

**Agency of Human Services – Secretary’s Office
Human Services Board**

- 1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.**

The Human Services Board (HSB) meets once per month; there have been 24 meetings over the past two (2) fiscal years. Per its rules, HSB meetings are generally held in closed session and concern several different types of cases subject to confidentiality requirements and a quasi-judicial deliberative process. Board orders are published in redacted form on the Board’s website: <https://humanservices.vermont.gov/boards-committees/hsb/fair-hearing-decisions>.

- 2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.**

Board Member	Term Expires
Mike Donahue, Chair	2/28/2021
Mary Skinner	2/28/2021
Mary Jean Wasik	2/28/2021
Jan Westervelt	2/28/2023
Brenda Cruickshank	2/28/2023
Susan Harritt	2/28/2023
Unfilled	

The appointing authority is the Governor. Board members receive the \$50 per diem + mileage.

- 3. Provide an overview of the board or commission’s purpose.**

With the support of three (3) hearing officers and two (2) administrative clerks, the HSB conducts fair hearings for appeals from petitioners related to a variety of programs housed within the Agency of Human Services, including public benefits (e.g. 3SquaresVT, Reach Up, GA-Temporary Housing), healthcare (all Medicaid/related programs and Exchange cases), abuse substantiations (child and vulnerable adult abuse) and licensing cases (foster care, childcare, long-term care facilities) and nursing home and residential care home involuntary discharges. The various AHS Departments involved are represented by attorneys while the majority of petitioners appearing before the Board are unrepresented.

The Board’s general jurisdiction is based in 3 VSA § 3091; HSB jurisdiction over other types of cases is based upon various specific statutes or rules (for example, child abuse substantiation cases do not fall under 3 VSA § 3091 but jurisdiction instead is based in 33 VSA § 4916b). Per statute and its rules, the Board is tasked with determining whether the challenged agency action is consistent with the applicable law.

The HSB’s three hearing officers (attorneys) conduct fair hearings and make recommended orders for consideration by the Board at its monthly meeting(s). A subset of HSB appeals (temporary housing and selected Medicaid cases) are heard and decided on an expedited basis by the hearing officers. The hearing officers also hear “Food Stamp Disqualification” cases which are not subject to Board review.

Certain Board orders (in Medicaid, Exchange and Reach Up cases) are subject to further review by the Secretary of AHS.

4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

Yes. The Board's purpose is based in state and federal legal requirements setting out rights of appeal, and in some case constitutional due process requirements. Without the Board fulfilling this purpose, aggrieved individuals would be deprived of these important and fundamental rights.

5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

The HSB executes its purpose effectively by acting on all requests made for fair hearing, pursuant to applicable statutes and rules. The number of appeals has fluctuated between approximately 900-1400 over the last several years; the general expectation is that the HSB will receive between 900-1000 appeals per year (a proportion of these cases are resolved without the need for a final Board order, i.e. through settlement or withdrawal of the appeal). The HSB has recently agreed to take on expedited Medicaid appeals which were required by changes in federal law. Over the last two years the HSB has experienced an increase of (approximately) 25 percent in the number of recommended orders transmitted to the Board by its hearing officers – the Board typically reviews between 20-35 recommended findings of fact and orders (usually ranging from 6-25 pages long) at every monthly meeting. The fact that the areas of appeal covered by the HSB are expanding and that there has been an increase in recommended orders are indicia of the Board's continued necessity as a forum as well as of its efficient and effective functioning.

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

The core purpose and function of the HSB is to provide impartial appeals and fair hearing hearings to certain AHS program beneficiaries, licensees, and individuals faced with substantiation for abuse (and accordingly faced with the loss of a liberty interest in employment and other activities); it does not appear there is any other feasible manner to perform this function.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

There is no overlap in HSB functions with any other Board, commission, or agency.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

Yes (and the enabling law has been amended in recent years to reflect new cases that the HSB is now tasked to hear).

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

In FY18 actual expenditures were \$544,906, primarily funded by a combination of general (\$409,582) and federal (\$124,750) funds.

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

Yes, the HSB has an obligation to report annually on certain case statistics under 3 V.S.A. § 3090. Those reports have been made for the last two calendar years; however, technical limitations of the HSB's outdated case management system do not allow for reporting that is fully responsive (through AHS the HSB now has funding to upgrade the case

management system which would allow it to fully meet its reporting obligations – the procurement and implementation of a new case management system is in process).

11. How would you measure the performance of the board or commission?

Cases filed, scheduled, heard and decided by the Board or otherwise resolved.

**Agency of Human Services – Secretary’s Office
Parole Board**

- 1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.**

The Parole Board holds hearings approximately 13 times per month at Probation & Parole Offices and Correctional Facilities throughout the state. The Parole Board convened 155 times during FY18 and 151 times during FY19. Schedules for each hearing are emailed to the staff at the hearing site, Prisoners’ Rights Office, Vermont Restitution Unit and uploaded to the Parole Board website (<https://doc.vermont.gov/about/parole-board/>). Results of the individual hearings may be obtained from the Parole Board Office.

The Parole Board also serves as the advisory board for pardons per 28 V.S.A. § 453. On request of the Governor, the board may make recommendations to him or her regarding such matters.

- 2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.**

Board Member Name	Seat Description	Term Length & Expiration	Appointing Authority	Per Diem
Dean George	Chair	3 years – Expires 2/28/2020	Governor	\$20,500 annually in lieu of per diem.
Patricia LaBier Boucher	Vice Chair	3 years – Expires 2/28/2021	Governor	\$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses
Wayne Dengler	Member	3 years – Expires 2/28/2022	Governor	\$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses
Richard Grassi	Member	3 years – Expires 2/28/2020	Governor	\$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses
Peter Ozarowski	Member	3 years – Expires 2/28/2022	Governor	\$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses
Lynn Roberto	Alternate	3 years – Expires 2/28/2022	Governor	\$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses
Mary Stephens	Alternate	3 years – Expires 2/28/2021	Governor	\$100.00 per diem for each day of official duties together with reimbursement of reasonable expenses
Mary Jane Ainsworth	Director	4 years – Expires 2/28/2021	Governor after consultation with the board	Salary as determined secretary of human services, in consultation with parole board and department of human resources.

3. Provide an overview of the board or commission's purpose.

The Parole Board is an independent entity that considers eligible offenders for parole and oversees compliance with conditions of parole by rendering just decisions by balancing victim needs, the risk to public safety, while promoting offender accountability success.

Additionally, the Parole Board conducts Parole Violation hearings ensuring that due process, and disposition of parole violations are properly and legally managed.

4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

The purpose is needed. If the board no longer fulfilled this purpose, then:

- a. Eligible offenders would not be considered for parole;
- b. There would not be due process for offenders on parole who have alleged to have violated the terms and conditions of their parole.

5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

In 2018, 911 offenders appeared before the board for different types of hearings. 622 of those offenders were considered for parole and 391 of those were granted parole. The board held 152 parole violation hearings, in which 64 offenders were continued on parole.

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

It would be difficult if not impossible for State Government to provide effective and efficient Parole related hearings without extensive training and expense to facilitate others the ability to meet the Parole Board legal responsibilities. Parole Board Members are provided excellent training and tools to manage their responsibilities and do so at a very small cost as compared to other jurisdictions.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

No. We are not aware of any Parole Board functions that overlap or duplicate any other boards or commissions.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

Current Vermont Statutes accurately reflect the purpose and requirements of the board. The Board Chair, and Board Director, are actively involved with the administration, and legislature in developing any updates, or changes that may improve efficiency and manage Parole related functions, and legal matters.

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

- a. Approximately \$230,000 was expended for three fulltime salaries, benefits, and wages for the Director, Executive Office Manager, and Administrative Assistant A.
- b. Approximately \$107,000 was expended for per diem and expenses for the Parole Board Members.

- c. Approximately \$44,000 was expended for office expenses.
- d. The Parole Board is a line item in the Department of Corrections budget which is funded by the general fund.

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

The Parole Board Chair and Director are generally invited to the House Committee on Corrections and Institutions every year to provide a general introduction to the Parole Board procedures and presentation of the previous years statistics. The Parole Board provides updates to the Administration through the Governor's Legal Counsel.

11. How would you measure the performance of the board or commission?

The Parole Board has received several grants from the National Parole Resource Center for Technical Assistance, resulting in training for Parole Board Members on an annual basis. The Parole Board's affiliation with the APAI (Association of Paroling Authorities International), has provided additional training for New Parole Board Members, the Parole Board Chair, and the Parole Board Director. The Parole Board has developed an effective Risk Assessment tool used in Parole Eligibility hearings and an effective violation matrix tool, used in Parole Violation hearings.