

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:

13 § 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.

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 § 7114. ADMISSIONS

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.