

1 S.42

2 Introduced by Senators Campion and Sears

3 Referred to Committee on Health and Welfare

4 Date: January 21, 2021

5 Subject: Mental health; emergency service providers; wellness commission

6 Statement of purpose of bill as introduced: This bill proposes to establish the

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:

19 (A) currently or formerly recognized by a Vermont Fire Department

20 as a firefighter,

1 ~~(B) currently or formerly licensed by the Department of Health as an~~
2 emergency medical technician, emergency medical responder, advanced
3 emergency medical technician, or paramedic;

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

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

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

12 (3) "Licensing entity" means a State entity that licenses or certifies an
13 emergency service provider.

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

16 (1) to identify where increased or alternative supports or strategic
17 investments within the emergency service provider community, designated or
18 specialized service agencies, or other community service systems could
19 improve the physical and mental health outcomes and overall wellness of
20 emergency service providers,

1 (2) to identify how Vermont can increase capacity of qualified clinicians
2 in the treatment of emergency service providers to ensure that the services of
3 qualified clinicians are available throughout the State without undue delay;

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

8 (4) to educate the public, emergency service providers, State and local
9 governments, employee assistance programs, and policymakers about best
10 practices, tools, personnel, resources, and strategies for the prevention and
11 intervention of the effects of trauma experienced by emergency service
12 providers and law enforcement officers;

13 (5) to identify gaps and strengths in Vermont's system of care for
14 emergency service providers;

15 (6) to recommend how peer support services and qualified clinician
16 services can be delivered regionally or statewide;

17 (7) to recommend how to support emergency service providers in
18 communities that are resource challenged, remote, small, or rural;

19 (8) to recommend policies, practices, training, legislation, rules, and
20 services that will increase successful interventions and support for emergency
21 service providers to improve health outcomes, job performance, and personal

1 ~~well being and reduce health risks, violations of employment, and violence~~
2 associated with the impact of untreated trauma, including whether to amend
3 Vermont's employment medical leave laws to assist volunteer emergency
4 service providers in recovering from the effects of trauma experienced while
5 on duty; and

6 (9) to consult with federal, State, and municipal agencies, organizations,
7 entities, and individuals in order to make any other recommendations the
8 Commission deems appropriate.

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

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

11 (B) a representative, appointed by the Vermont Criminal Justice

12 Training Council;

13 (C) the Commissioner of Health or designee;

14 (D) the Commissioner of Public Safety or designee;

15 (E) the Commissioner of the Department of Corrections or designee;

16 (F) the Commissioner of Mental Health or designee;

17 (G) the Commissioner of Human Resources or designee;

18 (H) a law enforcement officer who is not a chief or sheriff appointed
19 by the President of the Vermont Police Association;

20 (I) a representative, appointed by the Vermont Association of Chiefs
21 of Police,

1 ~~(D) a representative, appointed by the Vermont Sheriffs' Association;~~

2 (K) a volunteer firefighter, appointed by the Vermont State
3 Firefighters' Association;

4 (L) a representative of the designated and specialized service
5 agencies, appointed by Vermont Care Partners;

6 (M) a representative, appointed by the Vermont State Employees
7 Association;

8 (N) a representative, appointed by the Vermont Troopers'
9 Association;

10 (O) a professional firefighter, appointed by the Professional
11 Firefighters of Vermont;

12 (P) a clinician associated with a peer support program who has
13 experience in treating workplace trauma, appointed by the Governor;

14 (Q) a professional emergency medical technician or paramedic,
15 appointed by the Vermont State Ambulance Association;

16 (R) a volunteer emergency medical technician or paramedic,
17 appointed by the Vermont State Ambulance Association;

18 (S) a person who serves or served on a peer support team, appointed
19 by the Governor;

20 (T) a representative, appointed by the Vermont League of Cities and
21 Towns,

1 ~~(I) a Chief, appointed by the Vermont Career Fire Chiefs~~

2 Association;

3 ~~(V) a Chief, appointed by the Vermont Fire Chiefs Association; and~~

4 ~~(W) a representative, appointed by the Vermont Association for~~

5 Hospitals and Health Systems.

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

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

16 (d)(1) The Commissioner of Health or designee shall call the first meeting
17 of the Commission to occur on or before September 30, 2021.

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

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

1 ~~(d) The Department of Health shall provide technical, legal, and~~
2 ~~administrative assistance to the Commission.~~

3 ~~(e) The Commission's meetings shall be open to the public in accordance~~
4 ~~with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the~~
5 ~~Commission may go into executive session in the event circumstances or an~~
6 ~~event involving a specific emergency service provider is described, regardless~~
7 ~~of whether the emergency service provider is identified by name.~~

8 ~~(f) Commission records describing a circumstance or an event involving a~~
9 ~~specific emergency service provider, regardless of whether the emergency~~
10 ~~service provider is identified by name, are exempt from public inspection and~~
11 ~~copying under the Public Records Act and shall be kept confidential.~~

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

15 ~~(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its~~
16 ~~conclusions and recommendations to the Governor and General Assembly as~~
17 ~~the Commission deems necessary but not less frequently than once per~~
18 ~~calendar year. The report shall disclose individually identifiable health~~
19 ~~information only to the extent necessary to convey the Commission's~~
20 ~~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 Sec. 2. EFFECTIVE DATE

4 ~~This act shall take effect on July 1, 2021.~~

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

§ 7257b. EMERGENCY SERVICE PROVIDER WELLNESS
COMMISSION

(a) As used in this section:

(1) "Chief executive of an emergency service provider organization" means a person in charge of an organization that employs or supervises emergency service providers in their official capacity.

(2) "Emergency service provider" means a person:

(A) currently or formerly recognized by a Vermont Fire Department as a firefighter;

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

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

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

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

(3) "Licensing entity" means a State entity that licenses or certifies an emergency service provider.

(b) There is created the Emergency Service Provider Wellness Commission within the Agency of Human Services that, in addition to the purposes listed below, shall consider the diversity of emergency service providers on the basis of gender, race, age, ethnicity, sexuality, disability status, and the unique needs that emergency service providers who have experienced trauma may have as a result of their identity status.

~~(1) to identify where increased or alternative supports or strategic investments within the emergency service provider community, designated or specialized service agencies, or other community service systems could improve the physical and mental health outcomes and overall wellness of emergency service providers;~~

~~(2) to identify how Vermont can increase capacity of qualified clinicians in the treatment of emergency service providers to ensure that the services of qualified clinicians are available throughout the State without undue delay;~~

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

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

~~(5) to identify gaps and strengths in Vermont's system of care for both emergency service providers who have experienced trauma and their immediate family members to ensure access to support and resources that address the impacts of primary and secondary trauma;~~

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

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

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

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

~~(c)(1) The Commission shall comprise the following members and, to the extent feasible, include representation among members that reflects the gender,~~

racial, age, ethnic, sexual, social, and disability status of emergency service providers in the State:

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

(B) a representative, appointed by the Vermont Criminal Justice Council;

(C) the Commissioner of Health or designee;

(D) the Commissioner of Public Safety or designee;

(E) the Commissioner of the Department of Corrections or designee;

(F) the Commissioner of Mental Health or designee;

(G) the Commissioner of Human Resources or designee;

(H) a law enforcement officer who is not a chief or sheriff, appointed by the President of the Vermont Police Association;

(I) a representative, appointed by the Vermont Association of Chiefs of Police;

(J) a representative, appointed by the Vermont Sheriffs' Association;

(K) a volunteer firefighter, appointed by the Vermont State Firefighters' Association;

(L) a representative of the designated and specialized service agencies, appointed by Vermont Care Partners;

(M) a representative, appointed by the Vermont State Employees Association;

(N) a representative, appointed by the Vermont Troopers' Association;

(O) a professional firefighter, appointed by the Professional Firefighters of Vermont;

(P) a clinician associated with a peer support program who has experience in treating workplace trauma, appointed by the Governor;

(Q) a professional emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(R) a volunteer emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(S) a person who serves or served on a peer support team, appointed by the Governor;

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

~~(U) a Chief, appointed by the Vermont Career Fire Chiefs Association;~~

~~(V) a Chief, appointed by the Vermont Fire Chiefs Association;~~

~~(W) a representative, appointed by the Vermont Association for Hospitals and Health Systems; and~~

~~(X) the Executive Director of the Enhanced 911 Board or designee.~~

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

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

~~(d)(1) The Commissioner of Health or designee shall call the first meeting of the Commission to occur on or before September 30, 2021.~~

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

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

~~(4) The Department of Health shall provide technical, legal, and administrative assistance to the Commission.~~

~~(e) The Commission's meetings shall be open to the public in accordance with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the Commission may go into executive session in the event a circumstance or an event involving a specific emergency service provider is described, regardless of whether the emergency service provider is identified by name.~~

~~(f) Commission records describing a circumstance or an event involving a specific emergency service provider, regardless of whether the emergency service provider is identified by name, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.~~

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

~~(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor and General Assembly as the Commission deems necessary, but not less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect on July 1, 2021.~~

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

§ 7257b. EMERGENCY SERVICE PROVIDER WELLNESS
COMMISSION

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(1) "Chief executive of an emergency service provider organization" means a person in charge of an organization that employs or supervises emergency service providers in their official capacity.

(2) "Emergency service provider" means a person:

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

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

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

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

(3) "Licensing entity" means a State entity that licenses or certifies an emergency service provider.

(b) There is created the Emergency Service Provider Wellness Commission within the Agency of Human Services that, in addition to the purposes listed below, shall consider the diversity of emergency service providers on the basis of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and the unique needs that emergency service providers who have experienced trauma may have as a result of their identity status:

(1) to identify where increased or alternative supports or strategic investments within the emergency service provider community, designated or specialized service agencies, or other community service systems could improve the physical and mental health outcomes and overall wellness of emergency service providers;

(2) to identify how Vermont can increase capacity of qualified clinicians in the treatment of emergency service providers to ensure that the services of qualified clinicians are available throughout the State without undue delay;

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

(4) to educate the public, emergency service providers, State and local governments, employee assistance programs, and policymakers about best practices, tools, personnel, resources, and strategies for the prevention and intervention of the effects of trauma experienced by emergency service providers;

(5) to identify gaps and strengths in Vermont's system of care for both emergency service providers who have experienced trauma and their immediate family members to ensure access to support and resources that address the impacts of primary and secondary trauma;

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

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

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

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

(c)(1) The Commission shall comprise the following members and, to the extent feasible, include representation among members that reflects the gender, gender identity, racial, age, ethnic, sexual orientation, social, and disability status of emergency service providers in the State:

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

(B) a representative, appointed by the Vermont Criminal Justice Council;

(C) the Commissioner of Health or designee;

(D) the Commissioner of Public Safety or designee;

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(G) the Commissioner of Human Resources or designee;

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(I) a representative, appointed by the Vermont Association of Chiefs of Police;

(J) a representative, appointed by the Vermont Sheriffs' Association;

(K) a volunteer firefighter, appointed by the Vermont State Firefighters' Association;

(L) a representative of the designated and specialized service agencies, appointed by Vermont Care Partners;

(M) a representative, appointed by the Vermont State Employees Association;

(N) a representative, appointed by the Vermont Troopers' Association;

(O) a professional firefighter, appointed by the Professional Firefighters of Vermont;

(P) a clinician associated with a peer support program who has experience in treating workplace trauma, appointed by the Department of Mental Health;

(Q) a professional emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(R) a volunteer emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(S) a person who serves or served on a peer support team, appointed by the Department of Mental Health;

(T) a representative, appointed by the Vermont League of Cities and Towns;

(U) a Chief, appointed by the Vermont Career Fire Chiefs Association;

(V) a Chief, appointed by the Vermont Fire Chiefs Association;

(W) a representative, appointed by the Vermont Association for Hospitals and Health Systems; and

(X) the Executive Director of the Enhanced 911 Board or designee.

(2) The term of office of each member shall be three years. Of the members first appointed, ten shall be appointed for a term of one year, ten shall be appointed for a term of two years, and the remainder shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

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

(d)(1) The Commissioner of Health or designee shall call the first meeting of the Commission to occur on or before September 30, 2021.

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

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

(4) The Department of Health shall provide technical, legal, and administrative assistance to the Commission.

(e) The Commission's meetings shall be open to the public in accordance with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the Commission may go into executive session in the event a circumstance or an event involving a specific emergency service provider is described, regardless of whether the emergency service provider is identified by name.

(f) Commission records describing a circumstance or an event involving a specific emergency service provider, regardless of whether the emergency service provider is identified by name, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

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

(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor and General Assembly as the Commission deems necessary but not less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.