TO THE HONORABLE SENATE:

The Committee on Health and Welfare to which was referred House Bill No. 720 entitled “An act relating to the system of care for individuals with developmental disabilities” respectfully reports that it has considered the same and recommends that the Senate propose to the House that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

*** Legislative Intent ***

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that:

   (1) Individuals who qualify for developmental services and who meet a funding priority as outlined in the State system of care plan for developmental services receive full and complete information in plain language regarding their options and services.

   (2) Individuals with developmental disabilities, their family members, allies, and advocates be respected and active participants in systems change activities, including payment reform, development of resources to comply with the federal home- and community-based services regulations, and development of additional residential service options. Information provided to stakeholders shall be in plain language.

*** System of Care Plan ***
Sec. 2. 18 V.S.A. § 8725 is amended to read:

§ 8725. SYSTEM OF CARE PLAN

(a) Every three years, the Department shall adopt a plan for the nature, extent, allocation, and timing of services consistent with the principles of service set forth in section 8724 of this title that will be provided to people with developmental disabilities and their families. Each plan shall include the following categories, which shall be adopted by rule pursuant to 3 V.S.A. chapter 25:

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

(2) criteria for receiving services or funding;

(3) type of services provided; and

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

* * *

(c) No later than 60 days before adopting the proposed plan, the Commissioner shall submit it to the Advisory Board established in section 8733 of this title, for advice and recommendations, except that the Commissioner shall submit those categories within the plan subject to 3 V.S.A. chapter 25 to the Advisory Board at least 30 days prior to filing the proposed plan in accordance with the Vermont Administrative Procedure Act. The Advisory Board shall provide the Commissioner with written comments on the
proposed plan. It may also submit public comments pursuant to 3 V.S.A.
chapter 25.

* * *

(f) If the Department requires an extension to complete the system of care
plan, it shall submit a written request indicating the anticipated completion
date to the House Committee on Human Services and to the Senate Committee
on Health and Welfare at least two months prior to the expiration of the
existing system of care plan. The request for an extension may be granted
upon the approval of both the Chairs of the House Committee on Human
Services and the Senate Committee on Health and Welfare.

* * * Quality Services Reviews * * *

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

CHAPTER 204A. SUPPORTING INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES ACT

Subchapter 1. Developmental Disabilities Act

* * *

§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND
INDEPENDENT LIVING; DUTIES

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

(1) promote the principles stated in section 8724 of this title and shall
carry out all functions, powers, and duties required by this chapter subchapter
by collaborating and consulting with people with developmental disabilities,
their families, guardians, community resources, organizations, and people who
provide services throughout the State;

* * *

§ 8724. PRINCIPLES OF SERVICE

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

* * *

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

* * *

§ 8727. COMPLAINTS; APPEALS
(a) Notice. The Department or agency or program funded by the
Department shall provide notice:

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

* * *

§ 8733. ADVISORY BOARD

* * *

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

Subchapter 2. Supports for Individuals with Developmental Disabilities

§ 8741. QUALITY SERVICES REVIEWS

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

* * * Creation of New Position * * *

Sec. 4. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT
LIVING; RESIDENTIAL PROGRAM DEVELOPER
(a) There is created a limited-service position of the Residential Program Developer within the Department of Disabilities, Aging, and Independent Living for the purposes of:

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

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

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

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

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

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

(b) In fiscal year 2023, $102,000.00 is appropriated to the Department of Disabilities, Aging, and Independent Living from the Global Commitment Federal Medical Assistance Percentage (FMAP) home- and community-based
services monies to fund the Residential Program Developer position established in subsection (a) of this section.

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

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

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

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

(2) The pilot planning grants shall:

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

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

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

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

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

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

(A) three individuals with a developmental disability, appointed by the Green Mountain Self Advocates;
(B) two family members of individuals with a developmental
disability, appointed by the Vermont Family Network;

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

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

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

(B) The steering committee shall cease to exist on January 1, 2024.

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

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

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

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

Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE

MANAGEMENT

(a) At a minimum, the following shall be included in the payment reform
process impacting individuals with developmental disabilities, their families,
and designated and specialized service agencies:

(1) in addition to any standardized assessment utilized by the
Department of Disabilities, Aging, and Independent Living, a process for
consideration of additional information relevant to the life circumstances of
service recipients or applicants;

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

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

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

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

(c) On or before February 1, 2023, the Department shall present any
proposed policy changes related to payment reform and conflict-free case
management to the House Committee on Human Services and the Senate
Committee on Health and Welfare and seek and consider input from the
Committees.

* * * HCBS Spending Plan Amendment * * *

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

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

Sec. 8. EFFECTIVE DATES

This section and Sec. 2 (system of care plan) shall take effect on passage, and the remaining sections shall take effect on July 1, 2022.

(Committee vote: ____________)

_________________________
Senator _________________

FOR THE COMMITTEE