

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill
3 No. 728 entitled “An act relating to developmental services’ system of care”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

9 * * *

10 § 8722. DEFINITIONS

11 As used in this chapter:

12 * * *

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

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

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

20 * * *

1 § 8723. DEPARTMENT OF DISABILITIES, AGING, AND
2 INDEPENDENT LIVING; DUTIES

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

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

16 (2) ~~Develop and~~ develop, maintain, and monitor an equitably and
17 efficiently allocated statewide system of community-based services that reflect
18 the choices and needs of people with developmental disabilities and their
19 families.;

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

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

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

7 (5)(6) ~~Facilitate~~ facilitate or provide pre-service or in-service training
8 and technical assistance to service providers consistent with the system of care
9 plan;:

10 (6)(7) ~~Provide quality assessment and quality improvement support for~~
11 ~~the services provided throughout the state.~~ maintain a statewide system of
12 quality assessment and assurance for services provided to people with
13 developmental disabilities and provide quality improvement support to ensure
14 that the principles of service in section 8724 of this title are achieved;

15 (7)(8) ~~Encourage~~ encourage the establishment and development of
16 locally administered and locally controlled nonprofit services for people with
17 developmental disabilities based on the specific needs of individuals and their
18 families;:

19 (8)(9) ~~Promote~~ promote and facilitate participation by people with
20 developmental disabilities and their families in activities and choices that

1 affect their lives and in designing services that reflect their unique needs,
2 strengths, and cultural values;

3 ~~(9)~~(10) ~~Promote~~ promote positive images and public awareness of
4 people with developmental disabilities and their families;

5 ~~(10)~~(11) ~~Certify~~ certify services that are paid for by the ~~department~~.
6 Department; and

7 ~~(11)~~(12) ~~Establish~~ establish a procedure for investigation and resolution
8 of complaints regarding the availability, quality, and responsiveness of services
9 provided throughout the ~~state~~ State.

10 * * *

11 § 8725. SYSTEM OF CARE PLAN

12 * * *

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

21 * * *

1 Sec. 2. SYSTEM OF CARE STUDY COMMITTEE

2 (a) Creation. There is created a System of Care Study Committee to
3 examine the process by which people with developmental disabilities and their
4 families receive State-funded services, including the manner in which the
5 System of Care Plan is created and reviewed prior to taking effect.

6 (b) Membership. The Study Committee shall be composed of the following
7 11 members:

8 (1) a representative of the House Committee on Appropriations, who
9 shall be appointed by the Speaker of the House;

10 (2) a representative of the House Committee on Human Services, who
11 shall be appointed by the Speaker of the House;

12 (3) a representative of the Senate Committee on Appropriations, who
13 shall be appointed by the Committee on Committees;

14 (4) a representative of the Senate Committee on Health and Welfare,
15 who shall be appointed by the Committee on Committees;

16 (5) the Commissioner of Disabilities, Aging, and Independent Living or
17 a designee;

18 (6) the Director of the Department of Disabilities, Aging, and
19 Independent Living's Developmental Disabilities Services Division;

20 (7) a representative of the Vermont Developmental Disabilities Council;

1 (8) a representative of the Vermont Council on Developmental and
2 Mental Health Services;

3 (9) a representative of the Green Mountain Self Advocates;

4 (10) a representative of Vermont Family Network; and

5 (11) a consumer or family member representing the State Program
6 Standing Committee for Developmental Disabilities.

7 (c) Powers and duties. The Study Committee shall examine the process by
8 which people with developmental disabilities and their families receive
9 State-funded services, including the following tasks:

10 (1) review 18 V.S.A. chapter 204A;

11 (2) identify concerns or shortcomings in the existing process for serving
12 people with developmental disabilities and their families, if any;

13 (3) assess how Vermont's existing developmental disability service
14 system compares with other programs administered by the Agency of Human
15 Services in terms of prioritizing who receives services among the population of
16 eligible recipients;

17 (4) identify opportunities during the development of the System of Care
18 Plan to augment community participation, legislative participation, or both, as
19 necessary; and

1 (5) identify specific legislative changes to 18 V.S.A. chapter 204A that
2 would ensure equitable distribution of services to people with developmental
3 disabilities and their families, if necessary.

4 (d) Assistance. The Study Committee shall have the administrative,
5 technical, and legal assistance of the Office of Legislative Council.

6 (e) Recommended Legislation.

7 (1) On or before December 15, 2014, the Study Committee shall submit
8 proposed legislative changes to 18 V.S.A. chapter 204A to the House
9 Committees on Appropriations and on Human Services and to the Senate
10 Committees on Appropriations and on Health and Welfare.

11 (2) Any member or members of the Study Committee who do not
12 support the proposed legislative changes submitted by a majority of Study
13 Committee members may prepare and submit alternative legislative language
14 in conjunction with the language submitted pursuant to subdivision (1) of this
15 section.

16 (f) Meetings.

17 (1) The house member representing the Committee on Appropriations
18 shall call the first meeting of the Study Committee to occur on or before
19 August 1, 2014.

20 (2) The Study Committee shall select a chair from among its legislative
21 members at the first meeting.

1 (3)(A) A majority of the members of the Study Committee shall be
2 physically present at the same location to constitute a quorum.

3 (B) A member may vote only if physically present at the meeting
4 location.

5 (4) The Study Committee shall cease to exist on January 1, 2015.

6 (g) Reimbursement.

7 (1) For attendance at meetings during adjournment of the General
8 Assembly, legislative members of the Study Committee shall be entitled to per
9 diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406
10 for no more than four meetings.

11 (2) Other members of the Study Committee who are not employees of
12 the State of Vermont and who are not otherwise compensated or reimbursed
13 for their attendance shall be entitled to per diem compensation and
14 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four
15 meetings.

16 (h) Appropriation. The sum of [\$.00] is appropriated to the General
17 Assembly from the General Fund in fiscal year 2015 for per diem
18 compensation and reimbursement of expenses for members of the Study
19 Committee.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2014.

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(Committee vote: _____)

Representative [surname]

FOR THE COMMITTEE

DRAFT