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H.867

Introduced by Representatives Connor of Fairfield, Colburn of Burlington,
LaLonde of South Burlington, O’Sullivan of Burlington, Weed
of Enosburgh, and Young of Glover

Referred to Committee on

Date:

Subject: Human services; corrections; medication-assisted treatment

Statement of purpose of bill as introduced: This bill proposes to enable opioid-
dependent inmates to receive medication-assisted treatment in State
correctional facilities from providers employed by opioid treatment programs
throughout the State.

An act relating to the provision of medication-assisted treatment for inmates

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

Sec. 1. 18 V.S.A. § 4750 is added to read:

§ 4750. DEFINITION

As used in this chapter, “medication-assisted treatment” means the use of
certain medications, including either methadone or buprenorphine, in
combination with counseling and behavioral therapies for the treatment of a
substance use disorder.

1 Sec. 2. 28 V.S.A. § 801 is amended to read:

2 § 801. MEDICAL CARE OF INMATES

3 * * *

4 (b) Upon admission to a correctional facility for a minimum of
5 14 consecutive days, each inmate shall be given a physical assessment unless
6 extenuating circumstances exist. The physical assessment shall include
7 screening for opioid dependence.

8 * * *

9 (e)(1) Except as otherwise provided in this subsection, an offender who is
10 admitted to a correctional facility while under the medical care of a licensed
11 physician, a licensed advanced practice registered nurse, or a licensed nurse
12 practitioner and who is taking medication at the time of admission pursuant to
13 a valid prescription as verified by the inmate's pharmacy of record, primary
14 care provider, other licensed care provider, or as verified by the Vermont
15 Prescription Monitoring System or other prescription monitoring or
16 information system, including buprenorphine, methadone, or other medication
17 prescribed in the course of medication-assisted treatment, shall be entitled to
18 continue that medication and to be provided that medication by the Department
19 pending an evaluation by a licensed physician, a licensed physician assistant, a
20 licensed nurse practitioner, or a licensed advanced practice registered nurse.
21 However, the Department may defer provision of medication in accordance

1 with this subsection if, in the clinical judgment of a licensed physician, a
2 physician assistant, a nurse practitioner, or an advanced practice registered
3 nurse, it is not in the inmate's best interest to continue the medication at that
4 time. The licensed practitioner who makes the clinical judgment shall enter the
5 reason for the discontinuance into the inmate's permanent medical record. It is
6 not the intent of the General Assembly that this subsection shall create a new
7 or additional private right of action.

8 (2) If an inmate screens positive for opioid dependence pursuant to
9 subsection (b) of this section and had not been receiving medication-assisted
10 treatment prior to admission, the inmate may elect to commence medication-
11 assisted treatment if it is deemed clinically appropriate and in the inmate's best
12 interests by a provider employed by the nearest opioid treatment program
13 certified and accredited pursuant to 42 C.F.R. Part 8.

14 (3) As used in this subsection, "medication-assisted treatment" shall
15 have the same meaning as in 18 V.S.A. § 4750.

16 * * *

17 Sec. 3. 28 V.S.A. § 801b is added to read:

18 § 801b. INMATES RECEIVING MEDICATION-ASSISTED TREATMENT

19 (a) The Departments of Corrections and of Health shall work
20 collaboratively to ensure that an inmate screening positive for opioid
21 dependence at the time of admission to a State correctional facility shall be

1 allowed to continue or commence clinically appropriate medication-assisted
2 treatment while in the facility.

3 (b) The Departments shall contract with opioid treatment programs
4 throughout the State, certified and accredited pursuant to 42 C.F.R. Part 8, that
5 serve regions in which a State correctional facility is located to provide
6 clinically appropriate medication-assisted treatment in the facility to an inmate
7 screening positive for opioid dependence pursuant to section 801 of this
8 section. Treatment received pursuant to this section shall be coordinated
9 pursuant to 18 V.S.A. § 4753.

10 (c) As used in this section, “medication-assisted treatment” shall have the
11 same meaning as in 18 V.S.A. § 4750.

12 Sec. 4. RULE; MEDICATION-ASSISTED TREATMENT IN STATE
13 CORRECTIONAL FACILITIES

14 (a) The Commissioners of Health and of Corrections shall adopt a rule
15 pursuant to 3 V.S.A. chapter 25 governing the provision of medication-assisted
16 treatment to opioid-dependent inmates pursuant to 28 V.S.A. §§ 801 and 801b.

17 (b) As used in this section, “medication-assisted treatment” shall have the
18 same meaning as in 18 V.S.A. § 4750.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on July 1, 2018.