

1 S.271

2 Introduced by Senator Fox

3 Referred to Committee on

4 Date:

5 Subject: Human services; developmental disabilities; TBI; substance abuse;  
6 departmental reorganization

7 Statement of purpose of bill as introduced: This bill proposes to transfer the  
8 Division of Alcohol and Drug Abuse Programs from the Department of Health  
9 to the Department of Mental Health and to transfer responsibility for the  
10 Traumatic Brain Injury Program and Developmental Disability Services from  
11 the Department of Disabilities, Aging, and Independent Living to the  
12 Department of Mental Health, and rename the latter accordingly.

13 An act relating to the reorganization of the Departments of Health, Mental  
14 Health, and Disabilities, Aging, and Independent Living

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

16 \* \* \* Purpose \* \* \*

17 Sec. 1. PURPOSE

18 It is the intent of the General Assembly to reorganize the Agency of Human  
19 Services by transferring to the Department of Addiction, Mental Health, and  
20 Cognitive Services responsibility for the Division of Alcohol and Drug Abuse

1 Programs from the Department of Health and the Traumatic Brain Injury  
2 Program and Developmental Disability Services from the Department of  
3 Disabilities, Aging, and Independent Living.

4 \* \* \* Secretary of State \* \* \*

5 Sec. 2. 3 V.S.A. § 128 is amended to read:

6 § 128. DISCIPLINARY ACTION TO BE REPORTED TO THE BOARD

7 (a) Any hospital, clinic, community mental health center, or other health  
8 care institution in which a licensee performs professional services shall report  
9 to the appropriate board, along with supporting information and evidence, any  
10 disciplinary action taken by it or its staff, after an initial investigation or  
11 hearing in which the licensee has been afforded the opportunity to participate,  
12 which limits or conditions the licensee's privilege to practice or leads to  
13 suspension or expulsion from the institution. The report shall be made within  
14 ten days of the date such disciplinary action was taken, regardless of whether  
15 the action is the subject of a pending appeal, and in the case of a licensee who  
16 is employed by, or under contract with, a community mental health center, a  
17 copy of the report shall also be sent to the ~~commissioner of mental health and~~  
18 ~~mental retardation~~ Commissioner of Addiction, Mental Health, and Cognitive  
19 Services. This section shall not apply to cases of resignation, separation from  
20 service, or changes in privileges which are unrelated to:

21 \* \* \*



1 Disability Services in the Department of Disabilities, Aging, and  
2 Independent Living.

3 Sec. 5. 3 V.S.A. § 3085a is amended to read:

4 § 3085a. DEPARTMENT OF DISABILITIES, AGING, AND  
5 INDEPENDENT LIVING

6 The ~~department of disabilities, aging, and independent living~~ Department of  
7 Disabilities, Aging, and Independent Living is created within the ~~agency of~~  
8 ~~human services~~ Agency of Human Services as the successor to and  
9 continuation of the ~~department of aging and disabilities, the developmental~~  
10 ~~services division of the department of developmental and mental health~~  
11 ~~services,~~ Department of Aging and Disabilities and of the personal care and  
12 hi-tech programs in the former ~~department of prevention, assistance, transition,~~  
13 ~~and health access~~ Department of Prevention, Assistance, Transition, and  
14 Health Access to manage programs and to protect the interests of older  
15 Vermonters and Vermonters with physical disabilities. It shall serve as the  
16 ~~state~~ State unit on aging, as provided by the Older Americans Act of 1965, as  
17 amended, and it shall serve as the administrative home within the ~~agency of~~  
18 ~~human services~~ Agency of Human Services for the designated ~~state~~ State  
19 agencies for federal vocational rehabilitation and independent living programs,  
20 as provided by the Rehabilitation Act of 1973, as amended.



1 members of the ~~advisory board~~ Advisory Board established pursuant to  
2 33 V.S.A. § 505 ~~of the proposed premium increase; and~~  
3 (2) the Department of Addiction, Mental Health, and Cognitive Services  
4 to the members of the Advisory Board established pursuant to 18 V.S.A.  
5 § 8733 and to the Board of Addiction, Mental Health, and Cognitive Services  
6 established pursuant to 18 V.S.A. § 7301.

7 \* \* \*

8 \* \* \* Insanity as a Defense \* \* \*

9 Sec. 7. 13 V.S.A. § 4821 is amended to read:

10 § 4821. NOTICE OF HEARING; PROCEDURES

11 The person who is the subject of the proceedings, his or her attorney, the  
12 legal guardian, if any, the ~~commissioner of mental health or the commissioner~~  
13 ~~of disabilities, aging, and independent living~~ Commissioner of Addiction,  
14 Mental Health, and Cognitive Services, and the ~~state's attorney~~ State's  
15 Attorney or other prosecuting officer representing the ~~state~~ State in the case,  
16 shall be given notice of the time and place of a hearing under the preceding  
17 section. Procedures for hearings for persons who are mentally ill shall be as  
18 provided in 18 V.S.A. chapter 181 ~~of Title 18~~. Procedures for hearings for  
19 persons who are mentally retarded shall be as provided in 18 V.S.A. chapter  
20 206, subchapter 3 ~~of chapter 206 of Title 18~~.

1 Sec. 8. 13 V.S.A. § 4822 is amended to read:

2 § 4822. FINDINGS AND ORDER; MENTALLY ILL PERSONS

3 (a) If the ~~court~~ Court finds that such person is a person in need of treatment  
4 or a patient in need of further treatment as defined in 18 V.S.A. § 7101, the  
5 ~~court~~ Court shall issue an order of commitment directed to the Commissioner  
6 of ~~Developmental and Mental Health Services~~ Addiction, Mental Health, and  
7 Cognitive Services, which shall admit the person to the care and custody of the  
8 Department of ~~Developmental and Mental Health Services~~ Addiction, Mental  
9 Health, and Cognitive Services for an indeterminate period. In any case  
10 involving personal injury or threat of personal injury, the committing ~~court~~  
11 Court may issue an order requiring a court hearing before a person committed  
12 under this section may be discharged from custody.

13 \* \* \*

14 (e) If the ~~court~~ Court determines that commitment shall no longer be  
15 necessary, it shall issue an order discharging the patient from the custody of  
16 the Department of ~~Developmental and Mental Health Services~~ Addiction,  
17 Mental Health, and Cognitive Services.

18 \* \* \*

19 Sec. 9. 13 V.S.A. § 4823(a) is amended to read:

20 (a) If the ~~court~~ Court finds that such person is a person in need of custody,  
21 care, and habilitation as defined in 18 V.S.A. § 8839, the ~~court~~ Court shall

1 issue an order of commitment directed to the ~~commissioner of disabilities,~~  
2 ~~aging, and independent living~~ Commissioner of Addiction, Mental Health, and  
3 Cognitive Services for care and habilitation of such person for an indefinite or  
4 limited period in a designated program.

5 \* \* \* Crime Victims \* \* \*

6 Sec. 10. 13 V.S.A. § 5411a(1) is amended to read:

7 (1) A sex offender's street address shall not be posted electronically if the  
8 offender has a developmental disability, receives funding from the ~~Department~~  
9 ~~of Disabilities, Aging, and Independent Living (DAIL)~~ Department of  
10 Addiction, Mental Health, and Cognitive Services for 24-hour supervision and  
11 treatment, and resides in a residence that is equipped with alarms. However,  
12 this information shall be otherwise available pursuant to this section. An  
13 agency designated pursuant to 18 V.S.A. § 8907 to provide mental health and  
14 developmental disability services (DA), or a specialized service agency (SSA)  
15 operating under an agreement entered into pursuant to 18 V.S.A. § 8912 which  
16 is providing supervision for the offender shall immediately notify the  
17 administrator of the ~~sex offender registry~~ Sex Offender Registry and local law  
18 enforcement if the individual's level of supervision is decreased from 24 hours  
19 or if the offender leaves his or her residence without authorization, and  
20 thereafter this subsection shall cease to apply to that offender. If after notice  
21 and hearing, the Commissioner of ~~DAIL~~ Addiction, Mental Health, and



1 Cognitive Services finds that the DA or SSA has failed to notify the  
2 administrator of the ~~sex offender registry~~ Sex Offender Registry and local law  
3 enforcement of a decrease from 24-hour supervision or absence without  
4 authorization by the offender within 24 hours of the change in status, the  
5 Commissioner may impose an administrative penalty of not more than  
6 \$1,000.00 for each day of the violation. A DA or SSA shall have the right to a  
7 de novo appeal of a decision under this subsection pursuant to Rule 75 of the  
8 Vermont Rules of Civil Procedure.

9 \* \* \* Guardianship \* \* \*

10 Sec. 11. 14 V.S.A. § 3067(a) is amended to read:

11 (a) When a petition is filed pursuant to section 3063 of this title, or when a  
12 motion for modification or termination is filed pursuant to subdivision  
13 3077(a)(4) of this title, the ~~court~~ Court shall order an evaluation of the  
14 respondent. Except as otherwise provided in this subsection, the cost of the  
15 evaluation shall be paid for out of the respondent's estate or as ordered by the  
16 ~~court~~ Court. If the respondent is unable to afford some or all of the cost of the  
17 evaluation without expending income or liquid resources necessary for living  
18 expenses, the ~~court~~ Court shall order that the ~~department of mental health or~~  
19 ~~the department of disabilities, aging, and independent living~~ Department of  
20 Addiction, Mental Health, and Cognitive Services provide the evaluation  
21 through qualified evaluators.



1 Departments of Addiction, Mental Health, and Cognitive Services and for  
2 Children and Families when coordinating educational services to children and  
3 adolescents with a severe emotional disturbance pursuant to the provisions of  
4 33 V.S.A. chapter 43.

5 \* \* \* Special Education \* \* \*

6 Sec. 14. 16 V.S.A. § 2943 is amended to read:

7 § 2943. ~~COMMISSIONER~~ SECRETARY OF EDUCATION FOR  
8 CHILDREN WITH DISABILITIES; POWERS

9 The ~~Commissioner~~ Secretary of Education, by virtue of the office, shall be  
10 ~~Commissioner~~ Secretary of Education for children with disabilities and shall  
11 superintend all matters relating to the essential early education and special  
12 education of children with disabilities. In addition, the ~~Commissioner~~  
13 Secretary, in coordination with the ~~department of mental health, the~~  
14 ~~department of disabilities, aging, and independent living, and the department~~  
15 ~~for children and families~~ Departments of Addiction, Mental Health, and  
16 Cognitive Services and for Children and Families, shall ensure that appropriate  
17 educational services are provided to children and adolescents with a severe  
18 emotional disturbance in accordance with the provisions of 33 V.S.A.  
19 chapter 43 and may accept gifts, grants, or other donations to carry out the  
20 purpose of this chapter.



1 Cognitive Services shall develop and implement a prevention, intervention,  
2 and response strategy, depending on available resources, that shall:

3 \* \* \*

4 (c)(1) A health care professional acting in good faith may directly or by  
5 standing order prescribe, dispense, and distribute an opioid antagonist to the  
6 following persons, provided the person has been educated about opioid-related  
7 overdose prevention and treatment in a manner approved by the Department of of  
8 Addiction, Mental Health, and Cognitive Services:

9 \* \* \*

10 \* \* \* Treatment of Opioid Addiction \* \* \*

11 Sec. 18. 18 V.S.A. § 4751 is amended to read:

12 § 4751. PURPOSE

13 It is the purpose of this chapter to authorize the ~~department of health~~  
14 Department of Addiction, Mental Health, and Cognitive Services to establish a  
15 regional system of opioid addiction treatment.

16 Sec. 19. 18 V.S.A. § 4752 is amended to read:

17 § 4752. OPIOID ADDICTION TREATMENT SYSTEM

18 (a) The ~~department of health~~ Department of Addiction, Mental Health, and  
19 Cognitive Services shall establish by rule a regional system of opioid addiction  
20 treatment.

21 (b) The rules shall include the following requirements:

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\* \* \*

(4) Controlled substances for use in federally approved pharmacological treatments for opioid addiction shall be dispensed only by:

(A) a treatment program authorized by the ~~department of health~~  
Department of Addiction, Mental Health, and Cognitive Services; or

(B) a physician or advanced practice registered nurse who is not affiliated with an authorized treatment program but who meets federal requirements for use of controlled substances in the pharmacological treatment of opioid addiction.

\* \* \*

\* \* \* General Provisions \* \* \*

Sec. 20. 18 V.S.A. § 7103(e) is amended to read:

(e) Mandatory disclosure to home providers.

(1) With the written consent of the individual, or his or her guardian, an agency designated by the ~~department of disabilities, aging, and independent living or of health~~ Department of Addiction, Mental Health, and Cognitive Services to provide developmental disability and mental health services shall disclose all relevant information, in writing, to a potential home care provider for that individual so that the provider has the opportunity to make a fully informed decision prior to the placement.

1           (2) If the individual, or his or her guardian, does not consent to the  
2 disclosure, the placement will not occur unless the home care provider agrees,  
3 in writing, to the placement, absent disclosure.

4           (3) A home care provider must furnish to any person providing respite  
5 care, the individual's relevant information obtained from the agency  
6 designated by the ~~department of disabilities, aging, and independent living or~~  
7 ~~of health~~ Department of Addiction, Mental Health, and Cognitive Services to  
8 provide developmental disability and mental health services, as provided in  
9 this subsection. Where the home care provider has agreed to placement  
10 without disclosure, the home care provider shall inform the respite provider  
11 of that fact.

12           (4) Home care and respite providers, whether or not they agree to a  
13 placement, shall be subject to the confidentiality and disclosure requirements  
14 of subsections (a), (b), and (c) of this section.

15           (5) As used in this subsection:

16           (A) "Home care provider" means a person or entity paid by an  
17 agency designated by the ~~department of disabilities, aging, and independent~~  
18 ~~living or of health~~ Department of Addiction, Mental Health, and Cognitive  
19 Services to provide developmental disability and mental health services, to  
20 provide care in his or her home.

1           (B) “Relevant information” means information needed to protect the  
2 individual and others from harm, including any relevant history of violent  
3 behavior or conduct causing danger of harm to others, as defined in  
4 subdivision 7101(17)(A) of this title, any medications presently prescribed to  
5 the individual, and any known precursors of dangerous behavior that may  
6 cause future harm.

7           (C) “Respite provider” means a person, paid by a home care  
8 provider, to provide care by the day or overnight in the person’s home.

9           (6) Any written disclosure of relevant information under this subsection  
10 shall also include notice of the confidentiality and disclosure requirements of  
11 this section.

12           (7) Where the individual has consented to disclosure, an agency  
13 designated by the ~~department of disabilities, aging, and independent living or~~  
14 ~~health~~ Department of Addiction, Mental Health, and Cognitive Services to  
15 provide developmental disability and mental health services shall provide  
16 updated information regarding the individual to the home care provider.

17           Sec. 21. 18 V.S.A. § 7113 is amended to read:

18           § 7113. INDEPENDENT EXAMINATION: PAYMENT

19           Whenever a court orders an independent examination by a mental health  
20 professional or a qualified mental retardation professional pursuant to this title  
21 or 13 V.S.A. § 4822, the cost of the examination shall be paid by the



1 ~~department of disabilities, aging, and Independent living or of health~~  
2 Department of Addiction, Mental Health, and Cognitive Services. The mental  
3 health professional or qualified mental retardation professional may be selected  
4 by the ~~court~~ Court but the ~~commissioner of disabilities, aging, and independent~~  
5 ~~living or the commissioner~~ Commissioner of ~~Mental Health~~ Addiction, Mental  
6 Health, and Cognitive Services may adopt a reasonable fee schedule for  
7 examination, reports, and testimony.

8 \* \* \* The Department of Mental Health \* \* \*

9 Sec. 22. 18 V.S.A. § 7201 is amended to read:

10 § 7201. ADDICTION, MENTAL HEALTH, AND COGNITIVE SERVICES

11 The ~~department of mental health~~ Department of Addiction, Mental Health,  
12 and Cognitive Services, as the successor to and continuation of the division of  
13 ~~mental health services of the department of health~~ Department of Mental  
14 Health, of the Division of Alcohol and Drug Abuse Programs in the  
15 Department of Health, and of the Traumatic Brain Injury Program and  
16 Developmental Disability Services in the Department of Disabilities, Aging,  
17 and Independent Living, shall centralize and more efficiently establish the  
18 general policy and execute the programs and services of the ~~state~~ State  
19 concerning mental health, substance abuse, developmental disabilities, and  
20 traumatic brain injuries, and shall integrate and coordinate those programs and  
21 services with the programs and services of other departments of the ~~state~~ State,

1 its political subdivisions, and private agencies, so as to provide a flexible  
2 comprehensive service to all citizens of the ~~state~~ State in mental health,  
3 substance abuse, developmental disabilities, traumatic brain injuries, and other  
4 related problems.

5 Sec. 23. 18 V.S.A. § 7202 is amended to read:

6 § 7202. COORDINATION

7 The ~~department of mental health~~ Department of Addiction, Mental Health,  
8 and Cognitive Services shall be responsible for coordinating efforts of all  
9 agencies and services, government and private, on a statewide basis in order to  
10 promote and improve the mental health of individuals through outreach,  
11 education, and other activities. The ~~department of disabilities, aging, and~~  
12 ~~independent living~~ Department shall also be responsible for coordinating the  
13 efforts of all agencies and services, government and private, on a statewide  
14 basis in order to promote and improve the lives of individuals with substance  
15 use disorders, developmental disabilities, and traumatic brain injuries.

16 \* \* \* Mental Health System of Care \* \* \*

17 Sec. 24. 18 V.S.A. § 7253 is amended to read:

18 § 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

19 \* \* \*





1 ~~and independent living~~ Department of Addiction, Mental Health, and  
2 Cognitive Services.

3 \* \* \* Developmental Disabilities Act \* \* \*

4 Sec. 28. 18 V.S.A. § 8722 is amended to read:

5 § 8722. DEFINITIONS

6 As used in this chapter:

7 (1) "Department" means the ~~department of disabilities, aging, and~~  
8 ~~independent living~~ Department of Addiction, Mental Health, and  
9 Cognitive Services.

10 \* \* \*

11 (8) "Commissioner" means the Commissioner of Addiction, Mental  
12 Health, and Cognitive Services.

13 Sec. 29. 18 V.S.A. § 8723 is amended to read:

14 § 8723. DEPARTMENT OF ~~DISABILITIES, AGING, AND~~

15 ~~INDEPENDENT LIVING~~ ADDICTION, MENTAL HEALTH, AND

16 COGNITIVE SERVICES; DUTIES

17 The ~~department~~ Department shall plan, coordinate, administer, monitor, and  
18 evaluate ~~state~~ State and federally funded services for people with  
19 developmental disabilities and their families within Vermont. The ~~department~~  
20 ~~of disabilities, aging, and independent living~~ Department shall be responsible  
21 for coordinating the efforts of all agencies and services, government and

1 private, on a statewide basis in order to promote and improve the lives of  
2 individuals with developmental disabilities. Within the limits of available  
3 resources, the ~~department~~ Department shall:

4 (1) Promote the principles stated in section 8724 of this title and shall  
5 carry out all functions, powers, and duties required by this chapter by  
6 collaborating and consulting with people with developmental disabilities, their  
7 families, guardians, community resources, organizations, and people who  
8 provide services throughout the ~~state~~ State.

9 (2) Develop and maintain an equitably and efficiently allocated  
10 statewide system of community-based services that reflect the choices and  
11 needs of people with developmental disabilities and their families.

12 (3) Acquire and administer funding for these services and identify  
13 needed resources and legislation.

14 (4) Establish a statewide procedure for applying for services.

15 (5) Facilitate or provide pre-service or in-service training and technical  
16 assistance to service providers consistent with the system of care plan.

17 (6) Provide quality assessment and quality improvement support for the  
18 services provided throughout the ~~state~~ State.

19 (7) Encourage the establishment and development of locally  
20 administered and locally controlled nonprofit services for people with

1 developmental disabilities based on the specific needs of individuals and  
2 their families.

3 (8) Promote and facilitate participation by people with developmental  
4 disabilities and their families in activities and choices that affect their lives and  
5 in designing services that reflect their unique needs, strengths, and  
6 cultural values.

7 (9) Promote positive images and public awareness of people with  
8 developmental disabilities and their families.

9 (10) Certify services that are paid for by the ~~department~~ Department.

10 (11) Establish a procedure for investigation and resolution of complaints  
11 regarding the availability, quality, and responsiveness of services provided  
12 throughout the ~~state~~ State.

13 \* \* \* Care for Persons with Mental Disabilities \* \* \*

14 Sec. 30. 18 V.S.A. § 8839 is amended to read:

15 § 8839. DEFINITIONS

16 As used in this subchapter:

17 \* \* \*

18 (2) "Designated program" means a program designated by the  
19 ~~commissioner~~ Commissioner as adequate to provide in an individual manner  
20 appropriate custody, care, and habilitation to persons with mental retardation  
21 receiving services under this subchapter. ~~Placement in the Brandon Training~~

1 ~~School may only be accomplished through the procedures set forth in~~  
2 ~~subchapter 1 of chapter 206 of this title.~~

3 \* \* \*

4 (4) “Commissioner” means the Commissioner of Addiction, Mental  
5 Health, and Cognitive Services.

6 (5) “Department” means the Department of Addiction, Mental Health,  
7 and Cognitive Services.

8 \* \* \* Community Mental Health and Developmental Services \* \* \*

9 Sec. 31. 18 V.S.A. § 8907(a) is amended to read:

10 (a) Except as otherwise provided in this chapter, the ~~commissioner of~~  
11 ~~mental health and the commissioner of disabilities, aging, and independent~~  
12 ~~living~~ Commissioner of Addiction, Mental Health, and Cognitive Services  
13 shall, within the limits of funds designated by the ~~legislature~~ General  
14 Assembly for this purpose, ensure that community services to mentally ill and  
15 developmentally disabled persons throughout the ~~state~~ State are provided  
16 through designated community mental health agencies. The ~~commissioners~~  
17 Commissioner shall designate public or private nonprofit agencies to provide  
18 or arrange for the provision of these services.



1 Sec. 32. 18 V.S.A. § 8909 is amended to read:

2 § 8909. BOARDS OF DIRECTORS OF NONPROFIT CORPORATIONS

3 DESIGNATED AS COMMUNITY MENTAL HEALTH AND

4 DEVELOPMENTAL DISABILITY AGENCIES

5 (a) The board of a nonprofit corporation that is designated by the  
6 ~~commissioner of mental health or of disabilities, aging, and independent living~~  
7 Commissioner of Addiction, Mental Health, and Cognitive Services to be a  
8 community mental health and developmental disability agency shall be  
9 representative of the demographic makeup of the area served by the agency.

10 A majority of the members of the board shall be composed of both individuals  
11 who are or were eligible to receive services from an agency because of their  
12 disability, and family members of an individual who is or was eligible to  
13 receive services because of his or her disability. The board president shall  
14 survey board members on an annual basis and shall certify to the ~~commissioner~~  
15 Commissioner that the composition of the board ~~is comprised of~~ comprises a  
16 majority as required by this section. This composition of the board shall be  
17 confirmed by the organization's annual independent audit. Annually, the  
18 board shall determine whether or not this disclosure shall be made available to  
19 the public on request. The board shall have overall responsibility and control  
20 of the planning and operation of the community mental health agency.

1 (b) The board shall direct the development of the local community services  
2 plan and shall consult with the ~~commissioners~~ Commissioner, with consumers,  
3 with other organizations representing mentally ill, persons with developmental  
4 disabilities, and children and adolescents with a severe emotional disturbance,  
5 and with other governmental or private agencies that provide community  
6 services to the clients served by the agency to determine the needs of the  
7 community for mental health and developmental disability services, and the  
8 priority need for service. The plan shall encourage utilization of existing  
9 agencies, professional personnel, and public funds at both ~~state~~ State and local  
10 levels in order to improve the effectiveness of mental health and  
11 developmental disability services and to prevent unnecessary duplication  
12 of expenditures.

13 (c) ~~For the purpose of~~ As used in this section:

14 \* \* \*

15 (3) "Commissioner" means ~~either the commissioner of the department~~  
16 ~~of mental health or the commissioner of the department of disabilities, aging,~~  
17 ~~and independent living, or both, depending on the circumstances and subject~~  
18 ~~matter of the issue or issues being addressed~~ the Commissioner of Addiction,  
19 Mental Health, and Cognitive Services.

1 Sec. 33. 18 V.S.A. § 8910(a) is amended to read:

2 (a) Upon application to the ~~commissioner~~ Commissioner by a designated  
3 community mental health and developmental disability agency, the  
4 ~~commissioner of the appropriate department~~ Commissioner may grant to the  
5 agency funds to be used for carrying out its mental health and developmental  
6 disability services. Such grant of funds shall be based on a program plan and  
7 program budget developed by the agency and submitted to and approved by  
8 the ~~commissioner or commissioners~~ Commissioner. The budget plan must  
9 indicate cost per unit of service, anticipated fees for services, and must  
10 represent a balanced plan of anticipated receipts and expenditures.

11 Sec. 34. 18 V.S.A. § 8911 is amended to read:

12 § 8911. POWERS OF THE ~~COMMISSIONERS~~ COMMISSIONER

13 (a) If the ~~commissioner~~ Commissioner after discussion with the board of a  
14 community mental health and developmental disability agency ~~determine~~  
15 determines that the local community services plan required by section 8908 of  
16 this chapter is inadequate to meet the needs of persons with mental illness or  
17 with developmental disabilities or children and adolescents with a severe  
18 emotional disturbance in accordance with the provisions of 33 V.S.A.  
19 chapter 43 in the area served by a mental health and developmental disability  
20 agency or that an agency has, for reasons other than lack of resources, failed or

1 refused to implement an otherwise adequate plan, the ~~commissioners~~

2 Commissioner shall take one or more of the following steps:

3 (1) offer technical assistance to the agency;

4 (2) actively seek out and designate another agency to provide the  
5 needed services;

6 (3) directly provide or arrange the needed services if it appears that the  
7 services will not otherwise be available within a reasonable period of time.

8 The remedies specified in this subsection shall be in addition to any other  
9 rights and remedies which are available to the ~~commissioner~~ Commissioner  
10 under ~~state~~ State or federal law.

11 \* \* \*

12 (c) The board of directors of a community mental health and  
13 developmental disability agency will be given a six-month notice of any intent  
14 on the part of the ~~commissioners~~ Commissioner to terminate its designated  
15 status. The ~~commissioners~~ Commissioner shall provide a written notice which  
16 outlines the performance based rationale associated with such intent. The  
17 board of directors shall have six months to review the ~~commissioners'~~  
18 Commissioner's stated concerns and implement a corrective action plan. The  
19 board of directors shall also be informed, in writing, of current standards and  
20 procedures regarding appeal processes.

1 Sec. 35. 18 V.S.A. § 8912 is amended to read:

2 § 8912. CONTRACTS WITH NONDESIGNATED AGENCIES

3 The ~~commissioners~~ Commissioner may enter into agreements with local  
4 community mental health and developmental disability agencies or with any  
5 public or private agency for the purpose of establishing specialized services  
6 which are needed by persons with mental illness or with developmental  
7 disabilities or children and adolescents with a severe emotional disturbance  
8 and are not available from designated community mental health agencies.

9 Sec. 36. 18 V.S.A. § 8913(a) is amended to read:

10 (a) The ~~commissioners~~ Commissioner shall establish minimum program  
11 standards for services provided by community mental health and  
12 developmental disability agencies. Minimum program standards shall specify  
13 the basic activities and resources which are necessary for the implementation  
14 of such programs.

15 \* \* \* Guardianship Services for People  
16 with Developmental Disabilities \* \* \*

17 Sec. 37. 18 V.S.A. § 9302 is amended to read:

18 § 9302. DEFINITIONS

19 As used in this chapter:

20 \* \* \*





1 Sec. 41. 23 V.S.A. § 3207f(f) is amended to read:

2 (f) The alcohol program required under this section shall be administered  
3 by the ~~office of alcohol and drug abuse programs~~ Division of Alcohol and  
4 Drug Abuse Programs and shall take into consideration any particular  
5 treatment needs of operators under ~~the age of 21~~ years of age.

6 Sec. 42. 23 V.S.A. § 3323a(f) is amended to read:

7 (f) The alcohol program required under this section shall be administered  
8 by the ~~office of alcohol and drug abuse programs~~ Division of Alcohol and  
9 Drug Abuse Programs and shall take into consideration any particular  
10 treatment needs of operators under ~~the age of 21~~ years of age.

11 \* \* \* Supervision of Adult Inmates at the Correctional Facility \* \* \*

12 Sec. 43. 28 V.S.A. § 704 is amended to read:

13 § 704. DISPOSITION WHEN PERSON RECOVERS

14 When the ~~commissioner of mental health~~ Commissioner of Addiction,  
15 Mental Health, and Cognitive Services determines that a person whose  
16 sentence has not expired no longer requires to be under the supervision of the  
17 ~~department of mental health~~ Department of Addiction, Mental Health, and  
18 Cognitive Services, the ~~commissioner~~ Commissioner of Addiction, Mental  
19 Health, and Cognitive Services shall return the person to the custody of the  
20 ~~commissioner~~ Commissioner in accordance with 18 V.S.A. chapter 189  
21 ~~of Title 18.~~



1 Sec. 44. 28 V.S.A. § 907 is amended to read:

2 § 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND  
3 RESPONSIBILITIES OF COMMISSIONER

4 The Commissioner shall administer a program of trauma-informed mental  
5 health services which shall be available to all inmates and shall provide  
6 adequate staff to support the program. The program shall provide the  
7 following services:

8 \* \* \*

9 (4) Access to a variety of services and levels of care consistent with the  
10 treatment plan to inmates suffering mental illness or disorder or serious  
11 functional impairment. These services shall include, as appropriate,  
12 the following:

13 (A) Follow-up evaluations.

14 (B) Crisis intervention.

15 (C) Crisis beds.

16 (D) Residential care within a correctional institution.

17 (E) Clinical services provided within the general population of the  
18 correctional facility.

19 (F) Services provided in designated special needs units.

20 (G) As a joint responsibility with the ~~department of mental health and~~  
21 ~~the department of disabilities, aging, and independent living~~ Department of

1 Addiction, Mental Health, and Cognitive Services, and working with  
2 designated agencies, the implementation of discharge planning which  
3 coordinates access to services for which the offender is eligible, developed in a  
4 manner that is guided by best practices and consistent with the reentry case  
5 plan developed under subsection 1(b) of this title.

6 (H) Other services that the ~~department of corrections, the department~~  
7 ~~of disabilities, aging, and independent living, and the department of mental~~  
8 ~~health~~ Departments of Corrections and of Addiction, Mental Health, and  
9 Cognitive Services jointly determine to be appropriate.

10 \* \* \*

11 \* \* \* The Public Monies \* \* \*

12 Sec. 45. 32 V.S.A. § 582 is amended to read:

13 § 582. SALE OF MEALS; REVOLVING FUND

14 Superintendents of institutions in the ~~departments of corrections and~~  
15 ~~developmental and mental health services~~ Departments of Corrections and of  
16 Addiction, Mental Health, and Cognitive Services and the Vermont ~~veterans'~~  
17 ~~home~~ Veterans' Home may sell meals prepared under their food service  
18 programs to employees, officials, visitors, and other necessary persons  
19 participating in institutional programs. Rates for meals and food issue sold  
20 shall be reasonably related to costs. Proceeds from these sales may be

1 deposited to a separate special fund for each institution and may be used for  
2 food supplies.

3 \* \* \* Department for Children and Families \* \* \*

4 Sec. 46. 33 V.S.A. § 304(e) is amended to read:

5 (e) The Commissioner shall ensure the provision of services to children or  
6 adolescents with a severe emotional disturbance in coordination with the  
7 ~~Commissioners~~ Secretary of Education; and with the Commissioner of Mental  
8 ~~Health, and of Disabilities, Aging, and Independent Living~~ Addiction, Mental  
9 Health, and Cognitive Services in accordance with the provisions of chapter 43  
10 of this title.

11 \* \* \* Disabilities, Aging, and Independent Living Programs \* \* \*

12 Sec. 47. 33 V.S.A. § 502 is amended to read:

13 § 502. DEFINITIONS

14 As used in this chapter:

15 \* \* \*

16 (8) "Persons with disabilities" mean individual Vermonters who have  
17 functional limitations by virtue of physical, ~~psychiatric, cognitive, or~~  
18 ~~psychological~~ conditions.

19 \* \* \*







1 (g) Notwithstanding subsection (d) of this section, a person under 18 years  
2 of age who is judged by a law enforcement officer to be incapacitated and who  
3 has not been charged with a crime shall not be held at a lockup or community  
4 correctional center. If needed treatment is not readily available the person  
5 shall be released to his or her parent or guardian. If the person has no parent or  
6 guardian in the area, arrangements shall be made to house him or her according  
7 to the provisions of chapter 55 of this title. The official in charge of an adult  
8 jail or lockup shall notify the Director of the ~~Office~~ Division of Drug and  
9 ~~Alcohol Abuse~~ Alcohol and Drug Abuse Programs of any person under the age  
10 of 18 brought to an adult jail or lockup pursuant to this chapter.

11 \* \* \*

12 \* \* \* Alcohol and Drug Abuse Counselors \* \* \*

13 Sec. 50. 33 V.S.A. § 801(2) is amended to read:

14 (2) "Commissioner" means the ~~commissioner of the department of~~  
15 ~~health~~ Commissioner of Addiction, Mental Health, and Cognitive Services.

16 Sec. 51. 33 V.S.A. § 805 is amended to read:

17 § 805. DIRECTOR; DUTIES

18 \* \* \*

19 (b) The ~~commissioner of health~~ Commissioner of Addiction, Mental  
20 Health, and Cognitive Services, with the advice of the ~~director~~ Director and the

1 ~~advisor appointees~~ Advisor Appointees, may adopt rules necessary to perform  
2 the ~~director's~~ Director's duties under this section.

3 Sec. 52. 33 V.S.A. § 809 is amended to read:

4 § 809. BIENNIAL RENEWALS

5 \* \* \*

6 (d) The ~~commissioner of health~~ Commissioner of Addiction, Mental  
7 Health, and Cognitive Services may, after notice and opportunity for hearing,  
8 revoke a person's right to renew a license if the license has lapsed for five or  
9 more years.

10 Sec. 53. 33 V.S.A. § 811 is amended to read:

11 § 811. REGULATORY FEE FUND

12 \* \* \*

13 (b) To ensure that revenues derived by the ~~division~~ Division are adequate  
14 to offset the cost of regulation, the ~~commissioner of health~~ Commissioner of  
15 Addiction, Mental Health, and Cognitive Services and the ~~director~~ Director  
16 shall review fees from time to time, and present proposed fee changes to the  
17 ~~general assembly~~ General Assembly.

18 \* \* \*





1 through a program administered by the ~~Department~~ Departments of Health ~~or~~,  
2 of Disabilities, Aging, and Independent Living, or of Addiction, Mental  
3 Health, and Cognitive Services.

4 (B) Individuals providing medically necessary personal care or  
5 homemaker services to a member of the household who is 60 years of age or  
6 older or disabled.

7 \* \* \* Children and Adolescence with Severe Emotional Disturbance \* \* \*

8 Sec. 56. 33 V.S.A. § 4302 is amended to read:

9 § 4302. STATE INTERAGENCY TEAM

10 (a) A ~~state~~ State interagency team is created and shall consist of  
11 eight members:

12 \* \* \*

13 (3) the ~~director~~ Director of the division responsible for children's mental  
14 health services for the department of developmental and mental health services  
15 Department of Addiction, Mental Health, and Cognitive Services;

16 (4) the ~~children's program specialist for~~ Chief of the division  
17 responsible for mental health services Children, Adolescents, and Family Unit  
18 in the Division of Children's Mental Health Services for the ~~department of~~  
19 ~~developmental and mental health services~~ Department of Addiction, Mental  
20 Health, and Cognitive Services;

1 (5) the ~~director of the division responsible for social services for the~~  
2 ~~department of social and rehabilitation services~~ Deputy Commissioner for the  
3 Family Services Division of the Department for Children and Families;

4 (6) the placement consultant for the ~~division responsible for social~~  
5 ~~services for the department of social and rehabilitation services~~ Family  
6 Services Division of the Department for Children and Families;

7 \* \* \*

8 (b) The ~~state~~ State interagency team shall have the following powers  
9 and duties:

10 (1) submit an annual report to the ~~commissioners of developmental and~~  
11 ~~mental health services, social and rehabilitation services and education~~  
12 Secretary of Education and to the Commissioners of Addiction, Mental Health,  
13 and Cognitive Services and for Children and Families on the status of  
14 programs for children and adolescents with a severe emotional disturbance  
15 which shall include a system of care plan. The system of care plan shall  
16 identify the characteristics and number of children and adolescents with a  
17 severe emotional disturbance in need of services, describe the educational,  
18 residential, mental health, or other services needed, describe the programs and  
19 resources currently available, recommend a plan to meet the needs of such  
20 children and adolescents, and recommend priorities for the continuation or  
21 development of programs and resources;

1 \* \* \*

2 (5) recommend to the ~~secretary of the agency of human services and to~~  
3 ~~the commissioners of the departments of education, developmental and mental~~  
4 ~~health services, and social and rehabilitation services~~ Secretaries of Human  
5 Services and of Education and the Commissioners of Addiction, Mental  
6 Health, and Cognitive Services and for Children and Families any fiscal,  
7 policy, or programmatic change at the local, regional, or ~~state~~ State level  
8 necessary to enhance the ~~state's~~ State's system of care for children and  
9 adolescents with a severe emotional disturbance and their families.

10 Sec. 57. 33 V.S.A. § 4304a(a) is amended to read:

11 (a) An ~~advisory board~~ Advisory Board is created to advise the  
12 ~~commissioners of developmental and mental health services, social and~~  
13 ~~rehabilitation services and education~~ Secretary of Education and the  
14 Commissioners of Addiction, Mental Health, and Cognitive Services and for  
15 Children and Families about children and adolescents with a severe emotional  
16 disturbance and their families.

17 Sec. 58. 33 V.S.A. § 4305 is amended to read:

18 § 4305. COORDINATED SYSTEM OF CARE

19 (a) Services provided by or through the ~~departments of developmental and~~  
20 ~~mental health services, social and rehabilitation services and education~~  
21 Departments of Addiction, Mental Health, and Cognitive Services and for

1 Children and Families and the Agency of Education to children and  
2 adolescents with a severe emotional disturbance shall be pursuant to a  
3 coordinated services plan, developed in accordance with the provisions of  
4 this chapter.

5 \* \* \*

6 (b) ~~The state board of education and the departments of developmental and~~  
7 ~~mental health services and social and rehabilitation services~~ State Board of  
8 Education and the Departments of Addiction, Mental Health, and Cognitive  
9 Services and for Children and Families shall jointly adopt rules by January 1,  
10 1991 implementing the provisions of this chapter. Such rules shall:

11 \* \* \*

12 (c) ~~The commissioners of developmental and mental health services, social~~  
13 ~~and rehabilitation services and education~~ Commissioners of Addiction, Mental  
14 Health, and Cognitive Services and for Children and Families and the  
15 Secretary of Education shall jointly submit to the ~~general assembly~~ General  
16 Assembly a report on the status of programs for children and adolescents with  
17 a severe emotional disturbance and their families which shall include a system  
18 of care plan. The report shall be submitted together with the general  
19 appropriation bill provided for by ~~section 32 V.S.A. § 701 of Title 32.~~ The  
20 system of care plan shall:

21 \* \* \*

1 (g) Except as otherwise provided in chapter 55 of this title, the receipt of  
2 appropriate services for a child or adolescent with a severe emotional  
3 disturbance or the child or adolescent's family, including an out-of-home  
4 placement, shall not be conditioned on placement of the child or adolescent in  
5 the legal custody, protective supervision, or protection of the ~~department of~~  
6 ~~social and rehabilitation services~~ Department for Children and Families.

7 \* \* \* Delinquency Proceedings \* \* \*

8 Sec. 59. 33 V.S.A. § 5272(c) is amended to read:

9 (c) The ~~juvenile justice director~~ Juvenile Justice Director shall ensure that  
10 the following occur:

11 \* \* \*

12 (3) Cooperation among appropriate departments, including the  
13 ~~department and the departments of education, corrections, employment and~~  
14 ~~training, developmental and mental health services, and public safety, and the~~  
15 ~~office of alcohol and drug abuse programs~~ Department, Agency of Education,  
16 Departments of Corrections, of Labor, of Addiction, Mental Health, and  
17 Cognitive Services, and of Public Safety.

18 \* \* \*

1                               \* \* \* Statutory Revision \* \* \*

2       Sec. 60. STATUTORY REVISION

3               The Office of Legislative Council, in its statutory revision capacity, is  
4       directed to substitute the “Department for Addiction, Mental Health, and  
5       Cognitive Services” wherever the “Department of Mental Health” appears, to  
6       substitute “Commissioner of Addiction, Mental Health, and Cognitive  
7       Services” wherever “Commissioner of Mental Health” appears, to substitute  
8       “Board of Addiction, Mental Health, and Cognitive Services” wherever “Board  
9       of Mental Health” appears, and to make such amendments to the Vermont  
10       Statutes Annotated as are necessary to reflect the provisions of this act.

11                              \* \* \* Effective Date \* \* \*

12       Sec. 61. EFFECTIVE DATE

13       This act shall take effect on July 1, 2014.