

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 107 entitled “An act relating to the Agency of Health Care
4 Administration” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Creation of Agency of Health Care Administration * * *

8 Sec. 1. 3 V.S.A. chapter 52 is added to read:

9 CHAPTER 52. AGENCY OF HEALTH CARE ADMINISTRATION

10 Subchapter 1. Generally

11 § 2901. DEFINITIONS

12 As used in this chapter:

13 (1) “Agency” means the Agency of Health Care Administration.

14 (2) “Commissioner” means the head of a department, who is responsible
15 to the Secretary for the administration of the department.

16 (3) “Department” means a major component of the Agency.

17 (4) “Director” means the head of a division of the Agency.

18 (5) “Division” means a major component of a department engaged in
19 furnishing services to the public or to units of government at levels other than
20 the State level.

1 (6) “Secretary” means the head of the Agency, who is a member of the
2 Governor’s cabinet and responsible to the Governor for the administration of
3 the Agency.

4 § 2902. CREATION OF AGENCY

5 An Agency of Health Care Administration is created consisting of the
6 following:

7 (1) the Department of Health Access;

8 (2) the Department of Mental Health and Substance Abuse;

9 (3) the Department of Long Term Care;

10 (4) the Department of Public Health;

11 (5) the Health Care Board; and

12 (6) the Vermont Health Benefit Exchange.

13 § 2903. ADVISORY CAPACITY

14 (a) All boards and commissions that are part of or attached to the Agency
15 pursuant to this chapter shall be advisory only except as otherwise provided in
16 this chapter, and the powers and duties of the boards and commissions,
17 including administrative, policymaking, and regulatory functions, shall vest in
18 and be exercised by the Secretary of the Agency.

19 (b) Notwithstanding the provisions of subsection (a) of this section, the
20 Board of Health shall retain and exercise all powers and functions given to the
21 Board by law of a quasi-judicial nature, including the power to conduct

1 hearings, adjudicate controversies, and issue and enforce orders in the manner
2 and to the extent provided by law. Boards of registration, certification, and
3 licensure attached to this Agency shall retain and exercise all existing authority
4 with respect to registration, certification, licensure, and maintenance of the
5 standards of persons registered, certified, and licensed.

6 § 2904. PERSONNEL DESIGNATION

7 The Secretary and Deputy Secretary, and any commissioner, deputy
8 commissioner, director, attorney, and member of a board, committee,
9 commission, or council attached to the Agency are exempt from the classified
10 State service. Except as authorized by section 311 of this title or as otherwise
11 provided by law, all other Agency positions shall be within the classified
12 service.

13 Subchapter 2. Secretary

14 § 2921. APPOINTMENT OF SECRETARY

15 The Agency shall be under the direction and supervision of a Secretary,
16 who shall be appointed by the Governor with the advice and consent of the
17 Senate and who shall serve at the pleasure of the Governor. The Secretary
18 shall be responsible to the Governor and shall plan, coordinate, and direct the
19 functions vested in the Agency.

1 § 2922. DEPUTY SECRETARY

2 (a) The Secretary, with the approval of the Governor, may appoint a
3 Deputy Secretary to serve at the Secretary’s pleasure and to perform such
4 duties as the Secretary prescribes. The appointment shall be in writing and the
5 Secretary shall record the appointment in the Office of the Secretary of State.

6 (b) The Deputy Secretary shall discharge the duties and responsibilities of
7 the Secretary in the Secretary’s absence. In the event of a vacancy in the
8 Office of the Secretary, the Deputy shall assume and discharge the duties of
9 the Office until the vacancy is filled.

10 § 2923. ADVISORY COUNCILS OR COMMITTEES

11 The Secretary, with the approval of the Governor, may create such advisory
12 councils or committees within the Agency as he or she deems necessary, and
13 may appoint their members for terms not exceeding his or hers.

14 § 2924. TRANSFER OF PERSONNEL AND APPROPRIATIONS

15 (a) The Secretary, with the approval of the Governor, may transfer
16 classified positions between State departments and other components of the
17 Agency, subject only to personnel laws and rules.

18 (b) The Secretary, with the approval of the Governor, may transfer
19 appropriations or portions of appropriations between departments and other
20 components in the Agency, consistent with the purposes for which the
21 appropriation was made.

1 Subchapter 3. Commissioners and Directors

2 § 2951. COMMISSIONERS; DEPUTY COMMISSIONERS;

3 APPOINTMENT; TERM

4 (a) The Secretary, with the approval of the Governor, shall appoint a
5 commissioner of each department, who shall be the chief executive and
6 administrative officer and who shall service at the pleasure of the Secretary.

7 (b) For the Department of Health Access, the Secretary, with the approval
8 of the Governor, shall appoint deputy commissioners for the following
9 divisions of the Department:

10 (1) Medicaid Health Services and Managed Care; and

11 (2) Medicaid Policy, Fiscal, and Support Services.

12 (c) For the Department of Mental Health and Substance Abuse, the
13 Secretary, with the approval of the Governor, shall appoint deputy
14 commissioners for the following divisions of the Department:

15 (1) Mental Health; and

16 (2) Substance Abuse.

17 (d) Deputy commissioners shall be exempt from classified service. Their
18 appointments shall be in writing and shall be filed in the Office of the
19 Secretary of State.

1 § 2952. MANDATORY DUTIES

2 (a) The commissioner shall determine the policies of the department, and
3 may exercise the powers and shall perform the duties required for its effective
4 administration.

5 (b) In addition to other duties imposed by law, the commissioner shall:

6 (1) administer the laws assigned to the department;

7 (2) coordinate and integrate the work of the divisions; and

8 (3) supervise and control all staff functions.

9 § 2953. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

10 The commissioner may, with the approval of the Secretary:

11 (1) Transfer appropriations or parts thereof within or between divisions,
12 consistent with the purposes for which the appropriation was made.

13 (2) Transfer classified positions within or between divisions subject only to
14 State personnel laws and regulations.

15 (3) Cooperate with the appropriate federal agencies and administer federal
16 funds in support of programs within the department.

17 (4) Submit plans and reports, and in other respects comply with federal law
18 and regulations which pertain to programs administered by the department.

19 (5) Make rules consistent with law for the internal administration of the
20 department and its programs.

21 (6) Appoint a deputy commissioner.

1 (7) Create within the department such advisory councils or committees as
2 he or she deems necessary, and appoint their members for a term not exceeding
3 that of the commissioner.

4 (8) Provide training and instructions for any employees of the department,
5 at the expense of the department, in educational institutions or other places.

6 (9) Organize, reorganize, transfer, or abolish divisions, staff functions or
7 sections within the department. This authority shall not extend to divisions or
8 other bodies created by law.

9 § 2954. DIRECTORS

10 (a) A director shall administer each division within the Agency. The
11 commissioners, with the approval of the Secretary, shall appoint the directors
12 for divisions which are part of a department, and the Secretary shall appoint
13 any other directors.

14 (b) Each division and its officers shall be under the direction and control of
15 the appointing authority except with regard to judicial or quasi-judicial acts or
16 duties vested in them by law.

17 (c) No rule or regulation may be issued by a director of a division without
18 the approval of the appointing authority.

1 Subchapter 4. Departments, Divisions, and Boards

2 § 2971. DEPARTMENT OF HEALTH ACCESS

3 The Department of Health Access is created within the Agency of Health
4 Care Administration as the successor to and continuation of the Department of
5 Vermont Health Access.

6 § 2972. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE

7 ABUSE

8 The Department of Mental Health and Substance Abuse is created within
9 the Agency of Health Care Administration as the successor to and continuation
10 of the Department of Mental Health and the Division of Alcohol and Drug
11 Abuse Programs in the Department of Health. The Department shall be
12 responsible for individuals committed to the care and custody of the
13 Commissioner and for the operation of the Vermont Psychiatric Care Hospital
14 and secure residential recovery facility.

15 § 2973. DEPARTMENT OF LONG TERM CARE

16 The Department of Public Health is created within the Agency of Health
17 Care Administration as the successor to and continuation of the programs
18 within the Department of Disabilities, Aging, and Independent Living related
19 to nursing homes, home- and community-based services, the Choices for Care
20 program, and certification of long-term care facilities on behalf of the Centers
21 for Medicare and Medicaid Services. It shall also serve as the administrative

1 home within the Agency of Health Care Administration for the designated
2 State agencies for federal Vocational Rehabilitation and Independent Living
3 Programs, as provided by the Rehabilitation Act of 1973, as amended.

4 § 2974. DEPARTMENT OF PUBLIC HEALTH

5 The Department of Public Health is created within the Agency of Health
6 Care Administration as the successor to and continuation of the Department of
7 Health.

8 § 2975. OPERATIONS DIVISION

9 (a) The Operations Division of the Agency is created and shall be
10 administered by a Director of Administration.

11 (b) The Operations Division shall provide the following services to the
12 Agency and all its components, including components assigned to it for
13 administration:

14 (1) personnel administration;

15 (2) financing and accounting activities;

16 (3) coordination of filing and records maintenance activities;

17 (4) provision of facilities, office space, and equipment and the care
18 thereof;

19 (5) requisitioning of supplies, equipment, and other requirements from
20 the Department of Buildings and General Services in the Agency of
21 Administration;

- 1 (6) management improvement services;
- 2 (7) training;
- 3 (8) information systems and technology; and
- 4 (9) other administrative functions assigned to it by the Secretary.

5 (c) Notwithstanding any provision of law to the contrary, all administrative
6 service functions delegated to other components of the Agency shall be
7 performed within the Agency by the Operations Division.

8 § 2976. PLANNING DIVISION

9 (a) The Planning Division of the Agency is created and shall be
10 administered by a Director of Planning appointed by the Secretary.

11 (b) The Planning Division shall be responsible for:

12 (1) centralized strategic planning for all components of the Agency;

13 (2) coordination of professional and technical planning of the line
14 components of the Agency, aiming toward maximum service to the public;

15 (3) coordinating activities and plans of the Agency with other State
16 agencies and the Governor's office;

17 (4) preparing multi-year plans and long-range plans and programs to
18 meet problems and opportunities for service to the public; and

19 (5) other planning functions assigned to it by the Secretary.

1 Finance regarding the fair hearings conducted by the Board during the three
2 preceding calendar years, including:

3 (1) the total number of fair hearings conducted over the three-year
4 period and per year;

5 (2) the number of hearings per year involving appeals of decisions by
6 the Agency itself and each department within the Agency, with the appeals and
7 decisions relating to health insurance through the Vermont Health Benefit
8 Exchange reported distinctly from other programs;

9 (3) the number of hearings per year based on appeals of decisions
10 regarding:

11 (A) eligibility;

12 (B) benefits;

13 (C) coverage;

14 (D) financial assistance; and

15 (E) other categories of appeals;

16 (4) the number of hearings per year based on appeals of decisions
17 regarding each State program over which the Board has jurisdiction;

18 (5) the number of decisions per year made in favor of the appellant; and

19 (6) the number of decisions per year made in favor of the department or
20 the Agency.

1 § 2992. HEARINGS

2 (a) An applicant for or a recipient of assistance, benefits, or services from
3 the Department of Health Access, of Long-Term Care, or of Mental Health and
4 Substance Abuse, or an applicant for a license from one of those departments,
5 or a licensee may file a request for a fair hearing with the Health Care Board.
6 An opportunity for a fair hearing will be granted to any individual requesting a
7 hearing because his or her claim for assistance, benefits, or services is denied
8 or is not acted upon with reasonable promptness; because the individual is
9 aggrieved by any other Agency action affecting his or her receipt of assistance,
10 benefits, or services, or license or license application; or because the individual
11 is aggrieved by Agency policy as it affects his or her situation.

12 (b) The hearing shall be conducted by the Board or by a hearing officer
13 appointed by the Board. The Chair of the Board may compel, by subpoena, the
14 attendance and testimony of witnesses and the production of books and
15 records. All witnesses shall be examined under oath. The Board shall adopt
16 rules with reference to appeals, which shall not be inconsistent with this
17 chapter. The rules shall provide for reasonable notice to parties, and an
18 opportunity to be heard and be represented by counsel.

19 (c) The Board or the hearing officer shall issue written findings of fact. If
20 the hearing is conducted by a hearing officer, the hearing officer's findings
21 shall be reported to the Board, and the Board shall approve the findings and

1 adopt them as the findings of the Board unless good cause is shown for
2 disapproving them. Whether the findings are made by the Board, or by a
3 hearing officer and adopted by the Board, the Board shall enter its order based
4 on the findings.

5 (d) After the fair hearing, the Board may affirm, modify, or reverse
6 decisions of the Agency; it may determine whether an alleged delay was
7 justified; and it may make orders consistent with this title requiring the Agency
8 to provide appropriate relief including retroactive and prospective benefits.

9 The Board shall consider, and shall have the authority to reverse or modify,
10 decisions of the Agency based on rules which the Board determines to be in
11 conflict with State or federal law. The Board shall not reverse or modify
12 Agency decisions which are determined to be in compliance with applicable
13 law, even though the Board may disagree with the results effected by those
14 decisions.

15 (e) The Board shall give written notice of its decision to the person
16 applying for fair hearing and to the Agency. Unless a continuance is requested
17 or consented to by an aggrieved person, decisions and orders concerning
18 medical assistance (Medicaid) under 33 V.S.A. chapter 19 shall be issued by
19 the Board within 75 days of the request for hearing.

20 (f) The Agency or the appellant may appeal from decisions of the Board to
21 the Supreme Court under V.R.A.P. 13. Pending the final determination of any

1 appeal, the terms of the order involved shall be given effect by the Agency
2 except insofar as they relate to retroactive benefits.

3 (g) A party to an order or decree of the Board or the Board itself, or both,
4 may petition the Supreme Court for relief against any disobedience of, or
5 noncompliance with, the order or decree. In the proceedings and upon such
6 notice thereof to the parties as it shall direct, the Supreme Court shall hear and
7 consider the petition and make such order and decree in the premises by way
8 of writ of mandamus, writ of prohibition, injunction, or otherwise, concerning
9 the enforcement of the order and decree of the Board as shall be appropriate.

10 (h)(1) Notwithstanding subsections (d) and (f) of this section, the Secretary
11 shall review all Board decisions and orders concerning Medicaid. The
12 Secretary shall:

13 (A) adopt a Board decision or order, except that the Secretary may
14 reverse or modify a Board decision or order if:

15 (i) the Board's findings of fact lack any support in the record; or

16 (ii) the decision or order implicates the validity or applicability of
17 any Agency policy or rule;

18 (B) issue a written decision setting forth the legal, factual or policy
19 basis for reversing or modifying a Board decision or order.

20 (2) Notwithstanding subsections (d) and (f) of this section, a Board
21 decision and order concerning Medicaid shall become the final and binding

1 decision of the Agency upon its approval by the Secretary. The Secretary shall
2 either approve, modify, or reverse the Board’s decision and order within 15
3 days of the date of the Board’s decision and order. If the Secretary fails to
4 issue a written decision within 15 days as required by this subdivision, the
5 Board’s decision and order shall be deemed to have been approved by the
6 Secretary.

7 (3) Notwithstanding subsection (f) of this section, only the claimant may
8 appeal a decision of the Secretary to the Supreme Court. Such appeals shall be
9 pursuant to Rule 13 of the Vermont Rules of Appellate Procedure. The
10 Supreme Court may stay the Secretary’s decision upon the claimant’s showing
11 of a fair ground for litigation on the merits. The Supreme Court shall not stay
12 the Secretary’s order insofar as it relates to a denial of retroactive benefits.

13 * * * Conforming Revisions to Agency of Human Services * * *

14 Sec. 2. 3 V.S.A. § 3002(a) is amended to read:

15 (a) An Agency of Human Services is created consisting of the following:

- 16 (1) The Department of Corrections.
- 17 (2) The Department for Children and Families.
- 18 (3) ~~The Department of Health.~~ [Repealed.]
- 19 (4) The Department of ~~Disabilities, Aging, and~~ Independent Living.
- 20 (5) The Human Services Board.
- 21 (6) ~~The Department of Vermont Health Access.~~ [Repealed.]

1 (7) ~~The Department of Mental Health. [Repealed.]~~

2 Sec. 3. 3 V.S.A. § 3003(b) is amended to read:

3 (b) ~~Notwithstanding subsection (a) of this section, the Board of Health shall~~
4 ~~retain and exercise all powers and functions given to the Board by law of~~
5 ~~quasi-judicial nature, including the power to conduct hearings, to adjudicate~~
6 ~~controversies, and to issue and enforce orders, in the manner and to the extent~~
7 ~~provided by law.~~ Boards of registration attached to this Agency shall retain
8 and exercise all existing authority with respect to licensing and maintenance of
9 the standards of the persons registered.

10 Sec. 4. 3 V.S.A. § 3004 is amended to read:

11 § 3004. PERSONNEL DESIGNATION

12 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
13 attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol~~
14 ~~and Drug Abuse Programs,~~ and of Child Support, and all members of boards,
15 committees, commissions, or councils attached to the Agency for support are
16 exempt from the classified State service. Except as authorized by section 311
17 of this title or otherwise by law, all other positions shall be within the classified
18 service.

19 Sec. 5. 3 V.S.A. § 3051 is amended to read:

20 § 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;

21 APPOINTMENT; TERM

1 (a) The Secretary, with the approval of the Governor, shall appoint a
2 commissioner of each department, who shall be the chief executive and
3 administrative officer and shall serve at the pleasure of the Secretary.

4 (b) ~~For the Department of Health, the Secretary, with the approval of the~~
5 ~~Governor, shall appoint deputy commissioners for the following divisions of~~
6 ~~the Department:~~

7 (1) ~~Public Health;~~

8 (2) ~~Substance Abuse. [Repealed.]~~

9 (c) For the Department for Children and Families, the Secretary, with the
10 approval of the Governor, shall appoint deputy commissioners for the
11 following divisions of the Department:

12 (1) Economic Services;

13 (2) Child Development;

14 (3) Family Services.

15 (d) ~~For the Department of Vermont Health Access, the Secretary, with the~~
16 ~~approval of the Governor, shall appoint deputy commissioners for the~~
17 ~~following divisions of the Department:~~

18 (1) ~~Medicaid Health Services and Managed Care;~~

19 (2) ~~Medicaid Policy, Fiscal, and Support Services;~~

20 (3) ~~Health Care Reform;~~

21 (4) ~~Vermont Health Benefit Exchange. [Repealed.]~~

1 (e) Deputy commissioners shall be exempt from the classified service.

2 Their appointments shall be in writing and shall be filed in the Office of the
3 Secretary of State.

4 Sec. 6. 3 V.S.A. § 3085a is amended to read:

5 § 3085a. DEPARTMENT OF ~~DISABILITIES, AGING, AND~~
6 INDEPENDENT LIVING

7 The Department of ~~Disabilities, Aging, and~~ Independent Living is created
8 within the Agency of Human Services as the successor to and continuation of
9 the Department of Aging and Disabilities, the Developmental Services
10 Division of the Department of Developmental and Mental Health Services, and
11 the personal care and hi-tech programs in the former Department of
12 Prevention, Assistance, Transition, and Health Access to manage programs and
13 to protect the interests of older Vermonters and Vermonters with disabilities.

14 It shall serve as the State unit on aging, as provided by the Older Americans
15 Act of 1965, as amended, ~~and it shall serve as the administrative home within~~
16 ~~the Agency of Human Services for the designated State agencies for federal~~
17 ~~Vocational Rehabilitation and Independent Living Programs, as provided by~~
18 ~~the Rehabilitation Act of 1973, as amended.~~

19 Sec. 7. 3 V.S.A. § 3090(e) is amended to read:

20 (e) On or before January 15 of each year, the Board shall report to the
21 House Committees on Appropriations, on Human Services, and on Health Care

1 and the Senate Committees on Appropriations, on Health and Welfare, and on
2 Finance regarding the fair hearings conducted by the Board during the three
3 preceding calendar years, including:

4 (1) the total number of fair hearings conducted over the three-year
5 period and per year;

6 (2) the number of hearings per year involving appeals of decisions by
7 the Agency itself and each department within the Agency, ~~with the appeals and~~
8 ~~decisions relating to health insurance through the Vermont Health Benefit~~
9 ~~Exchange reported distinctly from other programs;~~

10 * * *

11 Sec. 8. 3 V.S.A. § 3091 is amended to read:

12 § 3091. HEARINGS

13 (a) An applicant for or a recipient of assistance, benefits, or social services
14 from the Department for Children and Families, ~~of Vermont Health Access, or~~
15 ~~of Disabilities, Aging, and Independent Living, or of Mental Health,~~ or an
16 applicant for a license from one of those departments, or a licensee may file a
17 request for a fair hearing with the Human Services Board. An opportunity for
18 a fair hearing will be granted to any individual requesting a hearing because his
19 or her claim for assistance, benefits, or services is denied, or is not acted upon
20 with reasonable promptness; or because the individual is aggrieved by any
21 other Agency action affecting his or her receipt of assistance, benefits, or

1 services, or license or license application; or because the individual is
2 aggrieved by Agency policy as it affects his or her situation.

3 * * *

4 (e) The Board shall give written notice of its decision to the person
5 applying for fair hearing and to the Agency. Unless a continuance is requested
6 or consented to by an aggrieved person, decisions and orders concerning
7 Temporary Assistance to Needy Families (TANF) under 33 V.S.A. chapter 11,
8 and TANF-Emergency Assistance (TANF-EA) under Title IV of the Social
9 Security Act ~~and medical assistance (Medicaid) under 33 V.S.A. chapter 19~~
10 shall be issued by the Board within 75 days of the request for hearing.

11 * * *

12 (h)(1) Notwithstanding subsections (d) and (f) of this section, the Secretary
13 shall review all Board decisions and orders concerning TANF, TANF-EA, and
14 Office of Child Support Cases, ~~and Medicaid~~. The Secretary shall:

15 (A) adopt a Board decision or order, except that the Secretary may
16 reverse or modify a Board decision or order if:

17 (i) the Board's findings of fact lack any support in the record; or
18 (ii) the decision or order implicates the validity or applicability of
19 any Agency policy or rule.

20 (B) issue a written decision setting forth the legal, factual, or policy
21 basis for reversing or modifying a Board decision or order.

1 (3) up to 20 positions from the Agency of Human Services to staff the
2 office of the Secretary of Health Care Administration, including the associated
3 appropriation amounts for these personnel and the operating expenses related
4 to these functions.

5 (c) The Agency of Human Services shall provide fiscal and administrative
6 support for the Agency of Health Care Administration until October 1, 2017.

7 (d) No later than January 1, 2019, the Secretary of Administration shall
8 complete the transfer to the Agency of Health Care Administration of:

9 (1) all employees, professional and support staff, consultants, and
10 positions contained in the departments, divisions, and offices described in
11 Sec. 12 of this act to which the Agency is the successor in interest; and

12 (2) all balances of all appropriation amounts for personal services and
13 operating expenses for the departments, divisions, units, and offices described
14 in Sec. 12 of this act.

15 (e) No later than January 1, 2019, the Secretary of Administration shall
16 complete the reorganization of the Agency of Human Services into an Agency
17 of Health Care Administration as described in this Act and an Agency of
18 Human Services consisting of the remaining departments, divisions, and
19 offices.

20 Sec. 10. PROCESS; REORGANIZATION OF DEPARTMENT OF
21 DISABILITIES, AGING, AND INDEPENDENT LIVING

1 (a) No later than December 1, 2017, the Secretary of Administration or
2 designee shall submit to the House Committees on Appropriations, on Human
3 Services, and on Government Operations and the Senate Committees on
4 Appropriations, on Health and Welfare, and on Government Operations a
5 proposal for dividing the Department of Disabilities, Aging, and Independent
6 Living into a Department of Long-Term Care in the Agency of Health Care
7 Administration and a Department of Independent Living in the Agency of
8 Human Services. The proposal shall include proposed legislative changes
9 necessary to effect the division recommended by the Secretary.

10 (b)(1) The Department of Long-Term Care shall have the authority to
11 administer the Choices for Care portion of Vermont’s Medicaid Section 1115
12 waiver, regulate nursing homes, regulate organizations providing home- and
13 community-based services, and certify long-term care facilities on behalf of the
14 Centers for Medicare and Medicaid Services.

15 (2) The Department for Independent Living shall provide services to
16 Vermonters who are elders and to individuals with disabilities to enable them
17 to remain in their homes, including vocational rehabilitation services.

18 Sec. 11. PROCESS; REORGANIZATION OF DEPARTMENTS, UNITS,

19 AND DIVISIONS

20 (a) No later than December 1, 2017, the Secretary of Health Care
21 Administration shall propose to the House Committees on Appropriations, on

1 Human Services, and on Government Operations and the Senate Committees
2 on Appropriations, on Health and Welfare, and on Government Operations any
3 additional modifications to the departments, units, and divisions transferred
4 from the Agency of Human Services to the Agency of Health Care
5 Administration needed to reflect the following new departments:

6 (1) the Department of Health Access;

7 (2) the Department of Mental Health and Substance Abuse; and

8 (3) the Department of Public Health;

9 (b) The proposal may include moving divisions of the transferred
10 departments as necessary to ensure the efficient and rational administration and
11 regulation of Vermont's health care system.

12 (c) The proposal shall include proposed legislative changes necessary to
13 effect the modifications recommended by the Secretary.

14 Sec. 12. TRANSITIONAL PROVISIONS

15 (a) The Agency of Health Care Administration is the successor to and
16 continuation of:

17 (1) the Department of Vermont Health Access under 3 V.S.A. § 3088;

18 (2) the Department of Mental Health under 3 V.S.A. § 3089;

19 (3) the long-term care and home- and community-based service
20 components of the Department of Disabilities, Aging, and Independent Living
21 under 3 V.S.A. § 3085a; and

1 (4) the Department of Health under 3 V.S.A. § 3082.

2 (b) The Agency shall continue the duties of the departments as described in
3 subsection (a) of this section, including the duties contained in 33 V.S.A.
4 chapter 19 (medical assistance).

5 * * * Conforming Statutory Amendments * * *

6 Sec. 13. OFFICE OF LEGISLATIVE COUNCIL

7 On or before December 1, 2016, the Office of Legislative Council shall
8 provide to the House Committees on Government Operations, on Health Care,
9 and on Human Services and the Senate Committees on Finance, on
10 Government Operations, and on Health and Welfare proposed statutory
11 amendments as needed to correct references in the Vermont Statutes Annotated
12 to the agencies and departments created or amended by this act.

13 * * * Repeals * * *

14 Sec. 14. REPEALS

15 3 V.S.A. §§ 3082 (Department of Health), 3088 (Department of Vermont
16 Health Access), and 3089 (Department of Mental Health) are repealed on
17 passage.

18 * * * Effective Dates * * *

19 Sec. 15. EFFECTIVE DATES

20 (a) Secs. 1 (Agency of Health Care Administration) and 2–8 (Agency of
21 Human Services; revisions) shall take effect on October 1, 2017.

1 (b) The remaining sections shall take effect on passage.

2

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4

5

6 (Committee vote: _____)

7

8

Senator _____

9

FOR THE COMMITTEE