

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 47
3 entitled “An act relating to the transport of individuals requiring psychiatric
4 care” respectfully reports that it has considered the same and recommends that
5 the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

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

8 § 7505. WARRANT AND CERTIFICATE FOR EMERGENCY

9 EXAMINATION

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

18 (b) (1) The law enforcement officer ~~or mental health professional~~ may take
19 the person into temporary custody, ~~and shall apply to the court without delay~~
20 ~~for the warrant~~ the law enforcement officer or a mental health professional
21 shall apply to the court for the warrant without delay while the person is in

1 temporary custody. Once the warrant process has been initiated, the law
2 enforcement officer, or a mental health professional if clinically appropriate,
3 may transport the person to a hospital, police barracks, or another safe location
4 in accordance with section 7511 of this title. The law enforcement officer or
5 mental health professional while the person is in temporary custody. Once
6 transport of the person has concluded, the law enforcement officer or the
7 mental health professional who applied to the court for the warrant shall ensure
8 that the warrant process is complete.

9 (2) Transports conducted pursuant to this subsection shall provide
10 individuals with the same protections as provided to individuals in the custody
11 of the Commissioner who are transported pursuant to section 7511 of this title.

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

17 (d)(1) If necessary, the court may order the law enforcement officer ~~or~~
18 ~~mental health professional~~ to transport the person, in accordance with section
19 7511 of this title, to a hospital for an evaluation by a licensed physician to
20 determine if the person should be certified for an emergency examination.

21 (2) Transports conducted pursuant to this subsection shall provide

1 individuals with the same protections as provided to individuals in the custody
2 of the Commissioner who are transported pursuant to section 7511 of this title.

3 (e) A person transported pursuant to subsection (d) of this section shall be
4 evaluated as soon as possible after arrival at the hospital. If after evaluation
5 the licensed physician determines that the person is a person in need of
6 treatment, ~~he or she~~ the licensed physician shall issue an initial certificate that
7 sets forth the facts and circumstances constituting the need for an emergency
8 examination and showing that the person is a person in need of treatment.

9 Once the licensed physician has issued the initial certificate, the person shall be
10 held for an emergency examination in accordance with section 7508 of this
11 title. If the licensed physician does not certify that the person is a person in
12 need of treatment, ~~he or she~~ the licensed physician shall immediately discharge
13 the person and cause ~~him or her~~ the person to be returned to the place from
14 which ~~he or she~~ the person was taken, or to such place as the person reasonably
15 directs.

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

17 § 7511. TRANSPORTATION

18 (a) The Commissioner shall ensure that all reasonable and appropriate
19 measures consistent with public safety are made to transport or escort a person
20 subject to this chapter to and from any emergency department or inpatient
21 setting, ~~including escorts within a designated hospital or the Vermont State~~

1 ~~Hospital or its successor in interest or otherwise being transported~~ under the
2 jurisdiction of the Commissioner in any manner ~~which~~ that:

3 (1) prevents physical and psychological trauma;

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

5 (3) represents the least restrictive means necessary for the safety of the
6 patient.

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

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

14 (d) It is the policy of the State of Vermont that mechanical restraints are not
15 routinely used on persons subject to this chapter unless circumstances dictate
16 that such methods are necessary. A law enforcement vehicle shall have soft
17 restraints available for use as a first option, and mechanical restraints shall not
18 be used as a substitute for soft restraints if the soft restraints are otherwise
19 deemed adequate for safety.

20 Sec. 3. EFFECTIVE DATE

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

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE