

SENATE PROPOSAL OF AMENDMENT

H. 728

An act relating to developmental services' system of care

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 204A is amended to read:

CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

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§ 8722. DEFINITIONS

As used in this chapter:

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(2) "Developmental disability" means a severe, chronic disability of a person that is manifested before the person reaches ~~the age of 18~~ years of age and results in:

(A) ~~mental retardation~~ intellectual disability, autism, or pervasive developmental disorder; and

(B) deficits in adaptive behavior at least two standard deviations below the mean for a normative comparison group.

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§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DUTIES

The ~~department~~ Department shall plan, coordinate, administer, monitor, and evaluate ~~state~~ State and federally funded services for people with developmental disabilities and their families within Vermont. The ~~department of disabilities, aging, and independent living~~ Department shall be responsible for coordinating the efforts of all agencies and services, government and private, on a statewide basis in order to promote and improve the lives of individuals with developmental disabilities. Within the limits of available resources, the ~~department~~ Department shall:

(1) ~~Promote~~ promote the principles stated in section 8724 of this title and shall carry out all functions, powers, and duties required by this chapter by collaborating and consulting with people with developmental disabilities, their families, guardians, community resources, organizations, and people who provide services throughout the ~~state~~. State;

(2) ~~Develop and~~ develop, maintain, and monitor an equitably and efficiently allocated statewide system of community-based services that reflect

the choices and needs of people with developmental disabilities and their families;

(3) ~~Acquire and~~ acquire, administer, and exercise fiscal oversight over funding for these community-based services and identify needed resources and legislation, including the management of State contracts;

(4) identify resources and legislation needed to maintain a statewide system of community-based services;

(5) ~~Establish~~ establish a statewide procedure for applying for services;

(5)(6) ~~Facilitate~~ facilitate or provide pre-service or in-service training and technical assistance to service providers consistent with the system of care plan;

(6)(7) ~~Provide quality assessment and quality improvement support for the services provided throughout the state.~~ maintain a statewide system of quality assessment and assurance for services provided to people with developmental disabilities and provide quality improvement support to ensure that the principles of service in section 8724 of this title are achieved;

(7)(8) ~~Encourage~~ encourage the establishment and development of locally administered and locally controlled nonprofit services for people with developmental disabilities based on the specific needs of individuals and their families;

(8)(9) ~~Promote~~ promote and facilitate participation by people with developmental disabilities and their families in activities and choices that affect their lives and in designing services that reflect their unique needs, strengths, and cultural values;

(9)(10) ~~Promote~~ promote positive images and public awareness of people with developmental disabilities and their families;

(10)(11) ~~Certify~~ certify services that are paid for by the ~~department.~~ Department; and

(11)(12) ~~Establish~~ establish a procedure for investigation and resolution of complaints regarding the availability, quality, and responsiveness of services provided throughout the ~~state~~ State.

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§ 8725. SYSTEM OF CARE PLAN

(a) ~~No later than July 1, 1997, and every~~ Every three years thereafter, the ~~department~~ Department shall adopt a plan for the nature, extent, allocation, and timing of services consistent with the principles of service set forth in section 8724 of this title that will be provided to people with developmental disabilities and their families. ~~Notwithstanding any other provision of law, it is~~

~~not required that the plan be adopted pursuant to 3 V.S.A. chapter 25.~~ Each plan shall include the following categories, which shall be adopted by rule pursuant to 3 V.S.A. chapter 25:

- (1) priorities for continuation of existing programs or development of new programs;
- (2) criteria for receiving services or funding; ~~and~~
- (3) type of services provided; and
- (4) a process for evaluating and assessing the success of programs.

~~(b)(1) Each plan shall be~~ The Commissioner shall determine plan priorities based upon:

(A) information obtained from people with developmental disabilities, their families, guardians, and people who provide the services ~~and shall include;~~

(B) a comprehensive needs assessment; that includes:

(i) demographic information about people with developmental disabilities;

(ii) information about existing services used by individuals and their families;

(iii) characteristics of unserved and ~~under-served~~ underserved individuals and populations; and

(iv) the reasons for these gaps in service, and the varying community needs and resources.

~~(2) The commissioner shall determine the priorities of the plan based on funds available to the department~~ Once the plan priorities are determined, the Commissioner shall consider funds available to the Department in allocating resources.

(c) No later than 60 days before adopting the proposed plan, the ~~commissioner~~ Commissioner shall submit ~~the proposed plan~~ it to the ~~advisory board~~ Advisory Board, established in section 8733 of this title, for advice and recommendations, except that the Commissioner shall submit those categories within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least 30 days prior to filing the proposed plan in accordance with the Vermont Administrative Procedure Act. The Advisory Board shall provide the Commissioner with written comments on the proposed plan. It may also submit public comments pursuant to 3 V.S.A. chapter 25.

(d) The Commissioner may make annual revisions to the plan as deemed necessary in accordance with the process set forth in this section. The Commissioner shall submit any proposed revisions to the Advisory Board

established in section 8733 of this title for comment within the time frame established by subsection (c) of this section.

(e) ~~The department~~ Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the Department shall report annually to the ~~governor~~ Governor and the ~~general assembly~~ committees of jurisdiction regarding implementation of the plan and shall make annual revisions as needed, the extent to which the principles of service set forth in section 8724 of this title are achieved, and whether people with a developmental disability have any unmet service needs, including the number of people on waiting lists for developmental services.

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Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.