

1 H.720

2 Introduced by Committee on Human Services

3 Date:

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

5 Statement of purpose of bill as introduced: This bill proposes to: (1) eliminate  
6 the rulemaking requirement for portions of the system of care plan; (2) require  
7 system of care plan extensions to be approved by the Chairs of the House  
8 Committee on Human Services and the Senate Committee on Health and  
9 Welfare; (3) establish the Residential Program Developer position and require  
10 annual quality services reviews; (4) establish pilot planning grants to develop  
11 housing and residential services programs for individuals with developmental  
12 disabilities; and (5) implement processes for payment reform and conflict-free  
13 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 in plain language regarding  
8 their options and services.

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. Information provided to stakeholders  
14 shall be in plain language.

15 \* \* \* System of Care Plan \* \* \*

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

17 § 8725. SYSTEM OF CARE PLAN

18 (a) Every three years, the Department shall adopt a plan for the nature,  
19 extent, allocation, and timing of services consistent with the principles of  
20 service set forth in section 8724 of this title that will be provided to people  
21 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 \* \* \* Quality Services Reviews \* \* \*

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~~ ensure that the goals of this  
10 ~~chapter~~ subchapter are attained, all individuals who provide services to people  
11 with developmental disabilities and their families must receive training as  
12 required 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 REVIEWS

7 The Department shall perform at least annual on-site quality assurance and  
8 improvement visits to the designated and specialized service agencies and  
9 other contracted agencies. The Department shall, at a minimum, assess the  
10 quality of services provided, including health and safety, in accordance with  
11 personalized service plans for the individuals served.

12 \* \* \* Creation of New Position \* \* \*

13 Sec. 4. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT  
14 LIVING; RESIDENTIAL PROGRAM DEVELOPER

15 There is created a limited-service position of the Residential Program  
16 Developer within the Department of Disabilities, Aging, and Independent  
17 Living for the purposes of:

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

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

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

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

8           (5) developing requests for proposals and identifying at least three pilot  
9           planning grants for different regions of the State focused on the needs  
10          identified in those regions; and

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

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

14          Sec. 5. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT  
15                 LIVING; DEVELOPMENT OF HOUSING AND RESIDENTIAL  
16                 SERVICES PILOT PLANNING GRANTS

17          (a) The Department of Disabilities, Aging, and Independent Living shall  
18          work with the Vermont Developmental Disabilities Council and a statewide  
19          self-advocacy group to review housing models in other states for the purpose  
20          of informing the pilot planning grants developed pursuant to subsection (b) of  
21          this section.

1       (b)(1) In fiscal year 2023, \$500,000.00 is appropriated to the Department of  
2       Disabilities, Aging, and Independent Living from the Global Commitment  
3       Federal Medical Assistance Percentage (FMAP) home- and community-based  
4       services monies to develop housing and residential service pilot planning  
5       grants in at least three regions of the State, in partnership with designated and  
6       specialized service agencies, for individuals with developmental disabilities  
7       and their families. The Department shall issue a request for proposals seeking  
8       entities to develop regional pilot planning grants with not more than one grant  
9       per designated agency catchment area.

10       (2) The pilot planning grants shall:

11               (A) reflect the diversity of needs expressed by individuals with  
12       developmental disabilities and their families, including individuals with high  
13       support needs who require 24-hour care and those with specific  
14       communication needs;

15               (B) be consistent with the federal home- and community-based  
16       services regulations;

17               (C) include new service-supported housing models; and

18               (D) include a vision statement, the number of and description of the  
19       support needs of individuals with developmental disabilities anticipated to be  
20       served, a draft budget, and an implementation plan.

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

4           (2) The steering committee shall be composed of the following  
5       members:

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

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

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

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

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

18          (4) Information provided for the steering committee's consideration  
19       shall be in plain language.

20          (5) Members of the steering committee shall be entitled to per diem  
21       compensation and reimbursement of expenses as permitted under 32 V.S.A.

1 § 1010 for not more than eight meetings. These payments shall be made from  
2 monies appropriated to the Department.

3 (d) On or before April 15, 2023, the Department shall submit a report to the  
4 House Committee on Human Services and to the Senate Committee on Health  
5 and Welfare describing the pilot planning grant selection process, the  
6 implementation plan, and any resources necessary for implementation of  
7 selected pilots.

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

9 Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE

10 MANAGEMENT

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

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

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

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

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

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

11                           \* \* \* HCBS Spending Plan Amendment \* \* \*

12           Sec. 7. HOME- AND COMMUNITY-BASED SERVICE SPENDING PLAN  
13                           AMENDMENT

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

1

\* \* \* Effective Dates \* \* \*

2

Sec. 8. EFFECTIVE DATES

3

This section and Sec. 2 (system of care plan) shall take effect on passage,

4

and the remaining sections shall take effect on July 1, 2022.