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S.47

An act relating to the transport of individuals requiring psychiatric care

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

Sec. 1. 18 V.S.A. § 7505 is amended to read:

§ 7505. WARRANT AND CERTIFICATE FOR EMERGENCY

EXAMINATION

(a) In emergency circumstances where certification by a licensed physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and ~~he or she~~ the person presents an immediate risk of serious injury to ~~himself or herself~~ self or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any Superior judge for a warrant for an emergency examination.

(b) ~~The law enforcement officer or mental health professional~~ may take the person into temporary custody. The law enforcement officer, or a mental health professional if clinically appropriate, may transport the person to a hospital, police barracks, or another safe location in accordance with section 7511 of this title. The law enforcement officer or mental health professional shall apply to the court without delay for the warrant while the person is in temporary custody.

1 (c) If the judge is satisfied that a physician's certificate is not available  
2 without serious and unreasonable delay, and that probable cause exists to  
3 believe that the person is in need of an emergency examination, ~~he or she~~ the  
4 judge may order the person to submit to an evaluation by a licensed physician  
5 for that purpose.

6 (d) If necessary, the court may order the law enforcement officer ~~or mental~~  
7 ~~health professional~~ to transport the person, in accordance with section 7511 of  
8 this title, to a hospital for an evaluation by a licensed physician to determine if  
9 the person should be certified for an emergency examination.

10 (e) A person transported pursuant to subsection (d) of this section shall be  
11 evaluated as soon as possible after arrival at the hospital. If after evaluation  
12 the licensed physician determines that the person is a person in need of  
13 treatment, ~~he or she~~ the licensed physician shall issue an initial certificate that  
14 sets forth the facts and circumstances constituting the need for an emergency  
15 examination and showing that the person is a person in need of treatment.  
16 Once the licensed physician has issued the initial certificate, the person shall be  
17 held for an emergency examination in accordance with section 7508 of this  
18 title. If the licensed physician does not certify that the person is a person in  
19 need of treatment, ~~he or she~~ the licensed physician shall immediately discharge  
20 the person and cause ~~him or her~~ the person to be returned to the place from  
21 which ~~he or she~~ the person was taken, or to such place as the person reasonably

1 directs.

2 Sec. 2. 18 V.S.A. § 7511 is amended to read:

3 § 7511. TRANSPORTATION

4 (a) The Commissioner shall ensure that all reasonable and appropriate  
5 measures consistent with public safety are made to transport or escort a person  
6 subject to this chapter to and from any emergency department or inpatient  
7 setting, including escorts within a designated hospital or the Vermont State  
8 Hospital or its successor in interest or otherwise being transported under the  
9 jurisdiction of the Commissioner in any manner ~~which~~ that:

10 (1) prevents physical and psychological trauma;

11 (2) respects the privacy of the individual; and

12 (3) represents the least restrictive means necessary for the safety of the  
13 patient.

14 (b) The Commissioner shall have the authority to designate the  
15 professionals or law enforcement officers who may authorize the method of  
16 transport of patients under the Commissioner's care and custody.

17 (c) When a professional or law enforcement officer designated pursuant to  
18 subsection (b) of this section decides an individual is in need of secure  
19 transport with mechanical restraints, the reasons for such determination shall  
20 be documented in writing.

21 (d) It is the policy of the State of Vermont that mechanical restraints are not

1 routinely used on persons subject to this chapter unless circumstances dictate  
2 that such methods are necessary. A law enforcement vehicle shall have soft  
3 restraints available for use as a first option, and mechanical restraints shall not  
4 be used as a substitute for soft restraints if the soft restraints are otherwise  
5 deemed adequate for safety.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2023.