

Sec. 28. REPLACEMENT OF MIDDLESEX SECURE RESIDENTIAL

RECOVERY FACILITY

(a) Intent. To the extent that the Department of Disabilities, Aging, and Independent Living (DAIL) amends its rules pertaining to therapeutic community residences to allow secure residential recovery facilities to utilize emergency involuntary procedures and that these rules are identical to the rules adopted by the Department of Mental Health governing the use of emergency involuntary procedures in psychiatric inpatient units, it is the intent of the General Assembly that the State shall replace the Middlesex Secure Residential Recovery facility by:

(1) exploring the placement of eight interim or permanent beds at a facility operated by the Rutland Regional Medical Center (RRMC) and Rutland Mental Health Services (RMHS)(the RRMC and RMHS Proposal); and

(2) constructing a State-owned facility for up to an additional 16 beds (the State-Owned Secure Residential Recovery Facility Proposal).

(b) Bed Study. On or before July 15, 2019, the Department of Mental Health shall conduct a bed study to determine secure residential recovery facilities bed capacity needs. The Department shall submit a copy of the study to the House Committees on Corrections and Institutions and on Health Care and the Senate Committees on Institutions and on Health and Welfare. The Department shall also notify the Department of Buildings and General Services of the results of the study.

(c) RRMC and RMHS Proposal. For the amounts authorized in Sec. 3(a)(2) of this act:

(1) The Secretary of Human Services is authorized to commence negotiations for the RRMC and RMHS Proposal for interim or permanent beds; provided, however, that an agreement shall not be finalized until the Secretary takes into consideration the results of the study described in subsection (b) of this section. The Secretary shall target a completion date for negotiations of December 15, 2019.

(2) The negotiations with RRMC and RMHS shall require that any agreement for either interim or permanent beds include the following provisions:

(A) the RRMC and RMHS shall provide access to eight beds to the State in a therapeutic community residence deemed appropriate by the Department of Mental Health to provide an adequate level of secure or other residential care that meets the highest priority of the State's identified needs, for a period determined by the Secretary to be in the best interests of the State. The facility shall be designed with flexibility for other potential therapeutic community residential uses if it is no longer needed as a secure residential recovery facility;

(B) the RRMC and RMHS shall target a construction start date of June 2020 and a target completion date for the project of June 2021;

(C) terms and conditions that ensure the protection of the State's investments, including:

(i) authority for the Agency of Human Services to access RRMC's and RMHS's financials to ensure success of the project;

(ii) a process for sharing necessary information with the Agency of Human Services for its statutory oversight responsibilities;

(iii) a process for reviewing the development of architectural plans to ensure that the plans comply with subdivision (2)(A) this subsection;

(D) ensure that the proposed facility shall be part of the “no refusal system” pursuant to 18 V.S.A. § 71017; and

(E) ensure that if the project meets existing statutory authority for exemption from the certificate of need (CON) process set forth in 18 V.S.A. chapter 221, subchapter 5, that a process conducted by the Agency of Human Services provides an equivalent level of review and interested party or stakeholder input as the CON process and meets all Americans with Disabilities Act requirements.

(3) The Commissioner of Buildings and General Services and the Secretary of Human Services may propose draft legislation to the House Committees on Corrections and Institutions and on Health Care and the Senate Committees on Health and Welfare and on Institutions that may be necessary to execute the agreement described in subdivision (1) of this subsection.

(d) State-owned Secure Residential Recovery Facility Proposal.

(1) On or before October 15, 2019, the Secretary of Human Services and the Commissioner of Buildings and General Services shall develop a proposal that expedites the closure of the Middlesex Secure Residential Recovery Facility and provides for construction of a 16-bed State-owned secure residential recovery facility described in subsection (a) of this section and shall present this proposal to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

(2) With approval of the Speaker of the House and the President Pro Tempore, as appropriate, the House Committee on Corrections and Institutions and the Senate

Committee on Institutions may meet up to one time when the General Assembly is not in session to evaluate the proposal described in subdivision (1) of this subsection and make a recommendation on the site location to the Joint Fiscal Committee. The Committees shall notify the Commissioner of Buildings and General Services and the Secretary of Human Services prior to holding a meeting pursuant to this subsection. Committee members shall be entitled to receive a per diem and expenses as provided in 2 V.S.A. § 406.

(3) The Joint Fiscal Committee shall review the recommendation of the Committees described in subdivision (2) of this section at its November 2019 meeting. If the Joint Fiscal Committee so determines, it shall approve the proposal as recommended by the Committees.

(4) On or before December 1, 2019, the Department of Buildings and General Services, in consultation with the Secretary of Human Services, shall develop a detailed proposal on the site location recommended by the Committees if approved by the Joint Fiscal Committee. The proposal shall include programming, size, design, and preliminary cost estimates for a State-owned facility.

Sec. 29. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT
LIVING; RULEMAKING

The Department of Disabilities, Aging, and Independent Living shall amend its rules, pursuant to 3 V.S.A. chapter 25, pertaining to therapeutic community residences to allow secure residential recovery facilities to utilize emergency involuntary procedures so that those amended rules are finally adopted on or before June 1, 2020, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A.

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§ 843(c). These rules shall be identical to the rules adopted by the Department of Mental Health that govern the use of emergency involuntary procedures in psychiatric inpatient units.

