



Memorandum of Understanding

Between

Vermont Department of Mental Health

And

Vermont Department of Corrections

July 2017

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I. Purpose

The Vermont Department of Corrections (“DOC”) and the Vermont Department of Mental Health (“DMH”) (collectively, the “Parties”) hereby enter into this Memorandum of Understanding (“Memorandum”) pursuant to Section 9(a) of Act No. 78 (S.61) signed by the Governor on June 13, 2017.

II. Principles

This Memorandum is to be interpreted in accordance with the following principles:

A. Scope

The scope of this Memorandum includes: 1) mental health services for inmates in DOC custody who have been identified by DOC as requiring a level of care that cannot be adequately provided by DOC; 2) placement of inmates coming into the custody of DMH pursuant to Titles 13 and 18; and 3) inmates voluntarily seeking hospitalization who meet inpatient criteria.

B. Common Interest

DOC and DMH have a common interest in the provision of mental health services to inmates and the placement of inmates who meet clinical criteria for inpatient hospitalization.

III. Terms of Memorandum

A. Inmates Identified by DOC as Requiring a Higher Level of Care

1. If upon admittance to a correctional facility, or at any point during the inmate’s stay, the inmate is identified by DOC as requiring a level of care that cannot be adequately provided by DOC:
 - i. DOC will create a treatment plan detailing the treatment that will be provided within DOC.
 - ii. If necessary, DOC Health Services will contact DMH’s Care Management Team to schedule a consultation.
 1. The consultation shall discuss if augmentation of the treatment plan is needed or if one of the processes described below in (B) through (D) should be utilized.

B. Inmates Coming into DMH Custody via Title 13

1. If an inmate has been ordered by the criminal court to undergo an inpatient evaluation, DOC shall follow the procedure outlined in Appendix A, Inmates Coming into DMH Custody via Title 13.

C. Inmates Coming into DMH Custody via Title 18

1. If DOC Health Services staff, or DOC security staff, believe a person may meet criteria for involuntary psychiatric hospitalization, they shall follow the procedure outlined in Appendix B, Hospital Admission Process Initiated by DOC via Title 18.

D. Inmates Voluntarily Seeking Hospitalization Who Meet Inpatient Criteria

1. If DOC Health Services staff, or DOC security staff, believe a person may meet criteria for voluntary psychiatric hospitalization, they shall follow the procedure outlined in Appendix C, DOC-DMH Process for Voluntary Hospital Admission.

E. Resources

1. The parties mutually recognize that this Memorandum requires that each party devote appropriate personnel adequate to the task. To that end, the parties agree that a priority for their joint effort shall be making available in a timely manner appropriate members of its staff and, if necessary, contractors.

IV. Effective Date and Modification of Terms

This Memorandum shall take effect on the date it is signed by all the Parties ("Effective Date") and shall remain in effect until the establishment of a forensic center or access to one as required by S.61. This MOU shall be reviewed annually or as deemed necessary by DMH and DOC and may be altered by the mutual written agreement of the parties.

V. Sovereign Immunity

The State of Vermont, Vermont Agency of Human Services, Department of Mental Health, and the Department of Corrections do not waive their sovereign immunity by entering into this Memorandum, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Memorandum.



Lisa Menard, Commissioner
Vermont Department of Corrections

6/27/17

Date

Mourning Fox signing for Melissa Bailey
Mourning Fox, Deputy Commissioner
Melissa Bailey, Commissioner
Vermont Department of Mental Health

6/28/17

Date

VI. Appendix

- A. Hospital Admission Process Pursuant to Inpatient Evaluation via Title 13
- B. Hospital Admission Process Initiated by DOC via Title 18
- C. DOC-DMH Process for Voluntary Hospital Admission
- D. Mobility Classification Codes