

H.765

Introduced by Representatives Dobrovich of Williamstown, Bosch of
Clarendon, Burt of Cabot, Coffin of Cavendish, Galfetti of
Barre Town, Goslant of Northfield, Pinsonault of Dorset, and
Tagliavia of Corinth

Referred to Committee on

Date:

Subject: Health; mental health; qualified mental health professionals

Statement of purpose of bill as introduced: This bill proposes to expand the
number and type of professionals who can serve as a qualified mental health
professional.

An act relating to qualified mental health professionals

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

Sec. 1. 18 V.S.A. § 7101 is amended to read:

§ 7101. DEFINITIONS

As used in this part of this title, the following words, ~~unless the context~~
~~otherwise requires~~, shall have the following meanings:

* * *

(13) ~~“Mental health professional” means a person with professional~~
~~training, experience, and demonstrated competence in the treatment of mental~~

1 ~~illness, who shall be a physician, psychologist, social worker, mental health~~
2 ~~counselor, nurse, or other qualified person designated by the Commissioner.~~

3 ~~(14)~~ “Mental illness” means a substantial disorder of thought, mood,
4 perception, orientation, or memory, any of which grossly impairs judgment,
5 behavior, capacity to recognize reality, or ability to meet the ordinary demands
6 of life, but shall not include intellectual disability.

7 ~~(15)~~(14) “Patient” means a resident of or person in Vermont qualified
8 under this title for hospitalization or treatment as a person with a mental illness
9 or intellectual disability.

10 ~~(16)~~(15) “A patient in need of further treatment” means:

11 * * *

12 ~~(17)~~(16) “A person in need of treatment” means a person who has a
13 mental illness and, as a result of that mental illness, his or her capacity to
14 exercise self-control, judgment, or discretion in the conduct of his or her affairs
15 and social relations is so lessened that he or she poses a danger of harm to
16 himself, to herself, or to others:

17 * * *

18 (17) “Qualified mental health professional” means a person with
19 professional training, experience, and demonstrated competence in the
20 treatment of mental illness who has completed training to serve as a qualified
21 mental health professional as developed by the Commissioner in rule,

1 including a professional who is not employed or under contract with a
2 designated or specialized service agency established pursuant to section 8907
3 or 8912 of this title, and who is an individual licensed or certified, respectively,
4 to provide mental health services as a physician pursuant to chapter 23 or 33 of
5 this title, an advance practice registered nurse specializing in psychiatric
6 mental health pursuant to chapter 28 of this title, a psychologist pursuant to
7 chapter 55 of this title, a social worker pursuant to chapter 61 of this title, a
8 clinical mental health counselor pursuant to chapter 65 of this title, a marriage
9 and family therapist pursuant to chapter 76 of this title, or a psychoanalyst
10 pursuant to chapter 77 of this title.

11 * * *

12 Sec. 2. 18 V.S.A. § 7113 is amended to read:

13 § 7113. INDEPENDENT EXAMINATION; PAYMENT

14 Whenever a court orders an independent examination by a qualified mental
15 health professional or a qualified developmental disabilities professional
16 pursuant to this title or 13 V.S.A. § 4822, the cost of the examination shall be
17 paid by the Department of Disabilities, Aging, and Independent Living or of
18 Mental Health. The qualified mental health professional or qualified
19 developmental disabilities professional may be selected by the court but the
20 Commissioner of Disabilities, Aging, and Independent Living or of Mental

1 Health may adopt a reasonable fee schedule for examination, reports, and
2 testimony.

3 Sec. 3. 18 V.S.A. § 7505 is amended to read:

4 § 7505. WARRANT AND CERTIFICATE FOR EMERGENCY
5 EXAMINATION

6 (a) In emergency circumstances where certification by a licensed physician
7 is not available without serious and unreasonable delay, and when personal
8 observation of the conduct of a person constitutes reasonable grounds to
9 believe that the person is a person in need of treatment, and the person presents
10 an immediate risk of serious injury to self or others if not restrained, a law
11 enforcement officer or qualified mental health professional may make an
12 application, not accompanied by a physician's certificate, to any Superior
13 judge for a warrant for an emergency examination. The application shall be
14 based on facts personally observed by the qualified mental health professional
15 or the law enforcement officer or shall be supported by a statement of facts
16 under penalty of perjury by a person who personally observed the facts that
17 form the basis of the application.

18 (b)(1) The law enforcement officer may take the person into temporary
19 custody if the law enforcement officer has probable cause to believe that the
20 person poses a risk of harm to self or others. The law enforcement officer or a
21 qualified mental health professional shall apply to the court for the warrant

1 without delay while the person is in temporary custody. The law enforcement
2 officer, or a qualified mental health professional if clinically appropriate, may
3 then transport the person if the law enforcement officer or qualified mental
4 health professional conducting the transport has probable cause to believe that
5 the person poses a risk of harm to self or others.

6 * * *

7 Sec. 4. 18 V.S.A. § 7622 is amended to read:

8 § 7622. EXPERT TESTIMONY

9 (a) A qualified mental health professional testifying at hearings conducted
10 under this part may, if appropriately qualified, give opinion testimony and,
11 notwithstanding 12 V.S.A. § 1612, describe any information that ~~he or she~~ the
12 qualified mental health professional acquired in attending the patient.

13 * * *

14 Sec. 5. 18 V.S.A. § 8008 is amended to read:

15 § 8008. REVOCATION OF CONDITIONAL DISCHARGE

16 * * *

17 (b) A revocation by the Board or the head of the hospital shall authorize the
18 return of the patient to the hospital and shall be sufficient warrant for a law
19 enforcement officer or qualified mental health professional to take the patient
20 into custody and return ~~him or her~~ the patient to the hospital from which ~~he or~~
21 ~~she~~ the patient was conditionally discharged.

* * *

Sec. 6. 18 V.S.A. § 8350 is amended to read:

§ 8350. CONSENT BY MINORS FOR MENTAL HEALTH TREATMENT

A minor may give consent to receive any legally authorized outpatient treatment from a qualified mental health professional, as defined in section 7101 of this title. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment. As used in this section, “outpatient treatment” means psychotherapy and other counseling services that are supportive, but not prescription drugs.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2026.