

1 S.243

2 Introduced by Senators Sears and Campion

3 Referred to Committee on

4 Date:

5 Subject: Mental health; emergency service providers; suicide prevention

6 Statement of purpose of bill as introduced: This bill proposes to establish an

7 Emergency Service Provider Wellness Commission.

8 An act relating to establishing the Emergency Service Provider Wellness  
9 Commission

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

11 Sec. 1. 18 V.S.A. § 7257b is added to read:

12 § 7257b. EMERGENCY SERVICE PROVIDER WELLNESS

13 COMMISSION

14 (a) As used in this section:

15 (1) “Chief executive of an emergency service provider organization”

16 means a person in charge of an organization that employs or supervises

17 emergency service providers in their official capacity.

18 (2) “Emergency service provider” means a person:

19 (A) currently or formerly certified by the Vermont Fire Service

20 Training Council as a firefighter;

1           (B) currently or formerly licensed by the Department of Health as an  
2           emergency medical technician, advanced emergency medical technician, or  
3           paramedic;

4           (C) currently or formerly certified as a law enforcement officer by  
5           the Vermont Criminal Justice Training Council, including constables and  
6           sheriffs; or

7           (D) currently or formerly employed by the Department of  
8           Corrections as a probation, parole, or correctional facility officer.

9           (3) “Licensing entity” means a State entity that licenses or certifies an  
10          emergency service provider.

11          (b) There is created the Emergency Service Provider Wellness Commission  
12          within the Agency of Human Services for the following purposes:

13           (1) to recommend steps necessary to enable the Office of the Chief  
14           Medical Examiner to collect and confidentially report to the Department of  
15           Health on an annual basis the number of deaths of persons previously  
16           employed as an emergency service provider in which the contributing factor  
17           was heart disease, substance misuse, or death by suicide;

18           (2) to recommend steps necessary for medical and mental health  
19           professionals to collect and confidentially report to the Department of Health  
20           on an annual basis the number of emergency service providers who attempted  
21           suicide, engaged in substance misuse or addictive behaviors, committed or

1 attempted acts of violence, or experienced depression or other mental health  
2 disorders related to trauma experienced during the course of employment as an  
3 emergency service provider;

4 (3) to recommend steps necessary for the chief executive of an  
5 emergency service provider organization or licensing entity to collect and  
6 confidentially report to the Department of Health on an annual basis the  
7 number of emergency service providers who were the subject of a licensing  
8 entity or personnel investigation or proceeding or who attempted suicide,  
9 engaged in substance misuse or addictive behaviors, committed or attempted  
10 acts of violence, or experienced depression or other mental health disorders  
11 related to trauma experienced during the course of employment as an  
12 emergency service provider;

13 (4) to identify where increased or alternative supports or strategic  
14 investments within the emergency service provider community, designated or  
15 specialized service agencies, or other community service systems could  
16 improve outcomes;

17 (5) to identify how Vermont can increase capacity of qualified clinicians  
18 to ensure that the services of qualified clinicians are available throughout the  
19 State without undue delay;

20 (6) to create materials and information, in consultation with the  
21 Department of Health, including a list of qualified clinicians, for the purpose of

1 populating an electronic emergency service provider wellness resource center  
2 on the Department of Health's website;

3 (7) to educate the public, emergency service providers, State and local  
4 governments, employee assistance programs, and policymakers about best  
5 practices, tools, personnel, resources, and strategies for the prevention and  
6 intervention of the effects of trauma experienced by emergency service  
7 providers and law enforcement officers;

8 (8) to identify gaps and strengths in Vermont's system of care for  
9 emergency service providers;

10 (9) to recommend how peer support services and qualified clinician  
11 services can be delivered regionally or statewide;

12 (10) to recommend how to support emergency service providers in  
13 communities that are resource challenged, remote, small, or rural;

14 (11) to recommend policies, practices, training, legislation, rules, and  
15 services that will increase successful interventions and support for emergency  
16 service providers to improve health outcomes, job performance, and personal  
17 well-being and reduce health risks, violations of employment, and violence  
18 associated with the impact of untreated trauma, including whether to amend  
19 Vermont's employment medical leave laws to assist volunteer emergency  
20 service providers in recovering from the effects of trauma experienced while  
21 on duty; and

1           (12) to consult with federal, State, and municipal agencies,  
2           organizations, entities, and individuals in order to make any other  
3           recommendations the Commission deems appropriate.

4           (c)(1) The Commission shall comprise the following members:

5                   (A) the Chief of Training of the Vermont Fire Academy or designee;

6                   (B) a representative appointed by the Vermont Criminal Justice  
7           Training Council;

8                   (C) the Director of the Office of Emergency Services within the  
9           Department of Health or designee;

10                   (D) the Commissioner of Health or designee;

11                   (E) the Commissioner of Public Safety or designee;

12                   (F) the Commissioner of the Department of Corrections or designee;

13                   (G) the Commissioner of Human Resources or designee;

14                   (H) a law enforcement officer who is not a chief or sheriff, appointed  
15           by the President of the Vermont Police Association;

16                   (I) a representative appointed by the Vermont Association of Chiefs  
17           of Police;

18                   (J) a representative appointed by the Vermont Sheriffs' Association;

19                   (K) a representative appointed by the Vermont State Firefighters'  
20           Association;

1           (L) a representative of the designated and specialized service  
2           agencies, appointed by Vermont Care Partners;

3           (M) a representative appointed by the Vermont State Employees  
4           Association;

5           (N) a representative appointed by the Vermont Troopers'  
6           Association;

7           (O) a representative appointed by the Professional Firefighters of  
8           Vermont;

9           (P) a medical professional appointed by the Executive Director of the  
10          Vermont Medical Society;

11          (Q) a mental health professional appointed by the Executive  
12          Directors of the Vermont Psychological Association and Vermont Mental  
13          Health Counselor Association;

14          (R) a volunteer firefighter appointed by the Governor;

15          (S) a volunteer emergency medical technician or paramedic  
16          appointed by the Governor;

17          (T) a person who serves or served on a peer support team appointed  
18          by the Governor; and

19          (U) a representative appointed by the Vermont League of Cities and  
20          Towns.

1           (2) The members of the Commission specified in subdivision (1) of this  
2           subsection shall serve three-year terms. Any vacancy on the Commission shall  
3           be filled in the same manner as the original appointment. The replacement  
4           member shall serve for the remainder of the unexpired term.

5           (3) Commission members shall recuse themselves from any discussion  
6           of an event or circumstance that the member believes may involve an  
7           emergency service provider known by the member and shall not access any  
8           information related to it. The Commission may appoint an interim  
9           replacement member to fill the category represented by the recused member  
10          for review of that interaction.

11          (d)(1) The Commissioner of Health or designee shall call the first meeting  
12          of the Commission to occur on or before September 30, 2020.

13          (2) The Commission shall select a chair and vice chair from among its  
14          members at the first meeting and annually thereafter.

15          (3) The Commission shall meet at such times as may reasonably be  
16          necessary to carry out its duties, but at least once in each calendar quarter.

17          (e) The proceedings and records of the Commission describing or referring  
18          to circumstances or an event involving an emergency service provider,  
19          regardless of whether the emergency service provider is identified by name,  
20          are confidential and are not subject to subpoena, discovery, or introduction into  
21          evidence in a civil or criminal action. The Commission shall not use the

1 information, records, or data for purposes other than those designated by this  
2 section.

3 (f) Commission meetings are confidential and shall be exempt from  
4 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law) when the  
5 Commission is discussing circumstances or an event involving a specific  
6 emergency service provider regardless of whether that person is identified by  
7 name. Except as set forth in subsection (e) of this section, Commission records  
8 are exempt from public inspection and copying under the Public Records Act  
9 and shall be kept confidential.

10 (g) To the extent permitted under federal law, the Commission may enter  
11 into agreements with agencies, organizations, and individuals to obtain  
12 otherwise confidential information.

13 (h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its  
14 conclusions and recommendations to the Governor and General Assembly as  
15 the Commission deems necessary, but no less frequently than once per  
16 calendar year. The report shall disclose individually identifiable health  
17 information only to the extent necessary to convey the Commission's  
18 conclusions and recommendations and any such disclosures shall be limited to  
19 information already known to the public. The report shall be available to the  
20 public through the Department of Health.

1 Sec. 2. 18 V.S.A. § 908 is amended to read:

2 § 908. EMERGENCY MEDICAL SERVICES SPECIAL FUND

3 (a)(1) The Emergency Medical Services Fund is established pursuant to  
4 32 V.S.A. chapter 7, subchapter 5 comprising of such sums as may be  
5 appropriated or transferred thereto from time to time by the General Assembly,  
6 the State Emergency Board, or the Joint Fiscal Committee during such times as  
7 the General Assembly is not in session and revenues received by the  
8 Department from the Fire Safety Special Fund, pursuant to 32 V.S.A.  
9 § 8557(a), that are designated for this Special Fund and public and private  
10 sources as gifts, grants, and donations together with additions and interest  
11 accruing to the Fund. The Commissioner of Health shall administer the Fund  
12 to the extent funds are available to support online and regional training  
13 programs, data collection and analysis, and other activities relating to the  
14 training of emergency medical personnel and delivery of emergency medical  
15 services and ambulance services in Vermont, as determined by the  
16 Commissioner, after consulting with the EMS Advisory Committee established  
17 under section 909 of this title. The Commissioner of Health shall administer  
18 the Fund to cover all fees associated with licensure, training, and licensure  
19 renewal requirements for volunteer emergency medical treatment providers. A  
20 voluntary emergency medical treatment provider shall not be responsible for

