

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Human services; developmental disabilities; system of care

4 Statement of purpose of bill as introduced: This bill proposes to: (1) eliminate  
5 the rulemaking requirement for portions of the system of care plan; (2) require  
6 system of care plan extensions to be approved by the Chairs of the House  
7 Committee on Human Services and the Senate Committee on Health and  
8 Welfare; (3) establish the Residential Program Developer position and  
9 additional Quality Services Review Team positions within the Department for  
10 Disabilities, Aging, and Independent Living; (4) establish pilot **planning grants**  
11 to develop housing and residential services programs for individuals with  
12 developmental disabilities; and (5) implement processes for payment reform  
13 and conflict-free case management.

14 An act relating to the system of care for individuals with developmental  
15 disabilities

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 \* \* \* Legislative Intent \* \* \*

3 Sec. 1. LEGISLATIVE INTENT

4 It is the intent of the General Assembly that:

5 (1) individuals who qualify for developmental services and who meet a  
6 funding priority as outlined in the State system of care plan for developmental  
7 services receive full and complete information regarding their options and  
8 services; and

9 (2) individuals with developmental disabilities, their family members,  
10 allies, and advocates be respected and active participants in systems change  
11 activities, including payment reform, development of resources to comply with  
12 the federal home- and community-based services regulations, and development  
13 of additional residential service options.

14 \* \* \* System of Care Plan \* \* \*

15 Sec. 2. 18 V.S.A. § 8725 is amended to read:

16 § 8725. SYSTEM OF CARE PLAN

17 (a) Every three years, the Department shall adopt a plan for the nature,  
18 extent, allocation, and timing of services consistent with the principles of  
19 service set forth in section 8724 of this title that will be provided to people  
20 with developmental disabilities and their families. ~~Each plan shall include the~~

1 following categories, which shall be adopted by rule pursuant to 3 V.S.A.  
2 chapter 25:

3 (1) ~~priorities for continuation of existing programs or development of~~  
4 ~~new programs;~~

5 (2) ~~criteria for receiving services or funding;~~

6 (3) ~~type of services provided; and~~

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

8 \* \* \*

9 (c) ~~Not~~ Not later than 60 days before adopting the proposed plan, the  
10 Commissioner shall submit it to the Advisory Board established in section  
11 8733 of this title; for advice and recommendations, ~~except that the~~  
12 ~~Commissioner shall submit those categories within the plan subject to 3 V.S.A.~~  
13 ~~chapter 25 to the Advisory Board at least 30 days prior to filing the proposed~~  
14 ~~plan in accordance with the Vermont Administrative Procedure Act. The~~  
15 Advisory Board shall provide the Commissioner with written comments on the  
16 proposed plan. ~~It may also submit public comments pursuant to 3 V.S.A.~~  
17 ~~chapter 25.~~

18 \* \* \*

19 (f) If the Department requires an extension to complete the system of care  
20 plan, it shall submit a written request indicating the anticipated completion  
21 date to the House Committee on Human Services and to the Senate Committee

1 on Health and Welfare at least two months prior to the expiration of the  
2 existing system of care plan. The request for an extension may be granted  
3 upon the approval of both the Chairs of the House Committee on Human  
4 Services and the Senate Committee on Health and Welfare.

5 \* \* \* Creation of New Positions \* \* \*

6 Sec. 3. 18 V.S.A. chapter 204A is amended to read:

7 CHAPTER 204A. SUPPORTING INDIVIDUALS WITH  
8 DEVELOPMENTAL DISABILITIES ACT

9 Subchapter 1. Developmental Disabilities Act

10 \* \* \*

11 **§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND**

12 **INDEPENDENT LIVING; DUTIES**

13 **The Department shall plan, coordinate, administer, monitor, and evaluate**  
14 **State and federally funded services for people with developmental disabilities**  
15 **and their families within Vermont. The Department shall be responsible for**  
16 **coordinating the efforts of all agencies and services, government and private,**  
17 **on a statewide basis in order to promote and improve the lives of individuals**  
18 **with developmental disabilities. Within the limits of available resources, the**  
19 **Department shall:**

20 **(1) promote the principles stated in section 8724 of this title and shall**  
21 **carry out all functions, powers, and duties required by this ~~chapter~~ subchapter**

1 by collaborating and consulting with people with developmental disabilities,  
2 their families, guardians, community resources, organizations, and people who  
3 provide services throughout the State;

4 \* \* \*

5 § 8724. PRINCIPLES OF SERVICE

6 Services provided to people with developmental disabilities and their  
7 families shall foster and adhere to the following principles:

8 \* \* \*

9 (11) Trained staff. In order to assure that the goals of this ~~chapter~~  
10 subchapter are attained, all individuals who provide services to people with  
11 developmental disabilities and their families must receive training as required  
12 by section 8731 of this title.

13 \* \* \*

14 § 8727. COMPLAINTS; APPEALS

15 (a) Notice. The Department or agency or program funded by the  
16 Department shall provide notice:

17 (1) To an applicant or the applicant's guardian, as applicable, of the  
18 rights provided under this ~~chapter~~ subchapter, State and federal law, and any  
19 other available rights of appeal for violations of any of those rights.

20 \* \* \*

1 § 8733. ADVISORY BOARD

2 \* \* \*

3 (e) Members shall be entitled to reimbursement for necessary and actual  
4 expenses incurred in performance of their duties under this ~~chapter~~ subchapter.

5 Subchapter 2. Supports for Individuals with Developmental Disabilities

6 § 8741. QUALITY SERVICES REVIEW TEAM

7 There is created an additional Quality Services Review Team within the  
8 Developmental Disabilities Services Division of the Department of  
9 Disabilities, Aging, and Independent Living for the purposes of providing at  
10 least annual on-site quality assurance and improvement visits to the designated  
11 and specialized service agencies. The Quality Services Review Team shall  
12 assess designated and specialized service agencies' provision of services in  
13 accordance with the individualized service plan for individuals served. The  
14 Quality Services Review Team shall consist of a supervisor, a nurse reviewer,  
15 and three Quality Services Review Team positions.

16 Sec. 4. DEPARTMENT OF DISABILTIIES, AGING, AND INDEPENDENT  
17 LIVING; RESIDENTIAL PROGRAM DEVELOPER

18 There is created a limited service position of the Residential Program  
19 Developer within the Department of Disabilities, Aging, and Independent  
20 Living for the purposes of:

1           (1) expanding housing and residential services options for individuals  
2           with developmental disabilities, in accordance with federal home- and  
3           community-based services regulations;

4           (2) assisting individuals with developmental disabilities and their  
5           families navigate publicly and privately funded housing and residential  
6           services options;

7           (3) investigating public and private funding opportunities for residential  
8           program development for individuals with developmental disabilities;

9           (4) working with individuals with developmental disabilities, their  
10           families, and allies to identify potential models for residential services;

11           (5) developing requests for proposals and identifying **at least** three pilot  
12           **planning grants** for different regions of the State focused on the needs  
13           identified in those regions; and

14           (6) working with appropriate designated and specialized service  
15           agencies or other providers to implement selected pilots.

16           \* \* \* Housing and Residential Service Pilot **Planning Grants** \* \* \*

17           Sec. 5. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT  
18           LIVING; DEVELOPMENT OF HOUSING AND RESIDENTIAL  
19           SERVICES PILOT **PLANNING GRANTS**

20           (a) The Department for Disabilities, Aging, and Independent Living shall  
21           work with the Vermont Developmental Disabilities Council to review housing

1 models in other states for the purpose of informing the pilot **planning grants**  
2 **developed pursuant to** subsection (b) of this section.

3 (b) In fiscal year 2023, \$500,000.00 is appropriated to the Department of  
4 Disabilities, Aging, and Independent Living from the Global Commitment  
5 Federal Medical Assistance Percentage (FMAP) home- and community-based  
6 **services** monies to develop housing and residential service pilot **planning**  
7 **grants** in **at least** three regions of the State, in partnership with designated and  
8 specialized service agencies, for individuals with developmental disabilities  
9 and their families. The pilot **planning grants** shall reflect the diversity of needs  
10 expressed by individuals with development disabilities and their families,  
11 including individuals with high support needs who require 24-hour care and  
12 those with specific communication needs. The pilot **planning grants** shall be  
13 consistent with the federal home- and community-based services regulations  
14 and include new service-supported housing models. The Department shall  
15 issue a request for proposals seeking entities to develop regional pilot **planning**  
16 **grants** **with not more than one grant per** region.

17 (c)(1) The Department shall convene a steering committee to provide  
18 advice and guidance as it develops **and selects** the pilot **planning grants**  
19 required pursuant to this section.

20 (2) The steering committee shall be composed of the following  
21 members:



1           (A) three individuals with a developmental disability, appointed by  
2           the Green Mountain Self Advocates;

3           (B) two family members of individuals with a developmental  
4           disability, appointed by the Vermont Family Network;

5           (C) two advocates who are either individuals with a developmental  
6           disability or a family member of an individual with a developmental disability,  
7           appointed by the State Program Standing Committee and the Advisory Board  
8           established pursuant to 18 V.S.A. § 8733; and

9           (D) two representatives of the designated and specialized service  
10           agencies, appointed by Vermont Care Partners.

11           (3) The steering committee shall have the technical, legal, and  
12           administrative assistance of the Department.

13           (4) Members of the steering committee shall be entitled to per diem  
14           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
15           § 1010 for not more than five meetings. These payments shall be made from  
16           monies appropriated to the Department.

17           (d) On or before January 15, 2023, the Department shall submit a report to  
18           the House Committee on Human Services and to the Senate Committee on  
19           Health and Welfare describing the pilot planning grant selection process and  
20           the plan for future implementation.

1           \* \* \* Payment Reform and Conflict-Free Case Management \* \* \*

2           Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE  
3                           MANAGEMENT

4           (a) Prior to implementing system-wide payment reform impacting  
5           individuals with developmental disabilities, their families, and designated and  
6           specialized service agencies, the Department of Disabilities, Aging, and  
7           Independent Living shall seek approval from the General Assembly. At a  
8           minimum, the following shall be included in the payment reform process:

9                   (1) in addition to any standardized assessment utilized by the  
10           Department, a process for consideration of additional information relevant to  
11           the life circumstances of service recipients or applicants;

12                   (2) in addition to any standardized rates or rate ranges developed by the  
13           Department, a process for consideration of budgets to reflect the individualized  
14           support needs of service recipients or applicants; and

15                   (3) a process for evaluating the fiscal and service impact on individual  
16           service recipients and the designated and specialized service agencies.

17           (b)(1) Prior to implementing the federally required conflict-free case  
18           management system, the Department shall seek and consider input from a  
19           variety of stakeholders, including individuals with developmental disabilities,  
20           their families, designated and specialized service agencies, and other providers  
21           and advocates and seek approval from the General Assembly.

1           (2) As part of the changes necessary to come into federal compliance,  
2           consideration shall be given to performing initial clinical eligibility and service  
3           planning within the Department.

4                           \* \* \* HCBS Spending Plan Amendment \* \* \*

5           Sec. 7. HOME- AND COMMUNITY-BASED SERVICE SPENDING PLAN  
6                           AMENDMENT

7           The Agency of Human Services shall seek to amend its federal Home- and  
8           Community-Based Service Spending Plan to enable the Department of  
9           Disabilities, Aging, and Independent Living to use Global Commitment  
10           Federal Medical Assistance Percentage (FMAP) home- and community-based  
11           services monies to fund the new Residential Program Developer position  
12           created in Sec. 4 and the pilot planning grants in Sec. 5 of this act.

13                           \* \* \* Effective Date \* \* \*

14           Sec. 8. EFFECTIVE DATE

15           This act shall take effect on July 1, 2022.