

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare 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 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in 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~~ 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 (a) ~~No later than July 1, 1997, and every~~ Every three years ~~thereafter~~, the
13 ~~department~~ Department shall adopt a plan for the nature, extent, allocation, and
14 timing of services consistent with the principles of service set forth in section
15 8724 of this title that will be provided to people with developmental
16 disabilities and their families. ~~Notwithstanding any other provision of law, it is~~
17 ~~not required that the plan be adopted pursuant to 3 V.S.A. chapter 25.~~ Each
18 plan shall include the following categories, which shall be adopted by rule
19 pursuant to 3 V.S.A. chapter 25:

20 (1) priorities for continuation of existing programs or development of
21 new programs;

1 (2) criteria for receiving services or funding; ~~and~~

2 (3) type of services provided; and

3 (4) a process for evaluating and assessing the success of programs.

4 (b)(1) ~~Each plan shall be~~ The Commissioner shall determine plan priorities

5 based upon:

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

9 (B) a comprehensive needs assessment, that includes:

10 (i) demographic information about people with developmental
11 disabilities;

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

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

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

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

1 (c) No later than 60 days before adopting the proposed plan, the
2 ~~commissioner~~ Commissioner shall submit ~~the proposed plan~~ it to the ~~advisory~~
3 ~~board~~ Advisory Board, established in section 8733 of this title, for advice and
4 recommendations, except that the Commissioner shall submit those categories
5 within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least
6 30 days prior to filing the proposed plan in accordance with the Vermont
7 Administrative Procedure Act. The Advisory Board shall provide the
8 Commissioner with written comments on the proposed plan. It may also
9 submit public comments pursuant to 3 V.S.A. chapter 25.

10 (d) The Commissioner may make annual revisions to the plan as deemed
11 necessary in accordance with the process set forth in this section. The
12 Commissioner shall submit any proposed revisions to the Advisory Board
13 established in section 8733 of this title for comment within the time frame
14 established by subsection (c) of this section.

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

1 unmet service needs, including the number of people on waiting lists for
2 developmental services.

3 * * *

4 Sec. 2. EFFECTIVE DATE

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

6

7

8 (Committee vote: _____)

9

10

Senator _____

11

FOR THE COMMITTEE