



State of Vermont

Department of Mental Health
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**MEMORANDUM OF DESIGNATION FOR
DISABILITIES RIGHTS VERMONT AS VERMONT'S MENTAL HEALTH OMBUDSMAN**

Act 171 of the 2012 Legislative session directed the Department of Mental Health (DMH) to "establish the office of the mental health care ombudsman within the agency designated by the governor as the protection and advocacy system for the state", acknowledging the agency's authority to perform mental health ombudsman functions.

As Commissioner of DMH, I hereby designate Disability Rights Vermont, Inc. (DRVT) as the Mental Health Care Ombudsman. DRVT shall perform the following functions as the Mental Health Care Ombudsman for Vermont.

1. Investigate individual cases of abuse, neglect and serious rights violations of individuals with mental illness within Vermont consistent with 42 U.S.C. § 10801, including at designated hospitals, emergency rooms, prisons, Intensive Residential Recovery facilities, the Secure Residential Recovery facility, and other community programs.
2. Participate on DMH's Emergency Involuntary Procedures (EIP) Review Committee and with its efforts to reduce the use of seclusion, restraint, coercion and involuntary procedures.
3. Pursuant to Act 192 of the 2014 Legislative session, receive from DMH on a monthly basis and review Certificates of Need (CON's) filed with DMH involving EIP interventions.
4. Review any reports, received by DMH, of untimely death or serious bodily injury of persons in the care and custody of the Commissioner of DMH who are in designated hospitals, Intensive Residential Recovery facilities, the Secure Residential Recovery facility, or community programs.
5. Integrate efforts with the Long Term Care Ombudsman and Health Care Ombudsman to minimize duplication of efforts.
6. Provide DMH with an annual report no later than January 15th of each year on DRVT's activities and any findings or recommendations for improvements resulting from reviews of EIP's and untimely death reports, as outlined in #3 and #4 above, and DRVT's integration efforts and opportunities to minimize duplication of efforts with other Ombudsman offices as outlined in # 5 above. Such information above may be included in the DRVT Annual Report to avoid unnecessary duplication of effort.

This designation shall be reviewed no later than June 30th of each fiscal year, but shall be automatically renewed unless amended by agreement of both parties or changed/terminated by legislative act.

Ed Paquin, Director
Disability Rights Vermont, Inc.

Paul Dupre, Commissioner
Department of Mental Health