

Human Services Specific Language in H.679, House-passed FY22 BAA

Sec. 46. 2021 Acts and Resolves No. 74, Sec. B.1106 is amended to read:

Sec. B.1106 FISCAL YEAR 2022 ONE-TIME GENERAL FUND

APPROPRIATIONS

(a) In fiscal year 2022, funds are appropriated from the General Fund for new and ongoing initiatives as follows:

(1) ~~\$38,430,000~~ \$39,460,000 to the Agency of Administration for the following:

(A) ~~\$11,580,000~~ \$12,420,000 for distribution to departments to fund the fiscal year 2022 53rd week of Medicaid.

(B) ~~\$12,450,000~~ \$12,640,000 for distribution to departments to fund the fiscal year 2022 27th payroll pay period.

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(12) \$126,000 to the ~~Agency of Human Services Secretary's Office~~ Department for Children and Families – administration and support services to maintain the 211-call center.

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(21) \$25,000,000 to the Agency of Human Services – Central Office to address emergent and exigent circumstances following the COVID-19 pandemic.

(A) Of these funds, \$5,280,000 shall be allocated to match \$12,000,000 Global Commitment Funds appropriated to the Agency of Human Services in fiscal year 2022 to reimburse nursing homes through Medicaid rates, notwithstanding any provision of Vermont statute or rule to the contrary, for the actual costs incurred in using traveling nurses to provide services to their residents.

(22) \$3,300,000 to the Agency of Digital Services for a cyber security initiative as follows:

(A) \$2,300,000 for purchase and implementation of Security Information and Event Management software.

(B) \$1,000,000 to prepay the fiscal year 2023 annual licensing/maintenance costs for the system.

(23) \$350,000 to the Department of Environmental Conservation to evaluate and provide an analysis of the capital and ongoing operations and maintenance costs of the Green River Dam. Any unspent funds shall be directed to State-owned dams to evaluate the capital and ongoing operations and maintenance costs.

(24) \$33,000 to the Joint Fiscal Office for the expense of a consultant for the Health Reform Oversight Committee.

(25) \$350,000 to the Agency of Education to provide support for the four statewide nonprofit organizations in the Adult Education and Literacy (AEL) network to address budget shortfalls resulting from the effects of COVID-19.

(26) \$300,000 to the Public Service Department to support the continuity of statewide public, educational, and governmental (PEG) access services.

(27) \$166,667 to the Department of Health, Alcohol and Drug Abuse Programs, to support four statewide syringe services programs.

(28) \$250,000 to the Agency of Commerce and Community Development, Housing and Community Development, to make grants to municipal planning organizations.

(29) \$112,000 to the Center for Crime Victim Services for legal services for victims.

Sec. 49 2021 Acts and Resolves No. 74, Sec. D.102 is amended to read:

Sec. D.102 27/53 RESERVE; TRANSFER AND USE

(a) ~~\$3,740,000~~ \$4,770,000 from the General Fund shall be reserved in the 27/53 reserve in fiscal year 2022. This action is the fiscal year 2022 contribution to the reserve for the 53rd week of Medicaid as required by 32 V.S.A. § 308e and the 27th payroll reserve as required by 32 V.S.A. § 308e(b).

(b) ~~\$24,030,000~~ \$25,060,000 shall be unreserved from the 27/53 Reserve in in fiscal year 2022 to provide for the appropriations described in Secs. B.1106(a)(1)(A) and B.1106(a)(1)(B) of this act.

Sec. 54. EMERGENCY HOUSING; ELIGIBILITY; SOURCE OF FUNDS; LEGISLATIVE INTENT

(a) The Department for Children and Families shall continue to make emergency housing available to individuals and families through June 30, 2022. It is the intent of the General Assembly that the Department shall continue to fund the program with Federal Emergency Management Agency (FEMA) funds, provided that, if the 100 percent match rate changes or if FEMA funding is not available, then the General Assembly intends for the program to be funded with federal Emergency Rental Assistance Program (ERAP) funds.

Sec. 58. HOSPITALS; EMERGENCY DEPARTMENTS; PATIENTS
AWAITING PLACEMENT; PER DIEM RATES

(a) A hospital shall use funds received for per diem rates in their emergency departments to improve the patient experience of care for individuals encountering long delays in admission for inpatient psychiatric treatment, in direct consultation with the Department of Mental Health and with individuals and families with lived experience of mental health emergencies.

Sec. 60. 2021 Acts and Resolves No. 74, Sec. E.301 is amended to read:

Sec. E.301 SECRETARY'S OFFICE – GLOBAL COMMITMENT:

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(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$24,993,731~~ \$25,220,180 is anticipated to be certified as State matching funds under the Global Commitment as follows:

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(2) ~~\$2,773,731~~ \$3,000,180 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

(c) Up to ~~\$4,618,437~~ \$4,034,170 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Sec. B.301 of this act – Secretary's Office – Global Commitment.

Sec. 61. DEPARTMENT FOR CHILDREN AND FAMILIES

(a) \$2,000,000 of federal spending authority for the Department for Children and Families' administrative division, to be established pursuant to 32 V.S.A. § 511, shall be used for federal matching funds to implement the first phase of the Comprehensive Child Welfare Information System in Vermont in accordance with 45 CFR § 1355.55.

Sec. 62. 2021 Acts and Resolves No. 74, Sec. E.335 is amended to read:

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED

FUNDS TRANSFER; JUSTICE REINVESTMENT; REPORT

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(b) In fiscal year 2022, any unexpended funds for correctional services out-of-state beds shall be carried forward to fiscal year 2023, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2022, to ~~support~~ provide additional funding to community-based service programs in support of Justice Reinvestment II initiatives. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee. Prior to approval, the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary shall be notified of any proposed expenditures on community-based service programs.

Sec. 66. 2021 Acts and Resolves No. 74, Sec. E.311.3 to read:

Sec. E.311.3 EDUCATIONAL ASSISTANCE; MEDICAL STUDENT

INCENTIVE SCHOLARSHIP PROGRAM;

APPROPRIATION

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(b) This funding shall remain available to VSAC until expended, and if needed, fiscally neutral adjustments to spending authority shall be included in future budget legislation.

Sec. 67. 2021 Acts and Resolves No. 74, Sec. E.602.2(c) is added to read:

(c) Vermont State College System (VSCS) shall use funds remaining with Vermont Technical College provided in 2019 Acts and Resolves No. 80 to continue to study a model for course delivery at Career and Technical Education (CTE) centers in Vermont and pilot up to two programs that offer these degree programs in up to two CTE centers. On or before January 15, 2023, the VSCS shall submit a written supplemental report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations from the pilot programs.

Sec. 68. 2021 Acts and Resolves No. 74, Sec. G.300 is amended to read:

Sec. G.300 INVESTMENTS IN VERMONT'S ECONOMY, WORKFORCE, AND
COMMUNITIES

(a) ~~\$109,200,000~~ \$179,529,922 in fiscal year 2022 is appropriated from the American Rescue Plan Act (ARPA) - Coronavirus State Fiscal Recovery Funds as follows:

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(7) ~~\$1,000,000~~ \$2,000,000 in fiscal year 2022 to the University of Vermont.

(A) \$1,000,000 for matching funds for research grant opportunities related to COVID-19.

(B) \$1,000,000 to provide up to two free classes in calendar year 2022 for any Vermont resident who is seeking to transition to a new career or to enhance the resident's job skills.

(8) ~~\$10,000,000~~ \$19,700,000 in fiscal year 2022 to the Vermont State Colleges for the following programs; funds shall be carried forward until expended:

(A) \$2,000,000 to provide funding for up to six credits or two courses in the 2022 – 2023 academic year, including wraparound services for Vermonters whose employment was impacted by the COVID-19 public health emergency since March 13, 2020. The wraparound services may also be provided to students who enroll in six credit hours or two courses in the summer or fall of 2021 and spring of 2022 pursuant to 2021 Acts and Resolves No. 9, Sec. 18.

(B) \$3,000,000 to provide degree completion scholarships for up to 30 credits towards a credential of value for adult learners who have earned at least 40 credits towards an undergraduate degree and have a gap in attendance of at least two years.

(C) ~~\$5,000,000~~ \$14,700,000 to provide free last dollar tuition for one year of undergraduate studies for critical occupation careers, including bookkeeping certificate, IT service desk specialist certificate, certified production technician, graphic design certificate, software and web development program, electrical and plumbing apprenticeships, dental hygiene, certificate in accounting, small business management, radiologic science, and respiratory therapy. \$540,000 of these funds shall be allocated for paramedic/EMS programs and any unexpended amount of this allocation shall be available for the broader purpose in this subdivision (C). Funds may be used for practical nursing, childcare, nursing, and mental health counseling programs only after available federal and State financial aid is applied to ensure no cost to the student. Of this amount, \$7,350,000 shall be carried forward for the 2022–2023 school year. If demand from undergraduates is met, then funds may be used to pay for tuition for the following graduate programs:

- (i) Master in Education (all programs);

- (ii) Master in Educational Leadership;
- (iii) Master of Arts and Certificate of Advanced Graduate Studies in School Psychology;
- (iv) Masters in Counseling; and
- (v) Masters in Clinical Mental Health Counseling.

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(22) \$2,320,000 to the Agency of Commerce and Community Development for Working Community Challenge grants.

(23) \$6,000,000 to the Department for Children and Families to be granted to the Vermont Foodbank.

(24) \$515,746.30 to the Agency of Education is appropriated to be granted to the three public independent career technical education centers specified in this subsection. On or before April 30, 2022, the Agency of Education may submit to the House and Senate Committees on Appropriations and on Education a spending proposal requesting funding for the remaining career technical education centers that is based on COVID-19-related need and COVID-19 related funding already received.

(A) Hannaford Career Center - \$185,374.06;

(B) Southwest Career Center - \$79,233.24; and

(C) River Valley Technical Center - \$251,139.00.

(25) \$2,000,000 to the Agency of Agriculture, Food and Markets for grants to be made to eligible projects in the Working Lands Enterprise Initiative.

(26) \$1,001,913 to the Department of Disabilities, Aging, and Independent Living to be granted to Adult Day service providers to maintain operations through June 30, 2022.

(27) \$4,934,590 to the Department of Corrections for costs associated with the collective bargaining unit related to retention and shift differential.

(28) \$12,803,99 to the Department of Labor to cover pandemic related operating costs in the Unemployment system and other programs.

(29) \$373,680 to the Vermont Veteran's Home for retention and personal protective equipment related expenses.

(30) \$6,000,000 to the Department for Children and Families to be granted to childcare providers to address emergent and exigent circumstances following the COVID-19 pandemic for workforce retention bonuses to retain early childhood educators. It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial retention assistance to their employees and how best to encourage employment beyond the terms of this program.

(31) \$26,000,000 to the Agency of Human Services for a program to provide workforce retention funding as specified in Sec. 72 of this act. These funds are combined with other funding provide in Sec. 72 for total \$60,000,000 retention payment program.

Sec. 72. WORKFORCE RETENTION FUNDING FOR EMPLOYEES OF

ELIGIBLE HEALTH CARE AND SOCIAL SERVICE

EMPLOYERS

(a)(1) The Secretary of Human Services shall establish a workforce retention grant program for employees of eligible employers, as defined in this section. Eligible employers may apply within the grant application period determined by the Secretary.

(2) The total grant award amount for each eligible employer shall be calculated at a rate of \$3,000 per full-time equivalent employee (FTE) based on the number of FTEs identified by the eligible employer in its grant application. In the event that the total funds appropriated for the grant program are insufficient to fund all eligible applications at the rate of \$3,000 per FTE, the Secretary may prorate the award amounts across all applicants.

(3) Eligible employers shall distribute the full amount of their awards within 12 months following receipt of the grant funds.

(b) As used in this section, “eligible employers” means:

(1) assisted living residences, as defined in 33 V.S.A. § 7102;

(2) nursing homes, as defined in 33 V.S.A. § 7102;

(3) residential care homes, as defined in 33 V.S.A. § 7102;

(4) home health agencies, as defined in 33 V.S.A. § 6302;

(5) designated and specialized service agencies, including shared living providers;

(6) substance use treatment providers in the Department of Health’s preferred provider network; and

(7) recovery centers.

(c) For the purpose of administering retention payment amounts to independent direct support providers, ARIS Solutions, as the fiscal agent for the employers of independent direct support providers, is authorized to apply for a grant in the same manner as an

eligible employer and to disburse retention payments funded by the grant to eligible independent direct support providers in a manner consistent with ARIS Solutions' payroll practices, to the extent that making those awards is not inconsistent with the terms of the collective bargaining agreement between the Agency of Human Services and the independent direct support providers.

(d) It is the intent of the General Assembly that the eligible employers awarded funds pursuant to this section shall use the funds to make retention payments to their employees. The employers shall be afforded flexibility in determining how best to provide the financial retention assistance to their employees and how best to encourage employment beyond the terms of this program.

(e) A total of \$60,000,000 is appropriated in fiscal year 2022 for the workforce retention grant program established in this section from the following sources:

(1) \$18,000,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the Global Commitment Fund. The estimated \$7,940,000 required in State matching funds shall be from receipts received as a result of the increased federal medical assistance percentage increase for home- and community-based services made available pursuant to Sec. 9817 of the American Rescue Plan Act of 2021. The Agency shall amend the American Rescue Plan Act Home and Community-Based Services plan it submitted to the Centers for Medicare and Medicaid Services if needed to reflect this appropriation.

(2) \$16,000,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the Global Commitment Fund. To provide the State matching funds,

\$7,040,000 is appropriated to the Agency of Human Services in fiscal year 2022 from the General Fund and shall carry forward if not fully expended in fiscal year 2022; and

(3) \$26,000,000 shall be made available for this purpose from the funds allocated to the Agency of Human Services from the American Rescue Plan Act of 2021 – Coronavirus State Fiscal Recovery Fund in 2021 Acts and Resolves No. 74, as amended by Sec. 68 of this act.

(f) On or before April 1, 2022, the Secretary of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding the status of program implementation. The Secretary shall require eligible employer applicants, and ARIS Solutions on behalf of employers of independent direct support providers, to report to the Agency the number of employees who received retention payments under the program including the maximum, minimum and median employee payment and the status of those employees' continued employment in order to evaluate the program's effectiveness. On or before June 30, 2023, the Secretary shall provide a final report to the committees on the overall effectiveness of the program.

Sec. 73. 2020 Acts and Resolves No. 136, Sec.7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, and 2021 Acts and Resolves No. 3, Sec. 50, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER

STABILIZATION GRANT PROGRAM

* * *

(d) Specific allocations. Notwithstanding any provisions of this section to the contrary, of the funds appropriated in subsection (a) of this section, the Agency of Human Services shall make the following allocations for the following purposes:

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(3) Up to \$3,000,000.00 for COVID-19-related expenses incurred by designated and specialized service agencies through ~~December 30, 2020~~ December 31, 2021.

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Sec. 74. HEALTH CARE PROVIDER STABILIZATION GRANT

PROGRAM; ALTERNATIVE FUND DISTRIBUTION PROCESS

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, 2021 Acts and Resolves No. 3, Sec. 50, and this act, to the contrary, the Agency of Human Services may distribute funds from the Health Care Provider Stabilization Grant Program to eligible health care providers using an alternative process to that set forth in 2020 Acts and Resolves No. 136, Sec. 7, as amended, as deemed necessary by the Agency due to emergent and exigent circumstances attributable to the COVID-19 pandemic.

Sec. 75. 2019 Acts and Resolves No. 6, Sec.105, as amended by 2019 Acts and Resolves No. 71, Sec. 19, is further amended to read:

Sec. 105. EFFECTIVE DATES

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(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, ~~2021~~ 2023.

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Sec. 76. EFFECTIVE DATES

(a) This act shall take effect on passage except, notwithstanding 1 V.S.A. § 214:

(1) Secs. 73 (designated and specialized service agencies; COVID-19-related expenses) and 74 (Health Care Provider Stabilization Grant Program; alternative fund distribution process) shall take effect retroactively on January 1, 2021; and

(2) Sec. 75 (health care claims tax) shall take effect retroactively on July 1, 2021.