

DAIL Testimony H. 728
House Human Services Committee
Commissioner Susan Wehry
February 19, 2014

- H. 728 Proposes to make changes to the Developmental Disabilities (DD) Act of 1996. DAIL sees the value in re-affirming the principles contained in the Act and agrees with the need to revisit the DD Act of 1996 and our current system of care for persons with developmental disabilities.
- DAIL finds both the timing and many of the specifics of H. 728 to be problematic. In the context of celebrating the closing of Brandon Training School 20 years ago, we embarked on a year long conversation with key stakeholders to examine what we want DDS to look like 20 years from now and to lay out the steps to get us there. This Task Force will provide its input into a long-term strategic vision this summer. These will be fully vetted and discussed by the State Program Standing Committee in keeping with Section §8733 of the current DD Act.
- Section §8733 establishes an Advisory Board (the State Program Standing Committee – SPSC) to advise DAIL on the status and needs of people with DD and their families; to advise the DAIL Commissioner regarding the development of the DS system of care plan; and, to recommend legislation, rules, policies and standards to implement the system of care plan (SOCP). I have been advised that the SPSC has not been consulted about the changes proposed in this bill, nor has it been consulted about any other changes that may be needed to the DD Act. H. 728 does contain some wording changes to advance respectful language as well as some minor technical changes that may be supportable but we would want these to be vetted with the SPSC.
- We find the proposed removal of language requiring management of DDS “within the limits of available funding” to be at odds with our obligation to stay within the bounds of available resources and legislatively appropriated funds. It is also at odds with our responsibility to be prudent stewards of the public dollar, which co-exists with our responsibility and commitment to promotion of full inclusion of persons with developmental disabilities. It is unclear what fiscal management tools are envisioned for overseeing DDS and the implementation of the SOCP in this bill.
- Other aspects of the bill have significant fiscal and programmatic implications. New language designed to emphasize the need for better monitoring of the system of services may be desirable but would not be possible without additional staffing in both the program unit and the business office. It is unclear if the bill anticipates an additional appropriation by the legislature.
- The Department is currently in the process of developing the new SOCP (SFY 15 – 17) to go into effect July 1, 2014. H.728 proposes the SOCP go through rule making which would not be possible by July 1, 2014. The Department would either have to delay implementation of the SCOP or apply the rule making provisions only to future updates, revisions and plans. If the SOCP is required to go through the Administrative rulemaking process, it will require additional staff time and resources from both programmatic and legal staff.
- In short, DAIL believes this bill is premature. We recommend that a year from now would be a more appropriate time to consider revisions to the DD Act. At that time, the Task Force will have made its recommendations and the SPSC will have had sufficient time to give input into new legislation as required by current law.