

1 S.189

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

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

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

6 § 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

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

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

17 (1) the Department of Health;

18 (2) the Department of Disabilities, Aging, and Independent Living;

19 (3) the Department of Public Safety;

20 (4) the Vermont Care Partners;

21 (5) the Vermont Psychiatric Survivors;

22 (6) the Vermont chapter of the National Alliance on Mental Illness;

- 1 (7) the Vermont Criminal Justice Council;
- 2 (8) the Vermont League of Cities and Towns;
- 3 (9) Disability Rights Vermont;
- 4 (10) the Department's State Program Standing Committees; and
- 5 (11) any other stakeholders the Department deems appropriate.

6 Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

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

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

- 14 (A) the Vermont Network Against Domestic and Sexual Violence;
- 15 (B) the Vermont Coalition to End Homelessness;
- 16 (C) mental health and health care providers;
- 17 (D) community action programs;
- 18 (E) restorative justice service providers;
- 19 (F) disability service providers and advocates;

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

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

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

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

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

18 § 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

19 (a) If an individual was previously discharged from service by a home
20 health agency to protect the safety of staff in accordance with the rules adopted
21 by the Department of Disabilities, Aging, and Independent Living pursuant to

1 subsection 6303(a) of this chapter, and the behavior or conditions causing the
2 discharge cannot be reasonably mitigated or eliminated, a home health agency
3 may:

4 (1) deny a subsequent admission; or

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

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

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

16 Sec. 4. REPORT; HOME HEALTH AGENCY SAFETY DISCHARGES

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

- 1 (1) the number of safety discharges made by home health agencies
2 during the previous calendar year;
3 (2) the nature of the risks posed that result in a safety discharge; and
4 (3) the number of individuals denied subsequent admission to or
5 services from a home health agency due to a previous safety discharge.

6 Sec. 5. EFFECTIVE DATE

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