

1 S.192

2 Representative Donahue of Northfield moves that the House propose to the
3 Senate that the bill be amended as follows:

4 First: In Sec. 3, 18 V.S.A. § 7101, by striking out subdivision (32) in its
5 entirety and inserting a new subdivision (32) to read as follows:

6 (32) “Psychiatric residential treatment facility for youth” means a non-
7 hospital inpatient facility that serves individuals between 12 and 21 years of
8 age with complex mental health conditions under the direction of a physician.

9 Second: By striking out Sec. 8, 18 V.S.A. § 7260, in its entirety and
10 inserting a new Sec. 8 to read as follows:

11 Sec. 8. 18 V.S.A. § 7260 is added to read:

12 § 7260. PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY FOR
13 YOUTH

14 (a) A person or governmental entity shall not establish, maintain, or operate
15 a psychiatric residential treatment facility for youth without first obtaining a
16 license from the Department of Health in accordance with this section.

17 (b) Upon receipt of the application for a license, the Department of Health
18 shall issue a license if it determines that the applicant and the proposed
19 psychiatric residential treatment facility for youth meet the following minimum
20 standards:

1 (1) The applicant shall be a non-profit entity and demonstrate the
2 capacity to operate a psychiatric residential treatment facility for youth in
3 accordance with rules adopted by the Department of Health and in a manner
4 that ensures person-centered care and resident dignity.

5 (2) The applicant shall maintain certification from the Centers for
6 Medicare and Medicaid Services under 42 C.F.R. §§ 441.151–182.

7 (3) The applicant shall maintain accreditation by the Joint Commission
8 or other accrediting organization with comparable standards recognized by the
9 Commissioner of Mental Health.

10 (4) The applicant shall fully comply with standards for health, safety,
11 and sanitation as required by State law, including standards set forth by the
12 State Fire Marshal and the Department of Health, and municipal ordinance.

13 (5) Residents admitted to a psychiatric residential treatment facility for
14 youth shall be under the care of physician licensed pursuant to 26 V.S.A.
15 chapter 23 or 33.

16 (6) The psychiatric residential treatment facility for youth, including the
17 buildings and grounds, shall be subject to inspection by the Department of
18 Disabilities, Aging, and Independent Living, its designees, and other
19 authorized entities at all times.

20 (7) The applicant shall have a clear process for responding to resident
21 complaints, including:

1 (A) the designation of patient representative pursuant to section 7352
2 of this title;

3 (B) a method by which each patient shall be made aware of the
4 compliant procedure;

5 (C) an appeals mechanism within a psychiatric residential treatment
6 facility for youth;

7 (D) a published time frame for processing and resolving complaints
8 and appeals within a psychiatric residential treatment facility for youth; and

9 (E) periodic reporting to the Department of Health of the nature of
10 complaints filed and action taken.

11 (c) A license is not transferable or assignable and shall be issued only for
12 the premises named in the application.

13 (d) Once licensed, a psychiatric residential treatment facility for youth shall
14 be among the placement options for individuals committed to the custody of
15 the Commissioner under an order of nonhospitalization.

16 (e) The Department of Health shall adopt rules pursuant to 3 V.S.A.
17 chapter 25 to carry out the purposes of this section. Rules pertaining to
18 emergency involuntary procedures shall:

19 (1) be identical to those rules adopted by the Department of Mental
20 Health governing the use of emergency involuntary procedures in psychiatric
21 inpatient units;

1 (2) require that a certificate of need for all emergency involuntary
2 procedures performed at the psychiatric residential treatment facility for youth
3 be submitted to the Department and the Mental Health Care Ombudsman in the
4 same manner and time frame as required for hospitals; and

5 (3) require that data regarding the use of emergency involuntary
6 procedures be submitted in accordance with the requirements of the
7 Department.

8 (f) The Department of Health, after notice and opportunity for a hearing to
9 the applicant or licensee, is authorized to deny, suspend, or revoke a license in
10 any case in which it finds that there has been a substantial failure to comply
11 with the requirements established under this section. The notice shall be
12 served by registered mail or by personal service setting forth the reasons for
13 the proposed action and fixing a date not less than 60 days from the date of the
14 mailing or service, at which the applicant or licensee shall be given an
15 opportunity for a hearing. After the hearing, or upon default of the applicant of
16 licensee, the Department of Health shall file its findings of fact and
17 conclusions of law. A copy of the findings and decision shall be sent by
18 registered mail or served personally upon the applicant or licensee. The
19 procedure governing hearings authorized by the section shall be in accordance
20 with the usual and customary rules for hearing.