

1 TO THE HONORABLE SENATE:

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

8 \* \* \* Legislative Intent \* \* \*

9 Sec. 1. LEGISLATIVE INTENT

10 It is the intent of the General Assembly that:

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

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

21 \* \* \* System of Care Plan \* \* \*

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

2 § 8725. SYSTEM OF CARE PLAN

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

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

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

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

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

14 \* \* \*

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

1 proposed plan. ~~It may also submit public comments pursuant to 3 V.S.A.~~  
2 ~~chapter 25.~~

3 \* \* \*

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

11 \* \* \* Quality Services Reviews \* \* \*

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

13 CHAPTER 204A. SUPPORTING INDIVIDUALS WITH  
14 DEVELOPMENTAL DISABILITIES ACT  
15 Subchapter 1. Developmental Disabilities Act

16 \* \* \*

17 § 8723. DEPARTMENT OF DISABILITIES, AGING, AND  
18 INDEPENDENT LIVING; DUTIES

19 The Department shall plan, coordinate, administer, monitor, and evaluate  
20 State and federally funded services for people with developmental disabilities  
21 and their families within Vermont. The Department shall be responsible for

1 coordinating the efforts of all agencies and services, government and private,  
2 on a statewide basis in order to promote and improve the lives of individuals  
3 with developmental disabilities. Within the limits of available resources, the  
4 Department shall:

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

10 \* \* \*

11 § 8724. PRINCIPLES OF SERVICE

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

14 \* \* \*

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

19 \* \* \*

20 § 8727. COMPLAINTS; APPEALS

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

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

6 \* \* \*

7 § 8733. ADVISORY BOARD

8 \* \* \*

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

11 Subchapter 2. Supports for Individuals with Developmental Disabilities

12 § 8741. QUALITY SERVICES REVIEWS

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

18 \* \* \* Creation of New Position \* \* \*

19 Sec. 4. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT

20 LIVING; RESIDENTIAL PROGRAM DEVELOPER

- 1        (a) There is created a limited-service position of the Residential Program  
2        Developer within the Department of Disabilities, Aging, and Independent  
3        Living for the purposes of:
- 4            (1) expanding housing and residential services options for individuals  
5        with developmental disabilities, in accordance with federal home- and  
6        community-based services regulations;
- 7            (2) assisting individuals with developmental disabilities and their  
8        families navigate publicly and privately funded housing and residential  
9        services options;
- 10          (3) investigating public and private funding opportunities for residential  
11        program development for individuals with developmental disabilities;
- 12          (4) working with individuals with developmental disabilities, their  
13        families, and allies to identify potential models for residential services;
- 14          (5) developing requests for proposals and identifying at least three pilot  
15        planning grants for different regions of the State focused on the needs  
16        identified in those regions; and
- 17          (6) working with appropriate designated and specialized service  
18        agencies or other providers to implement selected pilots.
- 19        (b) In fiscal year 2023, \$102,000.00 is appropriated to the Department of  
20        Disabilities, Aging, and Independent Living from the Global Commitment  
21        Federal Medical Assistance Percentage (FMAP) home- and community-based

1 services monies to fund the Residential Program Developer position  
2 established in subsection (a) of this section.

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

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

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

12 (b)(1) In fiscal year 2023, \$500,000.00 is appropriated to the Department of  
13 Disabilities, Aging, and Independent Living from the Global Commitment  
14 Federal Medical Assistance Percentage (FMAP) home- and community-based  
15 services monies to develop housing and residential service pilot planning  
16 grants in at least three regions of the State, in partnership with designated and  
17 specialized service agencies, for individuals with developmental disabilities  
18 and their families. The Department shall consult with the Vermont Housing  
19 and Conservation Board and other housing providers to prioritize successful  
20 housing projects for adults with developmental disabilities. The Department  
21 shall issue a request for proposals seeking entities to develop regional pilot

1 planning grants with not more than one grant per designated agency catchment  
2 area.

3 (2) The pilot planning grants shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 implementation plan, and any resources necessary for implementation of  
2 selected pilots.

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

4 Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE  
5 MANAGEMENT

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

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

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

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

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

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

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

14                                \* \* \* HCBS Spending Plan Amendment \* \* \*

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

16                                AMENDMENT

17        The Agency of Human Services shall seek to amend its federal Home- and  
18        Community-Based Service Spending Plan to enable the Department of  
19        Disabilities, Aging, and Independent Living to use Global Commitment  
20        Federal Medical Assistance Percentage (FMAP) home- and community-based

1 services monies to fund the new Residential Program Developer position  
2 created in Sec. 4 of this act and the pilot planning grants in Sec. 5 of this act.

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

4 Sec. 8. EFFECTIVE DATES

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

7

8

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10

11 (Committee vote: \_\_\_\_\_)

12

\_\_\_\_\_

13

Senator \_\_\_\_\_

14

FOR THE COMMITTEE