

MEMORANDUM

TO: Legislative Committee on Administrative Rules (LCAR)

FROM: Karen Godnick Barber, General Counsel, Department of Mental Health

CC: Nicole DiStasio, Director of Policy, Department of Mental Health

DATE: November 25, 2024

RE: Technical Changes to Proposed Rule 24-P23: The Rules for Administration of Nonemergency Psychiatric Medications

Following productive discussions with legislative counsel, the Department of Mental Health proposes the following minor adjustments to the currently proposed rule. For your convenience, a redlined version reflecting these changes is included at the end of this memo.

- **Section 1:**
 - Add a comma after “[a]t the same time”
- **Section 3.2:**
 - Add “of that decision” at the end of the sentence
- **Section 3.4:**
 - Delete (as defined by Act 27 of 2023)
 - Replace “protocol” with “rule” and “as” with “be”
 - Uncapitalize “Designated Facility”
- **ADD DEFINITION as Section 3.6 (and change the rest of the numbers)**
- **Section 3.6:**
 - “Forensic Facility: A residential facility, licensed as a therapeutic community residence as defined in 33 V.S.A. § 7102(11), for an individual with a mental health condition or intellectual disability, depending on what is deemed appropriate by the General Assembly, who is charged with a crime of violence against another person and the individual is assessed not competent to stand trial or was adjudicated not guilty by reason of insanity and who requires treatment or programming within a secure setting for an extended period of time, provided, however, that if a definition is added to 18 V.S.A. part 8 it shall take precedence to the extent that a conflict between the definitions exists. As used in this definition, “secure” has the same meaning as in 18 V.S.A. § 7620.”
- **Section 3.7:**
 - Change to “Impartial Evaluator” and related definition



- **Section 3.8**
 - Change to Medical Personnel and then delete the definition in its entirety and replace with:
 - “Medical Personnel:
 - (a) A person licensed by the State of Vermont as a Physician, physician assistant, advance practice registered nurse, or registered nurse; or
 - (b) a psychiatric technician/mental health specialist”
- **Section 3.9:**
 - Change to “Person” and related definition
- **Section 3.10**
 - Change to “Qualified Practitioner” but replace name to “Qualified Practitioner or QP” and keep the rest of the definition
 - Uncapitalize “Rule”
- **Section 3.11:**
 - Change to “Treatment Team” and related definition
 - Replace “Qualified Practitioner” with “QP” both times it was used
 - Remove “and/or” and replace with “or any combination thereof”
 - Uncapitalize all uses of “Person”
- **Section 4.1:**
 - Replace the comma with a semi-colon
- **Section 4.1.2:**
 - Replace “Qualified Practitioner” with “QP”
- **Section 4.1.2(a):**
 - Replace “their” with “the person’s”
- **Section 5.1:**
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.1.4:**
 - Delete in its entirety and replace with “Whether the individual is pregnant”
- **Section 5.2:**
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.3:**
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.4.4:**
 - Replace “assure” with “ensure”
- **Section 5.5.1:**
 - Uncapitalize “Designated Facility” both times it is used
 - Replace “the facility” with “that facility”
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.6.1:**
 - Uncapitalize “Medical Personnel”
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.6.2:**
 - Uncapitalize “Medical Personnel”
 - Replace “Qualified Practitioner” with “QP”



- **Section 5.6.3:**
 - Uncapitalize “Medical Personnel”
 - Replace “Qualified Practitioner” with “QP”
 - Strike the hanging subsection (b)
- **Section 5.6.4:**
 - Delete “facility” before staff
- **Section 5.7.1:**
 - Uncapitalize “Medical Personnel”
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.7.2:**
 - Uncapitalize “Medical Personnel”
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.7.2(h):**
 - Add “person” after “support”
- **Section 5.7.3:**
 - Uncapitalize “Medical Personnel”
 - Replace “Qualified Practitioner” with “QP”
- **Section 5.7.4:**
 - Delete “facility” before staff
- **Section 6.2.2:**
 - Uncapitalize “Designated Facility”
- **Section 8.1:**
 - Uncapitalize “Designated Facility”
 - Replace “Qualified Practitioner” with “QP”
 - Replace “the facility” with “that facility”
- **Section 8.4:**
 - Replace “Qualified Practitioner” with “QP”
- **Section 9.6:**
 - Uncapitalize “Designated Facility”
- **Section 9.7:**
 - Uncapitalize “Designated Facility”

