

H.46

An act relating to miscellaneous provisions of mental health law

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

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

\* \* \*

(b) Before the person may be admitted as a voluntary patient, ~~he or she~~ the person shall give ~~his or her~~ consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that ~~his or her~~ treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital; and;

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; and

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

\* \* \*

Sec. 2. 18 V.S.A. § 7701 is amended to read:

§ 7701. NOTICE OF RIGHTS

The head of a hospital shall provide reasonable means and arrangements, including the posting of excerpts from relevant statutes, for informing patients of their right to discharge and other rights and for assisting them in making and presenting requests for discharge or for application to have the patient's status changed from involuntary to voluntary.

Sec. 3. 18 V.S.A. § 7703 is amended to read:

§ 7703. TREATMENT

\* \* \*

(b) The Department shall establish minimum standards for adequate treatment as provided in this section, including requirements that, when possible, psychiatric unit staff be used as the primary source to implement emergency involuntary procedures such as seclusion and restraint. The Department shall oversee and collect information and report on data regarding the use of emergency involuntary procedures for patients admitted to a psychiatric unit regardless of whether the patient is under the care and custody of the Commissioner.

Sec. 4. 2018 Acts and Resolves No. 200, Sec. 7 is amended to read:

Sec. 7. DATA COLLECTION AND REPORT; PATIENTS SEEKING  
MENTAL HEALTH CARE IN HOSPITAL SETTINGS

(a) Pursuant to the authority granted to the Commissioner of Mental Health under 18 V.S.A. § 7401, the Commissioner shall collect the following

information from hospitals in the State that have either an inpatient psychiatric unit or emergency department receiving patients with psychiatric health needs:

(1) the number of individuals seeking psychiatric care voluntarily and the number of individuals in the custody or temporary custody of the Commissioner who are admitted to inpatient psychiatric units and the corresponding lengths of stay on the unit; and

(2) the lengths of stay in emergency departments for individuals seeking psychiatric care voluntarily and for individuals in the custody or temporary custody of the Commissioner; ~~and~~

~~(3) data regarding emergency involuntary procedures performed in an emergency department on individuals seeking psychiatric care.~~

(b) On or before January 15 of each year between ~~2019 and 2021~~ 2021 and 2023, the Commissioner of Mental Health shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare containing the data collected pursuant to subsection (a) of this section during the previous calendar year.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.