

1 S.189

2 Introduced by Senator Lyons

3 Referred to Committee on Health and Welfare

4 Date: January 3, 2024

5 Subject: Health; mental health; emergency response; protocol

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Department of Mental Health to develop and distribute mental health response
8 protocols to municipalities. It further requires the Department to enter into
9 memorandums of understanding with State entities providing mental health
10 response services consistent with the protocols developed for municipalities.

11 ~~An act relating to mental health response service protocols~~

*An act relating to mental health response service guidelines and social
service provider safety*

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

13 ~~Sec. 1, 18 V.S.A. § 7260 is added to read:~~

14 § 7260. MENTAL HEALTH RESPONSE SERVICE PROTOCOLS

15 (a) The Department shall develop protocols for use by municipalities,
16 including emergency medical technicians and public safety personnel, such as
17 law enforcement officers as defined by 20 V.S.A. § 2251a and firefighters as
18 defined in 20 V.S.A. § 3151, who are employed or under contract with a
19 municipality. The protocols shall prescribe best practices for de-escalation and

1 ~~for mental health response services, including crisis response services. The~~
2 Department shall distribute the protocols to municipalities and publish the
3 protocols on the Department's website.

4 (b) The Department shall enter into a memorandum of understanding with
5 any State entity providing mental health response services, including crisis
6 response services, consistent with the protocols developed pursuant to
7 subsection (a) of this section.

8 Sec. 2. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2024.~~

Sec. 1. 18 V.S.A. § 7260 is added to read:

§ 7260. MENTAL HEALTH RESPONSE SERVICE GUIDELINES

(a) The Department shall develop guidelines for use by municipalities, including use by emergency medical technicians and public safety personnel, such as law enforcement officers as defined by 20 V.S.A. § 2351a and firefighters as defined in 20 V.S.A. § 3151, who are employed, volunteer, or are under contract with a municipality. The guidelines shall recommend best practices for de-escalation and for mental health response services, including crisis response services. The Department shall make the guidelines available to municipalities and publish the guidelines on the Department's website.

(b) In developing the guidelines required pursuant to subsection (a) of this section, the Department shall consult with the following entities:

- (1) the Department of Health;*
- (2) the Department of Disabilities, Aging, and Independent Living;*
- (3) the Department of Public Safety;*
- (4) the Vermont Care Partners;*
- (5) the Vermont Psychiatric Survivors;*
- (6) the Vermont chapter of the National Alliance on Mental Illness;*
- (7) the Vermont Criminal Justice Council;*

(8) the Vermont League of Cities and Towns; and

(9) any other entity the Department deems appropriate.

Sec. 2. PRESENTATION; SOCIAL SERVICE PROVIDER SAFETY

(a) On or before November 15, 2024, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall convene one or more meetings related to social service provider safety with community-based social service organizations.

(1) The following community-based social service organizations and professions may be included in the meeting or meetings described in this subsection:

(A) the Vermont Network Against Domestic and Sexual Violence;

(B) the Vermont Coalition to End Homelessness;

(C) mental health and health care providers;

(D) community action programs;

(E) restorative justice service providers; and

(F) disability service providers and advocates.

(2) In advance of the meeting or meetings described in this subsection, the participating community-based social service organizations and professions may review both studies related to social service provider safety and individual social service provider safety experiences.

(b) On or before January 31, 2025, the Agency of Human Services, in collaboration with the Vermont chapter of the National Association of Social Workers, shall present findings and recommendations to the House Committee on Human Services and the Senate Committee on Health and Welfare, including a list of the community-based social service organizations that participated in the meeting or meetings and the number of meetings convened.

Sec. 3. 33 V.S.A. § 6309 is added to read:

§ 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot be mitigated or eliminated, a home health agency may:

(1) deny a subsequent admission; or

(2) decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2024.