

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 46
3 entitled “An act relating to miscellaneous provisions of mental health law”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 § 7503. APPLICATION FOR VOLUNTARY ADMISSION

9 * * *

10 (b) Before the person may be admitted as a voluntary patient, he or she
11 shall give his or her consent in writing on a form adopted by the Department.

12 The consent shall include a representation that:

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

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

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

18 (4) the person understands that inpatient treatment may be on a locked
19 unit and a requested discharge may be deferred if the treating physician
20 determines that the person is a person in need of treatment pursuant to section
21 7101 of this title.

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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.

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

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

4 (a) Pursuant to the authority granted to the Commissioner of Mental Health
5 under 18 V.S.A. § 7401, the Commissioner shall collect the following
6 information from hospitals in the State that have either an inpatient psychiatric
7 unit or emergency department receiving patients with psychiatric health needs:

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

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

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

17 (b) On or before January 15 of each year between ~~2019 and 2021~~ 2021 and
18 2023, the Commissioner of Mental Health shall submit a written report to the
19 House Committee on Health Care and to the Senate Committee on Health and
20 Welfare containing the data collected pursuant to subsection (a) of this section
21 during the previous calendar year.

1 Sec. 5. EFFECTIVE DATE

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

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6 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE