

H.237

An act relating to governance of the Vermont state hospital

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

Sec. 1. 18 V.S.A. chapter 174 is added to read:

CHAPTER 174. VERMONT STATE HOSPITAL GOVERNANCE

§ 7251. VERMONT STATE HOSPITAL GOVERNING BOARD

(a) The Vermont state hospital shall be governed by a board comprising no more than nine voting members appointed by the secretary of human services. A majority of the board shall be members of the public and shall include at least one individual who has received services from the Vermont state hospital or from a designated hospital, to be selected in consultation with groups representing mental health consumers, and at least one family member of an individual who has received services from the Vermont state hospital or from a designated hospital, to be selected in consultation with groups representing families of mental health consumers. The remainder of the board shall be ex officio, voting members of the executive branch, except that the executive director and medical director of the Vermont state hospital; the commissioner and deputy commissioner of disabilities, aging, and independent living; and any individual employed by the division of licensing and protection in the department of disabilities, aging, and independent living shall be nonvoting

members if serving on the board and shall be in addition to the voting members of the board.

(b) Members of the governing board who are not state employees are entitled to compensation pursuant to 32 V.S.A. § 1010.

(c) The governing board shall be considered a public agency for purposes of subchapters 1 and 2 of chapter 5 of Title 1, and shall meet a minimum of six times each year.

(d) As used in this section, “family member” shall have the same meaning as in 33 V.S.A. § 6302(2).

§ 7252. GOVERNING BOARD DUTIES

Notwithstanding the provisions of 3 V.S.A. § 3089 or 3303:

(1)(A) The governing board established pursuant to this chapter shall have legal authority and responsibility for the operations of the Vermont state hospital as an institution, except that it shall delegate its authority to the commissioner of mental health for the following duties:

(i) hiring and firing the executive director of the Vermont state hospital;

(ii) establishing the budget for the Vermont state hospital; and

(iii) signing contracts on behalf of the Vermont state hospital.

(B) The governing board shall be entitled to review relevant information and make recommendations to the commissioner regarding the duties specified in subdivisions (A)(i), (ii), and (iii) of this subdivision (1).

(2) The board shall enact bylaws to govern its execution of the following duties:

(A) reviewing the quality and effectiveness of care and of management operations at the Vermont state hospital;

(B) ensuring an effective grievance process;

(C) approving all Vermont state hospital policies;

(D) developing and adopting a conflict-of-interest policy;

(E) evaluating its own performance annually; and

(F) ensuring compliance with the provisions of 42 C.F.R. 482.12.

Sec. 2. 18 V.S.A. § 7401 is amended to read:

§ 7401. POWERS AND DUTIES

Except insofar as this part of this title specifically confers certain powers, duties, and functions upon others, the commissioner shall be charged with its administration. The commissioner may:

* * *

~~(5) supervise the care and treatment of patients at the Retreat in the same manner and with the same authority that he supervises patients at the Vermont State Hospital;~~

~~(6)~~ provide for the hospitalization of mentally ill patients in designated hospitals or institutions of Vermont or negotiate and enter into contracts which shall incorporate safeguards consistent with this part of this title, with any hospital or institution for the care and treatment of patients in any other state;

~~(7)~~(6) prescribe the form of applications, records, reports, and medical certificates required by the statutes, and the information to be contained therein and to supply them to physicians and probate courts;

~~(8)~~(7) require reports from the head of a hospital or other institution concerning the care of patients;

~~(9)~~(8) visit each hospital or institution and review methods of care for all patients;

~~(10)~~(9) investigate complaints made by a patient, his or her attorney, or an interested party on his or her behalf;

~~(11)~~(10) establish rates, charges, and fees for the care of patients in hospitals and determine ability to pay, liability for payments, and amounts to be paid and bill for and collect those amounts with the aid of the attorney general;

~~(12)~~(11) receive gifts and bequests of real and personal estate made for the use and benefit of any state hospital, and invest any moneys so received in safe interest-bearing securities in the corporate name of the hospital;

~~(13)~~(12) delegate to any officer or agency of Vermont any of the duties and powers imposed upon him or her by this part of this title. The delegation of authority and responsibility shall not relieve the commissioner of accountability for the proper administration of this part of this title;

~~(14)~~(13) plan and coordinate the development of community services which are needed to assist mentally ill persons and children and adolescents with a severe emotional disturbance to become as financially and socially independent as possible. These services shall consist of residential, vocational, rehabilitative, day treatment, inpatient, outpatient, and emergency services, as well as client assessment, prevention, family, and individual support services and such other services as may be required by federal law or regulations;

~~(15)~~(14) contract with community mental health centers to assure that individuals who are mentally ill or children and adolescents with a severe emotional disturbance can receive information, referral, and assistance in obtaining those community services which they need and to which they are lawfully entitled;

~~(16)~~(15) contract with accredited educational or health care institutions for psychiatric services at the Vermont ~~State Hospital~~ state hospital;

~~(17)~~(16) ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the commissioner of

education and the commissioner for children and families in accordance with the provisions of chapter 43 of Title 33;

~~(18)~~(17) ensure the development of community-based prevention and early intervention services for children and adults and ensure the coordination of these services throughout all parts of the public and private health care delivery systems;

~~(19)~~(18) ensure the development of chronic care services, addressing mental health and substance abuse, for children and adults and ensure the coordination of these services with other chronic care initiatives, including the Blueprint for Health, and the care coordination and case management programs of the office of Vermont health access;

~~(20)~~(19) ensure the coordination of mental health, physical health, and substance abuse services provided by the public and private health care delivery systems;

~~(21)~~(20) ensure the coordination of public mental health and substance abuse services with mental health and substance abuse services offered through the private health care delivery system, including services offered by primary care physicians.

Sec. 3. GOVERNING BODIES FOR RESIDENTIAL PSYCHIATRIC
FACILITIES

It is the intent of the general assembly that a governing board separate from the governing board of the Vermont state hospital shall be established for any residential psychiatric facility owned and operated by the state that is a facility separate and independent from the Vermont state hospital.