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|--|--|--|---------------|-------------------|-------------------|------------------------------|-------------|----------------|
| <p style="text-align: center;">STATE OF VERMONT<br/>AGENCY OF HUMAN SERVICES<br/>DEPARTMENT OF<br/>CORRECTIONS</p>   | <p style="text-align: center;"><u>INTERIM MEMO:</u><br/><br/>#306.01 Incapacitated<br/>Persons</p> | <p style="text-align: center;">Page 1 of 1</p> |               |                   |                   |                              |             |                |
| <p><b>Approved:</b></p><br><table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>02/01/2021</u></td> <td style="width: 33%; border: none;"><u>02/02/2021</u></td> </tr> <tr> <td style="border: none;">James W. Baker, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> </tr> </table> |  |  | <u>SIGNED</u> | <u>02/01/2021</u> | <u>02/02/2021</u> | James W. Baker, Commissioner | Date Signed | Date Effective |
| <u>SIGNED</u>  | <u>02/01/2021</u>  | <u>02/02/2021</u>                              |               |                   |                   |                              |             |                |
| James W. Baker, Commissioner   | Date Signed  | Date Effective                                 |               |                   |                   |                              |             |                |

**AUTHORITY**

18 V.S.A. §4810(d).

**POLICY**

The Department of Corrections (DOC) hereby updates Directive #306.01 through this Interim Memo by invalidating section 4.b.ii..

Section 4.b.ii., reading as follows, is no longer valid:

**4. Discharge**

- b. The timing of release for incapacitated persons includes the following criteria, whichever comes first:
  - i. A determination is made that the individual is no longer incapacitated (see Definitions), or
  - ii. ~~The arrival at the facility of a person who will assume responsibility for the individual, or~~
  - iii. The passage of 24 hours.

Therefore, DOC staff are no longer authorized to release an incapacitated person upon the arrival at the facility of a person who will assume responsibility for that individual.