

Testimony on S.89  
To House Human Services Committee  
Vermont Care Partners  
Julie Tessler, Executive Director  
April 26, 2023

Vermont Care Partners is supportive of S.89, an act relating to establishing a forensic facility, because we recognize that there are people who we cannot safely serve in the community, but who do not need hospital level of care. **However, we are not ready to conclude that people with intellectual disabilities should be included as an eligible population per section 12.** (13 V.S.A. § 4823 is amended to read: § 4823. FINDINGS AND ORDER; PERSONS WITH AN INTELLECTUAL DISABILITY).

Several important concerns have been raised by advocates and it is our understanding that there has been discussion about developing a study committee specific to people with intellectual disabilities, which we fully support. The study committee should have full representation of people who use services, family members, providers, legal experts and state government. The study committee responsibilities could include:

- 1. Identifying unmet needs and resource gaps for people at-risk and in need of forensic level care.
- 2. Recommending investments, policies, and programmatic options for high quality community-based support for people at risk and under Act 248
- 3. Recommending whether the forensic facility at Vermont Psychiatric Care Hospital should be an option for people with intellectual disabilities
- 4. Recommending whether clinical care in a forensic facility would fully address the State's commitment to community-based care and non-institutionalization
- 5. Recommending updates to Act 248
- 6. Recommending how development of a specific ombudsman or Disability Rights Vermont could ensure necessary oversight of quality care and protection of rights
- 7. Recommending how to ensure due process rights for people with intellectual disabilities

If the Study Committee is convened by July, there would be time to address forensic care of people with intellectual disabilities in advance of the establishment of the forensic facility at Vermont Psychiatric Care Hospital. Necessary adjustments to the statutes could be made during the second year of the biennium.

VCP is a statewide network of community-based agencies providing mental health, substance use, and intellectual and developmental disability services and supports.  
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We would also recommend that the State Standing Committee play an active role in identifying and advising on unmet needs, resource gaps and options to improve access to services and supports for people at-risk and in need of forensic level care

In closing, we want to recognize points raised by advocates. The community-based service system for people with intellectual and developmental disabilities is under enormous stress. The people using our services have greater acuity and complexity of needs than in the past. DA/SSAs have been continually under-resourced and are dealing with significant staff vacancies and turnover which negatively impacts both access and quality of services and supports. Many people are not receiving the level of services and supports that they were assessed to need, making it difficult to achieve their goals and have the life they chose in the community. As pointed out by Max Barrows, Outreach Director of GMSA, it is unfair to direct resources to an institutional setting while simultaneously underfunding the community-based system which puts people at risk of losing their rights when their support needs are not being met. We agree with Barb Prine, Staff Attorney, Disability Law Project, that developing meaningful relationships in a community setting can more effectively support a person to make the necessary progress to move on to less restrictive services and supports than is likely to occur in a forensic facility.

Thank you for considering our perspective,

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