

H.720: An act relating to the system of care for individuals with developmental disabilities

Updated 4.29.2022

Bill Section Title	H.720: An act relating to the system of care for individuals with developmental disabilities (as Passed House)	As Passed by Senate
<p align="center">Sec. 1. LEGISLATIVE INTENT</p>	<p>It is the intent of the GA that:</p> <p>(1) Individuals who qualify for DD services and who meet a funding priority as outlined in the State system of care plan for DD receive full and complete information in plain language regarding their options and services.</p> <p>(2) Individuals with DD, their family members, allies, and advocates be respected and active participants in systems change activities.</p>	
<p>Sec. 2. 18 V.S.A. § 8725 is amended to read:</p>	<p>System of Care Plan is amended to:</p> <ul style="list-style-type: none"> • remove requirement that portions of plan go through rulemaking • require DAIL to seek an extension if new plan will not be completed in 3-year timeframe by submitting written request at least two months in advance of the expiration of the current plan to HHS & SHW for approval by Chairs 	
<p>Sec. 3. 18 V.S.A. chapter 204A is amended to read:</p>	<p>Renames the Chapter “SUPPORTING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES”</p> <ul style="list-style-type: none"> • Moves existing sections of DD Act into Subchapter 1 • Adds Subchapter 2. Supports for Individuals with Developmental Disabilities <ul style="list-style-type: none"> ○ Adds § 8741. QUALITY SERVICES REVIEWS Requires at least, annual on-site quality assurance and improvement visits to DAs/SSAs and other contracted agencies. Requires DAIL to assess at a minimum, the quality of services provided, including health and safety, in accordance with personalized service plans for the individuals served. 	<p>Sec. 3. REPORT; CASE MANAGER QUALITY ASSURANCE REVIEW <u>On or before November 15, 2022, the designated and specialized service agencies and other contracted agencies providing services to individuals with developmental disabilities shall jointly submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare regarding the oversight of residential placements for individuals with developmental disabilities. The report shall, at a minimum:</u></p>

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		<p><u>(1) address the quality of services provided, including health and safety, in accordance with personalized service plans for the individuals served in these settings;</u></p> <p><u>(2) identify the current required level of oversight and on-site visitation by case managers at the designated and specialized service agencies and other contracted agencies providing services to individuals with developmental disabilities and recommend any modifications to these requirements; and</u></p> <p><u>(3) analyze the fiscal and workforce impacts of ensuring at least one annual on-site visit is made by the Department of Disabilities, Aging, and Independent Living to the designated and specialized service agencies and other contracted agencies providing services to individuals with developmental disabilities.</u></p>
<p>Sec. 4. DAIL; RESIDENTIAL PROGRAM DEVELOPER</p>	<p>Creates new, Residential Program Developer position within DAIL and appropriates \$102,000.00 in FMAP HCBS monies in FY23 to:</p> <p>(a) expand housing and residential services options for individuals with DD;</p> <p>(b) assist with navigating publicly and privately funded housing and residential services options for individuals with DD;</p> <p>(c) investigate public and private funding opportunities for residential program development for individuals with DD;</p> <p>(d) work with individuals with DD, their families, and allies to identify potential models for residential services;</p> <p>(e) develop RFPs and identify at least three pilot planning grants for different regions of the State focused on the needs identified in those regions; and</p>	<ul style="list-style-type: none"> • Replaces “appropriated” with “allocated” in subsection (b)

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	(f) work with appropriate DAs/SSAs and providers to implement selected pilots.	
<p>Sec. 5. DAIL; DEVELOPMENT OF HOUSING AND RESIDENTIAL SERVICES PILOT PLANNING GRANTS</p>	<p>(a) Requires DAIL to 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 this section.</p> <p>(b)(1) In FY23, \$500,000.00 is appropriated to DAIL from the Global Commitment FMAP HCBS monies to develop housing and residential service pilot planning grants in at least three regions of the State, in partnership with DAs/SSAs, for individuals with DD and their families. DAIL must issue RFPs seeking entities to develop regional pilot planning grants with not more than one grant per designated agency catchment area.</p> <p>(2) The pilot planning grants shall:</p> <p>(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;</p> <p>(b) be consistent with the federal HCBS regulations;</p> <p>(c) include new service-supported housing models; and</p> <p>(d) include a vision statement, the number of and description of the support needs of individuals with DD anticipated to be served, a draft budget, and an implementation plan.</p> <ul style="list-style-type: none"> • To provide advice and guidance as it develops and selects the pilot planning grants, DAIL shall convene a steering committee (for not more than 8 meetings) that will end 1/1/2024, composed of: <ul style="list-style-type: none"> (a) three individuals with a DD, appointed by the Green Mountain Self Advocates; 	<p>Adds requirement in (b)(1) that:</p> <ul style="list-style-type: none"> • DAIL shall consult with the Vermont Housing and Conservation Board and other housing providers to prioritize successful housing projects for adults with developmental disabilities. • Replaces “appropriated” with “allocated”

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	<p>(b) two family members of individuals with a DD, appointed by the Vermont Family Network;</p> <p>(c) two advocates who are either individuals with a DD or a family member of an individual with a DD, appointed by the State Program Standing Committee and the Advisory Board established pursuant to 18 V.S.A. § 8733; and</p> <p>(d) two representatives of DAs/SSAs, appointed by Vermont Care Partners</p> <ul style="list-style-type: none">• DAIL shall submit a report by 4/15/23 describing the pilot planning grant selection process, the implementation plan, and any resources necessary for implementation of selected pilots to HHS & SHW.	
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<p>Sec. 6. PAYMENT REFORM AND CONFLICT- FREE CASE MANAGEMENT</p>	<p>(a) Prior to implementing system-wide payment reform impacting individuals with DD, their families, and DAs/SSAs, DAIL shall seek approval from the General Assembly. At a minimum, the following shall be included in the payment reform process:</p> <p>(1) in addition to any standardized assessment utilized by DAIL, a process for consideration of additional information relevant to the life circumstances of service recipients or applicants;</p> <p>(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</p> <p>(3) a process for evaluating the fiscal and service impact on individual service recipients and DAs/SSAs.</p> <p>(b)(1) Prior to implementing the federally required conflict-free case management system, DAIL shall seek and consider input from a variety of stakeholders, including individuals with DD, their families, DAs/SSAs, and other providers and advocates and seek approval from the General Assembly.</p> <p>(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 DAIL.</p>	<p>(a) Prior to implementing system-wide payment reform impacting 6 individuals with developmental disabilities, their families, and designated and specialized service agencies the Department of Disabilities, Aging, and Independent Living shall seek approval from the General Assembly. At a minimum, the following shall be included in the payment reform process <u>impacting individuals with developmental disabilities, their families, and designated and specialized service agencies:</u></p> <p style="text-align: center;">* * *</p> <p>(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 and seek approval from the General Assembly.</p> <p>(2) As part of the changes necessary</p>
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		<p>to come into federal compliance, consideration shall be given to performing initial clinical eligibility and service planning within DAIL.</p> <p><u>(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 HHS and SHW and seek and consider input from the Committees.</u></p>
<p>Sec. 7. HOME-AND COMMUNITY-BASED SERVICE SPENDING PLAN AMENDMENT</p>	<p>AHS shall seek to amend its federal HCBS Spending Plan to enable the DAIL to use Global Commitment FMAP HCBS monies to fund the new Residential Program Developer position created in Sec. 4 and the pilot planning grants in Sec. 5.</p>	
<p>Sec. 8. EFFECTIVE DATES</p>	<p>Effective Dates:</p> <p>(a) This section and 2 (system of care plan) shall take effect on passage; and</p> <p>(b) the remaining sections take effect on July 1, 2022</p>	