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H.25

Introduced by Representatives Donahue of Northfield and Kitzmiller of
Montpelier

Referred to Committee on

Date:

Subject: Mental health; electroconvulsive therapy; regulation

Statement of purpose of bill as introduced: This bill proposes to require that the Commissioner of Mental Health ensure that any hospital or health care facility using electroconvulsive therapy be qualified to do so. It further requires a hospital or health care facility administering electroconvulsive therapy on minors to seek specific approval from the Commissioner. The bill requires the Commissioner to adopt related rules.

An act relating to the regulation of electroconvulsive therapy

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

Sec. 1. 18 V.S.A. § 7408 is amended to read:

§ 7408. ELECTROCONVULSIVE THERAPY

(a) The Commissioner shall oversee the use of electroconvulsive therapy in Vermont and ~~may adopt rules to govern the practice of electroconvulsive therapy.~~ shall determine whether any hospital or health care facility administering electroconvulsive therapy is both qualified to offer the service

1 and that the service addresses current and future community needs. A hospital
2 or health care facility proposing to administer electroconvulsive therapy on
3 minors shall seek specific authorization from the Commissioner. The

4 Commissioner's duties shall include:

5 (1) establishment of a uniform informed consent process, forms, and
6 materials;

7 (2) oversight and monitoring of all hospitals and health care facilities
8 administering electroconvulsive therapy; and

9 (3) the collection of statistical data on the use of electroconvulsive
10 therapy from all treating hospitals and health care facilities.

11 (b) The Commissioner shall adopt rules to govern the practice of
12 electroconvulsive therapy, which shall include:

13 (1) standards for the administration of electroconvulsive therapy at a
14 hospital or health care facility;

15 (2) an application process and standards, including training standards,
16 for the administration of electroconvulsive therapy on minors at a hospital or
17 health care facility; and

18 (3) a penalty for failure to comply with the rule and a process to appeal a
19 decision made by the Commissioner pursuant to the rule.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2019.