1	H.4
2	Introduced by Representative Donahue of Northfield
3	Referred to Committee on
4	Date:
5	Subject: Human services; mental health; Vermont State Hospital
6	Statement of purpose: This bill proposes to clarify the definitions of inpatient
7	and residential hospitalization for the purpose of mental health hospital
8	admissions and require that a clinical determination of the need for either
9	inpatient or residential hospitalization occur prior to admission.
10	An act relating to mental health hospital admissions
11	It is hereby enacted by the General Assembly of the State of Vermont:
12	Sec. 1. 18 V.S.A. § 7101 is amended to read:
12	§ 7101. DEFINITIONS
14	As used in this part of this title, the following words, unless the context
15	otherwise requires, shall have the following meanings:
16	* * *
17	(7)(A) "Hospital" means a public or private hospital or facility or part
18	thereof, equipped and otherwise qualified to provide in patient inpatient care
19	and treatment for the mentally ill.

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1	(B) "Hospitalization" means confinement in a hospital of a person in
2	need of treatment or a person in need of continued treatment when the hospital
3	or part of the hospital is secured at all times to prevent the egress of patients
4	and provides for the use of restraint or seclusion, regardless of the licensing
5	status of the facility.
6	(i) "Inpatient hospitalization" means treatment of an individual
7	who has been determined under clinical standards of care to require acute,
8	inpatient care at the Vermont State Hospital or a designated hospital.
9	(ii) "Residential hospitalization" means treatment of an individual
10	who has been determined under clinical standards of care to require a level of
11	care that provides ongoing intensive treatment in a secure residential facility,
12	and not to require acute treatment or an inpatient level of care.
13	* * *
14	(18) "Resident of Vermont" means:
15	(A) a person who has lived continuously in Vermont for one year
16	immediately preceding his or her admission as a patient or immediately
17	preceding his or her becoming a proposed patient; or
18	(B) a person who has a present intention to make Vermont his or her
19	home for an indefinite period of time. This intention may be evidenced by
20	prior statements or it may be implied from facts which show that the person
21	does in fact make Vermont his or her permanent home. A married woman

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1	shall be capable of establishing a legal residence apart from her husband, and a
2	child under 18 years shall take legal residence of the parent or guardian with
3	whom he or she is actually living.
4	* * *
5	(26) "A person in need of inpatient hospitalization" means an individual
6	who has been determined under clinical standards to require inpatient
7	treatment.
8	Sec. 2. 18 V.S.A. § 7114 is added to read:
9	<u>§ 7114. ADMISSIONS</u>
10	A clinical determination of the need for either inpatient or residential
11	hospitalization shall occur prior to admission and in addition to other
12	admission procedures required by this title or 13 V.S.A. § 4822.
13	Sec. 3. REPORT
14	On or before January 1, 2012, the commissioner of mental health shall
15	identify any additional legislation required to implement this act. The
16	commissioner shall consult with the judiciary, the commissioner of the
17	department of corrections, and the work group on forensic examinations of
18	mental health patients created by No. 119 of the Acts of the 2009 Adj. Sess.
19	(2010) regarding any such proposed legislation.
20	Sec. 4. EFFECTIVE DATE
21	This act shall take effect on July 1, 2011.