



**2014 Report of the Health Care Oversight Committee  
December 2014**

**In Accordance with 2 V.S.A. § 852**

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## **I. Statutory Authority and Responsibilities of the Health Care Oversight Committee**

During the 1995 session of the Vermont General Assembly, the Legislature authorized the creation of the Vermont Health Access Plan (VHAP), taking one of the first steps in health care reform by offering health care coverage to uninsured low-income Vermonters (1995 Acts and Resolves No. 14). At the same time, the Health Access Oversight Committee was created to monitor the development, implementation, and ongoing operation of VHAP and to ensure improved access to health care. In 2006, the General Assembly broadened the Committee's jurisdiction to include the operation of the Medicaid program and all Medicaid waiver programs that may affect the administration and beneficiaries of these programs.

In 2011, the General Assembly again expanded the Committee's jurisdiction, this time to encompass all health care and human services programs in the State, including programs and initiatives related to mental health, substance abuse, and health care reform. The General Assembly also renamed the Committee the Health Care Oversight Committee (HCOC). The changes took effect on July 1, 2012. (See Appendix 1 to view the statutory authority for the HCOC.) In 2014 Acts and Resolves No. 179, the General Assembly repealed the statutory authority for the HCOC effective January 1, 2015. This will be the Committee's final report.

## **II. Summary of Committee Activities**

The Committee met six times during the summer and fall of 2014, hearing from individuals and organizations representing a broad array of perspectives and interests. The Committee developed recommendations on the following topics:

- Vermont Health Benefit Exchange (Vermont Health Connect)
- Vermont Health Care Innovation Project care management inventory
- Choices for Care
- Adult Protective Services
- Medical malpractice reform
- Support and Services at Home (SASH)
- Wellness for Vermonters
- Protecting children from abuse and neglect
- Integrated family services
- Emergency preparedness
- 3SquaresVT
- Substance abuse treatment and prevention

The Committee heard testimony regarding a number of other topics, including the State Auditor's findings of inadequate consumer information resulting from the Vermont Healthcare Claims Uniform Reporting System (VHCURES), the work of the Green Mountain Care Board, agency error rates in 3SquaresVT, health care reform economic analysis, and regulation of toxic substances, and urges the committees of jurisdiction to continue to monitor the efforts of State government and others to make progress in these areas as well.

2014 Acts and Resolves No. 179, Sec. E.306.6 directed the Committee, in consultation with the Mental Health Oversight Committee, to recommend whether a single oversight structure is needed to be the successor to the two committees, which are repealed effective January 1, 2015. The Committee's recommendations are included in this report.

(See Appendix 2 for the 2014 Witness List.)

### **III. Findings and Recommendations**

#### **A. Vermont Health Benefit Exchange (Vermont Health Connect)**

The Committee received regular updates throughout the summer and fall from the Agency of Administration and the Agency of Human Services about the first year of enrollment and coverage through the Vermont Health Benefit Exchange, known as Vermont Health Connect (VHC). The Committee heard testimony regarding the continuing backlog in addressing enrollees' change of circumstances; the hiring of a new contractor, Optum, to implement improvements to the VHC website; and the Agency's decision to take the VHC web portal offline in the weeks leading up to the November 2014 open enrollment to address security functions and vulnerabilities. In addition, the Committee heard about organizational changes that moved VHC from the Department of Vermont Health Access to the Agency of Human Services and moved the Health Access Eligibility Unit functions related to VHC from the Department for Children and Families and to VHC.

#### **Recommendations**

The Committee recommends that the standing committees of jurisdiction continue to monitor VHC operations closely. The committees may also want to consider whether statutory changes are appropriate to align with the organizational changes to VHC within the Agency of Human Services.

## **B. Vermont Health Care Innovation Project Care Management Inventory**

The Committee heard from the Project Director of the Vermont Health Care Innovation Project (VHCIP) (also known as the State Innovation Model (SIM) grant) about a care management inventory the Project developed. The inventory catalogues existing care management activities in Vermont and identifies redundancies, gaps, and opportunities for innovation and coordination in order to address unmet needs, minimize duplication, and improve alignment. The survey showed that the challenges experienced most frequently by care management organizations include difficulties in identifying individuals in need of care management, obstacles in recruiting qualified staff, technical barriers to sharing information between organizations, and challenges with engaging individuals in care management activities.

### **Recommendations**

The Committee found the care management inventory to be a step in the right direction toward improving care management but the Committee recommends that the standing committees of jurisdiction work with VHCIP and others to develop outcome measures in order to determine the number of Vermonters who are in need of care management and the number of Vermonters needing care management who are actually receiving it.

## **C. Choices for Care**

Choices for Care, a Section 1115 Medicaid waiver program, provides patients with a choice between receiving long-term care services in a nursing home or through home- and community-based services. Under Choices for Care, an individual must first meet certain financial eligibility criteria; the person's needs are then evaluated through a clinical assessment and he or she is assigned to a risk group ranging from "Highest Needs" to "High Needs" to "Moderate Needs." The needs determination establishes priority for services, with those in the "Highest Needs" category enrolled as soon as Medicaid eligibility is established. Individuals assigned to the "High Needs" group are enrolled as soon as funds are available to pay for their treatment option. To the extent funds are available, "Moderate Needs" individuals then receive preventive services, such as adult day care, homemaker, and case management services.

While there is no wait for services in the Highest Needs and High Needs Groups, the Committee heard testimony, as it did in 2013, about the waiting lists in the Moderate Needs Group for adult day centers and for homemaker services provided by home health agencies. Concerns were again raised about the current allocation of funds across the State and whether there were a more accurate way to allocate the funds so that there would not be waiting lists for services in some geographic areas while surplus funds went unused in others. One of the reasons that waiting lists frequently exist is due to staff

shortages at the home health agencies, and the availability of services is often based more on staff availability than on client needs. Some of the problem may be ameliorated going forward by a new flexible funding option that allows a client to hire his or her own provider, but it also requires the client to be able to manage the employee or designate a surrogate to do so on the client's behalf. The Committee heard that there are delays in the eligibility determination process for Choices for Care as well, with some applicants waiting as long as six or eight months for a decision on their eligibility for services under the program.

The Committee also heard that a lack of housing and transportation were creating barriers to a robust home- and community-based care system. In particular, the Committee heard that it is difficult to find or retain home health care services or residential care home placements for individuals with mental health needs or challenging behaviors. Adult family care homes are a newer housing option that allows up to two individuals in the Highest and High Need groups to live in a private home owned or rented by a care provider and to receive 24-hour care and support from the provider according to a person-centered plan. While only 18 adult family care homes are currently active, the Department of Disabilities, Aging, and Independent Living (DAIL) is optimistic that they will provide a viable alternative for Choices for Care participants seeking to remain in a home- or community-based setting, and the availability of federal funds from the Money Follows the Person grant for eligible individuals may make adult family care homes a realistic option for more participants in the future.

## **Recommendations**

The Committee recommends that the committees of jurisdiction:

1. Ensure that long-term care is included in health care reform, because it represents an important segment of the health care continuum. Direct appropriate departments and agencies to undertake a demographic analysis to understand the needs of Vermont's aging population in order to build an appropriate system for the future in coordination with Vermont's Health Resource Allocation Plan.
2. Address the continued imbalance in distribution of funds in the Choices for Care program, in which some regions of the State experience wait lists for services in the Moderate Needs group while others retain unused funds. Both the redistribution of funds and the shortage of direct care workers need attention.
3. Consult with DAIL to determine how to maximize the funding available through the federal Money Follows the Person grant to create an adult family care system that provides a meaningful alternative to nursing homes or residential care homes.
4. Explore establishing consistent training requirements and opportunities for direct care workers who provide services to individuals on Choices for Care, perhaps by establishing licensure or certification or other training requirements.
5. Clarify and simplify the Assistive Community Care Services process to encourage residential care homes to participate.
6. Consider the staff and financial resources necessary to establish a team from

- DAIL and the Department of Mental Health that is readily available to providers and advocates to assist them with treatment and placement issues that arise for individuals with challenging behaviors or mental health diagnoses.
7. Determine whether the Department for Children and Families has implemented new home- and community-based services eligibility and enrollment rules in a way that simplifies and expedites the eligibility determination and enrollment process.
  8. Focus on addressing issues relating to housing and transportation for participants in the Choices for Care program.

#### **D. Adult Protective Services**

DAIL presented two quarterly reports on its Adult Protective Services (APS) program during the summer and fall of 2014. DAIL reported that it had met seven of the eight benchmarks required as the result of a settlement agreement reached last year. The one benchmark not met related to closing financial exploitation cases within 90 days of assignment. DAIL identified financial exploitation as the most common type of exploitation of vulnerable adults, and noted that a family member was typically the perpetrator.

Introduced in the last biennium, S.23, An act relating to access to records in adult protective services investigations, would have provided APS workers and law enforcement with access to financial and medical records when investigating a report of alleged abuse, neglect, or exploitation. The bill passed the Senate in 2014 but was not considered in the House.

#### **Recommendations**

The Committee recommends that the committees of jurisdiction:

1. Review DAIL's quarterly reports on APS in order to monitor DAIL's timely response to reports of abuse, neglect, and exploitation, particularly regarding financial exploitation.
2. Consider ways to streamline the process for law enforcement and APS workers to obtain relevant medical and financial records for alleged victims of abuse, neglect, or exploitation.

#### **E. Medical Malpractice Reform**

The Committee heard testimony regarding implementation of the medical malpractice reforms enacted by 2012 Acts and Resolves No. 171. These measures, applicable to claims based on injuries occurring on or after February 1, 2013, require submission of a

certificate of merit prior to filing a medical malpractice lawsuit and the use of confidential pre-suit mediation. The act directed the Secretary of Administration or designee to report on the impact of the reforms by September 1, 2014. The Administration reported to the Committee that it was too soon to assess the impact of the reforms on the state of medical malpractice in Vermont, both because of the small number of cases that may have been affected by the reforms in the 18 months since the provisions took effect and the lack of data tracking the number of certificates of merit and use of pre-suit mediation. The Administration recommended following up with a retrospective analysis on or after February 1, 2017, which would be one year following the date after which the statute of limitations will have run out for many of the relevant cases. It also suggested measuring rates of cases going to pre-suit mediation and tracking the number of patients unable to access the courts as the result of their inability to obtain a certificate of merit in order to provide quantifiable data to assess the impact of the two reforms.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction:

1. Request a retrospective analysis of the certificate of merit and pre-suit mediation reforms on or after February 1, 2017, as recommended in the Administration's report.
2. Look at other states and countries that have successfully reduced their medical malpractice costs without limiting individuals' rights in legitimate claims and continue to pursue the cost savings that may be available as the result of medical malpractice reform for such claims.

### **F. Support and Services at Home (SASH)**

Support and Services at Home (SASH) is a program for individuals in independent senior living with or at risk for high levels of health care consumption. It links housing and health care for older Vermonters and Vermonters with disabilities with services by connecting nonprofit affordable housing with 65 organizations throughout Vermont, including hospitals, patient-centered medical homes, area agencies on aging, home health agencies, and mental health agencies, and it is affiliated with the Blueprint for Health. SASH acts as a Blueprint "extender" by bringing care coordination into patients' homes. Funding for SASH is through a Medicare demonstration project. As of November 2014, Vermont's SASH program had more than 4,000 participants, 80 percent of whom were on Medicare. The program receives \$70,000 per "panel," each of which can accommodate up to 100 participants. Vermont currently has 52 SASH panels located throughout the State, with the capacity for a total of 54 panels, or 5,400 participants statewide.

SASH has a "no discharge" policy, which means that once a participant is in SASH, he or she will always be in SASH, and if the individual has an acute episode, SASH will help



put together a plan to transition that person from the hospital back to his or her home. SASH is tracking the success of its prevention efforts over time, including looking at the number of SASH participants with a primary care physician, having an annual physical exam, and getting a flu shot. These rates appear to have improved over time, while the number of falls experienced by older SASH participants has been reduced. An independent evaluation commissioned by the U.S. Department of Health and Human Services determined that SASH in Vermont resulted in \$1,756 per recipient per year in savings on total Medicare expenditures, including \$542 per year in savings on acute care expenditures and \$1,092 per year in savings on post-acute care expenditures. As the result of its impressive results in Vermont and other states, the Centers for Medicare and Medicaid Services announced in September that it would extend the SASH Medicare demonstration program for an additional two years, through December 31, 2016.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction support the good work and continued growth of the SASH program as an excellent example of the Blueprint philosophy in action in Vermont. The standing committees should recognize the impressive outcomes achieved through case management, wellness services, and clinical oversight provided to SASH participants by the organizations collaborating in the SASH model, including home health agencies, area agencies on aging, and the mental health agencies. Without the invaluable contributions of the SASH partners, the SASH model would not exist and promising improvements in the wellness and well-being of the more than 4,000 SASH participants would not be attainable. To assure efficient use of taxpayer resources, the Committee recommends and expects that the SASH partners will collaborate to ensure that the program does not foster service overlap or duplication of effort. The Committee also recommends that the standing committees use results-based accountability to ensure that SASH continues to work as intended.

### **G. Wellness for Vermonters**

The Committee heard about the Department of Health's continued efforts to focus on prevention and promote wellness for Vermonters, including its interest in implementing a Health in All Policies approach and undertaking health impact assessments for Vermont.

Health in All Policies is a framework that seeks to improve the health of all Vermonters while advancing the goals of improving air and water quality, protecting natural resources and agricultural lands, increasing availability of affordable housing, improving infrastructure systems, planning economically vibrant and sustainable communities, and meeting the State's climate goals. It means looking at health beyond medical care and integrating health criteria into decisionmaking across multiple sectors. Existing examples in Vermont include the Support and Services at Home (SASH) Program, Community Supported Agriculture (CSA) prescriptions for health, Complete Streets and Safe Speeds

legislation, and Healthy Community Design.

In the context of the Public Service Board's investigative docket concerning sound, the Department reports that it has filed a proposed framework for evaluating the potential impact of energy projects on public health. The Department is also monitoring the effect of including health and safety into transportation planning as a result of the Complete Streets and Safe Speeds legislation. Going forward, the Department recommends that agencies and departments of State government use their existing authority to include health in their regulatory, programmatic, and budgetary decisions. In addition, the Department is exploring establishment of a multi-agency Health in All Policies Task Force that would:

1. identify potential opportunities to include health criteria in regulatory, programmatic, and budgetary decisions;
2. develop annual work plans for the agencies and departments represented on the Task Force that would include implementing the opportunities identified;
3. develop analytic tools to support all branches of government in identifying the health impacts of policies and decisions, including ways to enhance positive impacts and mitigate negative impacts; and
4. review promising practices from other jurisdictions to identify opportunities for innovation and coordination across sectors.

A health impact assessment is a tool for implementing Health in All Policies. 2011 Acts and Resolves No. 48 charged the Department of Health with "recommending a plan to institute a public health impact assessment process to ensure appropriate consideration of the impacts on public health resulting from major policy or planning decisions made by municipalities, local entities and State agencies." A health impact assessment is initiated to inform a decision making process in advance. It uses a systematic analytic process and requires input from stakeholders in order to ascertain and respect community values. Then it identifies appropriate recommendations, mitigations, and design alternatives, as appropriate, which generally leads to better decisions. In order to assess the impact of a proposed course of action on public health, the Department says it must determine whether the proposed change will have a positive or a negative impact on health, whether the potential health benefits and risks are distributed equitably, and whether there are ways in which the proposal can be modified to maximize beneficial impacts and minimize harmful ones. The Department hopes to begin a health impact assessment this year and to build the capacity for assessments in State government.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction continue to monitor the Department of Health's work on wellness programs, including the development of Health in All Policies and health impact assessments. The Committee urges the standing committees to look for demonstrated savings as a result of the Department's initiatives.

## **H. Protecting Children from Abuse and Neglect**

The Committee received updates from the Committee on Child Protection and endorses the work of that committee. In addition, the Health Care Oversight Committee heard from Joe Hagan, M.D., Chair of the Vermont Citizens Advisory Board for the Department for Children and Families (DCF), about the work of his group in the wake of the deaths of two Vermont toddlers whose families were receiving services from DCF. Dr. Hagan also talked about the need for a physician in Vermont hospitals who specializes in child abuse pediatrics. He said his group was looking at the system as a whole and how it can help families. The Board was expecting to deliver a draft report analyzing the fatalities to the Agency of Human Services by October.

Newly appointed DCF Commissioner Ken Schatz told the Committee that in order to protect children from abuse and neglect, the State needs to address other issues related to poverty, including homelessness, safety net programs, and substance abuse prevention and treatment. The Commissioner said that going forward, particularly serious child abuse cases would be reviewed in consultation with the DCF central office, instead of being addressed solely at the local level. He also told the Committee that Casey Family Programs will be assessing Vermont's child protection system and was expecting to provide DCF with recommendations by the middle of November, particularly with respect to children under three years of age and families in which substance abuse is an issue. In addition, the National Center on Substance Abuse and Child Welfare will be providing technical assistance to DCF on an ongoing basis to help DCF employees with accepting cases, safety planning, monitoring and drug testing, and training staff.

The Committee also heard from Voices for Vermont's Children, which said that the outside advocacy community wants an Office of the Child Advocate for Vermont that would look into cases of child abuse and neglect and monitor the child protection system.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction review the findings and recommendations of the Committee on Child Protection and the results of the Casey Family Programs assessment. The Committee urges the standing committees to consider how best to recruit a child abuse pediatrician to Vermont, establish an Office of the Child Advocate, identify which entities inside and outside State government are best situated to lead prevention efforts, and determine the appropriate role of the General Assembly in providing oversight. The Committee also recommends that the standing committees consider whether the current emphasis on family reunification is appropriate and whether alternative strategies should be explored in certain circumstances.

## **I. Integrated Family Services**

Interim Secretary of Human Services, Harry Chen, told the Committee that the staff for the Integrated Family Services (IFS) program would be moved so that they all share the same physical space and would also work with staff focused on payment reform in order to accomplish the bundled rates envisioned as part of the IFS model. The first IFS pilot is under way in Addison County, with a second getting started in Franklin County. Carol Maloney, formerly of DCF, has taken over the IFS effort at the Agency of Human Services, and the State's Race to the Top grant from the federal government includes funds to monitor the success of IFS initiatives.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction continue to monitor IFS implementation, including accessing any available reports on its progress to date.

## **J. Emergency Preparedness**

The Committee heard testimony from the Department of Health regarding its emergency preparedness activities, which include preparation for dealing with all types of hazards, including natural disasters, radiological emergencies, infectious diseases such as the flu or Ebola, and chemical spills. While the Department conducts ongoing training and drills to prepare for a possible emergency, it has a Health Operations Center that is activated in the event of an actual emergency situation. It also uses its Health Alert Network to communicate with health care providers across the State.

The Department testified that it had been working on its Ebola response since early October, including engaging in outreach with emergency medical services personnel and purchasing new protective gear. The Department's Epidemiology Unit follows the recommendations of the Centers for Disease Control and Prevention and has been monitoring travelers returning to Vermont from countries affected by Ebola. In addition, the Department has convened a statewide multidrug-resistant organisms collaborative that is working to address the growing problem of patient resistance to antibiotics.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction continue to monitor the work of the Department of Health in preparing for emergencies, including both its response to the recent Ebola outbreak and its ongoing work with antibiotic resistance.

**K. 3SquaresVT**

The Committee received an update from the Department for Children and Families (DCF) on the 3SquaresVT payment error rate, which was 9.66% for federal fiscal year (FFY) 2013. The federal government allows an error rate of up to six percent before a sanction is imposed. Vermont's penalty for the FFY 2013 error rate is almost \$550,000, which the State is currently appealing. During the most recent federal fiscal year, which ended on September 30, 2014, DCF implemented several new initiatives aimed at reducing its error rate in the 3SquaresVT program. After reviewing data from 11 of the 12 months, the Department reports that the payment error rate for FFY 2014 stands at 2.72%. Assuming the last month of data is reasonably consistent, Vermont is on track to be the most improved state in the country and anticipates receiving a federal performance bonus for FFY 2014. Vermont reduced its error rate through increased training and changes to its practices and is becoming a model for other states. DCF is focused on both reducing its error rate and increasing the quality of its services, including implementing a quality assurance process that allows cases to be reviewed in the month in which they were processed, rather than the 10-month delay that occurred previously.

DCF received a separate federal sanction for overspending its allotted number of exemptions available to able-bodied adults without dependents. This overspending was the result of policy changes at the federal level and a miscalculation of the number of exemptions available at the State level. Vermont faces a potential fine of \$676,110 but may be able to negotiate a lower amount; whatever the amount, it will be reinvested in the 3SquaresVT program. DCF submitted a proposed reinvestment plan to the federal Food and Nutrition Service on October 31, 2014 and is still awaiting a response.

**Recommendations**

The Committee was pleased with the dramatic reduction in the payment error rate in 3SquaresVT and urges DCF to share its success with other departments in State government as a tangible example of correcting a systemic problem. The Committee has concerns about the new sanction related to the able-bodied adults without dependents exemptions and recommends that the standing committees of jurisdiction monitor the status of DCF's negotiations with the federal government.

**L. Substance Abuse Treatment and Prevention**

The Committee heard from the Departments of Health and of Vermont Health Access, health care providers, and law enforcement regarding substance abuse treatment and prevention in Vermont. In the "hub and spoke" system, 2,488 clients were being served in hubs at the end of October 2014, with 519 more on the waiting list. Hubs are the only authorized providers of methadone treatment and also treat more complex cases. Spokes treat patients on an ongoing basis in the community through primary care providers and

collaborating health and addiction professionals. 2,051 Medicaid beneficiaries were receiving spoke services as of September 2014, and the Departments of Health and of Vermont Health Access are encouraging physicians to take on more spoke patients, who are treated with buprenorphine or suboxone. The medication-assisted treatment pilot project required by 2014 Acts and Resolves No. 195 is beginning, with the Chittenden Regional Correctional Facility and the Northwest State Correctional Facility entering into memoranda of understanding with the hub providers in those areas to continue treatment for up to 90 days for individuals who are receiving treatment at the time they enter into Department of Corrections custody.

A naloxone pilot program, which began in late 2013 and makes available to first responders and to the family and friends of opioid abusers a medication that reverses an opioid overdose, has been successful so far, with 662 kits distributed and at least 74 used. Law enforcement officers are very interested in receiving training in the use of naloxone; emergency medical services personnel have already carried them for many years. Vermont law now permits pharmacists to dispense naloxone over the counter, but the Board of Pharmacy is still working on the related rules.

The Department of Health received a five-year, \$10 million federal Screening, Brief Intervention, and Referral to Treatment (SBIRT) grant to identify and reduce substance abuse in Vermont. The Committee heard testimony from an emergency room physician at Central Vermont Medical Center, which is one of the Vermont's SBIRT grantees, about implementation of the program at his hospital. A substance abuse practitioner screens all patients entering the Emergency Department for drug use. For opiate-addicted patients, a substance abuse counselor meets with them in the Emergency Department to connect them to inpatient or outpatient substance abuse treatment services. The SBIRT grant allows for up to 20 meetings with a substance abuse counselor outside the Emergency Department, which can act as a bridge until patients can be placed in a treatment program. The physician noted that it is rare for an Emergency Department to have the opportunity to engage in preventive care.

The Committee heard from the Chittenden County State's Attorney about the pretrial screening process implemented as a result of 2014 Acts and Resolves No. 195. The Chittenden County State's Attorney's office, in conjunction with the Rapid Intervention Community Court, conducts an evidence-based risk assessment and needs screening and, for certain offenders, connects them with health care services in lieu of prosecution. A compliance monitor follows up to ensure an individual is complying with his or her treatment plan; if the person does not follow the treatment plan, he or she will be brought back in for prosecution. So far the program has been offered to over 1,500 individuals, and none has rejected the offer to get help.

### **Recommendations**

The Committee recommends that the standing committees of jurisdiction monitor the work of State government and others to address substance abuse and implement treatment and prevention programs, including:

1. Receiving updated information from the Department of Health regarding the hub and spoke system and the numbers of individuals on the waiting list for services.
2. Requesting an update from the Departments of Health and of Corrections on the implementation of the medication-assisted treatment pilot project for individuals in the custody of the Department of Corrections.
3. Monitoring implementation of the naloxone pilot project, including development of the rules for pharmacy distribution to be proposed by the Board of Pharmacy.
4. Hearing from the Department of Health and other SBIRT grantees about how they are using the grant funds and how well the programs are working.
5. Determining whether the programs and pilots implemented as a result of 2014 Acts and Resolves No. 195 are receiving sufficient funding.
6. Receiving an update from entities adopting the pretrial risk assessment and needs screening programs to determine their effectiveness.

#### **M. Health Care Integration**

The Committee discussed, on a number of occasions, the importance of integrating the care for and treatment of mental health and physical health.

#### **Recommendation**

The Committee recommends that the standing committees of jurisdiction consider the role of mental health in the context of health care services and health care reform, including the Blueprint for Health, wellness initiatives, and substance abuse treatment and prevention. The Committee also recommends that the standing committees ensure that all primary care medical homes in Vermont have adequate access to mental health professionals.

#### **N. Legislative Oversight**

The Health Care Oversight Committee was created as the Health Access Oversight Committee in 1996 to monitor the development, implementation, and ongoing operation of the new Health Access Program. Since that time, the focus of the HCOC has continued to evolve and the Committee has served an important oversight role for many programs and initiatives when the General Assembly was not in session, including the Medicare Part D transition, Choices for Care, the Adult Protective Services program, and the rollout of Catamount Health.

Some recent examples of more specific legislative improvements (above and beyond the many health care reform issues the Committee addressed) that were markedly advanced by Health Care Oversight Committee review include: defining “savings” in the Choices

for Care program; eliminating Choices for Care Moderate Needs Group waiting lists; quarterly reporting on Adult Protective Services' responses to reports of abuse, neglect, and exploitation of vulnerable adults; scrutiny of the payment error rate in 3SquaresVT; enabling hospice recipients to qualify concurrently for Choices for Care; expanded access to oral health services (Dental Dozen); improved access to office-based treatment for opioid dependency (buprenorphine pilot program); promotion of rulemaking in the Choices for Care program; guided development of the chronic care management program, which is Medicaid's corollary to the Blueprint for Health; and the advancement of health care workforce development issues.

The Executive Branch needs to be monitored and the public needs a forum to comment on health care and human services programs during the eight-month period when the General Assembly is not in session. While some of the health care reform-related topics the HCOG has overseen are now being monitored by the Health Reform Oversight Committee as well, there are a number of human services- and health-related issues that should not be ignored between May and December each year.

## Recommendations

A majority of the Committee recommends that:

1. The Health Care Oversight Committee be extended and renamed the Health and Welfare Oversight Committee (HWOC). The HWOC should be charged with the oversight of human services and related health care issues when the General Assembly is not in session and should meet monthly during each legislative interim. When the mental health system of care has been fully implemented and the Mental Health Oversight Committee is eliminated, mental health should be integrated into the HWOC's charge. The standing committees of jurisdiction should determine the appropriate membership of the HWOC.
2. The standing committees of jurisdiction consider extending the tenure of the Mental Health Oversight Committee until January 1, 2016 while the mental health system of care envisioned by 2012 Acts and Resolves No. 79 continues to be implemented in this State.
3. The standing committees of jurisdiction consider continuing the Health Reform Oversight Committee through implementation of Green Mountain Care, as established by 2011 Acts and Resolves No. 48.
4. The standing committees of jurisdiction evaluate the appropriate role of the standing committees in providing oversight of health care- and human services-related issues when the General Assembly is not in session.

At least one member of the Committee supported the language in 2014 Acts and Resolves No. 179, which created the Health Reform Oversight Committee to provide oversight of health care reform in Vermont and which repeals the Health Care Oversight Committee and Mental Health Oversight Committee effective January 1, 2015.



**2014 Report of the Health Care Oversight Committee to the  
Vermont General Assembly and the Governor of the State of Vermont**

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*Senator Ginny Lyons, Chair*

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*Representative Jill Krowinski, Vice Chair*

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*Senator Claire Ayer*

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*Representative Francis McFaun*

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*Senator Kevin Mullin*

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*Representative Anne O'Brien*

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*Senator Michael Sirotkin*

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*Representative Christopher Pearson*

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*Senator Richard Westman*

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*Representative George Till*

Appendix 1.  
Health Care Oversight Committee Charge  
2 V.S.A. §§ 851–853

**§ 851. CREATION OF COMMITTEE**

(a) A Legislative Health Care Oversight Committee is created. The Committee shall be appointed biennially and consist of ten members: five members of the House appointed by the Speaker, not all from the same political party, and five members of the Senate appointed by the Senate Committee on Committees, not all from the same political party. The House appointees shall include one member from the House Committee on Human Services, one member from the House Committee on Health Care, one member from the House Committee on Appropriations, and two at-large members. The Senate appointees shall include one member from the Senate Committee on Health and Welfare, one member from the Senate Committee on Finance, one member from the Senate Committee on Appropriations, and two at-large members.

(b) The Committee may adopt rules of procedure to carry out its duties.

**§ 852. FUNCTIONS AND DUTIES**

(a) The Health Care Oversight Committee shall monitor, oversee, and provide a continuing review of health care and human services programs in Vermont when the General Assembly is not in session, including programs and initiatives related to mental health, substance abuse treatment, and health care reform.

(b) In conducting its oversight and in order to fulfill its duties, the Committee may consult with consumers, providers, advocates, administrative agencies and departments, and other interested parties.

(c) The Committee shall work with, assist, and advise other committees of the General Assembly, members of the Executive Branch, and the public on matters relating to health care and human services programs. Annually, no later than January 15, the committee shall report its recommendations to the governor and the committees of jurisdiction.

**§ 853. MEETINGS AND STAFF SUPPORT**

(a) The Committee may meet during a session of the General Assembly at the call of the Chair or by a majority of the members of the Committee. The Committee may meet during adjournment subject to the approval of the Speaker of the House and the President Pro Tempore of the Senate.

(b) For attendance at meetings which are held when the General Assembly is not in session, the members of the Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided to members of standing committees under section 406 of this title.

(c) The staff of the Legislative Council and the Joint Fiscal Office shall provide professional and administrative support to the Committee. The Department of Financial Regulation, the Agency of Human Services, and other agencies of the State shall provide information, assistance, and support upon request of the Committee.

## Appendix 2. 2014 Witness List

- Senator Claire Ayer, Vice Chair, Mental Health Oversight Committee
- Chris Bell, Vermont Emergency Medical Services Director, Department of Health
- Catherine Benham, Associate Fiscal Officer, Joint Fiscal Office
- Sean Brown, Deputy Commissioner, Department for Children and Families
- Jennifer Carbee, Legislative Counsel, Office of Legislative Council
- Harry Chen, Acting Secretary, Agency of Human Services
- Barbara Cimaglio, Deputy Commissioner, Alcohol and Drug Abuse Program, Department of Health
- Tracy Dolan, Acting Commissioner, Department of Health
- T.J. Donovan, Chittenden County State's Attorney
- Molly Dugan, Director, Support and Services at Home (SASH)
- David Englander, Senior Policy and Legal Advisor, Department of Health
- Erin Flynn, Senior Policy Advisor, Vermont Health Care Innovation Project
- Aaron French, Deputy Commissioner, Health Services and Managed Care, Department of Vermont Health Access
- Andrew Garland, Vice President, MVP Healthcare
- Al Gobeille, Chair, Green Mountain Care Board
- Joe Hagan, M.D., Clinical Professor in Pediatrics, University of Vermont College of Medicine and the Vermont Children's Hospital
- Paul Harrington, Executive Vice-President, Vermont Medical Society
- Dixie Henry, Deputy Secretary, Agency of Human Services
- Doug Hoffer, State Auditor, State Auditor's Office
- Penrose Jackson, Director of Community Health Improvement, University of Vermont Medical Center
- Patsy Kelso, Ph.D., State Epidemiologist, Department of Health
- Trinka Kerr, Chief Health Care Advocate, Office of the Health Care Advocate
- Stephen Klein, Chief Legislative Fiscal Officer, Joint Fiscal Office
- Andy Lange, Fraud Unit Chief, Department for Children and Families
- Nolan Langweil, Senior Fiscal Analyst, Joint Fiscal Office
- Robin Lunge, Director of Health Care Reform, Agency of Administration
- Erin Maguire, Executive Director of Student Support Services, Chittenden Central Supervisory Union

- Georgia Maheras, Project Director, Vermont Health Care Innovation Project
- Jackie Majoros, Long Term Care Ombudsman, Vermont Legal Aid
- Joyce Manchester, Senior Economist, Joint Fiscal Office
- Javad Mashkuri, M.D., Emergency Department Physician, Central Vermont Medical Center
- Katie McLinn, Legislative Counsel, Office of Legislative Council
- David Mickenberg, Lobbyist, COVE
- Lawrence Miller, Senior Advisor to the Governor, Chief of Health Care Reform
- Heidi Moreau, Policy Analyst, Department for Children and Families
- Jill Olson, Vice President of Policy & Legislative Affairs, Vermont Association of Hospitals and Health Systems
- Sheila Reed, Associate Director, Voices for Vermont's Children
- Kenneth Schatz, Commissioner, Department for Children and Families
- Michael E. Schirling, Chief of Police, Burlington Police Department
- Karen Shea, Child Protection & Field Operations Director, Department for Children and Families
- Senator Michael Sirotkin
- Andrew Stein, Special Investigator, State Auditor's Office
- Lindsey Tucker, Deputy Commissioner for the Exchange, Department of Vermont Health Access (DVHA)
- Tricia Tyo, Reach Up Director, Department for Children and Families
- Susan Wehry, Commissioner, Department of Disabilities, Aging & Independent Living
- David Yacovone, (former) Commissioner, Department for Children and Families