department of Health, in consultation with the Emergency Medical
2 Services Advisory Committee, shall develop a plan:

3 (1) to ensure that training opportunities for emergency medical
4 personnel are available statewide on an ongoing basis;

5 (2) to simplify the funding application and disbursement processes; and

6 (3) identifying opportunities to increase representation of the
7 perspectives of volunteer emergency medical personnel in decisions affecting
8 the emergency medical services system.

9 (c) On or before January 15, 2021, the Department of Health shall report to
10 the House Committees on Health Care, on Appropriations, and on Government
11 Operations and the Senate Committees on Health and Welfare, on
12 Appropriations, and on Government Operations with an accounting of its use
13 of the funds appropriated to the Department pursuant to subsection (a) of this
14 section and a copy of the plan developed by the Department pursuant to
15 subsection (b) of this section.

16 Sec. 27. TRANSITIONAL EMS PROVISIONS

17 (a) Rules. Except as otherwise provided in this act, on or before July 1,
18 2021, the Department of Health shall finally adopt or amend the rules required

1 by this act, unless that deadline is extended by the Legislative Committee on
2 Administrative Rules pursuant to 3 V.S.A. § 843(c).

3 (b) Ambulance service licenses. The requirements for initial ambulance
4 service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 20 of this
5 act shall apply to initial ambulance service license and renewal applicants on
6 and after July 1, 2021 or on and after the effective date of the Department of
7 Health rules adopted pursuant to that section and subsection (a) of this section,
8 whichever date is later.

9 (c) Existing EMS Instructor/Coordinator licensees. Any person who is
10 licensed as an EMS Instructor/Coordinator under the Department of Health's
11 Emergency Medical Service Rules in effect immediately prior to the effective
12 date of the rules establishing the new levels of instructor licenses as required
13 by 18 V.S.A. § 906(1) in Sec. 23 of this act shall be deemed to be the highest
14 license level.

15 (d) Development of Vermont EMS First Responder certification. The
16 Department of Health shall consult with the EMS Advisory Committee, the
17 University of Vermont's Initiative for Rural Emergency Medical Services, and
18 any other relevant stakeholders in developing the new Vermont EMS First

1 Responder certification required by 18 V.S.A. § 906(11) in Sec. 23 of this act
2 so that certification is established on or before July 1, 2021.

3 (e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d
4 (renewal requirements; sunset review) set forth in Sec. 23 this act, the
5 Department of Health shall conduct its first sunset review in conjunction with
6 its rulemaking required by this act and thereafter propose any necessary
7 statutory amendments in accordance with that section.

8 * * * Public Safety Planning * * *

9 Sec. 28. 20 V.S.A. § 6 is amended to read:

10 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;

11 TOWN AND CITY PUBLIC SAFETY PLANS

12 (a) Each town and city of this ~~state~~ State is hereby authorized and directed
13 to establish a local organization for emergency management in accordance
14 with the ~~state emergency management plan~~ State Emergency Management
15 Plan and program.

16 (1)(A) Except in a town that has a town manager in accordance with
17 ~~chapter 37 of Title 24 V.S.A. chapter 37~~, the executive officer or legislative
18 branch of the town or city is authorized to appoint a town or city emergency
19 management director who shall have direct responsibility for the organization,
20 administration, and coordination of the local organization for emergency

1 management, subject to the direction and control of the executive officer or
2 legislative branch.

3 (B) If the town or city that has not adopted the town manager form of
4 government and the executive officer or legislative branch of the town or city
5 has not appointed an emergency management director, the executive officer or
6 legislative branch shall be the town or city emergency management director.

7 (2) The town or city emergency management director may appoint an
8 emergency management coordinator and other staff as necessary to accomplish
9 the purposes of this chapter.

10 (b) Except as provided in subsection (d) of this section, each local
11 organization for emergency management shall perform emergency
12 management functions within the territorial limits of the town or city within
13 which it is organized, and, in addition, shall conduct such functions outside of
14 the territorial limits as may be required pursuant to the provisions of this
15 chapter and in ~~accord~~ accordance with such regulations as the ~~governor~~
16 Governor may prescribe.

17 (c) Each local organization shall participate in the development of an all-
18 hazards plan with the local emergency planning committee and the public
19 safety district.

20 (d)(1) Each local organization shall annually notify the local emergency
21 planning committee on forms provided by the ~~state emergency response~~

1 ~~commission~~ State Emergency Response Commission of its capacity to perform
2 emergency functions in response to an all-hazards incident.

3 (2) Each local organization shall perform the emergency functions
4 indicated on the most recently submitted form in response to an all-hazards
5 incident.

6 (e) Each town and city legislative body shall adopt a public safety plan in
7 accordance with this subsection that describes how the town or city will
8 address the regular law enforcement, fire, emergency medical service, and
9 dispatch resources, needs, scarcities, costs, and problems within the
10 municipality unrelated to an all-hazards incident, which may include
11 partnering with one or more other municipalities or entities to address those
12 issues.

13 (1) Concurrently with its annual notification required under subsection
14 (d) of this section, each local organization shall analyze the law enforcement,
15 fire, emergency medical service, and dispatch resources, needs, scarcities,
16 costs, and problems within the municipality and report that information to its
17 legislative body.

18 (2) After receipt of that information, the legislative body:

19 (A) shall solicit and accept public comment on the current public
20 safety plan;

1 (B) may consult with the municipal and regional planning
2 commission, neighboring local organizations, and any other relevant law
3 enforcement, fire, and emergency medical service entities in order to determine
4 how those services may be provided and shared on a regional basis;

5 (C) shall propose any revisions to the current public safety plan that
6 the legislative body deems necessary, and in that case, shall provide public
7 notice of those proposed revisions and hold at least one public hearing on those
8 proposed revisions not less than 30 days after the public notice of them; and

9 (D) shall finally adopt any revisions to the current public safety plan.

10 Sec. 29. TRANSITIONAL PROVISION; INITIAL PUBLIC SAFETY PLAN

11 Each town and city shall undertake the process to adopt a public safety plan
12 as set forth in Sec. 28 of this act so that every town and city has adopted such a
13 plan on or before July 1, 2023.

14 Sec. 30. AGENCY OF COMMERCE AND COMMUNITY

15 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;

16 PUBLIC SAFETY PLANNING GRANTS

17 (a) Appropriation. The sum of \$100,000.00 is appropriated to the Agency
18 of Commerce and Community Development in fiscal year 2021 for three
19 public safety planning grants described in subsection (b) of this section. The
20 Agency shall award the grants in accordance with its procedure established
21 under the Vermont Community Development Act.

1 (b) Public safety planning grants.

2 (1) Public safety planning grants are created for the purpose of fostering
3 regional public safety planning.

4 (2) A regional organization, such as a regional planning commission,
5 union municipal district, joint survey committee, or other qualified
6 organization may apply to the Agency for a public safety planning grant for the
7 purpose of planning the integration, consolidation, or regionalization of public
8 safety functions within the organization’s jurisdiction. A grant shall be for a
9 maximum of three years and shall not exceed \$35,000.00, and shall be
10 provided to grantees in different geographic regions of the State.

11 (3) A grantee shall be required to report annually on or before January
12 15 to the Senate and House Committees on Government Operations and on
13 Appropriations regarding its planning process and expected result. Each report
14 shall specifically provide data on and analyze the potential costs and savings of
15 regional consolidation of public safety functions.

16 (4) As used in this section:

17 (A)(i) “Planning” means hiring personnel or contracting for services
18 to determine the feasibility of or to establish the procedure to implement, or
19 both, the integration, consolidation, or regionalization of public safety
20 functions.

