

1 S.189

2 Introduced by Senator Lyons

3 Referred to Committee on Health and Welfare

4 Date: January 3, 2024

5 Subject: Health; mental health; emergency response; protocol

6 Statement of purpose of bill as introduced: This bill proposes to require the  
7 Department of Mental Health to develop and distribute mental health response  
8 protocols to municipalities. It further requires the Department to enter into  
9 memorandums of understanding with State entities providing mental health  
10 response services consistent with the protocols developed for municipalities.

11 ~~An act relating to mental health response service protocols~~

~~An act relating to mental health response service guidelines and social  
service provider safety~~

*An act relating to mental health response service guidelines and the safety  
of social service and home health providers*

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

13 ~~Sec. 1. 18 V.S.A. § 7260 is added to read:~~

14 § 7260. MENTAL HEALTH RESPONSE SERVICE PROTOCOLS

15 (a) The Department shall develop protocols for use by municipalities,  
16 including emergency medical technicians and public safety personnel, such as  
17 law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as  
18 defined in 20 V.S.A. § 2151, who are employed or under contract with a

1 ~~municipality. The protocols shall prescribe best practices for de-escalation and~~  
2 ~~for mental health response services, including crisis response services. The~~  
3 ~~Department shall distribute the protocols to municipalities and publish the~~  
4 ~~protocols on the Department's website.~~

5 ~~(b) The Department shall enter into a memorandum of understanding with~~  
6 ~~any State entity providing mental health response services, including crisis~~  
7 ~~response services, consistent with the protocols developed pursuant to~~  
8 ~~subsection (a) of this section.~~

9 Sec. 2. EFFECTIVE DATE

10 ~~This act shall take effect on July 1, 2024.~~

~~Sec. 1. 18 V.S.A. § 7260 is added to read:~~

~~§ 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES~~

~~(a) The Department shall develop guidelines for use by municipalities, including use by emergency medical technicians and public safety personnel, such as law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or are under contract with a municipality. The guidelines shall recommend best practices for de-escalation and for mental health response services, including crisis response services. The Department shall make the guidelines available to municipalities and publish the guidelines on the Department's website.~~

~~(b) In developing the guidelines required pursuant to subsection (a) of this section, the Department shall consult with the following entities:~~

- ~~(1) the Department of Health;~~
- ~~(2) the Department of Disabilities, Aging, and Independent Living;~~
- ~~(3) the Department of Public Safety;~~
- ~~(4) the Vermont Care Partners;~~
- ~~(5) the Vermont Psychiatric Survivors;~~
- ~~(6) the Vermont chapter of the National Alliance on Mental Illness;~~

~~(7) the Vermont Criminal Justice Council,~~

~~(8) the Vermont League of Cities and Towns; and~~

~~(9) any other entity the Department deems appropriate.~~

~~Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY~~

~~(a) On or before November 15, 2024, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall convene one or more meetings related to social service provider safety with community-based social service organizations.~~

~~(1) The following community-based social service organizations and professions may be included in the meeting or meetings described in this subsection:~~

~~(A) the Vermont Network Against Domestic and Sexual Violence;~~

~~(B) the Vermont Coalition to End Homelessness;~~

~~(C) mental health and health care providers;~~

~~(D) community action programs;~~

~~(E) restorative justice service providers; and~~

~~(F) disability service providers and advocates.~~

~~(2) In advance of the meeting or meetings described in this subsection, the participating community-based social service organizations and professions may review both studies related to social service provider safety and individual social service provider safety experiences.~~

~~(b) On or before January 31, 2025, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall present findings and recommendations to the House Committee on Human Services and the Senate Committee on Health and Welfare, including a list of the community-based social service organizations that participated in the meeting or meetings and the number of meetings convened.~~

~~Sec. 3. 33 V.S.A. § 6309 is added to read:~~

~~§ 6309. STAFF SAFETY; DISCHARGE FROM SERVICE~~

~~If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot be mitigated or eliminated, a home health agency may:~~

~~(1) deny a subsequent admission, or~~

~~§ 22. decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.~~

~~Sec. 4. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2024.~~

Sec. 1. 18 V.S.A. § 7260 is added to read:

§ 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

(a) The Department shall develop guidelines for use by municipalities, including use by emergency medical technicians and public safety personnel, such as law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or are under contract with a municipality. The guidelines shall recommend best practices for de-escalation and for mental health response services, including crisis response services. The Department shall make the guidelines available to municipalities and publish the guidelines on the Department's website.

(b) In developing the guidelines required pursuant to subsection (a) of this section, the Department shall consult with the following entities:

- (1) the Department of Health;
- (2) the Department of Disabilities, Aging, and Independent Living;
- (3) the Department of Public Safety;
- (4) the Vermont Care Partners;
- (5) the Vermont Psychiatric Survivors;
- (6) the Vermont chapter of the National Alliance on Mental Illness;
- (7) the Vermont Criminal Justice Council;
- (8) the Vermont League of Cities and Towns;
- (9) Disability Rights Vermont;
- (10) the Department's State Program Standing Committees; and
- (11) any other stakeholders the Department deems appropriate.

Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

(a) On or before November 15, 2024, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall convene one or more meetings related to social service provider safety with community-based social service organizations.

(1) The following community-based social service organizations, professions, and individuals may be included in the meeting or meetings described in this subsection:

(A) the Vermont Network Against Domestic and Sexual Violence;

(B) the Vermont Coalition to End Homelessness;

(C) mental health and health care providers;

(D) community action programs;

(E) restorative justice service providers;

(F) disability service providers and advocates;

(G) individuals with lived experience of a mental health condition, substance use disorder, or any other condition or circumstance requiring social work services; and

(H) any other stakeholder deemed appropriate by the Agency.

(2) In advance of the meeting or meetings described in this subsection, the participating community-based social service organizations and individuals from a participating profession may review relevant studies related to social service provider safety and individual social service provider safety experiences.

(b) On or before January 31, 2025, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall present findings and recommendations to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare, including a list of the community-based social service organizations that participated in the meeting or meetings and the number of meetings convened.

Sec. 3. 33 V.S.A. § 6309 is added to read:

§ 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

(a) If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot be reasonably mitigated or eliminated, a home health agency may:

(1) deny a subsequent admission; or

(2) decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.

(b) Nothing in this section shall be construed to require a home health agency to enter a home to determine if a risk can be mitigated or eliminated.

(c) A home health agency shall provide notice of any denial of admission made pursuant to this section. The notice shall include the reason for the denial of admission and information regarding how an individual may submit a complaint pursuant to section 6308 of this chapter in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter.

#### **Sec. 4. REPORT; HOME HEALTH AGENCY SAFETY DISCHARGES**

On or after February 15, 2025, in consultation with home health agencies, the Department of Disabilities, Aging, and Independent Living shall provide an update to the House Committee on Health Care and the Senate Committee on Health and Welfare regarding the implementation of Sec. 3 (33 V.S.A. § 6309) of this act. Specifically, the update shall address:

(1) the number of safety discharges made by home health agencies during the previous calendar year;

(2) the nature of the risks posed that result in a safety discharge; and

(3) the number of individuals denied subsequent admission to or services from a home health agency due to a previous safety discharge.

#### **Sec. 5. EFFECTIVE DATE**

This act shall take effect on July 1, 2024.