

EN DRAFT 2.0: PROPOSED CHANGES TO S. 243
02/12/2020

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1 S.243

2 Introduced by Senators Sears and Campion

3 Referred to Committee on

4 Date:

5 Subject: Mental health; emergency service providers; suicide prevention

6 Statement of purpose of bill as introduced: This bill proposes to establish an
7 Emergency Service Provider Wellness Commission.

8 An act relating to establishing the Emergency Service Provider Wellness
9 Commission

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

11 Sec. 1. 18 V.S.A. § 7257b is added to read:

12 § 7257b. EMERGENCY SERVICE PROVIDER WELLNESS

13 COMMISSION

14 (a) As used in this section:

15 (1) “Chief executive of an emergency service provider organization”

16 means a person in charge of an organization that employs or supervises
17 emergency service providers in their official capacity.

18 (2) “Emergency service provider” means a person:

1 (A) ~~currently or formerly certified-recognized by the-a Vermont Fire~~
2 ~~Service Training Council~~Department as a firefighter;

3 (B) currently or formerly licensed by the Department of Health as an
4 emergency medical technician, advanced emergency medical technician, or
5 paramedic;

6 (C) currently or formerly certified as a law enforcement officer by
7 the Vermont Criminal Justice Training Council, including constables and
8 sheriffs; ~~or~~

9 (D) currently or formerly employed by the Department of
10 Corrections as a probation, parole, or correctional facility officer; ~~or,~~

11 (E) ~~currently or formerly certified by the Vermont Enhanced 911~~
12 ~~Board as a 911 call-taker or employed as an emergency communications~~
13 ~~dispatcher providing service for an emergency service provider organization.~~

14 (3) “Licensing entity” means a State entity that licenses or certifies an
15 emergency service provider.

16 (b) There is created the Emergency Service Provider Wellness Commission
17 within the Agency of Human Services for the following purposes:

18 ~~(1) to recommend steps necessary to enable the Office of the Chief~~
19 ~~Medical Examiner to collect and confidentially report to the Department of~~
20 ~~Health on an annual basis the number of deaths of persons previously~~

1 ~~employed as an emergency service provider in which the contributing factor~~
2 ~~was heart disease, substance misuse, or death by suicide;~~

3 ~~(2) to recommend whether and how steps necessary for medical and~~
4 ~~mental health professionals to may collect and confidentially report to the~~
5 ~~Department of Health on a periodic an annual basis, as may be recommended~~
6 ~~by the Commission, the number of emergency service providers who attempted~~
7 ~~suicide, engaged in substance misuse or addictive behaviors, committed or~~
8 ~~attempted acts of violence, or experienced depression or other mental health~~
9 ~~disorders related to trauma experienced during the course of employment as an~~
10 ~~emergency service provider;~~

11 ~~(3) to recommend steps necessary for the chief executive of an~~
12 ~~emergency service provider organization or licensing entity to collect and~~
13 ~~confidentially report to the Department of Health on an annual basis the~~
14 ~~number of emergency service providers who were the subject of an~~
15 ~~investigation by a licensing entity or personnel employment investigation or~~
16 ~~proceeding, or, who attempted suicide, engaged in substance misuse or~~
17 ~~addictive behaviors, committed or attempted acts of violence, or experienced~~
18 ~~depression or other mental health disorders related to trauma experienced~~
19 ~~during the course of employment as an emergency service provider;~~

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1 ~~(4)~~ (1) to identify where increased or alternative supports or strategic
2 investments within the emergency service provider community, designated or
3 specialized service agencies, or other community service systems could
4 improve outcomes;

5 ~~(5)~~(2) to identify how Vermont can increase capacity of qualified
6 clinicians ~~in the treatment of Emergency Service Providers~~ to ensure that the
7 services of qualified clinicians are available throughout the State without
8 undue delay;

9 ~~(6)~~(3) to create materials and information, in consultation with the
10 Department of Health, including a list of qualified clinicians, for the purpose of
11 populating an electronic emergency service provider wellness resource center
12 on the Department of Health's website;

13 ~~(7)~~(4) to educate the public, emergency service providers, State and
14 local governments, employee assistance programs, and policymakers about
15 best practices, tools, personnel, resources, and strategies for the prevention and
16 intervention of the effects of trauma experienced by emergency service
17 providers and law enforcement officers;

18 ~~(8)~~(5) to identify gaps and strengths in Vermont's system of care for
19 emergency service providers;

1 ~~(9)~~(6) to recommend how peer support services and qualified clinician
2 services can be delivered regionally or statewide;

3 ~~(10)~~(7) to recommend how to support emergency service providers in
4 communities that are resource challenged, remote, small, or rural;

5 ~~(11)~~(8) to recommend policies, practices, training, legislation, rules, and
6 services that will increase successful interventions and support for emergency
7 service providers to improve health outcomes, job performance, and personal
8 well-being and reduce health risks, violations of employment, and violence
9 associated with the impact of untreated trauma, including whether to amend
10 Vermont's employment medical leave laws to assist volunteer emergency
11 service providers in recovering from the effects of trauma experienced while
12 on duty; and

13 ~~(12)~~(9) to consult with federal, State, and municipal agencies,
14 organizations, entities, and individuals in order to make any other
15 recommendations the Commission deems appropriate.

16 (c)(1) The Commission shall comprise the following members:

17 (A) the Chief of Training of the Vermont Fire Academy or designee;

18 (B) a representative appointed by the Vermont Criminal Justice

19 Training Council;

- 1 (C) the Director of the Office of Emergency Services within the
2 Department of Health or designee;
- 3 (D) the Commissioner of Health or designee;
- 4 (E) the Commissioner of Public Safety or designee;
- 5 (F) the Commissioner of the Department of Corrections or designee;
- 6 (G) the Commissioner of Human Resources or designee;
- 7 (H) a law enforcement officer who is not a chief or sheriff, appointed
8 by the President of the Vermont Police Association;
- 9 (I) a representative appointed by the Vermont Association of Chiefs
10 of Police;
- 11 (J) a representative appointed by the Vermont Sheriffs' Association;
- 12 (K) a ~~volunteer firefighter representative~~ appointed by the Vermont
13 State Firefighters' Association;
- 14 (L) a representative of the designated and specialized service
15 agencies, appointed by Vermont Care Partners;
- 16 (M) a representative appointed by the Vermont State Employees
17 Association;
- 18 (N) a representative appointed by the Vermont Troopers'
19 Association;

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1 ~~(O)~~ a ~~representative professional firefighter~~ appointed by the
2 Professional Firefighters of Vermont;

3 ~~(P)~~ a ~~clinician associated with a peer support program experienced in~~
4 ~~treating trauma appointed by the Governor~~ ~~medical professional appointed by~~
5 ~~the Executive Director of the Vermont Medical Society;~~

6 ~~(Q)~~ a ~~mental health professional appointed by the Executive~~
7 ~~Directors of the Vermont Psychological Association and Vermont Mental~~
8 ~~Health Counselor Association;~~

9 ~~(R)(Q)~~ a ~~volunteer firefighter-one professional EMT or paramedic~~
10 ~~appointed by the Vermont State Ambulance Association~~ ~~Governor;~~

11 ~~(S)(R)~~ a ~~one~~ ~~volunteer emergency medical technician or paramedic~~
12 ~~appointed by the Vermont State Ambulance Association~~ ~~Governor;~~

13 ~~(T)(S)~~ a ~~person who serves or served on a peer support team~~
14 ~~appointed by the Governor;~~ ~~and~~

15 ~~(U)(T)~~ a ~~representative appointed by the Vermont League of Cities~~
16 ~~and Towns;~~

17 ~~(V)(U)~~ a ~~Chief appointed by the Vermont Career Fire Chiefs~~
18 ~~Association;~~ ~~and~~

19 ~~(W)(V)~~ a ~~Chief appointed by the Vermont Fire Chiefs Association.~~

1 (2) The members of the Commission specified in subdivision (1) of this
2 subsection shall serve three-year terms. Any vacancy on the Commission shall
3 be filled in the same manner as the original appointment. The replacement
4 member shall serve for the remainder of the unexpired term.

5 (3) Commission members shall recuse themselves from any discussion
6 of an event or circumstance that the member believes may involve an
7 emergency service provider known by the member and shall not access any
8 information related to it. The Commission may appoint an interim
9 replacement member to fill the category represented by the recused member
10 for review of that interaction.

11 (d)(1) The Commissioner of Health or designee shall call the first meeting
12 of the Commission to occur on or before September 30, 2020.

13 (2) The Commission shall select a chair and vice chair from among its
14 members at the first meeting and annually thereafter.

15 (3) The Commission shall meet at such times as may reasonably be
16 necessary to carry out its duties, but at least once in each calendar quarter.

17 (e) The proceedings and records of the Commission describing or referring
18 to circumstances or an event involving an emergency service provider,
19 regardless of whether the emergency service provider is identified by name,
20 are confidential and are not subject to subpoena, discovery, or introduction into

1 evidence in a civil or criminal action. The Commission shall not use the
2 information, records, or data for purposes other than those designated by this
3 section.

4 (f) Commission meetings are confidential and shall be exempt from
5 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law) when the
6 Commission is discussing circumstances or an event involving a specific
7 emergency service provider regardless of whether that person is identified by
8 name. Except as set forth in subsection (e) of this section, Commission records
9 are exempt from public inspection and copying under the Public Records Act
10 and shall be kept confidential.

11 (g) To the extent permitted under federal law, the Commission may enter
12 into agreements with agencies, organizations, and individuals to obtain
13 otherwise confidential information.

14 (h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its
15 conclusions and recommendations to the Governor and General Assembly as
16 the Commission deems necessary, but no less frequently than once per
17 calendar year. The report shall disclose individually identifiable health
18 information only to the extent necessary to convey the Commission's
19 conclusions and recommendations and any such disclosures shall be limited to

1 information already known to the public. The report shall be available to the
2 public through the Department of Health.

3 ~~(i) Nothing set forth in subsection (b) (3) is intended to provide a chief~~
4 ~~executive of an emergency service provider organization or licensing entity~~
5 ~~with authority to investigate or collect information. Subsection (b) (3) applies~~
6 ~~to information that a chief executive of an emergency service provider~~
7 ~~organization or licensing entity knows or otherwise possesses.~~

8 Sec. 2. 18 V.S.A. § 908 is amended to read:

9 § 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND

10 (a)~~(1)~~ The Emergency Medical Services Fund is established pursuant to
11 32 V.S.A. chapter 7, subchapter 5 comprising of such sums as may be
12 appropriated or transferred thereto from time to time by the General Assembly,
13 the State Emergency Board, or the Joint Fiscal Committee during such times as
14 the General Assembly is not in session and revenues, ~~not to exceed~~
15 \$ 150,000.00, received ~~from~~by the Department from the Fire Safety Special
16 Fund, pursuant to 32 V.S.A. § 8557(a), that are designated for this Special
17 Fund and public and private sources as gifts, grants, and donations together
18 with additions and interest accruing to the Fund. The Commissioner of Health
19 shall administer the Fund to the extent funds are available to support online
20 and regional training programs, licensure, data collection and analysis, and

1 other activities relating to the training and licensure of emergency medical
2 personnel and delivery of emergency medical services and ambulance services
3 in Vermont, as determined by the Commissioner, after consulting with the
4 EMS Advisory Committee established under section 909 of this title. The
5 Commissioner of Health shall administer the Fund to cover all fees associated
6 with licensure, training, and licensure renewal requirements for an prospective
7 or current emergency medical technician, advanced emergency medical
8 technician, or paramedic volunteer emergency medical treatment providers
9 provided that the person is currently affiliated or will be affiliated with an
10 emergency service provider organization employing or supervising emergency
11 service providers as defined in § 7257b (a) (2) (A) – (B). A voluntary
12 emergency medical treatment provider shall not be responsible for fees related
13 to licensure or training. Any balance at the end of the fiscal year shall be
14 carried forward in the Fund.

15 (2) As used in this section, “voluntary emergency medical treatment
16 provider” means an emergency service provider as defined in section 7257b of
17 this title who provides services without the expectation of remuneration for the
18 treatment rendered other than nominal payments and reimbursements for
19 expenses and who does not depend in any significant way on the provision of
20 these services for a livelihood.

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Sec. 3. 18 V.S.A. § 906 is amended to read:

§ 906. EMERGENCY MEDICAL SERVICES DIVISION;

RESPONSIBILITIES

To implement the policy of section 901 of this title, the Department of

Health shall be responsible for:

* * *

(6)(A) All costs and fees associated with licensure, training, or assisting in the
training of, emergency medical personnel.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

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