

1 H.573

2 Introduced by Representative Berbeco of Winooski

3 Referred to Committee on

4 Date:

5 Subject: Health; mental health; emergency examination; first certification

6 Statement of purpose of bill as introduced: This bill proposes to expand the  
7 types of health care professionals that the Commissioner of Mental Health can  
8 designate to complete the first certification of an emergency examination.

9 An act relating to the first certification of an emergency examination

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

11 ~~Sec. 1. 18 V.S.A. § 7110 is amended to read:~~

12 § 7110. CERTIFICATION OF MENTAL ILLNESS

13 (a) A certification of mental illness by a licensed physician required by  
14 section 7504 of this title shall be made by a board-eligible psychiatrist, a  
15 board-certified psychiatrist, or a resident in psychiatry, under penalty of  
16 perjury. In areas of the State where board-eligible psychiatrists, board-  
17 certified psychiatrists, or residents in psychiatry are not available to complete  
18 admission certifications to the Vermont State Hospital or its successor in  
19 interest, the Commissioner may designate other licensed physicians health care

1 ~~professionals as appropriate to complete certification for purposes of section~~  
2 7504 of this title.

3 (b) As used in this section, "health care professional" means a physician  
4 licensed pursuant to 26 V.S.A. chapter 23 or 33, an advanced practice  
5 registered nurse licensed pursuant to 26 V.S.A. chapter 28, a physician  
6 assistant licensed pursuant to 26 V.S.A. chapter 31, a master's social worker  
7 licensed pursuant to 26 V.S.A. chapter 61, a clinical mental health counselor  
8 with a master's degree or greater licensed pursuant to 26 V.S.A. chapter 65, or  
9 a marriage and family therapist licensed pursuant to 26 V.S.A. chapter 76.

10 Sec. 2. 18 V.S.A. § 7504 is amended read:

11 § 7504. APPLICATION AND CERTIFICATE FOR EMERGENCY  
12 EXAMINATION

13 (a) Upon written application by an interested party made under the pains  
14 and penalties of perjury and accompanied by a certificate by a licensed  
15 ~~physician~~ health care professional as defined in section 7110 of this title who is  
16 not the applicant, a person shall be held for admission to a hospital for an  
17 emergency examination to determine if ~~he or she~~ the person is a person in need  
18 of treatment. The application and certificate shall set forth the facts and  
19 circumstances that constitute the need for an emergency examination and that  
20 ~~show that the person is a person in need of treatment.~~

1 ~~(b) The application and certificate shall be authority for transporting the~~  
2 person to a hospital for an emergency examination, as provided in section 7511  
3 of this title.

4 (c) For the purposes of admission of an individual to a designated hospital  
5 for care and treatment under this section, a head of a hospital, as provided in  
6 subsection (a) of this section, may include a person designated in writing by  
7 the head of the hospital to discharge the authority granted in this section. A  
8 designated person must be an official hospital administrator, supervisory  
9 personnel, or a licensed physician on duty on the hospital premises other than  
10 the certifying ~~physician~~ health care professional under subsection (a) of this  
11 section.

12 Sec. 3. EFFECTIVE DATE

13 ~~This act shall take effect on July 1, 2026.~~

*Sec. 1. 18 V.S.A. § 7110 is amended to read:*

*§ 7110. CERTIFICATION OF MENTAL ILLNESS*

*~~A certification of mental illness by a licensed physician required by section 7504 of this title shall be made by a board-eligible psychiatrist, a board-certified psychiatrist, or a resident in psychiatry, under penalty of perjury. In areas of the State where board-eligible psychiatrists, board-certified psychiatrists, or residents in psychiatry are not available to complete admission certifications to the Vermont State Hospital or its successor in~~*

~~interest, the Commissioner may designate other licensed physicians as appropriate to complete certification for purposes of section 7504 of this title.~~

~~[Repealed.]~~

~~Sec. 2. 18 V.S.A. § 7504 is amended read:~~

~~§ 7504. APPLICATION AND CERTIFICATE FOR EMERGENCY~~

~~EXAMINATION~~

~~(a) Upon written application by ~~an interested party~~ a qualified mental health professional made under the pains and penalties of perjury and accompanied by a certificate by a ~~licensed physician~~ health care professional who is not the applicant, a person shall be held for admission to a hospital for an emergency examination to determine if ~~he or she~~ the person is a person in need of treatment. The application and certificate shall set forth the facts and circumstances that constitute the need for an emergency examination and that show that the person is a person in need of treatment.~~

~~(b) The application and certificate shall be authority for transporting the person to a hospital for an emergency examination, as provided in section 7511 of this title.~~

~~(c) For the purposes of admission Admission of an individual to a designated hospital for care and treatment under this section, shall be overseen by a head of a hospital, ~~as provided in subsection (a) of this section,~~ who may include a person designated designate a person in writing by the head of the~~

~~hospital to discharge the authority granted in this section~~ subsection. A designated person must be an official hospital administrator, supervisory personnel, or a licensed physician on duty on the hospital premises other than the certifying ~~physician~~ health care professional under subsection (a) of this section.

(d) Prior to issuing a certificate pursuant to this section, a health care professional shall successfully complete a training developed and administered by the Department.

(e) As used in this section, "health care professional" means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed pursuant to 26 V.S.A. chapter 31.

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on July 1, 2026.*