

STATE OF VERMONT
Executive Department

EXECUTIVE ORDER
[Designation of VSH at Springfield, Vermont]

WHEREAS, on August 27, 2011 I, Peter Shumlin, declared a State of Emergency within the State of Vermont pursuant to 20 V.S.A. §9 in anticipation of the imminent likelihood of widespread damage from Hurricane Irene and related storms;

WHEREAS, on August 28 and August 29, 2011, the State of Vermont experienced widespread damage from heavy rains and flooding resulting in loss of power and extensive damage in the Town of Waterbury and the Vermont State Office Complex, including the Vermont State Hospital;

WHEREAS, beginning August 29, 2011, patients at the Vermont State Hospital were evacuated from the Vermont State Hospital to protect the safety and security of the patients and staff and placed in designated hospitals in Vermont, with designated community mental health agencies in Vermont, and in the building known as C Unit (Charlie) of the Southern State Correctional Facility in Springfield, Vermont;

WHEREAS, subsequent inspections of the Waterbury Complex and the Vermont State Hospital revealed substantial damage and need for construction and repair that may take months to complete;

WHEREAS, there is an immediate need to supplement the capacity now available at Vermont's designated hospitals and designated community mental health agencies until additional arrangements can be made for patients requiring the level of care and treatment provided by the Vermont State Hospital;

NOW THEREFORE, I, Peter Shumlin, pursuant to the authority vested in me by the Vermont Constitution, section 20, and the emergency powers vested in me by Title 20, sections 8-11, do hereby order and designate the area of the Southern State Correctional Facility (hereinafter the Facility) at Springfield, Vermont known as C Unit (Charlie) as the interim location of the Vermont State Hospital. I hereby transfer control and supervision of that unit to the Commissioner of the Vermont Department of Mental Health who shall be solely responsible for the property, affairs, and operation of that unit. The Commissioner shall provide medical and other personnel necessary to provide inpatient care and treatment of those individuals hospitalized there with her approval and under her care and custody and supervise the care and treatment of said patients in the same manner and under the same authority, powers and duties provided her under the provisions of Title 18, chapter 177 and all other relevant provisions of law. The Commissioner of Mental Health shall, however, operate the unit subject to the Facility guidelines set forth in Policy #408 (Contraband Classification and Disposition), Policy #416 (Control of Tools and Equipment) and Directive #414.03 (Emergency Preparedness). The

Commissioner of Mental Health shall request variances from these policies as soon as practicable and as appropriate to the operation of the unit and approval of the requests shall be granted by the Commissioner of the Vermont Department of Corrections unless to do so would compromise the safety and security of the Facility as determined by the Commissioner of the Vermont Department of Corrections. The Commissioner of Mental Health shall, in consultation with the Commissioners of the Department of Health, the Department of Aging and Independent Living, and any other agencies and departments of the State as necessary, act expeditiously to apply for and obtain a modification of its current license to operate a hospital or to obtain a temporary license or other permission to operate with appropriate and reasonable terms and conditions deemed proper and warranted by the circumstances. Any fees for such a license modification, temporary license, or permission shall be waived due to the emergency and the fees already remitted by the Vermont State Hospital.

The effective date of this order is retroactive to August 29, 2011, and this order shall remain in effect indefinitely until terminated by subsequent executive order.

DATED in Montpelier, Vermont this 20th day of September, 2011.

Peter Shumlin
Governor

Executive Order #12-11