

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

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

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

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

18 (b)(1) Prior to implementing the federally required conflict-free case
19 management system, the Department shall seek and consider input from a
20 variety of stakeholders, including individuals with developmental disabilities,

1 their families, designated and specialized service agencies, and other providers
2 and advocates.

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

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

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.

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* * * 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