

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 47 entitled “An act relating to transport of individuals requiring psychiatric
4 care” respectfully reports that it has considered the same and recommends that
5 the bill be amended by striking out all after the enacting clause and inserting in
6 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. The application
18 shall be based on facts personally observed by the applicant or shall be
19 supported by a statement of facts signed under penalty of perjury by a person
20 who personally observed the facts that form the basis of the application.

1 (b) The law enforcement officer ~~or mental health professional~~ may take the
2 person into temporary custody and. The law enforcement officer, or a mental
3 health professional if clinically appropriate, may transport the person to a
4 hospital, police barracks, or another safe location in accordance with section
5 7511 of this title. The law enforcement officer or mental health professional
6 shall apply to the court without delay for the warrant while the person is in
7 temporary custody.

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

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

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

1 examination and showing that the person is a person in need of treatment.

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

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

10 § 7511. TRANSPORTATION

11 (a) The Commissioner shall ensure that all reasonable and appropriate
12 measures consistent with public safety are made to transport or escort a person
13 subject to this chapter to and from any emergency department or inpatient
14 setting, including escorts within a designated hospital or the Vermont State
15 Hospital or its successor in interest or otherwise being transported under the
16 jurisdiction of the Commissioner in any manner ~~which~~ that:

17 (1) prevents physical and psychological trauma;

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

19 (3) represents the least restrictive means necessary for the safety of the

20 patient.

1 (b) The Commissioner shall have the authority to designate the
2 professionals or law enforcement officers who may authorize the method of
3 transport of patients under the Commissioner’s care and custody.

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

8 (d) It is the policy of the State of Vermont that mechanical restraints are not
9 routinely used on persons subject to this chapter unless circumstances dictate
10 that such methods are necessary. If a law enforcement officer or mental health
11 professional deems it necessary to use restraints, soft restraints shall be
12 considered as a first option. A law enforcement officer vehicle and mental
13 health professional shall have soft restraints available for use as a first option,
14 and mechanical restraints shall not be used as a substitute for soft restraints if
15 the soft restraints are otherwise deemed adequate for safety.

16 Sec. 3. EFFECTIVE DATE

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

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3 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE